

9199

2009-2010 Regular Sessions

I N   A S S E M B L Y

October 21, 2009

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Introduced by M. of A. ZEBROWSKI, GALEF, MAYERSOHN, SPANO, JAFFEE, REILLY, MARKEY, KOON, SKARTADOS -- Multi-Sponsored by -- M. of A. EDDINGTON, McENENY, PAULIN, PHEFFER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to increasing the minimum age of persons permitted to use tanning facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 2, 3 and 4 of section 3555 of the public  
2 health law, as added by chapter 573 of the laws of 2006, are amended to  
3 read as follows:  
4     2. No owner, operator, or employee of a tanning facility shall permit  
5 the use of an ultraviolet radiation device by a person [fourteen]  
6 SIXTEEN to eighteen years of age until such person provides the tanning  
7 facility with the written consent, in a form prescribed by the commis-  
8 sioner, of a parent or legal guardian to use such tanning facility. The  
9 parent or legal guardian shall sign such consent form in the presence of  
10 the owner of the tanning facility or an employee responsible for the  
11 operation of the ultraviolet radiation device of such facility indicat-  
12 ing that such parent or guardian has read the warnings required under  
13 subdivision two of section thirty-five hundred fifty-four of this arti-  
14 cle and that the person [fourteen] SIXTEEN to eighteen years of age  
15 agrees to wear safety goggles before using an ultraviolet radiation  
16 device. Such original written consent shall be retained by the tanning  
17 facility for a period of twelve months and may be retained off premises  
18 provided that an electronic image or facsimile of the original signed  
19 consent form is readily available by the owner or employee responsible  
20 for the operation of the ultraviolet radiation device of such facility.  
21     3. A written consent form signed by a parent or legal guardian pursu-  
22 ant to subdivision two of this section shall expire twelve months from  
23 the date it is signed by the parent or legal guardian. Upon the expira-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 tion of a written consent form, a new written consent shall be provided  
2 in the manner prescribed in subdivision two of this section prior to the  
3 use of an ultraviolet radiation device by any person [fourteen] SIXTEEN  
4 to eighteen years of age.

5 4. No owner, operator, or employee of a tanning facility shall permit  
6 the use of an ultraviolet radiation device by persons under [fourteen]  
7 SIXTEEN years of age.

8 S 2. This act shall take effect on the ninetieth day after it shall  
9 have become a law.