STATE OF NEW YORK

11491

IN ASSEMBLY

May 28, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lunsford) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring liability insurance coverage for tanning facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings and intent. The legislature hereby finds that:

1. Commercial tanning facilities operating ultraviolet radiation devices present a foreseeable risk of bodily injury, including burns, eye damage, and long-term health effects associated with ultraviolet exposure;

2. Individuals injured at tanning facilities may face substantial medical expenses, and facility owners may lack adequate financial resources to compensate injured patrons in the absence of insurance coverage;

3. New York currently regulates tanning facilities with respect to permitting, age restrictions, equipment standards, and consumer warnings, but does not expressly require liability insurance as a condition of operation;

4. Requiring liability insurance will help promote consumer protection, financial responsibility, and continuity of legitimate business operations, while reducing uncompensated injuries and litigation burdens; and

5. Similar insurance requirements exist for other consumers facing businesses that present a comparable risk of physical injury.

This legislature therefore declares that it is in the public interest to require operators of commercial tanning facilities to maintain liability insurance coverage as a condition of operation within New York state.

§ 2. The public health law is amended by adding a new section 3557 to read as follows:

§ 3557. Liability insurance required for tanning facilities. 1. Every owner or operator of a tanning facility, as defined in subdivision one

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

LBD15665-03-6

of section thirty-five hundred fifty of this article, shall obtain and continuously maintain commercial general liability insurance or professional liability insurance, or a combination thereof, covering bodily injury and personal injury arising out of the operation or use of ultraviolet radiation devices. Such insurance shall provide coverage of not less than:

(a) one million dollars per occurrence for bodily injury or personal injury; and

(b) two million dollars in the aggregate for all claims arising during the policy period.

2. Proof of the insurance coverage required by this section shall be submitted to the department:

(a) at the time of initial application for a license to operate a tanning facility; and

(b) upon renewal of such license, or upon request by the department.

3. A tanning facility shall notify the department in writing within ten days of any cancellation, nonrenewal or material modification of the insurance coverage required by this section.

4. No person shall operate a tanning facility without maintaining the insurance coverage required by this section. The failure of a tanning facility to maintain such insurance coverage shall constitute a violation of this article and may result in the suspension or revocation of such tanning facility's license, civil penalties, or such other enforcement action as authorized by law. No license shall be reissued for two years to any tanning facility found to have committed two or more violations of this section.

5. Nothing in this section shall be construed to create a cause of action, expand existing liability, or modify any standard of care, duty, defense, or burden of proof applicable under New York law.

6. Nothing in this section shall be construed to invalidate, limit, or otherwise effect the enforceability of lawful waivers, releases, assumption of risk agreements, or other defenses available under existing law.

7. The existence or amount of coverage required by this section shall not be admissible as evidence of negligence, wrongdoing, or liability in any civil action.

8. The requirements of this section are intended solely to ensure financial responsibility and the availability of compensation where liability is otherwise established under existing law, including in circumstances where injury results from the failure of a tanning facility to exercise reasonable care in the operation, maintenance, supervision, or safety of ultraviolet radiation devices or related equipment, including equipment malfunction or inadequate supervision.

9. The provisions of this section shall not apply to facilities exempted from licensing requirements under this article.

10. The commissioner shall be authorized to promulgate rules and regulations to implement the provisions of this section, including but not limited to:

(a) acceptable forms of insurance coverage;

(b) documentation standards; and

(c) enforcement procedures.

§ 3. Paragraphs (c) and (d) of subdivision 2 of section 3554 of the public health law, as added by chapter 378 of the laws of 1990, are amended and a new paragraph (e) is added to read as follows:

(c) establishing standards for cleanliness, hygiene and safety; [~~and~~]

(d) requiring each tanning facility to provide safety goggles and any other safety-related devices to customers without additional charge therefor[.]**; and**

(e) establishing standards for acceptable forms of insurance coverage documentation and enforcement procedures in accordance with section thirty-five hundred fifty-seven of this article.

§ 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the commissioner of health is authorized to promulgate, amend and/or repeal any rule or regulation necessary for the implementation of this act on or before such effective date.