

814

2009-2010 Regular Sessions

I N   S E N A T E

January 18, 2009

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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:

1     Section 1. Subdivision 1 of section 350-b of the general business law,  
2     as amended by chapter 159 of the laws of 1991, is amended to read as  
3     follows:  
4     1. Any person who uses the title "doctor" in making representations  
5     for the purpose of inducing, or which are likely to induce, directly or  
6     indirectly, the purchase of (a) drugs, devices or cosmetics, as defined  
7     in section sixty-eight hundred two of the education law, or (b) other  
8     goods or services intended to diagnose, treat, mitigate, prevent or cure  
9     any human disease, pain, injury, deformity, nutritional deficiency or  
10    physical condition, or which are intended to appear to the purchaser of  
11    such goods or services to have done so, SHALL HAVE A DEGREE IN MEDICINE,  
12    DENTISTRY, CHIROPRACTIC, VETERINARY MEDICINE, PODIATRY OR OPTOMETRY AND  
13    SHALL HAVE MET ALL PROFESSIONAL REQUIREMENTS OF THE APPROPRIATE PROGRAM  
14    REGISTERED BY THE NEW YORK STATE DEPARTMENT OF EDUCATION OR ACCREDITED  
15    BY AN ACCREDITING ORGANIZATION ACCEPTABLE TO SUCH DEPARTMENT OR OTHER-  
16    WISE LICENSED TO PRACTICE IN THE STATE OF NEW YORK AND shall conspicu-  
17    ously disclose the profession in which he or she is licensed[, except  
18    that, where no license is required by the department of education, such  
19    person shall conspicuously disclose the major subject in which the  
20    degree was earned and the name of the institution that issued the degree  
21    provided, however, that such person shall be prohibited from using the  
22    title "doctor" unless the degree was conferred by an institution of  
23    higher education authorized by law to confer doctoral degrees in the  
24    state where it is located]. For the purposes of this section, "conspicu-  
25    ously" 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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1 adjacent to the title "doctor". The requirements of this subdivision  
2 supplement, and shall not be construed to limit, the obligations of  
3 health professionals pursuant to the education law and regulations there-  
4 under, nor shall they be construed to authorize the practice of any  
5 licensed profession nor the offer of professional services by any unli-  
6 censed person.

7 S 2. This act shall take effect immediately.