

Patina of Glamour:

Forging Alliances to Investigate the Underside of the Fashion Industry

**A Teaching Case From the Strategic Training Initiative
for the Prevention of Eating Disorders**

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SYNOPSIS

Modeling is a glamorous and lucrative profession only for the very few. Most fashion models make little money, and often they are subject to indifferent or even abusive working conditions, putting them at elevated risk of sexual harassment and eating disorders. Globally and in the United States, more and more lawmakers are putting forward legislation to rectify some of the most egregious wrongs done to models in the fashion industry. Legislators in Columbia, a fictitious U.S. state, are the latest to join in the global movement, after the death of a teenage model with an eating disorder prompts a new law and attention to the problem.

Safiya Goplani is a physician and researcher in Hamilton, Columbia’s capital, eager to investigate the new model-protections legislation: Columbia’s new law and a bill introduced in the California Assembly. She has a grant to pay for the new policy evaluation research study she is planning. Goplani hopes to apply the methods of community-based participatory research (CBPR), in which everything from the original research questions to study design to data collection, interpretation, and dissemination is developed in close partnership with the most affected communities: in this case, professional models. But as Goplani and her team quickly learn, establishing priorities and shared goals requires a lot more attention to process and the partners’ unique perspectives than a typical research study, where the principal investigator holds most of the decision-making power. Will Goplani and her team be able to successfully forge a partnership with the model community and carry out the new research study? Or will their study idea meet the same disappointing fate of so many others from well-meaning but possibly ill-equipped academics before them hoping to venture into the world of CBPR?

ACKNOWLEDGMENTS AND FUNDING

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CAST OF CHARACTERS

In order of appearance:

Helen Vaisnys – *Lithuanian-born fashion model, based in Hamilton.*

Alfonso Roper – *professor of public policy at Colburn University in Hamilton, married to Safiya Goplani.*

Safiya Goplani – *pediatrician at Hamilton Children’s Hospital and researcher at Colburn University School of Public Health, married to Alfonso Roper.*

Neeta Goplani – *Goplani’s mother; retired university administrator.*

Maribeth Gold – *independent nonprofit consultant and facilitator.*

Bill Rex – *labor lawyer specializing in wage law.*

And assorted researchers, models, and models’ parents.

PATINA OF GLAMOUR:

Forging Alliances to Investigate the Underside of the Fashion Industry

Easily the most picturesque part of the U.S. state of Columbia was its long barrier island spanning the width of the mainland, Odom Island, not far from the capital, Hamilton. Half the island was old coastal forts and pretty streets of Spanish moss and wooden cottages, which made it ideal for film shoots; the other half was splendid beach and exuberant resort hotels, which made it an ideal retreat for people in the fashion industry needing to wind down after four successive Fashion Weeks, in the U.S. and abroad, each winter.

So when the shocking news spread of a teenage model found dead in her Odom Island hotel room, almost certainly on account of an eating disorder, influential people in the capital naturally thought of the island's other big local industry, movies, and said to themselves: Fashion models under 18 are child performers, too. And just as child performers are protected by special laws against exploitation and abuse, we should also do it here. Something about the tragedy struck everyone in Hamilton as creating a special urgency, and in little more than a year—unusually fast for lawmaking—a bill had passed in both chambers. The governor, a former pediatrician, signed it the day it came to her desk.

Primarily the law addressed working conditions. Print or runway models under the age of 18 anywhere in the state of Columbia could work no more than nine straight hours a day, with one full day off every five. Every hour there was to be at least five minutes for a break, whether for a snack or the restroom or anything else; a full meal had to be offered both at the beginning of the shift and at its end, with visible healthy snacks in a bowl or on tables throughout the shoot. The law required the presence of a non-industry chaperone or tutor, or, for younger children, a nurse, on the set any time a minor was working. New York State had enacted a similar law in 2013, and anecdotal

evidence at least suggested it may be working.¹ The Columbia legislators had simply picked up most of the language from the New York law and dropped it into their own bill.

One clause, however, was unique to Columbia and pertained to the models themselves—to their bodies: no adult model was to have a body mass index (BMI) of less than 18.5 kg/m², a commonly cited threshold for being underweight, or, for minors, the equivalent. An adolescent mental health counselor named Lucy Perino, from Hamilton Children’s Hospital, had made such impassioned testimony at the committee hearings that it prompted a series of amendments with the BMI clause becoming part of the final legislation signed into law by the governor.

The day the bill passed, one of the Hamilton network TV affiliates had the foresight to travel the short distance to Odom Island to get a live response from models working that day in the shadow of old Fort Odom, being photographed in swimwear and beach outfits for adult women.

“You must be pretty happy about the new law,” the reporter said to one of them.

“Why’s that?” she replied.

“For promoting better health for models. You can’t be dangerously skinny and work in Columbia.”

“Do you think I’m dangerously skinny?” the model asked the reporter.

“Er, no. . . thin, yes! But skinny?”

“When does thin become skinny?” the model asked him. “When does it become dangerous?”

“When the BMI is 18.5,” the reporter replied very confidently.

¹ “New York Law Adds Maturity to Runways,” by John Koblin, *The New York Times*, February 9, 2014: <http://www.nytimes.com/2014/02/10/fashion/New-York-Fashion-Week-Models-Age-law.html>

“A lot of the models I work with are that. So you’re going to throw them all out of work? Nice job, Columbia!”

The entire exchange was recorded and packaged in a segment that led off the evening news. “Juicy stuff!” the producer exclaimed to her reporter.

Had the reporter dug deeper, however, he might have found a better story. The model spoke with an accent—she was from Lithuania. Working as many hours as she could, modeling expensive clothing, she barely broke even and shared a studio apartment with two other young models who made even less. After three years of work, she was on her second agency—a decent one, she felt, but the anger still burned from her time with the first one, and the \$8,000 she felt they unlawfully, or at least unfairly, claimed from her in “fees” for placements, fancy photography, couriers, taxis and more.² She was used to seeing one of her roommates, who seemed strenuously to avoid eating or being seen to eat, spend time vomiting in the apartment bathroom; and she herself was troubled by how much she thought about food and how hungry she often was. All this was to say that perhaps the reporter hadn’t fully earned his producer’s compliment.

“It’s Fox, but it’s decent journalism,” said a professor of public policy watching the news that night with his wife, a physician and professor in adolescent medicine who had herself testified at the committee hearing for the model-protections bill, departing an hour before her Children’s Hospital colleague, Lucy Perino, delivered her powerful appeal for a BMI standard. “They’re exposing the fault lines in the legislative process. How the child protection people didn’t talk to any actual models. They talked to you! Because they thought they were protecting children, and maybe they talked to parents too; but not all models are children. These women feel seriously insulted about what’s happened.”

² See five-part online CNN Money series, “Runway Injustice” (May 2016) for reporting on industry abuses against models: <http://money.cnn.com/2016/05/04/news/runway-injustice-modeling/index.html>

“They didn’t even really talk to me,” she replied. They were trying to get a bill filed before a deadline. I told them this is what I was going to say, and they said that’s great. Only afterward did the representative I’d been talking to, the one who filed the bill, say, well, we amended it—expanded it—to get the support of two more colleagues. And it just ballooned from there.”

“So we have a model-protections bill that offends the models, who weren’t consulted. I should teach this case! I wonder if there’s anything else like this,” the professor, Alfonso Roper, said.

In his office, Professor Roper did some digging—which meant, he acknowledged to himself, five minutes’ Googling. “Not like the old days,” he thought with some embarrassment. The PhD he’d earned late in the last century was the product of long years’ dissertation research in a windowless room of documents and index cards in an annex of the Columbia State House. But doing his Googling, Professor Roper turned up an Assembly bill from California that struck him as quite interesting, indeed. It was about models, but it wasn’t about how old they were or how much they weighed. It concerned the basic question of whether models were independent contractors or employees, affirming that models were the latter and that because of it, they were entitled to standard workplace protections. The agency that hired them would have to be licensed and issue proper contracts. In consultation with eating disorders specialists—this was novel, the professor thought—the state labor board would set official health and safety standards for the industry. California’s was a health bill without BMI, without distinctions between whether being 18 years old made a professional model an adult and no longer a child—important, because many of the “adult” models were still very young, 18 or 19 years old. The California bill had passed by a 5-2 vote in its initial hearing before the Assembly’s Labor and Employment Committee and was continuing through the legislative process.³

³ CA Assembly Bill No. 2539 introduced by M. Levine (D-Marin County), February 19, 2016. “California legislation creating health, safety standards for fashion models moves forward,” by Tara Seipel, San Jose

“What do you think?” Professor Roper asked his wife, when he reported his findings that evening.

“I think we might have a research study,” she replied. Her name was Safiya Goplani, and increasingly she worked on occupational health topics at the School of Public Health at nearby Colburn University, while still seeing patients one day a week at Children’s Hospital. Only last month she had secured funding from NIOSH, the National Institute for Occupational Safety and Health, for research studying policy initiatives to improve workplace safety for young adults. “We have two examples of different legislative approaches that we could study. One’s focused on health and it’s law but hasn’t had time to be enacted, plus it’s our home state; the other is more about labor rights but it’s still in committee in California. Which one will be better for models?”

“My guess is it won’t be Columbia’s,” her husband replied. “Although you’ll be quick to remind me not to pre-judge the results.”

“Don’t pre-judge the results,” Goplani told Roper, although by then her mind was already moving to the next topic: so many questions about so many aspects of the two pieces of legislation were already making themselves apparent, how to narrow them down and evaluate them side-by-side?

Whenever her mind turned to a new subject or project, Dr. Goplani usually turned to her mother, Neeta, a retired administrator at the university. Since the death of her father—Neeta’s husband—Dr. Goplani had found that one way to keep her mother occupied was to ply her with details and dilemmas from the studies she toiled over, almost as if her mother was her faculty colleague—or graduate student. When they sat down for coffee at a Starbucks off-campus near her office, the elder Goplani had read both the Columbia law and California’s bill, and like a pot on the stove was

Mercury News, April 4, 2016: http://www.mercurynews.com/health/ci_29735317/california-legislation-creating-health-safety-standards-fashion-models?source=pkg

bubbling over with questions: research questions. Columbia's child models needed better protection—but what about older models, who could be stiffed on pay, hours, breaks and food, which the Columbia law provided for kids? The only thing the Columbia law did for adults is say they couldn't work if their BMI was below 18.5. What about models from overseas, even more prone to exploitation and abuse especially from the agencies that lured them with contracts or promises of riches that didn't come? Amid all the hoopla about Donald Trump, one of the stories Neeta heard was about a Jamaican model signed by Trump's agency at age 17 to expect a \$75,000 yearly salary when after three years she hadn't earned even \$4,000 and was now suing in federal court.⁴

“And what about the BMI standard?” Columbia had this requirement, which California didn't. Neeta proceeded to explain to her daughter how to draw up a cohort of child models, their parents, relevant surveys and so on: all fairly impressive for a woman whose formal education ended in the early 1960s, when she was one of only a handful of women in her graduate school in India.

“I have to find them, Mama,” Dr. Goplani said. “And they're not all the same type of people and all in the same place. They're not cancer patients in the oncology ward. And they don't all need the same things or think the same way.”

She recalled a story told to her by a colleague who had worked with at-risk youths, particularly gay and transgender adolescents in greater danger, by far, of self-harm and suicide than the rest of the teenage population. The colleague had community members, including some parents, review a first draft of a survey by her, the “egghead in her ivory tower,” as one mother put it. The draft survey had asked, in neutral terms, if the adolescent taking the survey had ever known suicidal thoughts. “My kid is perfectly well-adjusted,” the mother said with indignation. “Why would I want to put these ideas in his head if they were never there?”

⁴ “Fate of lawsuit brought by Trump model to be decided this month,” by Michelle Conlin, *Reuters*, March 9, 2016: <http://www.reuters.com/article/us-usa-election-trump-model-idUSKCNQWB1A6>

“Did you change your survey?” Dr. Goplani asked her colleague.

“Oh, I did,” she replied. “Computer surveys on a tablet, you know. You can do skip-patterns with more general questions and lead the kid well away from that. But you know, ten other moms or dads never complained.”

Hearing this story from her daughter, Neeta asked Safiya what was her point, regarding her current work.

“CBPR is my point,” Dr. Goplani replied. “That’s what’s called for here.”

Neeta Goplani’s hearing had worsened in years. “CPR?” she asked.

“With a B, Mama,” Dr. Goplani said. “C-B-P-R.”

“Is the PR for public relations?”

“No, for participatory research. The whole thing is ‘community-based participatory research.’ Perhaps they needed a better acronym, but this is what they got. The idea is to work with people affected by the legislation, in both Columbia and California—professional models, parents of child models, others in the industry. The standard academic research model has been less about supporting people, but that’s equally a part of what we want to do.”

“I didn’t know research was ever about supporting people,” her mother, the old-school administrator, said.

“Well, why not?” Goplani said, impressed by a sudden hardness in her own voice. “We’re health professionals, and these are vulnerable groups.” As she’d learned it, and now taught it at Colburn University, CBPR offered a sophisticated tool for involving the perspectives of excluded or marginalized populations, like those gay and transgender teenagers her colleague studied. At first glance, models didn’t quite seem to fit any of those categories, but their voice—and their families’—was seldom heard in

research. Dr. Goplani hoped to do something different. But it meant she had to recruit new study participants among the models and their families. How would she find them?

“Well, we can’t evaluate the California bill because it isn’t even yet law,” one of the graduate students sitting in Dr. Goplani’s office told the group. Dr. Goplani wasn’t so sure. Remembering her experience with the Columbia legislative committee that passed the child-model protections bill, she was pretty sure there must have been some misunderstandings or clashing priorities along the way in California that would be interesting to study. Goplani’s testimony could be seen to have clashed with her colleague Lucy Perino’s, the standard-bearer for a BMI clause in Columbia’s new law. Goplani, who had spoken first, stated clearly in her testimony that “BMI is an epidemiological tool. It was never intended for clinical practice, to become the number pinpointing your body’s health.” An hour after Goplani departed, Perino had given example after example of young women with dangerously low BMI whose affliction she tied directly to the influence of the fashion industry. Somehow in the legislative sausage-making of collecting testimony, drafting and amending a bill, haggling over this and that clause—the bill had come out with just that, a BMI standard that alienated natural allies among the models. Probably something like that had happened in California as it does everywhere, or it might have been something else: a stakeholder who hadn’t been consulted; a deadline coming up fast that suited one group’s calendar but not the others’; a group thinking its work was done when for some partners it was just beginning—

Soon, though, Goplani changed her mind. Folding the California legislation into her project would really be stretching it. There was plenty to examine in just Columbia’s law. In fact, they needed to whittle it down more. One graduate student who was studying health economics really wanted to work on the labor rights aspects of the bill: the required breaks and meals, the chaperone for young children, the length of the working day. But two other colleagues in the room carried the day. “We’re health

researchers, and we should study just the health aspects,” one said. Goplani agreed. “This is good. We’ll be looking mainly at BMI. We’ll ask how can we ensure the health of models without a BMI cutoff, knowing the models hate this. I wonder if we should ask Lucy to join the team?”

“Will that antagonize the models we’re hoping to join us?”

“I think we have to invite her,” Goplani said. She called that day and left a message. On email the next morning, however, Perino declined the invitation, saying only that, unfortunately, she was overcommitted.

The TV set was on, as it always was weeknights at 10 p.m., to the PBS program known as “Hamilton Tonight,” where three guests shared a sofa while the moderator, Jodie Green, pressed them on local issues of the day. Professor Roper had left the room to talk to his wife in the kitchen. But the anger in one woman’s voice on the TV drew him back.

“Look, eating disorders is serious business. Lots of girls I know have struggled with it. But let’s not pretend it’s the main issue in our working life. Every day on a set, models are sexually harassed. Each day some model isn’t paid what she’s promised, or she’s told some baloney like ‘Keep the clothes and we’ll call it even.’ You think it’s easy for a girl, or the guys too, to stand up to that pressure? I don’t see anything in the law that’s going to do something about that.”

“Unless you’re a kid,” the moderator said.

“Unless you’re a kid,” the woman replied, “under eighteen.”

It took the length of her impassioned panning of the law for Roper to figure out where he’d seen her face and heard that voice. Then he remembered the model on Odom Island interviewed by Fox the day the legislation was signed, the one who wasn’t impressed. It was her, still not impressed. Roper called out to his wife in the kitchen.

“Safiya!”

Goplani came out just as the segment ended, with the panelist’s name appearing under her face on the screen.

“Helen Vaisnys,” Roper said. “I wrote it down. You should reach out to her.”

“I recognize the name,” Goplani replied. “We did. She was on the list and got the letter. But we never heard back.”

It was true. At her modeling agency earlier in the month, Vaisnys had opened a letter that misspelled her last name.

It’s exciting that the state of Columbia has enacted a law to protect young models from exploitation and enhanced risk of eating disorders. It’s exciting that California has its own bill wending its way through the legislative process. Join us in a community-based partnership to follow and evaluate our home-state Columbia legislation! We need models and their families and people who work in the industry to—

But that was far as she read. Only five lines of text, but by then she’d crumpled up the letter and thrown it into her agent’s blue wastepaper recycling bin. In the mail that day had been letters from lawyers to several of the models about their immigrant visas, including one of Vaisnys’ roommates, and that had seemed far more important.

Generally Goplani’s letters had been a failure. Fewer than 10 of 98 recipients had replied. Now it seemed obvious why. Saying “eating disorders” five times on a page, for three pages, was too much. Same too with two photos of young female models, so thin they stood like hat stands in a hallway, with the word “emaciated” underneath one of them. It was like some kind of prospectus for an eating disorders community—but this “community,” for community-based participatory research, was

meant to be far broader than that. Goplani was stunned she hadn't caught it before. Her mother, Neeta, had picked up on it at once.

“Safiya, this is very insulting to the women who work as models. They don't see their bodies like this.”

And yet two months later, Helen Vaisnys sat in a room with Dr. Goplani and her research team. So did two other models from Hamilton, both young women, and a 13-year-old-girl from the suburbs who appeared in catalogues, accompanied by her mother and grandfather. Only four models, so far, but a start: good enough to be dubbed, by the researchers, as “HaModel,” short for Hamilton Models Group, something just to give the models a working name or placeholder, an affiliation.

The name was the suggestion of Maribeth Gold. In the aftermath of the failed letter campaign, Dr. Goplani had spent the first five thousand dollars of her grant on Gold, whose business card and website introduced her as a “community-based research consultant and facilitator.” Since then, Gold had been facilitating like crazy. First she talked Vaisnys over into joining the group; and then, as more individuals followed, put together a schedule for which this was the first meeting. “You're going to spend the first six months just getting to know each other!” Gold exclaimed. To Goplani, she explained it was about building relationships, trust, and morale; and to Goplani it made sense.

It hadn't been her idea—she was a scientist and a physician. But her husband, Roper, the public policy professor, moved in the world of consultants, event planners and yes, facilitators: ten years before, Gold had been one of his students.

In the spirit of full disclosure, Gold and Goplani announced this fact to the group at the beginning of their meeting. “There's no ethical principle at stake, but I should mention that Dr. Goplani's husband was my professor in graduate school.”

No one seemed to care, or even to take it in. But an email came, within the week, from Helen Vaisnys. “I feel like I don't know what's going on here,” her message

said. “This world of grants and consultants and experts and who-knows-who or who can vouch for her work there... I’m just trying to earn \$40K a year and save a little to go back to college. Perhaps this whole thing is a waste of my time.”

Goplani had been copied on the email to Gold. She immediately wrote back, but only to Gold. “We need her. What can we do?”

“We need another professional group association,” Gold replied. “Not just people in eating disorders from Colburn. Someone from labor is what I’m thinking. Bill Rex, who does wage law and especially wage theft—I’m pretty sure I can get him interested. And that might bring Helen back. Any objections to my trying?”

None, Goplani replied. When the group—the Hamilton models and families and the Colburn and Children’s Hospital research teams – met for the second time, a jowly lawyer in late middle age named Bill Rex was in the room with them. As was Vaisnys and a young woman she introduced as Marina, one of her roommates, a Venezuelan, and a male model, Andrés, née Brian Moretti from Youngstown, Ohio, escaping his hometown in the dying heart of the rustbelt for what he thought would be a better life on the coast, in fashion, which wasn’t working out too well. Goplani and Gold hadn’t been sure Vaisnys would come; she hadn’t responded to their subsequent emails. But at his own doing, Rex had called her, and now she had come, with another model, too.

“How’d you do it, Bill?” Gold asked.

“I didn’t do much,” Rex replied. “I said a modeling career was a short one, and she was wise to be saving for college. I said this kind of advocacy and research work could be a good career move. I said she should give it a try.”

“Well, I’m glad it worked,” Goplani said.

“I didn’t know that it had,” Rex replied. “At some point she ended the call kind of abruptly, but then called me back later. Asked if she could bring paperwork from the agency that ripped her off. No need for that, I told her.”

“Bill!” Gold yelled out loud. “Don’t kid around.”

“Sorry,” Rex replied. “Just kidding. Anyway, she’s here.”

“She’s here,” Gold said. “And you’re here.”

“Me, too,” Goplani said. “We’re all here.”

“Indeed,” Gold said. “So now that we’re all here, let’s start the meeting.”

The meeting started—and ended less than ten minutes later. This time it wasn’t even Vaisnys who threw down the gauntlet.

The “troublemaker”—he even called himself that—was one of the parents in the room, father of a teenage girl who modeled for Target. The meeting started, and he asked about Goplani’s grant. He asked who it came from. He asked how much it was, and how it was to be used. He asked if Gold was being paid from the grant. He asked if the grant was meant to cover salary support for Goplani and her researchers.

“Well, what about us?” he finally asked. “Sorry to be making trouble here, but isn’t this meeting—this whole project—about treating models fairly? And we’re the only ones not getting paid?”

It was enough to break up the meeting. But maybe just for the time being. Vaisnys turned to the labor lawyer, Bill Rex, saying, “Can we take a time out in the next room to come up with our side’s game plan?” meaning HaModel, the models’ group. “We should have done this first,” Rex agreed. “They need to meet on their own. But maybe we can do it now.”

To Goplani and her researchers, he said, “We’ll be back in a bit.” Then, looking at Gold, he said, “Or I hope so, anyway.”

* * *

STATE OF COLUMBIA

No. 3721
2015-2016 Regular Session

May 20, 2016

AN ACT to amend the labor law and the arts and cultural affairs law, in relation to expanding the definition of "artistic and creative services", for purposes of the employment and education of child performers, to include the services of runway and print models; and to repeal section 35.05 of the arts and cultural affairs law relating to employment of children as models.

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

Section 1. Subdivision 1 of section 150 of the labor law, as added by chapter 630 of the laws of 2003, is amended to read as follows:

1. "Artistic or creative services" shall include, but are not limited to, services as an actor, actress, dancer, musician, comedian, singer, stunt-person, voice-over artist, RUNWAY OR PRINT MODEL, or other performer or entertainer, or as a songwriter, musical producer or arranger, writer, director, producer, production executive, choreographer, composer, conductor, or designer.

S 2. Paragraph (a) of subdivision 1 of section 35.01 of the arts and cultural affairs law, as amended by chapter 35 of the laws of 2004, is amended to read as follows:

(a) In singing; or dancing; OR MODELING; or playing upon a musical instrument; or acting, or in rehearsing for, or performing in a theatrical performance or appearing in a pageant; or as a subject for use, in or for, or in connection with the making of a motion picture film; or

S 3. Paragraph (a) of subdivision 1 of section 35.03 of the arts and cultural affairs law is amended to read as follows:

(a) the infant is to perform or render services as an actor, actress, MODEL, dancer, musician, vocalist or other performing artist, or as a participant or player in professional sports, or

S 4. ALL MODELS, RUNWAY OR PRINT, ARE TO HAVE A BODY MASS INDEX (BMI) OF 18 kg/m² OR HIGHER, AND FOR MINORS THE EQUIVALENT AS PER U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION GROWTH CHART STANDARDS.

S 5. Section 35.05 of the arts and cultural affairs law is REPEALED.

EXPLANATION--Matter in ALL CAPITALIZATION is new; matter in brackets [] is old law to be omitted.

S 6. This act shall take effect on the thirtieth day after it shall have become a law, provided that, effective immediately, any rules and regulations necessary to implement the provisions of this act are authorized to be promulgated on or before such date.

(Based on NY Cons. Stat. Ann. § 5486 (West))