



NEW YORK STATE SENATOR

Joseph E. Robach

Governor Cuomo Signs Senator Robach's Legislation Regarding Body Piercing

JOSEPH E. ROBACH July 30, 2012

| ISSUE: **HEALTH, CHILDREN, YOUTH**

Governor Cuomo today signed into law a bill to better protect teens from infections and blood-borne disease by requiring that a minor have written parental consent before obtaining a body piercing. This bill, overwhelmingly passed by both the Senate and the Assembly, is an important measure that will help to keep young New Yorkers healthy and safe.

"Body piercing can result in severe health risks and it is our obligation as New Yorkers and parents to make sure that our teens are taking every precaution to remain healthy and safe," Governor Cuomo said. "I thank Senator Robach and Assembly Member Simanowitz for their hard work on this legislation."

Until this bill was signed, New York law stated that there was no minimum age requirement for body piercing. By contrast, it is illegal to tattoo someone under the age of 18.

Approximately 20% of all body piercing result in infection, and there is also a risk of contracting hepatitis from the procedure.

The legislation the Governor signed today requires that body piercing studios check the identification of teens, and that underage teens provide a consent form signed by a parent or

legal guardian that was signed in the presence of the owner or body piercing specialist at a body piercing studio. A body piercing is a piercing located on a part of the body other than the ear. This law takes effect in 90 days.

Senator Joseph E. Robach, co-sponsor of the bill, said, "As body piercings can often result in infection and a permanent scar, it seems logical that parents should be involved in the decision. This law will help educate both parents and children of the potential risks of piercings and help them make informed decisions together."

Assemblyman Michael Simanowitz, co-sponsor of the bill, said, "I want to thank the Governor for taking prompt action on signing this important piece of legislation. Body piercings can pose a significant health risk if not cared for properly. This will now ensure that parents are aware of their son or daughter's intent to receive a body piercing which will hopefully prevent complications such as allergic reactions, skin infections or scarring. There are thirty one states that prohibit body piercing on minors without parental permission and I am now glad to say New York is the thirty second."

Text of Bill:

BILL NUMBER:S7446

TITLE OF BILL:

An act

to amend the public health law,

in relation to allowing

body piercing

with parental or guardian consent for persons under the

age of eighteen

PURPOSE:

To place restrictions on an owner, operator

or employee of a

body piercing studio. This bill prohibits them from performing body

piercing on a person under eighteen years of age without the written

consent of a parent or guardian.

SUMMARY OF PROVISIONS:

Amends Article 4-A of the public health law by

adding section 460-a. Subdivision 1 prohibits any owner, operator or

employee of a body piercing studio from conducting that action on a

person under eighteen years of age, unless the studio is provided

with the written consent of a parent or legal guardian of the minor

in question. It also signifies that the written consent form will be prescribed by the commissioner, and that a completed form must be retained by the studio for 12 months. Subdivision 2 deals with the expiration of a written consent form, and subdivision 3 concerns this law in relation to local laws and ordinances.

JUSTIFICATION:

Of the people with body piercings, more than a third received their first piercing before the age of 18. Body piercings are well-documented to have possible adverse health effects, with complications arising in 25% of all cases. These complications include allergic reactions, skin infections, scarring, and general discomfort. It is important for a parent or guardian to be aware of all of the potential risks associated with body piercing, which is generally not the case if written consent is not required by the studio.

A recent article in the New York Post highlights a reporter who witnessed girls as young as 12 receiving body piercings without written consent at a studio on St. Marks Place in Manhattan. There is currently no minimum age requirement for body piercing, and while certain studios require written consent before piercing persons under the age of eighteen, many do not. This legislation is necessary to mitigate the dangerous effects of body piercing, while ensuring that parents/guardians play a pivotal role in the decision for persons less than eighteen years of age to receive a body piercing.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This bill shall take effect on the ninetieth day after
it shall have become a law.

S7446-2011 Text

STATE OF NEW YORK

7446

IN SENATE

May 18, 2012

Introduced by Sen. ROBACH -- read twice and ordered printed, and when
printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to allowing body piercing with parental or guardian consent for persons under the age of eighteen

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 460-a to read as follows:

S 460-A. RESTRICTIONS ON BODY PIERCING STUDIOS. 1. NO OWNER, OPERATOR OR EMPLOYEE OF A BODY PIERCING STUDIO SHALL PERMIT BODY PIERCING ON A PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS SUCH PERSON PROVIDES THE BODY

PIERCING STUDIO WITH THE WRITTEN CONSENT, IN A FORM PRESCRIBED BY THE COMMISSIONER, OF A PARENT OR LEGAL GUARDIAN TO USE SUCH BODY PIERCING STUDIO. THE PARENT OR LEGAL GUARDIAN SHALL SIGN SUCH CONSENT FORM IN THE PRESENCE OF THE OWNER OF THE BODY PIERCING STUDIO OR A BODY PIERCING SPECIALIST OF SUCH STUDIO. SUCH ORIGINAL WRITTEN CONSENT SHALL BE RETAINED BY THE BODY PIERCING STUDIO FOR A PERIOD OF TWELVE MONTHS AND MAY BE RETAINED OFF PREMISES PROVIDED THAT AN ELECTRONIC IMAGE OR FACSIMILE OF THE ORIGINAL SIGNED CONSENT FORM IS READILY AVAILABLE BY THE OWNER OR EMPLOYEE RESPONSIBLE FOR THE OPERATION OF THE BODY PIERCING STUDIO.

2. A WRITTEN CONSENT FORM SIGNED BY A PARENT OR LEGAL GUARDIAN PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL EXPIRE TWELVE MONTHS FROM THE DATE IT IS SIGNED BY THE PARENT OR LEGAL GUARDIAN. UPON THE EXPIRATION OF A WRITTEN CONSENT FORM, A NEW WRITTEN CONSENT SHALL BE PROVIDED IN THE MANNER PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION PRIOR TO THE

USE OF A BODY PIERCING STUDIO BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE.

3. THIS SECTION SHALL BE EXCLUSIVE AND SHALL PREEMPT ANY CONTRARY

LOCAL LAW OR ORDINANCE, EXCEPT THAT THIS SECTION SHALL NOT PREEMPT OR

SUPERSEDE LOCAL LAWS OR ORDINANCES IMPOSING ADDITIONAL STRICTER

RESTRICTIONS ON THE OPERATION OF BODY PIERCING STUDIOS WHICH ARE IN

EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

[] is old law to be omitted.

LBD15617-01-2

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S 2. This act shall take effect on the ninetieth day after it shall

have become a law. Effective immediately, the addition, amendment and/or

repeal of any rule or regulation necessary for the implementation of

this act on its effective date is authorized to be made on or before

such effective date.