

**SENATE, No. 695**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Senator PAUL A. SARLO**

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

**SYNOPSIS**

The “Fitness Professionals Certification Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT providing for the certification of fitness professionals and  
2 the registration of certain employers, supplementing Title 45 of  
3 the Revised Statutes, and amending P.L.1978, c.73 and P.L.1987,  
4 c.238.

5

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

8

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

11

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

13 “Advisory committee” or committee” means the Fitness  
14 Professionals Advisory Committee.

15 “Board” means the State Board of Medical Examiners.

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

22 “Fitness professional” means a personal trainer or a group fitness  
23 instructor who is certified as a fitness professional pursuant to the  
24 provisions of this act.

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

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

36

37 3. (New section) a. There is created within the Division of  
38 Consumer Affairs in the Department of Law and Public Safety  
39 under the State Board of Medical Examiners, a Fitness  
40 Professionals Advisory Committee. The committee shall consist of  
41 seven members who are residents of the State four members shall  
42 be actively engaged in practice as a fitness professional with at least  
43 five years experience immediately preceding their appointment, one  
44 of whom shall be a representative of a health club, and all of whom,  
45 except for the members first appointed, shall be certified as fitness

**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.**

1 professionals pursuant to this act, one member shall be a physician  
2 licensed in this State; one member shall be a physical therapist  
3 licensed in this State; and one member shall be a representative of  
4 the general public. Each of the four fitness professional members  
5 first appointed shall possess, at a minimum, an associate's degree in  
6 any health and fitness related field of study.

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

17 c. The committee shall meet at least twice a year and shall also  
18 meet upon the call of the board or Attorney General.

19 d. The board, with the approval of the Attorney General, may  
20 authorize reimbursement of the members of the committee for their  
21 actual expenses incurred in connection with the performance of  
22 their duties as embers of the committee.

23  
24 4. (New section) No person shall use the words "fitness  
25 professional," "certified fitness professional," "personal trainer,"  
26 "certified personal trainer," "group fitness instructor," or "certified  
27 group fitness instructor" nor provide, present, call or represent  
28 himself as able to practice fitness training, personal training or  
29 group fitness instruction unless certified in accordance with the  
30 provisions of this act.

31  
32 5. (New section) To be eligible for certification as a fitness  
33 professional, an applicant shall fulfill the following requirements:

- 34 a. Be 18 years of age or older;
- 35 b. Be of good moral character;
- 36 c. Have successfully completed high school or its equivalent;
- 37 d. (1) (a) Have successfully completed an approved course of  
38 study of not less than 200 classroom hours, a portion of which shall  
39 be in-person, as prescribed by the board after consultation with the  
40 Department of Education and the Department of Labor and  
41 Workforce Development, and which shall include not less than 50  
42 hours of an internship in the presence of and under the direct  
43 supervision of a certified fitness professional; and

44 (b) have passed an in-person examination administered or  
45 approved by the board; or

46 (2) possess an, at a minimum associate's degree in any health and  
47 fitness related field of study.

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1       6. (New section) The board shall issue to any person upon  
2 application a certification to practice as a fitness professional, if the  
3 applicant meets the requirements of subsections a., b. and c. of  
4 section 5 of this act and: a. has been engaged as a personal trainer  
5 or a group fitness instructor prior to the effective date of this act; b.  
6 holds a current certificate from an agency or program accredited by  
7 the National Commissioner for Certifying Agencies, or its successor  
8 organization, and which is also approved by the board, to practice  
9 personal training; and c. applies and becomes certified no later than  
10 two years following the promulgation of initial regulations by the  
11 board.

12  
13       7. (New section) a. The board shall by rule or regulation  
14 establish, prescribe or change the fees for certifications, renewals of  
15 certifications, or other services provided by the board pursuant to  
16 the provisions of this act. Licenses shall be issued for a period of  
17 three years and be renewable every three years, except that the  
18 board may, in order to stagger the expiration dates thereof, provide  
19 that those certificates first issued or renewed after the effective date  
20 of this act shall expire or become void on a date fixed by the board,  
21 not sooner than six months nor later than 41 months after the date  
22 of issue.

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

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29       8. (New section) The provisions of this act shall not apply to  
30 any person licensed by the State to practice: medicine and surgery;  
31 physical therapy; chiropractic; or athletic training if that person is  
32 acting within the scope of practice of his profession.

33  
34       9. (New section) a. The board shall require each fitness  
35 professional, as a condition for a certification renewal pursuant to  
36 section 7 of this act, to complete continuing education requirements  
37 as approved by the board.

38       b. The board shall: (1) establish standards for continuing  
39 education, including the number of hours required for certification  
40 renewal, the subject matter and content of courses of study, and the  
41 selection of instructors; (2) approve educational programs offering  
42 continuing education credits, in which one hour of instruction shall  
43 be of credit upon satisfactory proof of the completion of any  
44 continuing education program.

45       c. The board may, in its discretion waive requirements for  
46 continuing education on an individual basis for reasons of hardship,

1 including illness or disability, retirement of a certification, or other  
2 good cause.

3

4 10. (New section) The board may require completion of  
5 continuing education credits on a pro rata basis for any registration  
6 periods commencing more than 12 but less than 36 months  
7 following the effective date of this act.

8

9 11. (New section) a. A fitness professional shall not engage in  
10 practice as a fitness professional with any individual unless the  
11 fitness professional first recommends, in a manner as prescribed by  
12 the board, that the individual complete an appropriate medical  
13 screening prior to receiving any service. An individual's refusal to  
14 complete a medical screening, or acknowledgement of the  
15 completion of a medical screening without further proof, shall not  
16 prohibit the fitness professional from offering or providing services  
17 to that individual.

18 b. A fitness professional shall not, within the context of group  
19 fitness instruction, or a personal exercise plan or program, examine,  
20 evaluate, treat, or rehabilitate a condition or injury to any  
21 individual, unless done under the direct supervision of a physician  
22 licensed in this State.

23 c. A fitness professional shall immediately refer an individual to  
24 an appropriate health care professional licensed in this State if the  
25 fitness professional has reasonable cause to believe that group  
26 fitness instruction or a personal exercise plan or program is  
27 contraindicated or a condition, injury, or symptom is present that  
28 requires services outside the scope of the fitness professional's  
29 practice.

30

31 12. (New section) The board, after consultation with the Fitness  
32 Professionals Advisory Committee, shall establish, pursuant to the  
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
34 seq.), rules and regulations for the administration and enforcement  
35 of this act.

36

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

39 2. The provisions of this act shall apply to the following boards  
40 and all professions or occupations regulated by, through or with the  
41 advice of those boards: the New Jersey State Board of  
42 Accountancy, the New Jersey State Board of Architects, the New  
43 Jersey State Board of Cosmetology and Hairstyling, the Board of  
44 Examiners of Electrical Contractors, the New Jersey State Board of  
45 Dentistry, the State Board of Mortuary Science of New Jersey, the  
46 State Board of Professional Engineers and Land Surveyors, the  
47 State Board of Marriage and Family Therapy Examiners, the State

1 Board of Medical Examiners, the New Jersey Board of Nursing, the  
2 New Jersey State Board of Optometrists, the State Board of  
3 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,  
4 the Board of Pharmacy, the State Board of Professional Planners,  
5 the State Board of Psychological Examiners, the State Board of  
6 Examiners of Master Plumbers, the State Board of Court Reporting,  
7 the State Board of Veterinary Medical Examiners, the State Board  
8 of Chiropractic Examiners, the State Board of Respiratory Care, the  
9 State Real Estate Appraiser Board, the State Board of Social Work  
10 Examiners, the State Board of Examiners of Heating, Ventilating,  
11 Air Conditioning and Refrigeration Contractors, the State Board of  
12 Physical Therapy Examiners, the State Board of Polysomnography,  
13 the Professional Counselor Examiners Committee, the New Jersey  
14 Cemetery Board, the Orthotics and Prosthetics Board of Examiners,  
15 the Occupational Therapy Advisory Council, the Electrologists  
16 Advisory Committee, the Acupuncture Advisory Committee, the  
17 Alcohol and Drug Counselor Committee, the Athletic Training  
18 Advisory Committee, the Certified Psychoanalysts Advisory  
19 Committee, the Fire Alarm, Burglar Alarm, and Locksmith  
20 Advisory Committee, the Home Inspection Advisory Committee,  
21 the Interior Design Examination and Evaluation Committee, the  
22 Hearing Aid Dispensers Examining Committee, the Landscape  
23 Architect Examination and Evaluation Committee, the Perfusionists  
24 Advisory Committee, the Physician Assistant Advisory Committee,  
25 and the Audiology and Speech-Language Pathology Advisory  
26 Committee, the New Jersey Board of Massage and Bodywork  
27 Therapy, the Genetic Counseling Advisory Committee, the Fitness  
28 Professionals Advisory Committee and any other entity hereafter  
29 created under Title 45 to license or otherwise regulate a profession  
30 or occupation.

31 (cf: P.L.2007, c.337, s.12)

32

33 14. Section 2 of P.L.1987, c.238 (C.56:8-40) is amended to read  
34 as follows:

35 2. Each person who sells or offers for sale health club services  
36 in this state shall register with the director on forms the director  
37 provides. the registration shall be renewed every two years. Upon  
38 the sale of the health club facility or a change in the majority  
39 ownership of the stock of the corporate owner, the health club  
40 facility shall register with the director and shall pay the registration  
41 fee. The person shall provide the full name and address of each  
42 business location where health club services are sold in the State, a  
43 statement certifying that any fitness professional, as defined in  
44 section 2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
45 Legislature as this bill), employed by the person, or who otherwise  
46 uses the health club facility to provide personal training or group  
47 fitness instructing, shall be properly certified in accordance with the

1 “Fitness Professionals Certification Act, “P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)  
2 (pending before the Legislature as this bill), as well as any other  
3 information regarding the ownership and operation of each health  
4 club that the director deems appropriate. The registration and  
5 renewal fees shall be established or changed by the director and  
6 shall be fixed at a level to allow for the proper administration and  
7 enforcement of this act, but shall not be fixed at a level that will  
8 raise amounts in excess of the amount estimated to be so required.  
9 (cf:P.L.1987, c.238, s.2)

10  
11 15. Sections 1 through 3 and 12 of this act shall take effect  
12 immediately, and the remaining sections shall take effect on the  
13 first day of the second month next following the initial  
14 promulgation of final regulations by the State Board of Medical  
15 Examiners necessary to effectuate the purposes of this act.

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STATEMENT

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20 This bill provides for the licensing of fitness professionals. It  
21 establishes a seven member “State Board of Fitness Professionals”  
22 in the Division of Consumer Affairs in the Department of Law and  
23 Public Safety. The board shall consist of seven members who are  
24 residents of the State, two of whom shall be public members and  
25 one of whom shall be a member of the Executive Branch. The four  
26 remaining members shall have been actively engaged in practice as  
27 fitness professionals for at least five years immediately preceding  
28 their appointment and all of whom, except for the members first  
29 appointed, shall be licensed as fitness professionals pursuant to the  
30 bill.

31 The bill defines a “fitness professional” as a personal trainer or a  
32 group fitness instructor who is licensed as a fitness professional  
33 pursuant to the provisions of the bill.

34 To be eligible for licensure as a fitness professional, an applicant  
35 must:

- 36 • be of good moral character; and
- 37 • have successfully completed high school or its equivalent;  
38 and
- 39 • have successfully completed an approved course of study of  
40 not less than 300 in-person classroom hours, as prescribed  
41 by the board after consultation with the Department of  
42 Education and the Department of Labor and Workforce  
43 Development, which shall include not less than 50 hours of  
44 an unpaid internship in the presence of and under the direct  
45 supervision of, a licensed fitness professional, which  
46 internship shall be provided by the school providing the  
47 approved course of study; and (b) have passed an

1 examination administered or approved by the board; or (2)  
2 possess an associate's or bachelor's degree in physical  
3 education, exercise science, exercise physiology or adult  
4 fitness.

5 The bill stipulates that no person shall use the words "fitness  
6 professional," "licensed fitness professional," "personal trainer,"  
7 "licensed personal trainer," "group fitness instructor," or "licensed  
8 group fitness instructor" nor provide, present, call or represent  
9 himself as able to practice fitness training, personal training or  
10 group fitness instruction unless licensed in accordance with the  
11 provisions of this bill.

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

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

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

34 The bill also provides that the board shall require each fitness  
35 professional, as a condition for biennial license renewal, to  
36 complete 25 credit hours of continuing education requirements. In  
37 furtherance of that requirement, the board shall: establish standards  
38 for continuing education, including the subject matter and content  
39 of courses of study and the selection of instructors; approve  
40 educational programs offering continuing education credits; and  
41 approve other equivalent educational programs and establish  
42 procedures for the issuance of credit upon satisfactory proof of the  
43 completion of these programs.