STATE OF NEW YORK

4166--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 10, 2023

Introduced by M. of A. LEVENBERG, SIMON -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring certain non-licensed professionals to disclose information regarding risks

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 391-w to read as follows:

§ 391-w. Self-help practitioner disclosure requirements. 1. Definitions:

(a) "Self-help practitioner" means any individual, their agent or employee, or company that is publicly holding themself out as a practitioner or mentor of self-improvement methods in advertising or marketing or utilizing similar terminologies to reach equivalent implications, and is offering financial, spiritual or educational guidance for the purpose of improving personal awareness, identifying and developing personal talent and potential, enhancing the quality of life of a person and/or contributing to the realization of personal aspirations in exchange for payment. A "self-help practitioner" shall not include any individual licensed pursuant to the provisions of title eight of the education law and such licensed individuals shall be exempt from any requirements of this article.

(b) "Large print format" shall mean a printed font size of sixteen points or larger.

(c) "Sweat lodge ceremonies" shall mean any ceremony that uses heated rocks in which the individual is subjected to long periods of exposure

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

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to intense heat, including but not limited to rites of preparation, prayer, purification, or any other ritual or therapeutic sweating.

(d) "Trust exercise" shall mean any activity developed for the purpose of group therapy or team building that involves putting an individual in a vulnerable position requiring such individual to depend on other group members for physical support.

(e) "Strength exercise" shall mean physical acts using any part of an individual's body to break, bend, or otherwise destroy another object, including but not limited to breaking bricks, blocks, boards, or bending steel.

(f) "Coercive control techniques" shall mean activities that seek to change behaviors either on a group or individual level, including but not limited to neuro-linguistic programming, public shaming, and sharing of personal trauma in a public setting or large group.

(g) "Qualifying emergency" shall mean:

(i) a federal, state or local state of emergency has been declared.

(ii) severe weather or any other similar circumstance exists that may result in an individual being placed in imminent danger of death or injury, or may result in a building structure and/or its fixtures being at risk of significant damage.

2. Every self-help practitioner that offers services to clients shall:

(a) at the time of each initial contract for services, provide the client with a copy of the contract in which a disclosure of risk is displayed in large print format. Such disclosure of risk shall clearly explain, in plain language, what the risks are in contracting with such self-help practitioner. Such disclosure shall include the following:

(i) Disclosure of risk of serious injury, bodily harm, psychological harm, or death in relation to specific activities, events, and services offered. Such activities may include, but are not limited to, sweat lodge ceremonies, sensory deprivation, food deprivation, water deprivation, sleep deprivation, social isolation, exposure to loud noises or music, fire walking, hypnosis, activities using an axe or any weapon defined in section 265.00 of the penal law, tests of endurance, breath manipulation to limit oxygen levels and induce altered mental states, trust exercises, rope and other obstacle courses, hikes, rappelling, strength exercises, and coercive control techniques.

(ii) A financial and legal disclaimer that clearly and conspicuously states that the self-help practitioner is not certified or registered to give personal financial and/or legal advice, whether as an attorney, accountant, or financial advisor.

(iii) A provision that clearly and conspicuously states all necessary information to cancel and, if an available option, request a refund for services, events, and activities not rendered.

(b) at the time of each initial contract for services, provide the client with a copy of any credentials, training, or certifications held by the self-help practitioner.

(c) produce a comprehensive risk management plan to ensure that steps will be taken at each service or session of an activity to provide protection for clients in the event that there is a reasonable expectation of risk of physical harm or a qualifying emergency. Such activities may include, but are not limited to, sweat lodge ceremonies, sensory deprivation, food deprivation, water deprivation, sleep deprivation, social isolation, exposure to loud noises or music, fire walking, hypnosis, activities using an axe or any weapon defined in section 265.00 of the penal law, tests of endurance, breath manipulation to limit oxygen levels and induce altered mental states, trust exercises, rope and other

obstacle courses, hikes, rappelling, strength exercises, and coercive control techniques. Such comprehensive risk management plan shall include the following:

(i) A detailed itemized list of emergency resources and their locations, including but not limited to water, food, medical supplies, and cooling and heating tents.

(ii) A detailed outline of the necessary actions by the self-help practitioner or other sponsors of the activity in providing timely notification to the responsible municipal, county, state agency or official in the event of a qualifying emergency.

(iii) An emergency contact list for the self-help practitioner, event leadership, and on-site medical professionals as required by paragraph (d) of this subdivision, to be distributed to members attending the activity.

(iv) Location of emergency exits, forms of egress in the event of a fire or similar emergency, and location of shelter-in-place gathering points.

(d) be responsible for ensuring that licensed medical professionals are made available to clients at each session or service when there is a reasonable expectation of physical risk or if any activity that requires a comprehensive risk management plan to be developed in accordance with paragraph (c) of this subdivision is taking place.

3. A violation by any self-help practitioner of subdivision two of this section, if such violation constitutes the first such offense by such self-help practitioner, is punishable by a civil penalty not to exceed two hundred fifty dollars. A second offense and any offense committed thereafter is punishable by a civil penalty not to exceed five hundred dollars.

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