

6211

I N S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring purchasers of tattoo equipment to prove they have a permit to operate a tattoo parlor

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

1 Section 1. The public health law is amended by adding a new section
2 468 to read as follows:

3 S 468. PROOF OF PERMIT REQUIRED FOR THE PURCHASE OF EQUIPMENT. 1. FOR
4 THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
5 ING MEANINGS: "TATTOO EQUIPMENT" SHALL INCLUDE BUT NOT BE LIMITED TO
6 TATTOO MACHINES AND MACHINE PARTS, PNEUMATIC TATTOO EQUIPMENT, TATTOO
7 INKS AND OTHER EQUIPMENT OR INSTRUMENTS USED SOLELY TO APPLY TATTOOS;
8 "PURCHASER" SHALL MEAN ANY INDIVIDUAL, GROUP OR BUSINESS ENTITY.

9 2. ANY PURCHASER OF TATTOO EQUIPMENT SHALL BE REQUIRED TO SHOW PROOF
10 OF A CURRENT VALID PERMIT, REQUIRED UNDER SECTION FOUR HUNDRED SIXTY-ONE
11 OF THIS ARTICLE AT THE TIME OF SALE. PURCHASERS UNABLE TO PROVIDE PROOF
12 OF PERMIT ARE PROHIBITED FROM PURCHASING TATTOO EQUIPMENT. THE
13 PROVISIONS OF THIS SECTION SHALL APPLY TO ALL TRANSACTIONS REGARDLESS OF
14 WHETHER CURRENCY IS EXCHANGED FOR TATTOO EQUIPMENT.

15 3. THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT
16 THE PURCHASE OF MACHINE PARTS OR OTHER EQUIPMENT THAT DOES NOT HAVE AS
17 ITS PRIMARY PURPOSE THE DRAWING OF TATTOOS.

18 S 2. The commissioner of health shall promulgate and adopt rules and
19 regulations to implement the provisions of article 4-A of the public
20 health law within 180 days of the effective date of this act.

21 S 3. This act shall take effect immediately; provided, however, that
22 if the department of health has not promulgated the rules and regu-
23 lations necessary to implement the provisions of article 4-A of the
24 public health law by such effective date, then this act shall take
25 effect on the date that the commissioner of health adopted and promul-
26 gated such rules and regulations pursuant to section two of this act or

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

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1 upon the expiration of the period of time set forth in section two of
2 this act, whichever is earlier; provided further, that the commissioner
3 of health shall notify the legislative bill drafting commission upon the
4 occurrence of the adoption and promulgation of the rules and regulations
5 provided for in this act in order that the commission may maintain an
6 accurate and timely effective data base of the official text of the laws
7 of the state of New York in furtherance of effectuating the provisions
8 of section 44 of the legislative law and section 70-b of the public
9 officers law.