

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:

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds that:
3 1. Commercial tanning facilities operating ultraviolet radiation
4 devices present a foreseeable risk of bodily injury, including burns,
5 eye damage, and long-term health effects associated with ultraviolet
6 exposure;
7 2. Individuals injured at tanning facilities may face substantial
8 medical expenses, and facility owners may lack adequate financial
9 resources to compensate injured patrons in the absence of insurance
10 coverage;
11 3. New York currently regulates tanning facilities with respect to
12 permitting, age restrictions, equipment standards, and consumer warn-
13 ings, but does not expressly require liability insurance as a condition
14 of operation;
15 4. Requiring liability insurance will help promote consumer
16 protection, financial responsibility, and continuity of legitimate busi-
17 ness operations, while reducing uncompensated injuries and litigation
18 burdens; and
19 5. Similar insurance requirements exist for other consumers facing
20 businesses that present a comparable risk of physical injury.
21 This legislature therefore declares that it is in the public interest
22 to require operators of commercial tanning facilities to maintain
23 liability insurance coverage as a condition of operation within New York
24 state.
25 § 2. The public health law is amended by adding a new section 3557 to
26 read as follows:
27 § 3557. Liability insurance required for tanning facilities. 1. Every
28 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

1 of section thirty-five hundred fifty of this article, shall obtain and
2 continuously maintain commercial general liability insurance or profes-
3 sional liability insurance, or a combination thereof, covering bodily
4 injury and personal injury arising out of the operation or use of ultra-
5 violet radiation devices. Such insurance shall provide coverage of not
6 less than:

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

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

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

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

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

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

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

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

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

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

36 8. The requirements of this section are intended solely to ensure
37 financial responsibility and the availability of compensation where
38 liability is otherwise established under existing law, including in
39 circumstances where injury results from the failure of a tanning facili-
40 ty to exercise reasonable care in the operation, maintenance, super-
41 vision, or safety of ultraviolet radiation devices or related equipment,
42 including equipment malfunction or inadequate supervision.

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

45 10. The commissioner shall be authorized to promulgate rules and regu-
46 lations to implement the provisions of this section, including but not
47 limited to:

48 (a) acceptable forms of insurance coverage;

49 (b) documentation standards; and

50 (c) enforcement procedures.

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

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

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

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

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

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