

6357--A

I N   S E N A T E

January 6, 2016

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Introduced by Sens. CARLUCCI, BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and chapter 230 of the laws of 2015 amending the public health law relating to requiring tattoo studios and body piercing studios to use single use needles and inks, to obtain consent forms from customers and to maintain customer consent forms for a period of not less than seven years, in relation to the promulgation of rules and regulations

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

1     Section 1. Subdivisions 10 and 11 of section 460 of the public health  
2 law, as added by chapter 230 of the laws of 2015, are amended to read as  
3 follows:  
4     10. ["Single use ink" shall mean a sealed and pre-filled package of  
5 ink that is only intended for a single use] "APPROVED INK HANDLING  
6 PROCEDURE" SHALL MEAN TATTOO INK STORAGE AND USE PROCEDURES THAT ARE  
7 APPROVED AND DEEMED PROTECTIVE BY THE DEPARTMENT.  
8     11. "Single use needle" shall mean a [sealed and sterile package of a  
9 disposable] NEEDLE THAT IS STERILE AND THAT HAS NEVER BEEN USED ON  
10 ANOTHER PERSON.  
11     S 2. Section 467 of the public health law, as added by chapter 230 of  
12 the laws of 2015, is amended to read as follows:  
13     S 467. Single use tattoo and body piercing equipment. 1. All tattoo  
14 studios and body piercing studios [must ensure that single use inks and]  
15 SHALL USE ONLY single use needles [are used] AND APPROVED INK HANDLING  
16 PROCEDURES in all tattoo and body piercing procedures performed in such  
17 establishments.  
18     2. Prior to a person receiving a tattoo or body piercing from a  
19 licensed tattooist or body piercing specialist, such person and licensed  
20 tattooist or body piercing specialist must sign a form confirming that  
21 the tattooist or body piercing specialist:

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

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1 [a.] (A) Presented all single use [materials] NEEDLES in a sterile and  
2 sealed package, that are to be used during the tattoo or body piercing  
3 procedure, to the person receiving such tattoo or body piercing, AND  
4 EXPLAINED THAT ONLY APPROVED INK HANDLING PROCEDURES WOULD BE USED; and

5 [b.] (B) Opened all single use [materials] NEEDLES that are to be used  
6 during the tattoo or body piercing procedure [including needles, inks  
7 and other instruments] in the presence of the person receiving such  
8 tattoo or body piercing.

9 3. A copy of the [consent] CONFIRMATION form shall be given to the  
10 person receiving a tattoo or body piercing. The tattoo studio or body  
11 piercing studio shall retain a copy of such [consent] CONFIRMATION form  
12 for a period not less than seven years.

13 4. THE COMMISSIONER SHALL MAKE REGULATIONS UNDER THIS SECTION.

14 S 3. Section 3 of chapter 230 of the laws of 2015 amending the public  
15 health law relating to requiring tattoo studios and body piercing  
16 studios to use single use needles and inks, to obtain consent forms from  
17 customers and to maintain customer consent forms for a period of not  
18 less than seven years, is amended to read as follows:

19 S 3. This act shall take effect [on the one hundred twentieth day] ONE  
20 YEAR after it shall have become a law; PROVIDED, HOWEVER, THAT THE  
21 COMMISSIONER OF HEALTH MAY MAKE REGULATIONS AND TAKE ANY OTHER ACTIONS  
22 NECESSARY FOR THE IMPLEMENTATION OF THIS ACT ON ITS EFFECTIVE DATE  
23 BEFORE SUCH DATE.

24 S 4. The commissioner of health shall periodically review the regu-  
25 lations authorized by section 467 of the public health law to determine  
26 if the standards set forth therein are appropriate.

27 S 5. This act shall take effect on the same date and in the same  
28 manner as chapter 230 of the laws of 2015, takes effect.