

3794

2009-2010 Regular Sessions

I N S E N A T E

April 1, 2009

Introduced by Sen. MONSERRATE -- read twice and ordered printed, and
when printed to be committed to the Committee on Consumer Protection

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
2 626-a to read as follows:
3 S 626-A. HEALTH CLUB EMPLOYEE TRAINING REQUIREMENTS. 1. NOTWITHSTAND-
4 ING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, RULE
5 OR REGULATION TO THE CONTRARY, EVERY HEALTH CLUB, SHALL HAVE IN ATTEND-
6 ANCE, AT ALL TIMES DURING BUSINESS HOURS, AT LEAST ONE INDIVIDUAL
7 PERFORMING EMPLOYMENT IN ACCORDANCE WITH SECTION FIVE HUNDRED ELEVEN OF
8 THE LABOR LAW OR AN INDIVIDUAL ACTING AS AN AUTHORIZED VOLUNTEER WHO
9 HOLDS A VALID CERTIFICATION OF COMPLETION OF A COURSE OF STUDY IN FIRST
10 AID KNOWLEDGE AND SKILLS OFFERED BY THE AMERICAN NATIONAL RED CROSS, THE
11 AMERICAN HEART ASSOCIATION, OR ANOTHER NATIONALLY RECOGNIZED ORGANIZA-
12 TION AND APPROVED BY THE COMMISSIONER OF EDUCATION, OR MEETS EQUIVALENT
13 REQUIREMENTS AS CERTIFIED BY THE COMMISSIONER OF EDUCATION. ANY SUCH
14 COURSE OF STUDY OR EQUIVALENT REQUIREMENTS MUST INCLUDE INSTRUCTION IN
15 THE ADMINISTRATION OF ADULT CARDIOPULMONARY RESUSCITATION.
16 2. FOR PURPOSES OF THIS SECTION ONLY, "HEALTH CLUB" SHALL MEAN ANY
17 PERSON, FIRM, CORPORATION, PARTNERSHIP, UNINCORPORATED ASSOCIATION, OR
18 OTHER BUSINESS ENTERPRISE OFFERING INSTRUCTION, TRAINING, OR ASSISTANCE
19 BY AN INDIVIDUAL PERFORMING EMPLOYMENT IN ACCORDANCE WITH SECTION FIVE
20 HUNDRED ELEVEN OF THE LABOR LAW OR AN INDIVIDUAL ACTING AS AN AUTHORIZED
21 VOLUNTEER FOR THE PRESERVATION, MAINTENANCE, ENCOURAGEMENT, OR DEVELOP-
22 MENT OF PHYSICAL FITNESS OR WELL-BEING AND SHALL NOT INCLUDE WEIGHT LOSS
23 STUDIOS OR SALONS WHICH FOLLOW A NUTRITIONAL OR DIETARY PROGRAM DESIGNED
24 OR PURPORTED TO EFFECT OR RESULT IN WEIGHT REDUCTION AND WHICH DO NOT
25 INCLUDE INSTRUCTION, TRAINING, OR ASSISTANCE IN BODYBUILDING, EXERCIS-

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

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1 ING, OR ANY SIMILAR COURSE OF PHYSICAL TRAINING WHICH IS CONDUCTED OR
2 TAKES PLACE AT SUCH STUDIO OR SALON.
3 S 2. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law.