

ASSEMBLY, No. 2826

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Assemblymen MORAN and IMPREVEDUTO

1 AN ACT providing for the licensing of nutritionists, amending  
2 P.L.1971, c.60, P.L.1974, c.46 and P.L.1978, c.73, and  
3 supplementing Title 45 of the Revised Statutes.

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

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8 1. (New section) This act shall be known and may be cited as the  
9 "Nutritionist Licensing Act."

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11 2. (New section) The Legislature finds and declares that the public  
12 interest requires the regulation of the practice of nutrition and the  
13 establishment of clear licensure standards for nutritionists and  
14 dietitians; and that the health and welfare of the residents of the State  
15 will be protected by identifying to the public those individuals who are  
16 qualified and legally authorized to practice nutrition.

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18 3. (New section) As used in this act:  
19 "Board" means the State Board of Nutritionists established pursuant  
20 to section 4 of this act.

21 "Licensed nutritionist" or "licensed dietitian" means a person who  
22 is licensed pursuant to the provisions of this act.

23 "Director" means the Director of the Division of Consumer Affairs  
24 in the Department of Law and Public Safety.

25 "Nutrition" means the integration and application of principles  
26 derived from the science of nutrition, biochemistry, physiology, food,  
27 food management and from behavioral and social sciences to achieve  
28 and maintain a healthy status. It includes the provision of nutrition  
29 care as follows: assessing the nutritional needs of individuals and  
30 groups, and determining resources and constraints; establishing  
31 priorities, goals and objectives that meet nutritional needs and are  
32 consistent with available resources and constraints; providing nutrition  
33 counseling in health and disease; developing, implementing and  
34 managing nutrition care systems; evaluating, making changes in and

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

**Matter underlined thus is new matter.**

1 maintaining appropriate standards of quality in food and nutrition  
2 services; and establishing appropriate care plans for normal and  
3 therapeutic nutrition services.

4  
5 4. (New section) There is created within the Division of Consumer  
6 Affairs in the Department of Law and Public Safety the State Board of  
7 Licensed Nutritionists. The board shall consist of nine members who  
8 are residents of the State, two of whom shall be public members and  
9 one of whom shall be a State executive department member appointed  
10 pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). Of  
11 the remaining six members, five shall be, except for the members first  
12 appointed, licensed nutritionists under the provisions of this act and  
13 shall have been actively engaged in the practice of nutrition in the  
14 State for at least five years immediately preceding their appointment,  
15 as follows: one shall be a nutritionist whose primary practice is clinical  
16 nutrition; one shall be a nutritionist whose primary practice is  
17 community or public health nutrition; one shall be a nutritionist whose  
18 primary practice is consulting in nutrition; one shall be a nutritionist  
19 whose primary practice is in management of nutritional services; and  
20 one shall be a nutritionist teaching in an accredited four-year  
21 post-secondary institution; and the remaining member shall be a  
22 physician licensed to practice medicine and surgery pursuant to  
23 chapter 9 of Title 45 of the Revised Statutes.

24 The Governor shall appoint the two public members and the State  
25 executive department member and shall appoint the remaining six  
26 members with the advice and consent of the Senate. Each member,  
27 other than the State executive department member, shall be appointed  
28 for a term of three years, except that of the nutritionist members first  
29 appointed, two shall serve for a term of three years, two shall serve for  
30 terms of two years and one shall serve for a term of one year. Any  
31 vacancy in the membership of the board shall be filled for the  
32 unexpired term in the manner provided by the original appointment.  
33 No member of the board may serve more than two successive terms in  
34 addition to any unexpired term to which he has been appointed.

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36 5. (New section) Members of the board shall be compensated and  
37 reimbursed for expenses and provided with office and meeting facilities  
38 pursuant to section 2 of P.L.1977, c.285 (C.45:1-2.5).

39  
40 6. (New section) The board shall organize within 30 days after the  
41 appointment of its members and shall annually elect from among its  
42 members a chairperson and vice-chairperson, and a secretary who need  
43 not be a member of the board. The board shall meet twice a year and  
44 may hold additional meetings as necessary to discharge its duties. A  
45 majority of the board membership shall constitute a quorum.

- 1       7. (New section) The board shall:
- 2       a. Review the qualifications of applicants for licensure;
- 3       b. Adopt a code of ethics;
- 4       c. Insure the proper conduct and standards of examinations;
- 5       d. Issue and renew biennial licenses for nutritionists pursuant to
- 6 this act;
- 7       e. Refuse to admit a person to an examination or refuse to issue or
- 8 suspend, revoke or fail to renew the license of a nutritionist pursuant
- 9 to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
- 10      f. Maintain a record of every nutritionist licensed in this State, their
- 11 places of business, place of residence and the date and number of their
- 12 license;
- 13      g. Prescribe or change the charges for examinations, licenses,
- 14 renewals and other services it performs pursuant to P.L.1974, c.46
- 15 (C.45:1-3.1 et seq.), and set the passing score on any examination it
- 16 adopts as a licensure examination;
- 17      h. Adopt and promulgate rules and regulations pursuant to the
- 18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
- 19 necessary to effectuate the purposes of this act; and
- 20      i. Establish rules and regulations with respect to continuing
- 21 education requirements.
- 22
- 23      8. (New section) There shall be an Executive Director of the board
- 24 appointed by the director who shall serve at the director's pleasure.
- 25 The salary of the Executive Director shall be determined by the
- 26 director within the limits of available funds. The director shall be
- 27 empowered within the limits of available funds to hire any assistants
- 28 as are necessary to administer this act.
- 29
- 30      9. (New section) No person shall practice nutrition, whether or
- 31 not compensation is received or expected, unless the person holds a
- 32 valid license to practice in this State, except nothing in this act shall be
- 33 construed to:
- 34      a. Prohibit any person licensed to practice or certified to teach in
- 35 this State under any other law from engaging in the practice or
- 36 teaching for which he is licensed, regulated or certified;
- 37      b. Prohibit any student enrolled in a school or post-graduate course
- 38 of nutrition recognized by the board, from performing that which is
- 39 necessary to the student's course of study;
- 40      c. Prohibit any person from practicing nutrition within the scope of
- 41 his official duties when employed by an agency, bureau or division of
- 42 the federal government, serving in the Armed Forces or the Public
- 43 Health Service of the United States, or employed by the Veterans
- 44 Administration;
- 45      d. Prohibit any person who does not hold himself out to be a
- 46 nutritionist from furnishing general nutritional information as to the

1 use of food or food materials or from engaging in the explanation to  
2 persons as to the use of food or food products including dietary  
3 supplements; or

4 e. Prohibit any person working in a licensed hospital, licensed long-  
5 term health care facility, or State institution or facility from performing  
6 those duties that are required in the course of that person's  
7 employment.

8

9 10. (New section) To be eligible to be licensed as a nutritionist,  
10 dietitian, or both, an applicant shall fulfill the following requirements:

11 a. Be at least 18 years of age;

12 b. Have received a baccalaureate or higher academic degree from  
13 a college or university accredited by an agency recognized by the  
14 United States Department of Education with a minimum of 15 credit  
15 hours or a major in human nutrition, foods and nutrition, food systems  
16 management, nutritional science, nutrition education or related courses  
17 approved by the board; and have successfully completed a minimum  
18 of 900 hours, within a two-year period, in one of the following: (1)  
19 a nutrition practice under the supervision of a nutritionist licensed in  
20 this State or licensed, registered or certified by a governmental agency  
21 in any other state having requirements for licensure, registration or  
22 certification substantially similar to licensure requirements in this  
23 State; (2) under the supervision of a physician with expertise in human  
24 nutrition as demonstrated by academic, clinical or professional  
25 credentials; or (3) in a practice program recognized by an accrediting  
26 agency recognized by the United States Department of Education or  
27 the Commission on Recognition of Post-Secondary Accreditation; and

28 c. Pass an examination administered or approved by the board to  
29 determine the applicant's competence to practice nutrition. Two  
30 examinations shall be offered by the board; one examination shall  
31 qualify the applicant as both a licensed nutritionist and licensed  
32 dietitian and one examination shall qualify the applicant as a licensed  
33 nutritionist. The examinations shall be identical, with the exception  
34 that the examination to qualify an applicant as a licensed nutritionist  
35 shall not test knowledge of food management.

36

37 11. (New section) To be eligible to be licensed as a nutritionist,  
38 dietitian, or both, an applicant who is a graduate of a foreign school  
39 of nutrition shall:

40 a. Be at least 18 years of age;

41 b. Furnish evidence satisfactory to the board that he has completed  
42 requirements which are substantially similar to those described in  
43 subsection b. of section 10 of this act; and

44 c. Pass an examination as provided for in subsection c. of section  
45 10 of this act.

1       12. (New section) The examinations required by subsection c. of  
2 section 10 and subsection c. of section 11 of this act shall test the  
3 applicant's knowledge of basic and clinical sciences as they relate to  
4 nutrition theory and procedures and any other subjects the board may  
5 deem useful to test the applicant's fitness to practice nutrition.  
6 Examinations shall be held within the State at least twice a year at a  
7 time and place to be determined by the board. The board shall give  
8 adequate written notice of the examination to applicants for licensure  
9 and examination.

10       If an applicant fails an examination twice, the applicant may take a  
11 third examination not less than one year nor more than three years  
12 from the date of the applicant's initial examination. Additional  
13 examinations may be permitted in accordance with standards set by the  
14 board.

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16       13. (New section) The board shall issue a license to any applicant  
17 who, in the opinion of the board, has satisfactorily met all the  
18 requirements of this act.

19       Except in the case of a temporary license issued pursuant to section  
20 18 of this act, all licenses shall be issued for a two-year period upon  
21 the payment of the licensure fee prescribed by the board, and shall be  
22 renewed upon filing of a renewal application, the payment of a  
23 licensure fee and presentation of satisfactory evidence that the renewal  
24 applicant has successfully completed the continuing education  
25 requirements prescribed by the board by regulation.

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27       14. (New section) In addition to the provisions of section 8 of  
28 P.L.1978, c.73 (C.45:1-21), the board may refuse to grant or may  
29 suspend or revoke a license upon proof to the satisfaction of the board  
30 that the holder thereof has been found guilty of advertising the practice  
31 of nutrition in a manner which disseminates false, deceptive or  
32 misleading information, whether as an individual, through a  
33 professional service corporation or through a third party.

34  
35       15. (New section) Upon payment to the board of a fee and the  
36 submission of a written application on forms provided by it, the board  
37 shall license without examination a nutritionist or dietitian who is  
38 licensed, registered or certified by another state or possession of the  
39 United States or the District of Columbia which has standards  
40 substantially equivalent to those of this State.

41  
42       16. (New section) For a period of one year after the effective date  
43 of this act, any person who is practicing or residing in this State on the  
44 effective date of this act may qualify as a licensed dietitian, a licensed  
45 nutritionist, or both, upon application for licensure and payment of the  
46 appropriate fee, providing the applicant furnishes evidence satisfactory

1 to the board that he meets the requirements of subsections a. and b. of  
2 section 10 of this act; and has been employed in the field of nutrition  
3 for three of the last 10 years immediately preceding the effective date  
4 of this act.

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6 17. (New section) No person, business entity or its employees,  
7 agents or representatives shall use the titles, "nutritionist," "dietitian,"  
8 "nutrition counselor," "nutrition consultant," "nutrition specialist," or  
9 any other title, designation, words, letters, abbreviations or insignia  
10 indicating the practice of nutrition unless licensed to practice nutrition  
11 under the provisions of this act.

12  
13 18. (New section) a. Upon payment to the board of a fee and the  
14 submission of a written application on forms provided by it, the board  
15 shall issue a temporary license to a person who has applied for  
16 licensure pursuant to this act and who, in the judgment of the board,  
17 is eligible for examination. A temporary license shall be available to  
18 an applicant with his initial application for examination and he may  
19 practice only under the direct supervision of a licensed nutritionist or  
20 licensed dietitian. A temporary license shall expire automatically upon  
21 failure of the licensure examination but may be renewed until the date  
22 of the next examination at which time it shall automatically expire and  
23 be surrendered to the board.

24 b. Upon payment to the board of a fee and the submission of a  
25 written application on forms provided by it, the board may issue  
26 without examination a temporary license to practice nutrition in this  
27 State to a person who provides evidence that he is in the State on a  
28 temporary basis to assist in a medical emergency or engage in a special  
29 project or teaching assignment relating to nutrition. A temporary  
30 license shall expire one year from its date of issuance, but it may be  
31 renewed by the board for an additional one year period. This  
32 temporary license shall be surrendered to the board upon its  
33 expiration.

34  
35 19. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read as  
36 follows:

37 1. The provisions of this act shall apply to the following boards and  
38 commissions: the New Jersey State Board of Accountancy, the New  
39 Jersey State Board of Architects, the New Jersey State Board of  
40 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
41 Contractors, the New Jersey State Board of Dentistry, the State Board  
42 of Mortuary Science of New Jersey, the State Board of Professional  
43 Engineers and Land Surveyors, the State Board of Marriage and  
44 Family Therapy Examiners, the State Board of Medical Examiners,  
45 the New Jersey Board of Nursing, the New Jersey State Board of  
46 Optometrists, the State Board of Examiners of Ophthalmic Dispensers

1 and Ophthalmic Technicians, the Board of Pharmacy, the State Board  
2 of Professional Planners, the State Board of Psychological Examiners,  
3 the State Board of Examiners of Master Plumbers, the New Jersey  
4 Real Estate Commission, the State Board of Shorthand Reporting, the  
5 State Board of Veterinary Medical Examiners, the Radiologic  
6 Technology Board of Examiners, the Acupuncture Examining Board,  
7 the State Board of Chiropractic Examiners, the State Board of  
8 Respiratory Care, the State Real Estate Appraiser Board, the State  
9 Board of Social Work Examiners, [and] the State Board of Public  
10 Movers and Warehousemen, and the State Board of Nutritionists.  
11 (cf: P.L.1995, c.366, s.20)

12

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

15 1. The provisions of this act shall apply to the following boards and  
16 commissions: the New Jersey State Board of Accountancy, the New  
17 Jersey Board of Architects, the New Jersey State Board of  
18 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
19 Contractors, the New Jersey State Board of Dentistry, the State Board  
20 of Mortuary Science of New Jersey, the State Board of Professional  
21 Engineers and Land Surveyors, the State Board of Marriage and  
22 Family Therapy Examiners, the State Board of Medical Examiners, the  
23 New Jersey Board of Nursing, the New Jersey State Board of  
24 Optometrists, the State Board of Examiners of Ophthalmic Dispensers  
25 and Ophthalmic Technicians, the Board of Pharmacy, the State Board  
26 of Professional Planners, the State Board of Psychological Examiners,  
27 the State Board of Examiners of Master Plumbers, the State Board of  
28 Shorthand Reporting, the State Board of Veterinary Medical  
29 Examiners, the Radiologic Technology Board of Examiners, the  
30 Acupuncture Examining Board, the State Board of Chiropractic  
31 Examiners, the State Board of Respiratory Care, the State Real Estate  
32 Appraiser Board, [and] the State Board of Social Work Examiners,  
33 and the State Board of Nutritionists.

34 (cf: P.L.1995, c.366, s.22)

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

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

1 Board of Nursing, the New Jersey State Board of Optometrists, the  
2 State Board of Examiners of Ophthalmic Dispensers and Ophthalmic  
3 Technicians, the Board of Pharmacy, the State Board of Professional  
4 Planners, the State Board of Psychological Examiners, the State Board  
5 of Examiners of Master Plumbers, the State Board of Shorthand  
6 Reporting, the State Board of Veterinary Medical Examiners, the  
7 Acupuncture Examining Board, the State Board of Chiropractic  
8 Examiners, the State Board of Respiratory Care, the State Real Estate  
9 Appraiser Board, [and] the State Board of Social Work Examiners,  
10 and the State Board of Nutritionists.

11 (cf: P.L.1995, c.366, s.23)

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13 22. This act shall take effect immediately, except that sections 9  
14 and 17 of this act shall take effect on the 360th day following the  
15 effective date.

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#### STATEMENT

19

20 This bill provides for the licensure of nutritionists and dietitians and  
21 establishes a nine-member State Board of Nutritionists in the Division  
22 of Consumer Affairs in the Department of Law and Public Safety to  
23 oversee their licensure. The board is to consist of five licensed  
24 nutritionists, a physician, two public members and a State executive  
25 department member.

26 To be eligible for licensure as a nutritionist, dietitian, or both, an  
27 applicant must be at least 18 years old and fulfill the following  
28 requirements:

29 a. Have received a baccalaureate or higher academic degree from  
30 a regionally accredited college or university with a minimum of 15  
31 credits or a major in human nutrition, foods and nutrition, food  
32 systems management, nutritional science, nutrition education, or  
33 related courses approved by the board, and have successfully  
34 completed a minimum of 900 hours, within a two-year period, in one  
35 of the following: a nutrition practice under the supervision of a  
36 nutritionist licensed in this State or licensed, registered or certified by  
37 a governmental agency in any other state having requirements for  
38 licensure, registration or certification substantially similar to licensure  
39 requirements in this State; under the supervision of a physician with  
40 expertise in human nutrition; or in a recognized practice program; and

41 b. Pass an examination administered or approved by the board.  
42 The board shall offer two examinations, one to qualify persons as a  
43 licensed nutritionist and one to qualify persons as both a licensed  
44 nutritionist and a licensed dietitian.

45 The bill provides that no person may practice nutrition in this State,  
46 with or without compensation, unless that person holds a valid license.

1 Those exempt from this prohibition are: licensed professionals and  
2 certified teachers who are practicing or teaching within the scope of  
3 their license or certificate; students enrolled in schools recognized by  
4 the board who are performing that which is necessary to their course  
5 of study; federal government employees practicing nutrition within the  
6 scope of their official duties; persons who do not hold themselves out  
7 to be nutritionists while furnishing general nutritional information as  
8 to the use of food or food products including dietary supplements; and  
9 persons working in a licensed hospital, licensed long term health care  
10 facility, or State institution or facility performing those duties that are  
11 required in the course of that person's employment.

12 For a period of one year after the effective date of the bill, a person  
13 who is practicing or residing in the State on the effective date of the  
14 bill may qualify as a licensed dietitian, a licensed nutritionist, or both,  
15 if that person is at least 18 years of age, has met the educational  
16 standards established by the bill and has been employed in the field of  
17 nutrition for three of the last 10 years. The bill also provides for the  
18 licensure by the board by endorsement to nutritionists who have been  
19 licensed, registered or certified in another state with standards  
20 substantially equivalent to those of this State.

21 Under the bill, "nutrition" is the integration and application of  
22 principles derived from the science of nutrition, biochemistry,  
23 physiology, food, food management and from behavioral and social  
24 sciences to achieve and maintain a healthy status. It includes the  
25 provision of nutrition care as follows: assessing the nutritional needs  
26 of individuals and groups, and determining resources and constraints;  
27 establishing priorities, goals, and objectives that meet nutritional needs  
28 and are consistent with available resources and constraints; providing  
29 nutritional counseling in health and disease; developing, implementing  
30 and managing nutrition care systems; evaluating, making changes in  
31 and maintaining appropriate standards of quality in food and nutrition  
32 services; and establishing appropriate care plans for normal and  
33 therapeutic nutrition services.

34 The uniform procedures and enforcement law for licensing boards,  
35 P.L.1978, c.73 (C.45:1-14 et seq.) applies to the provisions of the bill.

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40 "Nutritionist Licensing Act."