

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

8717

I N A S S E M B L Y

January 13, 2016

Introduced by M. of A. MILLER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to expanding the definition of massage therapy to include other related services and requiring the licensee of a massage therapy location be on the premises at all times during business hours

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

1 Section 1. Section 7802 of the education law, as amended by chapter
2 230 of the laws of 1997, is amended to read as follows:
3 S 7802. Practice of massage therapy and use of title "masseur",
4 "masseuse" or "massage therapist" or the term "massage" or "massage
5 therapy". 1. Only a person licensed or authorized pursuant to this chap-
6 ter shall practice massage therapy and only a person licensed under this
7 article shall use the title "masseur", "masseuse" or "massage thera-
8 pist". No person, firm, partnership or corporation claiming to be
9 engaged in the practice of massage or massage therapy shall in any
10 manner describe, advertise, or place any advertisement for services as
11 defined in section seventy-eight hundred one of this article unless such
12 services are performed by a person licensed or authorized pursuant to
13 this chapter.
14 2. THE LICENSEE OF A MASSAGE THERAPY LOCATION SHALL BE ON THE PREMISES
15 AT ALL TIMES DURING BUSINESS HOURS AND ONLY A PERSON LICENSED OR AUTHOR-
16 IZED TO PRACTICE MASSAGE THERAPY, BODY MASSAGE OR MASSAGE PURSUANT TO
17 THIS CHAPTER SHALL CONDUCT ANY FORM OF PHYSICAL TOUCHING OF CUSTOMERS.
18 S 2. Section 7801 of the education law, as amended by chapter 230 of
19 the laws of 1997, is amended to read as follows:
20 S 7801. Definition of practice of massage therapy. The practice of the
21 profession of massage therapy is defined as engaging in applying a
22 scientific system of activity to the muscular structure of the human
23 body by means of stroking, kneading, tapping and vibrating with the
24 hands or vibrators for the purpose of improving muscle tone and circu-
25 lation. FOR THE PURPOSES OF THIS ARTICLE THE FOLLOWING PRACTICES SHALL
26 CONSTITUTE THE PRACTICE OF MASSAGE OR MASSAGE THERAPY AND MAY ONLY BE

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

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1 PERFORMED BY A PERSON LICENSED PURSUANT TO THIS CHAPTER: TABLE SHOWER,
2 HOT TOWEL MASSAGE, SHIATSU/DEEP TISSUE MASSAGE, OIL MASSAGE, BODY SLIDE
3 AND BODY RUB.
4 S 3. This act shall take effect immediately.