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

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:

Section 1. The general business law is amended by adding a new section 626-a to read as follows:

S 626-A. HEALTH CLUB EMPLOYEE TRAINING REQUIREMENTS. 1. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, RULE OR REGULATION TO THE CONTRARY, EVERY HEALTH CLUB, SHALL HAVE IN ATTENDANCE, AT ALL TIMES DURING BUSINESS HOURS, AT LEAST ONE INDIVIDUAL PERFORMING EMPLOYMENT IN ACCORDANCE WITH SECTION FIVE HUNDRED ELEVEN OF THE LABOR LAW OR AN INDIVIDUAL ACTING AS AN AUTHORIZED VOLUNTEER WHO HOLDS A VALID CERTIFICATION OF COMPLETION OF A COURSE OF STUDY IN FIRST AID KNOWLEDGE AND SKILLS OFFERED BY THE AMERICAN NATIONAL RED CROSS, THE AMERICAN HEART ASSOCIATION, OR ANOTHER NATIONALLY RECOGNIZED ORGANIZATION AND APPROVED BY THE COMMISSIONER OF EDUCATION, OR MEETS EQUIVALENT REQUIREMENTS AS CERTIFIED BY THE COMMISSIONER OF EDUCATION. ANY SUCH COURSE OF STUDY OR EQUIVALENT REQUIREMENTS MUST INCLUDE INSTRUCTION IN THE ADMINISTRATION OF ADULT CARDIOPULMONARY RESUSCITATION.

2. FOR PURPOSES OF THIS SECTION ONLY, "HEALTH CLUB" SHALL MEAN ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, UNINCORPORATED ASSOCIATION, OR OTHER BUSINESS ENTERPRISE OFFERING INSTRUCTION, TRAINING, OR ASSISTANCE BY AN INDIVIDUAL PERFORMING EMPLOYMENT IN ACCORDANCE WITH SECTION FIVE HUNDRED ELEVEN OF THE LABOR LAW OR AN INDIVIDUAL ACTING AS AN AUTHORIZED VOLUNTEER FOR THE PRESERVATION, MAINTENANCE, ENCOURAGEMENT, OR DEVELOPMENT OF PHYSICAL FITNESS OR WELL-BEING AND SHALL NOT INCLUDE WEIGHT LOSS STUDIOS OR SALONS WHICH FOLLOW A NUTRITIONAL OR DIETARY PROGRAM DESIGNED OR PURPORTED TO EFFECT OR RESULT IN WEIGHT REDUCTION AND WHICH DO NOT INCLUDE INSTRUCTION, TRAINING, OR ASSISTANCE IN BODYBUILDING, EXERCIS-

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

LBD06620-02-9

ING, OR ANY SIMILAR COURSE OF PHYSICAL TRAINING WHICH IS CONDUCTED OR TAKES PLACE AT SUCH STUDIO OR SALON.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.