S T A T E O F N E W Y O R K

814

2009-2010 Regular Sessions

I N S E N A T E

January 18, 2009

Introduced by Sen. KRUGER -- 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 restricting the use of the title "doctor" in advertisements

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

Section 1. Subdivision 1 of section 350-b of the general business law, as amended by chapter 159 of the laws of 1991, is amended to read as follows:

1. Any person who uses the title "doctor" in making representations for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of (a) drugs, devices or cosmetics, as defined in section sixty-eight hundred two of the education law, or (b) other goods or services intended to diagnose, treat, mitigate, prevent or cure any human disease, pain, injury, deformity, nutritional deficiency or physical condition, or which are intended to appear to the purchaser of such goods or services to have done so, SHALL HAVE A DEGREE IN MEDICINE, DENTISTRY, CHIROPRACTIC, VETERINARY MEDICINE, PODIATRY OR OPTOMETRY AND SHALL HAVE MET ALL PROFESSIONAL REQUIREMENTS OF THE APPROPRIATE PROGRAM REGISTERED BY THE NEW YORK STATE DEPARTMENT OF EDUCATION OR ACCREDITED BY AN ACCREDITING ORGANIZATION ACCEPTABLE TO SUCH DEPARTMENT OR OTHERWISE LICENSED TO PRACTICE IN THE STATE OF NEW YORK AND shall conspicuously disclose the profession in which he or she is licensed[, except that, where no license is required by the department of education, such person shall conspicuously disclose the major subject in which the degree was earned and the name of the institution that issued the degree provided, however, that such person shall be prohibited from using the title "doctor" unless the degree was conferred by an institution of higher education authorized by law to confer doctoral degrees in the state where it is located]. For the purposes of this section, "conspicuously" shall mean equally in size, type or prominence and positioned

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

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adjacent to the title "doctor". The requirements of this subdivision supplement, and shall not be construed to limit, the obligations of health professionals pursuant to the education law and regulations thereunder, nor shall they be construed to authorize the practice of any licensed profession nor the offer of professional services by any unlicensed person.

S 2. This act shall take effect immediately.