

**SENATE, No. 2164**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED OCTOBER 6, 2008

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen, Essex and Passaic)**

**SYNOPSIS**

“Fitness Professionals Licensing Act.”

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT providing for the licensing of fitness professionals and the  
2 registration of certain employers, supplementing Title 45 of the  
3 Revised Statutes and amending various parts of the statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) This act shall be known and may be cited as  
9 the “Fitness Professionals Licensing Act.”

10  
11 2. (New section) As used in this act:

12 “Board” means the State Board of Fitness Professionals.

13 “Exercise facility” means a health club, fitness center, wellness  
14 center, private personal training studio, yoga studio, martial arts  
15 studio, Pilates studio, or any facility that sells or offers for sale  
16 group exercise instruction. An exercise facility shall not include  
17 medical offices, chiropractor offices or physical therapy centers or  
18 any facility that operates as a non-profit entity.

19 “Fitness professional” means a personal trainer or a group fitness  
20 instructor who is licensed as a fitness professional pursuant to the  
21 provisions of this act.

22 “Group fitness instructor” means an individual who instructs  
23 more than one person at one time, with or without equipment, in  
24 exercises designed to improve cardiovascular conditioning,  
25 muscular strength, flexibility and weight loss in classes that include,  
26 but are not limited to, martial arts, Pilates, yoga, kickboxing, boot  
27 camp, spinning and any other group class that is taught at an  
28 exercise facility.

29 “Personal trainer” means a person who evaluates an individual's  
30 health and physical fitness; develops a personal exercise plan or  
31 program for an individual; and demonstrates, with or without  
32 equipment, exercises designed to improve cardiovascular condition  
33 muscular strength, flexibility and weight loss.

34  
35 3. (New section) a. There is created within the Division of  
36 Consumer Affairs in the Department of Law and Public Safety the  
37 State Board of Fitness Professionals. The board shall consist of  
38 seven members who are residents of the State, two of whom shall  
39 be public members appointed pursuant to the provisions of  
40 subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of  
41 whom shall be a member of the Executive Branch appointed in  
42 fulfillment of the requirement of subsection c. of that section. The  
43 four remaining members shall have been actively engaged in  
44 practice as a fitness professional for at least five years immediately  
45 preceding their appointment and all of whom, except for the

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

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1 members first appointed, shall be licensed as fitness professionals  
2 pursuant to this act. Each of the four fitness professional members  
3 first appointed shall possess an associate's degree or a bachelor's  
4 degree in physical education, exercise science, exercise physiology  
5 or adult fitness.

6 b. The Governor shall appoint each member, other than the  
7 State executive department member, for terms of three years, except  
8 that of the fitness professionals first appointed, two shall serve for a  
9 term of three years, one shall serve for a term of two years and one  
10 shall serve for a term of one year; and of the public members first  
11 appointed, one shall serve for a term of three years and one shall  
12 serve for a term of two years. Each member shall hold office until  
13 his successor has been qualified. Any vacancy in the membership  
14 of the board shall be filled for the unexpired term in the manner  
15 provided for the original appointment. No member of the board  
16 may serve more than two successive terms in addition to any  
17 unexpired term to which he has been appointed.

18

19 4. (New section) Members of the board shall be compensated  
20 and reimbursed for expenses and provided with office and meeting  
21 facilities and personnel required for the proper conduct of the  
22 board's business.

23

24 5. (New section) The board shall annually elect from among  
25 its members a chairman and a vice-chairman and may appoint a  
26 secretary, who need not be a member of the board. The board shall  
27 meet at least twice a year and may hold additional meetings as  
28 necessary to discharge its duties.

29

30 6. (New section) The board shall have the following powers  
31 and duties:

32 a. Administer and enforce the provisions of this act;

33 b. Issue and renew licenses to fitness professionals pursuant to  
34 the provisions of this act;

35 c. Suspend, revoke or not renew the license of a fitness  
36 professional pursuant to the provisions of P.L.1978, c.73 (C.45:1-14  
37 et seq.);

38 d. Establish standards for the continuing education of fitness  
39 professionals;

40 e. Adopt and publish a code of ethics and standards of practice  
41 for licensed fitness professionals;

42 f. Prescribe or change the charges for examinations, licensures,  
43 renewals and other services performed pursuant to pursuant to  
44 section13 of this act and P.L.1974, c.46 (C.45:1-3.1 et seq.); and

45 g. Maintain a record of every fitness professional licensed in  
46 this State and the date and number of his license.

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1       7. (New section) No person shall use the words “fitness  
2 professional,” “licensed fitness professional,” “personal trainer,”  
3 “licensed personal trainer,” “group fitness instructor,” or “licensed  
4 group fitness instructor” nor provide, present, call or represent  
5 himself as able to practice fitness training, personal training or  
6 group fitness instruction unless licensed in accordance with the  
7 provisions of this act.

8

9       8. (New section) To be eligible for licensure as a fitness  
10 professional, an applicant shall fulfill the following requirements:

11       a. Be of good moral character;

12       b. Have successfully completed high school or its equivalent;

13       c. (1) (a) Have successfully completed an approved course of  
14 study of not less than 300 in-person classroom hours, as prescribed  
15 by the board after consultation with the Department of Education  
16 and the Department of Labor and Workforce Development, which  
17 shall include not less than 50 hours of an unpaid internship in the  
18 presence of and under the direct supervision of, a licensed fitness  
19 professional, which internship shall be provided by the school  
20 providing the approved course of study; and (b) have passed an  
21 examination administered or approved by the board; or (2) possess  
22 an associate's degree or a bachelor's degree in physical education,  
23 exercise science, exercise physiology or adult fitness.

24

25       9. (New section) The board shall issue to any person upon  
26 application a license to practice as a fitness professional, if the  
27 applicant meets the requirements of subsections a. and b. of section  
28 8 of this act and: a. has been engaged as a personal trainer or a  
29 group fitness instructor prior to the effective date of this act; b.  
30 holds a current certificate from the National Board of Fitness  
31 Examiners, or any organization approved by the board, to practice  
32 personal training; and c. provides proof to the board that the  
33 individual is enrolled in or has completed an approved course of  
34 study of not less than 150 in-person classroom hours, as prescribed  
35 by the board after consultation with the Department of Education  
36 and the Department of Labor and Workforce Development, which  
37 course of study shall be completed no later than 18 months  
38 following the promulgation of initial regulations by the board.

39

40       10. (New section) a. Every business engaged in providing the  
41 services of fitness professionals shall register biennially with the  
42 board as a condition of doing business in this State.

43       b. A written application for registration shall be made to the  
44 board on the form prescribed by the board and shall contain the  
45 following information:

46       (1) The name and residence or principal place of business of the  
47 owner or operator of the business engaged in providing the services  
48 of fitness professionals;

1 (2) The name and license number of any fitness professional  
2 employed by the business or any fitness professional who uses the  
3 exercise facility to provide personal training or group fitness  
4 instruction as an independent contractor;

5 (3) The municipality and location of the primary place of  
6 business of the business engaged in providing the services of fitness  
7 professionals and the locations of all other branches of the business;  
8 and

9 (4) Any other biographical information of the applicant as  
10 required by the board.

11 c. Each applicant for registration and each registrant pursuant  
12 to the provisions of this section shall pay to the board a fee for the  
13 issuance of a two-year registration in the amount established by the  
14 board in accordance with the provisions of P.L.1974, c.46 (C.45:1-  
15 3.1 et seq.).

16  
17 11. (New section) A professional specialty designation may be  
18 added by the board to the licensed fitness professional's credentials  
19 issued by the board upon demonstration to the board that the  
20 applicant has met the recognized minimum standards for that  
21 specialty designation as established by the board. A licensed  
22 professional counselor shall not claim or advertise a counseling  
23 specialty and shall not incorporate the specialty designation into his  
24 professional title unless the qualifications of that specialty have  
25 been met as determined by the board and the licensed fitness  
26 professional's competence in the specialty as approved by the  
27 board.

28  
29 12. (New section) The board may suspend or revoke the  
30 registration of an employer offering personal training or group  
31 fitness instruction upon proof showing by a preponderance of the  
32 evidence that the employer:

33 a. Has made false or misleading statements of a material nature  
34 in the application for registration; or

35 b. Failed to demonstrate that each employee of the business  
36 engaged in providing the services of fitness professionals and is in  
37 possession of a license to practice as a fitness professional.

38  
39 13. (New section) a. The board shall by rule or regulation  
40 establish, prescribe or change the fees for licenses, renewals of  
41 licenses or other services provided by the board pursuant to the  
42 provisions of this act. Licenses shall be issued for a period of two  
43 years and be biennially renewable, except that the board may, in  
44 order to stagger the expiration dates thereof, provide that those  
45 licenses first issued or renewed after the effective date of this act  
46 shall expire or become void on a date fixed by the board, not sooner  
47 than six months nor later than 29 months after the date of issue.

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1       b. Fees shall be established, prescribed or changed by the board  
2 to the extent necessary to defray all proper expenses incurred by the  
3 board, and any staff employed to administer this act, except that  
4 fees shall not be fixed at a level that will raise amounts in excess of  
5 the amount estimated to be so required.

6       c. All fees and any fines imposed by the board shall be paid to  
7 the board and shall be forwarded to the State Treasurer and become  
8 part of the General Fund.

9  
10       14. (New section) The provisions of this act shall not apply to  
11 any person licensed by the State to practice: medicine and surgery;  
12 physical therapy; chiropractic; or athletic training if that person is  
13 acting within the scope of practice of his profession.

14  
15       15. (New section) The board shall require each fitness  
16 professional, as a condition for biennial license renewal pursuant to  
17 section 13 of this act, to complete 25 credit hours of continuing  
18 education requirements imposed by the board pursuant to sections  
19 16 through 18 of this act.

20  
21       16. (New section) a. The board shall:  
22       (1) Establish standards for continuing education, including the  
23 subject matter and content of courses of study and the selection of  
24 instructors;  
25       (2) Approve educational programs offering continuing education  
26 credits; and  
27       (3) Approve other equivalent educational programs and  
28 establish procedures for the issuance of credit upon satisfactory  
29 proof of the completion of these programs.

30       b. In the case of education courses and programs, each hour of  
31 instruction shall be equivalent to one credit.

32  
33       17. (New section) The board may, in its discretion, waive  
34 requirements for continuing education on an individual basis for  
35 reasons of hardship such as illness or disability, retirement of a  
36 license, or other good cause.

37  
38       18. (New section) The board shall require completion of  
39 continuing education credits on a pro rata basis for any registration  
40 periods commencing more than 12 but less than 24 months  
41 following the effective date of this act.

42  
43       19. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read  
44 as follows:

45       1. The provisions of this act shall apply to the following boards  
46 and commissions: the New Jersey State Board of Accountancy, the  
47 New Jersey State Board of Architects, the New Jersey State Board  
48 of Cosmetology and Hairstyling, the Board of Examiners of

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1 Electrical Contractors, the New Jersey State Board of Dentistry, the  
2 State Board of Mortuary Science of New Jersey, the State Board of  
3 Professional Engineers and Land Surveyors, the State Board of  
4 Marriage and Family Therapy Examiners, the State Board of  
5 Medical Examiners, the New Jersey Board of Nursing, the New  
6 Jersey State Board of Optometrists, the State Board of Examiners of  
7 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of  
8 Pharmacy, the State Board of Professional Planners, the State Board  
9 of Psychological Examiners, the State Board of Examiners of  
10 Master Plumbers, the New Jersey Real Estate Commission, the  
11 State Board of Court Reporting, the State Board of Veterinary  
12 Medical Examiners, the Radiologic Technology Board of  
13 Examiners, the Acupuncture Examining Board, the State Board of  
14 Chiropractic Examiners, the State Board of Respiratory Care, the  
15 State Real Estate Appraiser Board, the State Board of Social Work  
16 Examiners, the State Board of Examiners of Heating, Ventilating,  
17 Air Conditioning and Refrigeration Contractors, and the State  
18 Board of Physical Therapy Examiners, the Orthotics and Prosthetics  
19 Board of Examiners, the New Jersey Cemetery Board, the State  
20 Board of Polysomnography, the New Jersey Board of Massage and  
21 Bodywork Therapy , the State Board of Fitness Professionals and  
22 any other entity hereafter created under Title 45 to license or  
23 otherwise regulate a profession or occupation.

24 (cf: P.L.2007, c.337, s.10)

25

26 20. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read  
27 as follows:

28 1. The provisions of this act shall apply to the following boards  
29 and commissions: the New Jersey State Board of Accountancy, the  
30 New Jersey State Board of Architects, the New Jersey State Board  
31 of Cosmetology and Hairstyling, the Board of Examiners of  
32 Electrical Contractors, the New Jersey State Board of Dentistry, the  
33 State Board of Mortuary Science of New Jersey, the State Board of  
34 Professional Engineers and Land Surveyors, the State Board of  
35 Marriage and Family Therapy Examiners, the State Board of  
36 Medical Examiners, the New Jersey Board of Nursing, the New  
37 Jersey State Board of Optometrists, the State Board of Examiners of  
38 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of  
39 Pharmacy, the State Board of Professional Planners, the State Board  
40 of Psychological Examiners, the State Board of Examiners of  
41 Master Plumbers, the State Board of Court Reporting, the State  
42 Board of Veterinary Medical Examiners, the Radiologic  
43 Technology Board of Examiners, the Acupuncture Examining  
44 Board, the State Board of Chiropractic Examiners, the State Board  
45 of Respiratory Care, the State Real Estate Appraiser Board, the New  
46 Jersey Cemetery Board, the State Board of Social Work Examiners,  
47 the State Board of Examiners of Heating, Ventilating, Air  
48 Conditioning and Refrigeration Contractors, the State Board of

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1 Physical Therapy Examiners, the State Board of Polysomnography,  
2 the Orthotics and Prosthetics Board of Examiners, the New Jersey  
3 Board of Massage and Bodywork Therapy , the State Board of  
4 Fitness Professionals and any other entity hereafter created under  
5 Title 45 to license or otherwise regulate a profession or occupation.  
6 (cf: P.L.2007, c.337, s.11)

7

8 21. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read  
9 as follows:

10 2. The provisions of this act shall apply to the following boards  
11 and all professions or occupations regulated by, through or with the  
12 advice of those boards: the New Jersey State Board of  
13 Accountancy, the New Jersey State Board of Architects, the New  
14 Jersey State Board of Cosmetology and Hairstyling, the Board of  
15 Examiners of Electrical Contractors, the New Jersey State Board of  
16 Dentistry, the State Board of Mortuary Science of New Jersey, the  
17 State Board of Professional Engineers and Land Surveyors, the  
18 State Board of Marriage and Family Therapy Examiners, the State  
19 Board of Medical Examiners, the New Jersey Board of Nursing, the  
20 New Jersey State Board of Optometrists, the State Board of  
21 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,  
22 the Board of Pharmacy, the State Board of Professional Planners,  
23 the State Board of Psychological Examiners, the State Board of  
24 Examiners of Master Plumbers, the State Board of Court Reporting,  
25 the State Board of Veterinary Medical Examiners, the State Board  
26 of Chiropractic Examiners, the State Board of Respiratory Care, the  
27 State Real Estate Appraiser Board, the State Board of Social Work  
28 Examiners, the State Board of Examiners of Heating, Ventilating,  
29 Air Conditioning and Refrigeration Contractors, the State Board of  
30 Physical Therapy Examiners, the State Board of Polysomnography,  
31 the Professional Counselor Examiners Committee, the New Jersey  
32 Cemetery Board, the Orthotics and Prosthetics Board of Examiners,  
33 the Occupational Therapy Advisory Council, the Electrologists  
34 Advisory Committee, the Acupuncture Advisory Committee, the  
35 Alcohol and Drug Counselor Committee, the Athletic Training  
36 Advisory Committee, the Certified Psychoanalysts Advisory  
37 Committee, the Fire Alarm, Burglar Alarm, and Locksmith  
38 Advisory Committee, the Home Inspection Advisory Committee,  
39 the Interior Design Examination and Evaluation Committee, the  
40 Hearing Aid Dispensers Examining Committee, the Landscape  
41 Architect Examination and Evaluation Committee, the Perfusionists  
42 Advisory Committee, the Physician Assistant Advisory Committee,  
43 and the Audiology and Speech-Language Pathology Advisory  
44 Committee, the New Jersey Board of Massage and Bodywork  
45 Therapy , the State Board of Fitness Professionals and any other  
46 entity hereafter created under Title 45 to license or otherwise  
47 regulate a profession or occupation.  
48 (cf: P.L.2007, c.337, s.12)



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1 group fitness instruction unless licensed in accordance with the  
2 provisions of this bill.

3 The bill provides that a person currently acting as a fitness  
4 professional may receive a license from the board provided that the  
5 applicant meets certain requirements and: has been engaged in  
6 practice as a fitness professional for compensation prior to the  
7 effective date of the bill; holds a current certificate from the  
8 National Board of Fitness Examiners, or any organization approved  
9 by the board, to practice as a fitness professional; and provides  
10 proof to the board that the individual is enrolled in an approved  
11 course of study of not less than 150 in-person classroom hours, as  
12 prescribed by the board, which course of study shall be completed  
13 no later than 18 months following the promulgation of regulations  
14 by the board.

15 Fitness professional licenses shall be issued for a period of two  
16 years and be biennially renewable, except that the board may, in  
17 order to stagger the expiration dates thereof, provide that those  
18 licenses first issued or renewed after the effective date of this bill  
19 shall expire or become void on a date fixed by the board, not sooner  
20 than six months nor later than 29 months after the date of issue.

21 The bill also provides that the provisions of the bill shall not  
22 apply to any person licensed by the State to practice: medicine and  
23 surgery; physical therapy; chiropractic; or athletic training if that  
24 person is acting within the scope of practice of his profession.

25 The bill also provides that the board shall require each fitness  
26 professional, as a condition for biennial license renewal, to  
27 complete 25 credit hours of continuing education requirements. In  
28 furtherance of that requirement, the board shall: establish standards  
29 for continuing education, including the subject matter and content  
30 of courses of study and the selection of instructors; approve  
31 educational programs offering continuing education credits; and  
32 approve other equivalent educational programs and establish  
33 procedures for the issuance of credit upon satisfactory proof of the  
34 completion of these programs.