

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~ of Erie

~~Town~~

~~Village~~

Local Law No. 9 of the year 2000

A local law ~~prohibiting the body piercing of minors without the~~
(Insert Title)
written informed consent of one parent or legal
guardian.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County

~~City~~ of Erie

~~Town~~

as follows:

SECTION 1. Legislative Intent. This Legislature finds that the practice of body piercing involves the alteration or penetration of the skin, which, if done improperly, can lead to potential health risks. This Legislature further finds and determines that a significant and possibly growing number of minors are engaging in the practice of body piercing. The purpose of this Local Law is to prohibit the body piercing of minors without the written informed consent of one parent or legal guardian, pursuant to the County's exercise of its inherent power to protect the public health, safety and general welfare of its citizens.

SECTION 2. Definitions. The following words and phrases, as used in this Local Law, shall have the indicated meaning:

- A. "Body Piercing" shall mean to cut or pass through with a sharp instrument, or to penetrate a part of the body for the purpose of applying jewelry to various parts of the body by means of a piercing device.
- B. "Piercing Device" shall mean any device used for the piercing of the skin for the purpose of applying jewelry or other objects to the body.

SECTION 3. Prohibition.

- A. No person shall knowingly perform body piercing, or offer to perform body piercing, for compensation, on any part of the body of an individual under the age of eighteen (18) years by means of a piercing device. Proof of age shall be determined upon presentation of one form of valid identification. Valid identification shall be limited to one of the following original documents with embossed seal: a picture driver's license; birth certificate; or passport.
- B. If the body piercing is offered free of charge in conjunction with the sale of an item of jewelry actually being used in connection with the body piercing, then that service or act shall be deemed to have been provided for compensation.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 4. Written Informed Consent by a Parent/Legal Guardian

- A. Informed written consent is required for body piercing of a minor, and shall be obtained from at least one parent or legal guardian. The writing shall be filed in person at the body piercing shop along with a photocopy of valid identification of a parent/legal guardian. Valid identification shall include one of the following: a picture driver's license; birth certificate; passport; or military ID.
- B. The records of written informed consent shall be kept on file for three years by the owner of the body piercing shop in which the body piercing was performed.

SECTION 5. Penalties. Any person who knowingly and willfully violates Section 3 of this law shall be guilty of a violation, punishable by a fine of up to Two Hundred Fifty Dollars (\$250). Any person who knowingly and willfully violates Section 3, after having previously committed such offense, shall be guilty of an unclassified misdemeanor, punishable by a fine of up to One Thousand Dollars (\$1,000) or fifteen days in jail.

SECTION 6. Procedures. The Department of Health is hereby authorized to promulgate such rules and regulations as are necessary to ensure compliance with this Local Law.

SECTION 7. Records.

- A. For each patron, proper records of each body piercing administered shall be maintained by the shop owner/operator.
- B. A record of each patron shall be prepared prior to any procedure being performed and shall include the patron's name, signature (or, if the patron is a minor, the signature of a parent or legal guardian), address, age, the date of the body piercing, the location of the piercing on the patron's body, and the name of the operator who performed the work.
- C. The records shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. This book shall be available at a reasonable time for examination by an Officer of the Erie County Department of Health and shall be preserved for at least three years from the date of the last entry therein. The signature of the patron (or in the case of a minor the signature of a parent or legal guardian) shall be in a bound book record.

- D. Before body piercing administration, there shall be a discussion conducted with the patron on the health risks involved in the body piercing requested, and its possible complications. The patron shall fill out and sign an information form as prescribed by the Department. One copy of each form shall be retained at the body piercing shop and the other copy shall be given to the patron. The body piercing operator must also explain aftercare instructions and have the patron initial the consent form to indicate that he or she has received written aftercare instructions.

SECTION 8. Effective Date. This Local Law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on Dec. 14 2000, and was (approved)(not approved)(repassed after ~~disapproval~~) by the Erie County Executive and was deemed duly adopted on Dec. 29 2000, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph-----2-----, above.


Clerk of the County legislative body ~~City, Town or Village Clerk~~
~~Not to be designated by local legislative body~~

Laurie A. Manzella

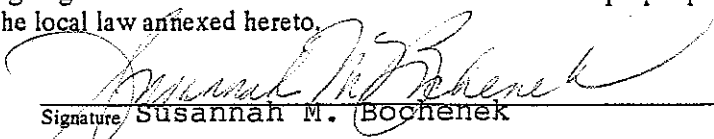
Date: January 4, 2001

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature Susannah M. Bochenek

1st Assistant County Attorney

Title

County
~~City~~ of Erie
~~Town~~
~~Village~~

Date: 4 Jan 2001

A Public Hearing was held on the foregoing Local Law Intro. No. 10-2000 on Friday, December 29, 2000, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 29th day of December, 2000.



A Public Hearing was held on the foregoing Local Law Intro. No. 10-2000 on Friday, December 29, 2000, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 29th day of December, 2000.
