S T A T E O F N E W Y O R K

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Introduced by M. of A. ROSENTHAL, MILLMAN, ARROYO, CYMBROWITZ, LANCMAN, McDONOUGH -- Multi-Sponsored by -- M. of A. JEFFRIES -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law and the public health law, in relation to requiring the department of health to review the safety of ultraviolet nail dryers and authorizing the department of health to promulgate any regulations deemed appropriate for governing the use of such devices by any appearance enhancement business

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

Section 1. The general business law is amended by adding a new section 404-c to read as follows:

S 404-C. ULTRAVIOLET NAIL DRYING DEVICES. 1. "ULTRAVIOLET NAIL DRYING DEVICE" SHALL MEAN ANY EQUIPMENT WHICH IS DESIGNED TO EMIT ELECTROMAGNETIC RADIATION IN THE WAVELENGTH INTERVAL OF TWO HUNDRED TO FOUR HUNDRED NANOMETERS IN AIR, AND WHICH IS INTENDED TO INDUCE NAIL CURING OR HARDENING THROUGH IRRADIATION.

2. IF THE COMMISSIONER OF HEALTH MAKES A DETERMINATION PURSUANT TO SECTION THIRTY-FIVE HUNDRED FIFTY-SIX OF THE PUBLIC HEALTH LAW THAT ULTRAVIOLET NAIL DRYING DEVICES POSE A HEALTH HAZARD TO USERS, ANY APPEARANCE ENHANCEMENT BUSINESS SHALL PROMINENTLY POST THE NOTICE DEVELOPED BY THE COMMISSIONER OF HEALTH REGARDING SUCH HEALTH HAZARD IN AN AREA CLEARLY VISIBLE TO PATRONS IN THE LICENSED PREMISES OR IN THE PLACE WHERE THE PRACTICE OF AN OCCUPATION LICENSED PURSUANT TO THIS ARTICLE IS CONDUCTED. THE DEPARTMENT OF HEALTH SHALL PREPARE AND MAKE SUCH SIGN AVAILABLE TO EACH LICENSEE.

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

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3. IF THE COMMISSIONER OF HEALTH MAKES A DETERMINATION PURSUANT TO SECTION THIRTY-FIVE HUNDRED FIFTY-SIX OF THE PUBLIC HEALTH LAW THAT ULTRAVIOLET NAIL DRYING DEVICES POSE A HEALTH HAZARD TO USERS, ANY APPEARANCE ENHANCEMENT BUSINESS THAT UTILIZES SUCH DEVICES SHALL COMPLY WITH ANY AND ALL REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH PURSUANT TO SUCH SECTION.

S 2. Section 3550 of the public health law, as added by chapter 378 of the laws of 1990, is amended to read as follows:

S 3550. Definitions. When used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

1. "Tanning facility" shall mean any establishment where one or more ultraviolet radiation device is used, offered, or made available for use by any human being, for which a fee is charged, directly or indirectly, but shall not include any facility where any such device is used by a qualified health care professional for treatment of medical conditions.

2. "Ultraviolet radiation device" shall mean any equipment which is designed to emit electromagnetic radiation in the wavelength interval of two hundred to four hundred nanometers in air, and which is intended to induce tanning of the human skin through irradiation, including, but not limited to, a sunlamp, tanning booth, or tanning bed.

3. "ULTRAVIOLET NAIL DRYING DEVICE" SHALL MEAN ANY EQUIPMENT WHICH IS DESIGNED TO EMIT ELECTROMAGNETIC RADIATION IN THE WAVELENGTH INTERVAL OF TWO HUNDRED TO FOUR HUNDRED NANOMETERS IN AIR, AND WHICH IS INTENDED TO INDUCE NAIL CURING OR HARDENING THROUGH IRRADIATION.

4. "Person" shall mean an individual, corporation, partnership, joint venture, or any business entity.

S 3. The public health law is amended by adding a new section 3556 to read as follows:

S 3556. ULTRAVIOLET NAIL DRYING DEVICES. THE DEPARTMENT SHALL REVIEW THE EXISTING MEDICAL AND SCIENTIFIC LITERATURE, PUBLISHED REPORTS, AND ARTICLES REGARDING THE POTENTIAL HEALTH HAZARDS ASSOCIATED WITH THE USE OF ULTRAVIOLET NAIL DRYING DEVICES AND IDENTIFY ANY HEALTH HAZARDS. AS PART OF SUCH REVIEW, THE DEPARTMENT SHALL CONSULT WITH EXPERTS IN THE FIELDS OF SKIN CANCER RESEARCH AND HUMAN EXPOSURE TO ARTIFICIAL ULTRAVIOLET RADIATION. THE DEPARTMENT SHALL ALSO REVIEW THE FEASIBILITY AND EFFECTIVENESS OF REQUIRING APPEARANCE ENHANCEMENT BUSINESSES TO ADVISE USERS OF ULTRAVIOLET NAIL DRYING DEVICES TO APPLY A SUNSCREEN OR A SIMILAR SUBSTANCE DESIGNED TO BLOCK ULTRAVIOLET RADIATION TO THE HANDS AND WRISTS PRIOR TO USING SUCH DEVICE. UPON COMPLETION OF SUCH REVIEW, BASED ON THE FINDINGS OF THE DEPARTMENT, THE COMMISSIONER MAY PROMULGATE ANY REGULATIONS DEEMED APPROPRIATE FOR GOVERNING THE USE OF ULTRAVIOLET NAIL DRYING DEVICES BY ANY APPEARANCE ENHANCEMENT BUSINESS, REQUIRED TO BE LICENSED BY THE DEPARTMENT OF STATE PURSUANT TO ARTICLE TWENTY-SEVEN OF THE GENERAL BUSINESS LAW. IF PROMULGATED, SUCH REGULATIONS SHALL INCLUDE A REQUIREMENT THAT ANY APPEARANCE ENHANCEMENT BUSINESS POST A NOTICE REGARDING ANY HEALTH HAZARDS ASSOCIATED WITH THE USE OF ULTRAVIOLET NAIL DRYERS AND ANY STEPS USERS MAY TAKE TO MITIGATE SUCH HAZARDS IN AN AREA CLEARLY VISIBLE TO PATRONS IN THE LICENSED PREMISES OR IN THE PLACE WHERE THE PRACTICE OF AN OCCUPATION LICENSED PURSUANT TO ARTICLE TWENTY-SEVEN OF THE GENERAL BUSINESS LAW IS CONDUCTED.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the commissioner of health is authorized to, on or before such date, promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date.