

STRICKEN END OF YEAR
AMENDED COPY AS OF 8/28/2009

Intro. Res. No. 1714-2009

Laid on Table 8/4/2009

Introduced by Deputy Presiding Officer Viloría-Fisher and Legislator Horsley

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW
NO. -2009, A LOCAL LAW TO PROHIBIT THE USE OF
TANNING FACILITIES BY MINORS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 4, 2009, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE USE OF TANNING FACILITIES BY MINORS**;" 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 PROHIBIT THE USE OF TANNING FACILITIES
BY MINORS**

**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 this Legislature enacted the "Colette Coyne Melanoma Awareness Act" to restrict the use of tanning facilities by minors.

This Legislature also finds and determines that new scientific information has upgraded tanning beds' cancer risk from a "likely source" to a "definite cause" of the disease.

This Legislature further finds and determines that the scientific study also concluded that skin cancer risk increases 75 percent for those who used tanning beds before the age of 30.

Therefore, the purpose of this law is strengthen the restriction on the use of tanning facilities by prohibiting their use by anyone under the age of 18.

Section 2. Amendments.

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

Chapter 454, TANNING FACILITIES

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§ 454-2. Definitions.

* * * *

TANNING FACILITY -- Any establishment where one or more ultraviolet radiation device is used, offered, or made available for use by any human being, for which a fee is charged, directly or indirectly[, but shall not include any facility where any such device is used by a qualified health-care professional for treatment of medical conditions].

* * * *

§ 454-3. Use restrictions and prohibitions.

[A. No persons who have reached their 14th birthday but not yet reached their 18th birthday shall be permitted to use a device in a tanning facility in the County of Suffolk unless he or she is accompanied by a parent or legal guardian.

B.] No person under [14] 18 years of age shall be permitted to use a tanning device in a tanning facility in the County of Suffolk except with a written recommendation from a medical doctor for the treatment of medical conditions.

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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 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 5. 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 6. Effective Date.

This law shall take effect ninety (90) days subsequent to its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
____ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: