

Intro. Res. No. 2145-2010
Introduced by Legislator Barraga

Laid on Table 12/7/2010

**RESOLUTION NO. 97 -2011, ADOPTING LOCAL LAW
NO. 17 -2011, A LOCAL LAW TO REGULATE THE SALE OF
TATTOO EQUIPMENT IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on December 7, 2010, a proposed local law entitled, "**A LOCAL LAW TO REGULATE THE SALE OF TATTOO EQUIPMENT IN SUFFOLK COUNTY;**" now, therefore be it

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

LOCAL LAW NO. 17 -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REGULATE THE SALE OF TATTOO
EQUIPMENT IN SUFFOLK COUNTY**

**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 the SUFFOLK COUNTY SANITARY CODE strictly regulates the tattoo and body art industry to protect public health and safety.

This Legislature also finds and determines that professional tattoo artists use tattoo machines, also known as "guns" and "irons", and other equipment to apply tattoos.

This Legislature further finds and determines that the improper use of tattoo equipment in the application of a tattoo can cause injury, bacterial infection, or transmission of bloodborne diseases, like Hepatitis C and HIV.

This Legislature finds that some suppliers of tattoo equipment sell tattoo machines to persons untrained in their use, even opening kiosks at shopping malls to sell their products directly to the public.

This Legislature determines that the sale of tattoo equipment to persons without professional tattooing credentials increases the risk to public health and safety, as these individuals may apply tattoos on others without following important regulations to protect both the customer and artist from harm.

This Legislature also finds that Suffolk County should regulate the sale of tattoo equipment to ensure that it is available only to trained professionals who will use it in a safe manner.

Therefore, the purpose of this law is to prohibit the sale of tattoo equipment to persons who are not certified as professional tattoo artists in Suffolk County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“CERTIFIED TATTOO ARTIST” shall mean any individual who applies tattoos and has been certified by the Suffolk County Department of Health Services as a Certified Body Artist or has been certified, registered or otherwise licensed by another jurisdiction and has written documentation of same.

“CERTIFIED TATTOO ARTIST APPRENTICE” shall mean any individual who is supervised in the application of tattoos by a certified tattoo artist and who has been certified by the Suffolk County Department of Health Services as a Certified Body Artist Apprentice.

“TATTOO EQUIPMENT” shall mean any machine or mechanical instrument manufactured and used solely to apply tattoos.

“PERSON” shall mean any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

Section 3. Requirements.

No person shall sell tattoo equipment to another person within Suffolk County unless the prospective purchaser provides written documentation that they are a certified tattoo artist or certified tattoo artist apprentice.

Section 4. Penalties.

Persons selling tattoo equipment in violation of any portion of this law shall be guilty of an unclassified misdemeanor, punishable by a fine not to exceed \$1,000 and/or up to one year in jail.

Section 5. Applicability.

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

Section 6. 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 affect, 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 order or judgment shall be rendered.

Section 7. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to

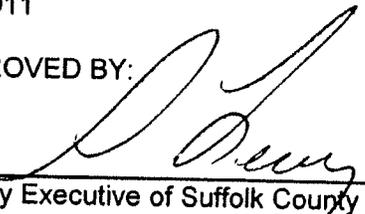
Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection 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 8. Effective Date.

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

DATED: March 8, 2011

APPROVED BY:



County Executive of Suffolk County

Date:

APR 05 2011

After a public hearing duly held on March 22, 2011
Filed with the Secretary of State on April 19, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on March 8, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

2145

Res. No.

97

March 8, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	1				
2	Jay H. SCHNEIDERMAN	1				
3	Kate M. BROWNING					/
4	Thomas MURATORE	1				
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.	1				
13	Lynne C. NOWICK					/
14	Wayne R. HORSLEY	1				
15	DuWayne GREGORY	1				
16	Steven H. STERN	1				
17	Lou D'AMARO	1				
18	Jon COOPER	1				
5	Vivian VILORIA-FISHER, D.P.O.	1				
8	William J. LINDSAY, P.O.	1				
Totals		15	—	2	—	

MOTION	
<input checked="" type="checkbox"/>	Approve
<input type="checkbox"/>	Table?
<input type="checkbox"/>	Send To Committee
<input type="checkbox"/>	Table Subject To Call
<input type="checkbox"/>	Lay On The Table
<input type="checkbox"/>	Discharge
<input type="checkbox"/>	Take Out of Order
<input type="checkbox"/>	Reconsider
<input type="checkbox"/>	Waive Rule
<input type="checkbox"/>	Override Veto
<input type="checkbox"/>	Close
<input type="checkbox"/>	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED <input type="checkbox"/>
No Motion <input type="checkbox"/>	No Second <input type="checkbox"/>

RESOLUTION DECLARED	
<input checked="" type="checkbox"/>	ADOPTED
<input type="checkbox"/>	NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote