

1030

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PHEFFER, MILLMAN -- Multi-Sponsored by -- M. of
A. CLARK, COOK, CYMBROWITZ, GALEF, GLICK, TOWNS -- read once and
referred to the Committee on Consumer Affairs and 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 ASSEM-
BLY, 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
23 VOLUNTEER FOR THE PRESERVATION, MAINTENANCE, ENCOURAGEMENT, OR DEVELOP-

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

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

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