

WITHDRAWN AS OF 10/02/2009

Intro. Res. No. 1724-2009
Introduced by Legislator D'Amaro

Laid on Table 8/4/2009

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW
NO. -2009, A LOCAL LAW TO FURTHER ENHANCE
AND STRENGTHEN THE COLETTE COYNE MELANOMA
AWARENESS ACT**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2009, a proposed local law entitled, "**A LOCAL LAW TO FURTHER ENHANCE AND STRENGTHEN THE COLETTE COYNE MELANOMA AWARENESS ACT**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO FURTHER ENHANCE AND STRENGTHEN
THE COLETTE COYNE MELANOMA AWARENESS ACT**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that in 2005 the County of Suffolk acted to protect the health and safety of minors who use tanning facilities by enacting the Colette Coyne Melanoma Awareness Act (now codified in Chapter 454 of the Suffolk County Code).

This Legislature also finds and determines that in 2006, in response to increased awareness of the dangers of the use of tanning facilities by minors, the County of Suffolk enacted Local Law No. 36-2006 to amend Chapter 454 by strengthening the requirements of the Colette Coyne Melanoma Awareness Act.

This Legislature further finds and determines that (as reported in the August 2009 online edition of The Lancet Oncology) in June 2009, 20 scientists from nine countries met at the International Agency for Research on Cancer (IARC) to reassess the carcinogenicity of the types of radiation previously classified as "carcinogenic to humans" and to identify additional tumor sites and mechanisms of carcinogenesis.

This Legislature further finds that a comprehensive meta-analysis reported in The Lancet Oncology concluded that the risk of cutaneous melanoma is increased by 75% when use of tanning devices starts before 30 years of age.

This Legislature also finds that as a result of the comprehensive analysis, the IARC moved tanning beds to its highest cancer risk category - carcinogenic to humans.

This Legislature also finds and determines that, previously, the agency had classified sunlamps and tanning beds as "probably" carcinogenic, so the move establishes the devices at a higher level in terms of risk.

Therefore, the purpose of this law is to assure that all patrons of tanning facilities in Suffolk County are aware of these increased risks of cancer, and to require that all patrons sign an acknowledgment that they have seen the posted risks prior to using a tanning device in a tanning facility.

Section 2. Amendments.

Chapter 454 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 454, TANNING FACILITIES

§ 454-3. Use restrictions and prohibitions.

C. No person shall be permitted to use a tanning device in a tanning facility in the County of Suffolk until such person has signed a written acknowledgment that the posted warning signs required by § 454-4 have been seen.

§ 454-4. Facility requirements.

C. Each tanning facility shall post a sign containing the following language: "WARNING: TANNING INCREASES YOUR RISK OF SKIN CANCER. SUCH RISK IS INCREASED BY 75% WHEN USE OF TANNING DEVICES STARTS BEFORE AGE 30." Said sign shall contain letters of no less than ½ inch on a contrasting background.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environment Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: