

A Local Law to add Chapter 702 to the Laws of Westchester County to regulate the use of tanning facilities by persons under eighteen (18) years of age.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. A new Chapter 702 is hereby added to the Laws of Westchester County to read as follows:

CHAPTER 702

**REGULATION OF THE USE OF TANNING FACILITIES
BY PERSONS UNDER THE AGE OF EIGHTEEN**

- § 702.01. Definitions.**
- § 702.02. Use of Tanning Facilities by Persons Under the Age of Eighteen.**
- § 702.03. Requirements.**
- § 702.04. Parental Permission Form.**
- § 702.05. Duty to Post Signs.**
- § 702.06. Enforcement and Penalties.**
- § 702.07. Rules and Regulations.**
- § 702.08. Separability.**

§ 702.01. Definitions.

1. “Commissioner” shall mean the Commissioner of Health.
2. “Emancipated minor” shall mean a person who is no longer a dependent, or in the custody, of a parent or legal guardian.
3. “Person” shall mean an individual.
4. “Tanning Facility” shall mean any establishment where one or more ultraviolet radiation devices are used, offered, or made available for use by any human being but shall not include any facility where any such device is used by a qualified health care professional for

treatment of medical conditions. Tanning facility includes, but is not limited to, tanning salons, health clubs, apartments or condominiums regardless of whether a fee is charged for access an ultraviolet radiation device.

5. “Ultraviolet radiation device” shall mean any equipment which is designed to emit electromagnetic radiation in the wavelength interval of two hundred to four hundred nanometers in air, and which is intended to induce tanning of the human skin through irradiation, including, but not limited to, a sunlamp, tanning booth, or tanning bed.

§ 702.02. Use of Tanning Facilities by Persons Under the Age of Eighteen.

a No owner, operator or employee of a tanning facility shall permit the use of an ultraviolet radiation device by a person under the age of sixteen (16).

b. No owner, operator or employee of a tanning facility shall permit the use of an ultraviolet radiation device by a person over the age of sixteen (16) and under the age of eighteen (18) unless such person provides the tanning facility with written permission, in a form prescribed by the Commissioner, of a parent or legal guardian. The parent or legal guardian shall sign such permission form in the presence of the owner, operator or employee of such facility, who shall additionally sign the permission form as a witness to the signature of the parent or guardian. Such written permission is effective for the period of time prescribed by the Commissioner and shall be retained by the tanning facility for that period of time.

c. The parental permission requirement contained in subdivision (b) of this section shall not apply to emancipated persons over the age of seventeen (17).

§ 702.03. Requirements.

Each tanning facility shall comply with the provisions of Article 35-A of the New York State Public Health Law as it relates to the posting of licenses and warning signs, the availability of educational information advising of conditions, such as the use of photosensitizing drugs, under which the use of ultraviolet radiation is contraindicated, and the supplying of proper eye protection to each patron.

§ 702.04. Parental Permission Form.

1. The Commissioner shall prescribe the form and content of the parental permission form.

2. The parental permission form must include warnings regarding the dangers of indoor tanning and exposure to ultraviolet radiation and the length of effectiveness of parental permission. The parental permission form must additionally include the option for permission for a single use of the tanning facility or for the period of time of effectiveness as prescribed by the Commissioner.

§ 702.05. Duty to Post Signs.

1. Each tanning facility shall be required to post the following notice:

NOTICE: Use of tanning devices at this facility is prohibited by persons under the age of 16. Written parental permission is required for use of this facility by persons over the age of 16 and under the age of 18.

2. In addition to the posting requirements of subdivision a of this section and Article 35-A of the New York State Public Health Law, each tanning facility shall be required to post the following health warning:

WARNING: Indoor tanning can be hazardous to your health and may cause skin cancer and long term eye damage as well as other eye and skin damage. Indoor tanning has no known health benefits. Exposure to either UVA or UVB rays can cause damage to the skin and eyes. You must wear protective eyewear.

Medications and cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

3. The County Department of Health shall cause such signs or notices to be printed in English and Spanish and made available to any owner or operator of a tanning facility required to post said sign or notice.

4. The signs or notices required by this section shall be conspicuously posted at the point of entry to the tanning facility.

§ 702.06. Enforcement and Penalties.

Any person who violates a provision of this chapter shall be subject to the imposition of a civil penalty by the Department of Health, which shall have sole jurisdiction to enforce the provisions of this chapter. Every person that violates the provisions of this chapter shall be liable for a civil penalty as prescribed in section 873.219 of the Westchester County Sanitary Code. The penalty provided for by this chapter may be sued for and recovered by the Department of Health through the County Attorney in the name of the County of Westchester in any court of competent jurisdiction. The penalties imposed herein are the sole penalties to be imposed for a violation of this chapter. No civil penalty shall be imposed as provided for herein

unless the alleged violator has received notice of the charge against him and has had an opportunity to be heard as provided for in the Westchester County Sanitary Code.

2. Any person who desires to register a complaint under this chapter may do so with the County Department of Health.

§ 702.07. Rules and Regulations.

The County Department of Health shall promulgate such rules and regulations as deemed necessary and appropriate for the implementation and enforcement of the provisions of this law.

§ 702.08. Separability.

If any section, subsection, sentence, clause, phrase or portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 2. This Local Law shall take effect one hundred eighty days (180) days after its enactment.