

5113--A

2015-2016 Regular Sessions

I N S E N A T E

May 1, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the unauthorized practice of a profession and the unauthorized use of a professional title; and to amend the general business law, in relation to the practice of esthetics

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

1 Section 1. Subdivision 2 of section 6512 of the education law, as
2 added by chapter 689 of the laws of 1976, is amended to read as follows:
3 2. Anyone who knowingly aids or abets [three] ONE or more unlicensed
4 persons to practice a profession or employs or holds such unlicensed
5 persons out as being able to practice in any profession in which a
6 license is a prerequisite to the practice of the acts, or who knowingly
7 aids or abets [three] ONE or more persons to practice any profession as
8 exempt persons during the time when the professional licenses of such
9 persons are suspended, revoked or annulled, shall be guilty of a class E
10 felony.
11 S 2. Subdivision 2 of section 6513 of the education law, as added by
12 chapter 687 of the laws of 1976, is amended to read as follows:
13 2. Anyone who knowingly aids or abets [three] ONE or more persons not
14 authorized to use a professional title regulated by this title, to use
15 such professional title, or knowingly employs [three] ONE or more
16 persons not authorized to use a professional title regulated by this
17 title, who use such professional title in the course of such employment,
18 shall be guilty of a class E felony.
19 S 3. Subdivision 6 of section 400 of the general business law, as
20 added by chapter 509 of the laws of 1992, is amended to read as follows:

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

LBD10749-02-5

1 6. The practice of "esthetics" means providing for a fee, or any
2 consideration or exchange, whether direct or indirect, services to
3 enhance the appearance of the face, neck, arms, legs, and shoulders of a
4 human being by the use of compounds or procedures including makeup,
5 eyelashes, depilatories, tonics, lotions, waxes, sanding and tweezing,
6 whether performed by manual, mechanical, chemical or electrical means
7 and instruments but shall not include the practice of electrology OR THE
8 PRACTICE OF MASSAGE THERAPY, AS SUCH TERM IS DEFINED IN SECTION SEVEN-
9 TY-EIGHT HUNDRED ONE OF THE EDUCATION LAW.
10 S 4. This act shall take effect immediately.