

10095

I N   A S S E M B L Y

May 3, 2012

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Introduced by M. of A. SIMANOWITZ -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to allowing body  
piercing with parental or guardian consent for persons under the age  
of eighteen

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

1     Section 1. The public health law is amended by adding a new section  
2     460-a to read as follows:  
3     S 460-A. RESTRICTIONS ON BODY PIERCING STUDIOS. 1. NO OWNER, OPERATOR  
4     OR EMPLOYEE OF A BODY PIERCING STUDIO SHALL PERMIT BODY PIERCING ON A  
5     PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS SUCH PERSON PROVIDES THE BODY  
6     PIERCING STUDIO WITH THE WRITTEN CONSENT, IN A FORM PRESCRIBED BY THE  
7     COMMISSIONER, OF A PARENT OR LEGAL GUARDIAN TO USE SUCH BODY PIERCING  
8     STUDIO. THE PARENT OR LEGAL GUARDIAN SHALL SIGN SUCH CONSENT FORM IN THE  
9     PRESENCE OF THE OWNER OF THE BODY PIERCING STUDIO OR A BODY PIERCING  
10    SPECIALIST OF SUCH STUDIO. SUCH ORIGINAL WRITTEN CONSENT SHALL BE  
11    RETAINED BY THE BODY PIERCING STUDIO FOR A PERIOD OF TWELVE MONTHS AND  
12    MAY BE RETAINED OFF PREMISES PROVIDED THAT AN ELECTRONIC IMAGE OR  
13    FACSIMILE OF THE ORIGINAL SIGNED CONSENT FORM IS READILY AVAILABLE BY  
14    THE OWNER OR EMPLOYEE RESPONSIBLE FOR THE OPERATION OF THE BODY PIERCING  
15    STUDIO.  
16    2. A WRITTEN CONSENT FORM SIGNED BY A PARENT OR LEGAL GUARDIAN PURSU-  
17    ANT TO SUBDIVISION ONE OF THIS SECTION SHALL EXPIRE TWELVE MONTHS FROM  
18    THE DATE IT IS SIGNED BY THE PARENT OR LEGAL GUARDIAN. UPON THE EXPIRA-  
19    TION OF A WRITTEN CONSENT FORM, A NEW WRITTEN CONSENT SHALL BE PROVIDED  
20    IN THE MANNER PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION PRIOR TO THE  
21    USE OF A BODY PIERCING STUDIO BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE.  
22    3. THIS SECTION SHALL BE EXCLUSIVE AND SHALL PREEMPT ANY CONTRARY  
23    LOCAL LAW OR ORDINANCE, EXCEPT THAT THIS SECTION SHALL NOT PREEMPT OR  
24    SUPERSEDE LOCAL LAWS OR ORDINANCES IMPOSING ADDITIONAL STRICTER  
25    RESTRICTIONS ON THE OPERATION OF BODY PIERCING STUDIOS WHICH ARE IN  
26    EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

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

LBD15617-01-2

1       S   2.    This act shall take effect on the ninetieth day after it shall  
2 have become a law. Effective immediately, the addition, amendment and/or  
3 repeal of any rule or regulation necessary for the implementation of  
4 this act on its effective date is authorized to be made on or before  
5 such effective date.