

# STATE OF NEW YORK

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4433

2017-2018 Regular Sessions

## IN ASSEMBLY

February 2, 2017

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Introduced by M. of A. THIELE -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the unauthorized practice of a profession and the unauthorized use of a professional title; and to amend the general business law, in relation to the practice of esthetics

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 6512 of the education law, as  
2 added by chapter 689 of the laws of 1976, is amended to read as follows:

3 2. Anyone who knowingly aids or abets [~~three~~ **one**] or more unlicensed  
4 persons to practice a profession or employs or holds such unlicensed  
5 persons out as being able to practice in any profession in which a  
6 license is a prerequisite to the practice of the acts, or who knowingly  
7 aids or abets [~~three~~ **one**] or more persons to practice any profession as  
8 exempt persons during the time when the professional licenses of such  
9 persons are suspended, revoked or annulled, shall be guilty of a class E  
10 felony.

11 § 2. Subdivision 2 of section 6513 of the education law, as added by  
12 chapter 687 of the laws of 1976, is amended to read as follows:

13 2. Anyone who knowingly aids or abets [~~three~~ **one**] or more persons not  
14 authorized to use a professional title regulated by this title, to use  
15 such professional title, or knowingly employs [~~three~~ **one**] or more  
16 persons not authorized to use a professional title regulated by this  
17 title, who use such professional title in the course of such employment,  
18 shall be guilty of a class E felony.

19 § 3. Subdivision 6 of section 400 of the general business law, as  
20 added by chapter 509 of the laws of 1992, is amended to read as follows:

21 6. The practice of "esthetics" means providing for a fee, or any  
22 consideration or exchange, whether direct or indirect, services to  
23 enhance the appearance of the face, neck, arms, legs, and shoulders of a

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

LBD04121-01-7

1 human being by the use of compounds or procedures including makeup,  
2 eyelashes, depilatories, tonics, lotions, waxes, sanding and tweezing,  
3 whether performed by manual, mechanical, chemical or electrical means  
4 and instruments but shall not include the practice of electrology or the  
5 practice of massage therapy, as such term is defined in section seven-  
6 ty-eight hundred one of the education law.

7 § 4. This act shall take effect immediately.