

2917--A

Cal. No. 162

2011-2012 Regular Sessions

I N   S E N A T E

February 3, 2011

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Introduced by Sens. FUSCHILLO, ADAMS, ADDABBO, BONACIC, DILAN, DUANE, GOLDEN, HANNON, HASSELL-THOMPSON, JOHNSON, KENNEDY, KRUEGER, LARKIN, LAVALLE, LIBOUS, MARTINS, OPPENHEIMER, PARKER, PERKINS, RITCHIE, SQUADRON, STAVISKY, STEWART-COUSINS, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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.

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

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1     2. No owner, operator, or employee of a tanning facility shall permit  
2 the use of an ultraviolet radiation device by a person [fourteen] SEVEN-  
3 TEEN to eighteen years of age until such person provides the tanning  
4 facility with the written consent, in a form prescribed by the commis-  
5 sioner, of a parent or legal guardian to use such tanning facility. The  
6 parent or legal guardian shall sign such consent form in the presence of  
7 the owner of the tanning facility or an employee responsible for the  
8 operation of the ultraviolet radiation device of such facility indicat-  
9 ing that such parent or guardian has read the warnings required under  
10 subdivision two of section thirty-five hundred fifty-four of this arti-  
11 cle and that the person [fourteen] SEVENTEEN to eighteen years of age  
12 agrees to wear safety goggles before using an ultraviolet radiation  
13 device. Such original written consent shall be retained by the tanning  
14 facility for a period of twelve months and may be retained off premises  
15 provided that an electronic image or facsimile of the original signed  
16 consent form is readily available by the owner or employee responsible  
17 for the operation of the ultraviolet radiation device of such facility.

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

25     4. No owner, operator, or employee of a tanning facility shall permit  
26 the use of an ultraviolet radiation device by persons SIXTEEN YEARS OF  
27 AGE AND under [fourteen years of age].

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

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