

3082--A

Cal. No. 186

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. PHEFFER, MILLMAN -- Multi-Sponsored by -- M. of A. CLARK, COOK, CYMBROWITZ, DIAZ, GALEF, GLICK, TOWNS -- read once and referred to the Committee on Consumer Affairs and Protection -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to health clubs and health club employee training requirements

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

1 Section 1. The general business law is amended by adding a new section
2 627-b to read as follows:
3 S 627-B. HEALTH CLUB EMPLOYEE TRAINING REQUIREMENTS. 1. IN ADDITION
4 TO THE REQUIREMENTS OF SECTION SIX HUNDRED TWENTY-SEVEN-A OF THIS ARTI-
5 CLE, AND NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
6 LAW, CHARTER, RULE OR REGULATION TO THE CONTRARY, EVERY HEALTH CLUB,
7 SHALL HAVE IN ATTENDANCE, AT ALL TIMES DURING BUSINESS HOURS, AT LEAST
8 ONE INDIVIDUAL PERFORMING EMPLOYMENT IN ACCORDANCE WITH SECTION FIVE
9 HUNDRED ELEVEN OF THE LABOR LAW OR AN INDIVIDUAL ACTING AS AN AUTHORIZED
10 VOLUNTEER WHO HOLDS A VALID CERTIFICATION OF COMPLETION OF A COURSE OF
11 STUDY IN FIRST AID KNOWLEDGE AND SKILLS OFFERED BY THE AMERICAN NATIONAL
12 RED CROSS, THE AMERICAN HEART ASSOCIATION, OR ANOTHER NATIONALLY RECOG-
13 NIZED ORGANIZATION AND APPROVED BY THE COMMISSIONER OF EDUCATION, OR
14 MEETS EQUIVALENT REQUIREMENTS AS CERTIFIED BY THE COMMISSIONER OF EDUCA-
15 TION. ANY SUCH COURSE OF STUDY OR EQUIVALENT REQUIREMENTS MUST INCLUDE
16 INSTRUCTION IN THE ADMINISTRATION OF ADULT CARDIOPULMONARY RESUSCI-
17 TATION.
18 2. FOR PURPOSES OF THIS SECTION ONLY, "HEALTH CLUB" SHALL MEAN ANY
19 PERSON, FIRM, CORPORATION, PARTNERSHIP, UNINCORPORATED ASSOCIATION, OR
20 OTHER BUSINESS ENTERPRISE OFFERING INSTRUCTION, TRAINING, OR ASSISTANCE
21 BY AN INDIVIDUAL PERFORMING EMPLOYMENT IN ACCORDANCE WITH SECTION FIVE
22 HUNDRED ELEVEN OF THE LABOR LAW OR AN INDIVIDUAL ACTING AS AN AUTHORIZED

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

LBD06620-03-9

1 VOLUNTEER FOR THE PRESERVATION, MAINTENANCE, ENCOURAGEMENT, OR DEVELOP-
2 MENT OF PHYSICAL FITNESS OR WELL-BEING AND SHALL NOT INCLUDE WEIGHT LOSS
3 STUDIOS OR SALONS WHICH FOLLOW A NUTRITIONAL OR DIETARY PROGRAM DESIGNED
4 OR PURPORTED TO EFFECT OR RESULT IN WEIGHT REDUCTION AND WHICH DO NOT
5 INCLUDE INSTRUCTION, TRAINING, OR ASSISTANCE IN BODYBUILDING, EXERCIS-
6 ING, OR ANY SIMILAR COURSE OF PHYSICAL TRAINING WHICH IS CONDUCTED OR
7 TAKES PLACE AT SUCH STUDIO OR SALON.

8 S 2. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law.