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:

Section 1. Section 7802 of the education law, as amended by chapter 230 of the laws of 1997, is amended to read as follows:

S 7802. Practice of massage therapy and use of title "masseur", "masseuse" or "massage therapist" or the term "massage" or "massage therapy". 1. Only a person licensed or authorized pursuant to this chapter shall practice massage therapy and only a person licensed under this article shall use the title "masseur", "masseuse" or "massage therapist". No person, firm, partnership or corporation claiming to be engaged in the practice of massage or massage therapy shall in any manner describe, advertise, or place any advertisement for services as defined in section seventy-eight hundred one of this article unless such services are performed by a person licensed or authorized pursuant to this chapter.

2. THE LICENSEE OF A MASSAGE THERAPY LOCATION SHALL BE ON THE PREMISES AT ALL TIMES DURING BUSINESS HOURS AND ONLY A PERSON LICENSED OR AUTHORIZED TO PRACTICE MASSAGE THERAPY, BODY MASSAGE OR MASSAGE PURSUANT TO THIS CHAPTER SHALL CONDUCT ANY FORM OF PHYSICAL TOUCHING OF CUSTOMERS.

S 2. Section 7801 of the education law, as amended by chapter 230 of the laws of 1997, is amended to read as follows:

S 7801. Definition of practice of massage therapy. The practice of the profession of massage therapy is defined as engaging in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation. FOR THE PURPOSES OF THIS ARTICLE THE FOLLOWING PRACTICES SHALL 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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PERFORMED BY A PERSON LICENSED PURSUANT TO THIS CHAPTER: TABLE SHOWER, HOT TOWEL MASSAGE, SHIATSU/DEEP TISSUE MASSAGE, OIL MASSAGE, BODY SLIDE AND BODY RUB.

S 3. This act shall take effect immediately.