

Senate Bill 401

By: Senators Jones of the 10th, Brown of the 26th, Douglas of the 17th, Williams of the 19th, Adelman of the 42nd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 athletic trainers, so as to provide for the licensure of personal trainers; to add a definition; to  
3 provide that the Georgia Board of Athletic Trainers shall establish guidelines for personal  
4 trainers; to provide that no person shall provide personal training without a license; to  
5 provide for qualifications for personal trainers; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 43 of the Official Code of Georgia Annotated, relating to athletic trainers,  
10 is amended by striking Code Section 43-5-1, relating to definitions, and inserting in lieu  
11 thereof the following:

12 "43-5-1.

13 As used in this chapter, the term:

14 (1) 'Athletic injury' means any injury sustained by a person as a result of such person's  
15 participation in exercises, sports, games, or recreation requiring physical strength, agility,  
16 flexibility, range of motion, speed, or stamina or any comparable injury which prevents  
17 such person from participating in such activities.

18 (2) 'Athletic trainer' means a person with specific qualifications, as set forth in Code  
19 Section 43-5-8 who, upon the advice and consent of a physician, carries out the practice  
20 of prevention, recognition, evaluation, management, disposition, treatment, or  
21 rehabilitation of athletic injuries; and, in carrying out these functions, the athletic trainer  
22 is authorized to use physical modalities, such as heat, light, sound, cold, electricity, or  
23 mechanical devices related to prevention, recognition, evaluation, management,  
24 disposition, rehabilitation, and treatment. The term 'athletic trainer' shall not include any

1 student, teacher, or other person who serves as an athletic trainer for an elementary school  
2 or high school, either public or private, within this state.

3 (3) 'Board' means the Georgia Board of Athletic Trainers.

4 (4) 'Personal trainer' means a person with specific qualifications, as set forth in Code  
5 Section 43-5-8.1, who provides personal training and instruction in physical fitness and  
6 conditioning to individuals."

#### 7 SECTION 2.

8 Said chapter is further amended by striking subsection (c) of Code Section 43-5-6, relating  
9 to general powers and duties of the Georgia Board of Athletic Trainers, and inserting in lieu  
10 thereof the following:

11 "(c) The board shall establish guidelines for athletic trainers and personal trainers in the  
12 state and prepare and conduct an examination for applicants for a license."

#### 13 SECTION 3.

14 Said chapter is further amended by striking Code Section 43-5-7, relating to license  
15 requirements for persons engaged as athletic trainers, and inserting in lieu thereof the  
16 following:

17 "43-5-7.

18 (a) No person shall hold himself or herself out as an athletic trainer or perform, for  
19 compensation, any of the activities of an athletic trainer, as defined in this chapter, without  
20 first obtaining a license under this chapter; provided, however, that nothing in this chapter  
21 shall be construed to prevent any person from serving as a student-trainer, assistant-trainer,  
22 or any similar position if such service is not primarily for compensation and is carried out  
23 under the supervision of a physician or a licensed athletic trainer.

24 (b) No person shall hold himself or herself out as a personal trainer or perform, for  
25 compensation, any of the activities of a personal trainer, as defined in this chapter, without  
26 first obtaining a license under this chapter."

#### 27 SECTION 4.

28 Said chapter is further amended by adding after Code Section 43-5-8, relating to  
29 qualifications of applicants and reciprocity, a new Code section to read as follows:

30 "43-5-8.1.

31 (a) An applicant for a personal trainer's license must have met minimum qualifications and  
32 training requirements as established by the board.

- 1 (b) The board may grant a personal trainer's license without examination to any qualified  
2 applicant who holds a certification from the National Board of Fitness Examiners."

3 **SECTION 5.**

4 Said chapter is further amended by striking Code Section 43-5-9, relating to application for  
5 licenses, issuance of licenses to qualified applicants, and term of license, and inserting in lieu  
6 thereof the following:

7 "43-5-9.

8 (a) An applicant for an athletic trainer's license or a personal trainer's license must submit  
9 an application to the board on forms prescribed by the board and submit the examination  
10 fee required by this chapter.

11 (b)(1) The applicant is entitled to an athletic trainer's license if he or she possesses the  
12 qualifications enumerated in Code Section 43-5-8, satisfactorily completes an examination  
13 approved by the board, pays the required license fee, and has not committed an act which  
14 constitutes grounds for denial of a license under Code Section 43-5-10.

15 (2) The applicant is entitled to a personal trainer's license if he or she possesses the  
16 qualifications enumerated in Code Section 43-5-8.1, satisfactorily completes an  
17 examination approved by the board, pays the required license fee, and has not committed  
18 an act which constitutes grounds for denial of a license under Code Section 43-5-10.

19 (c) Licenses issued by the board shall expire biennially. As a condition of license renewal,  
20 the board shall be authorized to require licensees to complete continuing education courses  
21 approved by the board."

22 **SECTION 6.**

23 All laws and parts of laws in conflict with this Act are repealed.