

1074

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. WEISENBERG, MILLMAN, SPANO, CASTRO, JAFFEE, ROSENTHAL, GALEF -- Multi-Sponsored by -- M. of A. BOYLAND, BURLING, CALHOUN, COOK, CRESPO, GIBSON, MAISEL, MARKEY, MAYERSOHN, McDONOUGH, McKEVITT, MENG, MOLINARO, OAKS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the use of ultraviolet radiation devices by persons under eighteen years of age

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

1     Section 1. Section 3555 of the public health law, as added by chapter  
2     573 of the laws of 2006, is amended to read as follows:  
3     S 3555. Restrictions on the use of ultraviolet radiation devices. 1.  
4     No owner, operator, or employee of a tanning facility shall permit the  
5     use of the tanning facility by a person eighteen years of age or older  
6     until such person provides a driver's license or other photographic  
7     identification card issued by a government entity or educational insti-  
8     tution indicating that the individual is at least eighteen years of age  
9     and the facility has on file a signed written statement, in a form  
10    prescribed by the commissioner, acknowledging that such person has read  
11    the warnings required under subdivision two of section thirty-five  
12    hundred fifty-four of this article and agrees to wear safety goggles  
13    before using an ultraviolet radiation device. Such signed statement of  
14    acknowledgment may be retained by the tanning facility off premises  
15    provided that an electronic image or facsimile of the original signed  
16    statement of acknowledgment is readily available by the owner or employ-  
17    ee responsible for the operation of the ultraviolet radiation device of  
18    such facility.  
19    2. [No owner, operator, or employee of a tanning facility shall permit  
20    the use of an ultraviolet radiation device by a person fourteen to eigh-  
21    teen years of age until such person provides the tanning facility with

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

LBD04206-01-1

1 the written consent, in a form prescribed by the commissioner, of a  
2 parent or legal guardian to use such tanning facility. The parent or  
3 legal guardian shall sign such consent form in the presence of the owner  
4 of the tanning facility or an employee responsible for the operation of  
5 the ultraviolet radiation device of such facility indicating that such  
6 parent or guardian has read the warnings required under subdivision two  
7 of section thirty-five hundred fifty-four of this article and that the  
8 person fourteen to eighteen years of age agrees to wear safety goggles  
9 before using an ultraviolet radiation device. Such original written  
10 consent shall be retained by the tanning facility for a period of twelve  
11 months and may be retained off premises provided that an electronic  
12 image or facsimile of the original signed consent form is readily avail-  
13 able by the owner or employee responsible for the operation of the  
14 ultraviolet radiation device of such facility.

15 3. A written consent form signed by a parent or legal guardian pursu-  
16 ant to subdivision two of this section shall expire twelve months from  
17 the date it is signed by the parent or legal guardian. Upon the expira-  
18 tion of a written consent form, a new written consent shall be provided  
19 in the manner prescribed in subdivision two of this section prior to the  
20 use of an ultraviolet radiation device by any person fourteen to eigh-  
21 teen years of age.

22 4.] No owner, operator, or employee of a tanning facility shall permit  
23 the use of an ultraviolet radiation device by persons under [fourteen]  
24 EIGHTEEN years of age.

25 [5.] 3. This section shall be exclusive and shall preempt any contrary  
26 local law or ordinance, except that this section shall not preempt or  
27 supersede local laws or ordinances imposing additional stricter  
28 restrictions on the use and operation of ultraviolet radiation devices  
29 at tanning facilities which are in effect prior to the effective date of  
30 this section.

31 S 2. This act shall take effect on the thirtieth day after it shall  
32 have become a law.