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

3453

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sen. STAVISKY -- 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 requiring massage therapists to include license numbers in advertising

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

Section 1. Section 396-b of the general business law, as added by chapter 1031 of the laws of 1965, is amended to read as follows:

S 396-b. Advertisements. 1. Any person, firm, corporation or association, or agent or employee thereof, hereinafter called person, who, being engaged in the business of dealing in any property, makes, publishes, disseminates, circulates or places before the public or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, any advertisement respecting any such property, in any newspaper, magazine, or other publication, or over any radio station or television station, unless it is stated in any such advertisement that the advertiser is a dealer in such property or from the context of any such advertisement, it plainly appears that such person is a dealer in such property so offered for sale in any such advertisement; or when placing or causing any such advertisement to appear in any newspaper, magazine or other publication or radio or television station as described in this section, if requested by the publisher of any such newspaper, magazine or other publication or owner or operator of such radio or television station or any agent or representative thereof to file with such owner or operator, publisher, agent or representative thereof his true name, or where he is transacting business under a name other than the true name pursuant to law, then the name under which such business is transacted, and each business address wherein any business is transacted by him, in the class of property advertised or to be advertised for sale in such advertisement, shall make any false statement in relation to any of such items;

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

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or if requested by the publisher of any such newspaper, magazine or other publication or owner or operator of such radio or television station or any agent or representative thereof to file with such owner, operator, publisher, agent or representative thereof a statement showing whether he is causing such advertisement to appear or is offering to make such sale or disposition or transaction, as herein set forth, as principal or agent, and if as agent, to set forth such information as is specified in this section, in relation to his principal as well as in relation to himself, shall make any false statement in relation to any of such items; is guilty of a misdemeanor.

2. ANY PERSON SUBJECT TO THE PROVISIONS OF ARTICLE ONE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW AND ENGAGED IN THE BUSINESS OF PROVIDING MASSAGE THERAPY, WHO MAKES, PUBLISHES, DISSEMINATES, CIRCULATES OR PLACES BEFORE THE PUBLIC OR CAUSES, DIRECTLY OR INDIRECTLY, TO BE MADE, PUBLISHED, DISSEMINATED, CIRCULATED OR PLACED BEFORE THE PUBLIC IN THIS STATE, IN ANY NEWSPAPER, MAGAZINE, OR OTHER PUBLICATION, AN ADVERTISEMENT RESPECTING SUCH MASSAGE SERVICES, SHALL INCLUDE IN SUCH ADVERTISEMENT HIS OR HER LICENSE NUMBER.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.