STATE OF NEW YORK

7977--A

2017-2018 Regular Sessions

IN ASSEMBLY

May 23, 2017

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to licensing of laser hair removal technicians

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

Section 1. Subdivision 6 of section 400 of the general business law, as added by chapter 509 of the laws of 1992, is amended and two new subdivisions 12 and 13 are added to read as follows:

6. The practice of "esthetics" means providing for a fee, or any consideration or exchange, whether direct or indirect, services to enhance the appearance of the face, neck, arms, legs, and shoulders of a human being by the use of compounds or procedures including makeup, eyelashes, depilatories, tonics, lotions, waxes, sanding and tweezing, whether performed by manual, mechanical, chemical or electrical means and instruments but shall not include the practice of **needle based** electrology. **The practice of "esthetics" shall include laser hair removal or intense pulses of light hair removal performed on any part of the human body.**

12. "Laser hair removal" means the use of a laser or pulsed light device in a hair removal procedure that does not remove the epidermis.

13. "Laser hair removal technician" means a licensed esthetician whose practice is limited to laser hair removal.

§ 2. Subdivision 5 of section 402 of the general business law, as added by chapter 509 of the laws of 1992, is amended to read as follows:

5. Adopt such rules and regulations not inconsistent with the provisions of this article, as may be necessary with respect to the form and content of applications for licenses, the reception thereof, the investigation and examination of applicants and of prospective applicants taking examinations and their qualifications, and the other

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

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matters incidental or appropriate to the powers and duties of the secretary as prescribed by this article and for the proper administration and enforcement of the provisions of this article. **Nothing in this section shall prohibit the secretary from incorporating competency standards developed by nationally accredited organizations acceptable to the department into requirements for licensure in practice areas when necessary to maintain public health and safety.**

§ 3. The general business law is amended by adding a new section 404-c to read as follows:

§ 404-c. Laser hair removal rules and regulations. 1. (a) The secretary shall promulgate rules and regulations which establish standards for the practice and operation of licensed laser hair removal technicians in order to ensure the health, safety and welfare of the public including licensees and trainees when they are working in such establishments. Such rules and regulations shall include, but not be limited to: the implementation of a registration fee for laser hair removal establishments; a minimum age requirement for laser hair removal technicians; the minimum number of hours of training a trainee must receive from a state approved curriculum; training requirements specifying the minimum number of procedures, specific to each part of the body, to be performed on volunteers; continued certification by a nationally accredited organization acceptable to the department.

(b) The department may, at its discretion, waive training and curriculum requirements for currently employed licensed estheticians performing laser hair removal provided that the licensed esthetician satisfactorily completes the competency examination approved by the department.

(c) The secretary shall require establishments providing laser hair removal to maintain a maintenance of a minimum of one million dollars in liability insurance.

2. Every facility that is not a medical practice shall be required to have a laser safety officer certified by an independent laser safety organization acceptable to the department and a consulting physician who is familiar with the use of lasers for hair removal. The consulting physician shall conduct an annual audit of policies and procedures and shall be available throughout the year to see a laser hair removal client in case of injury.

§ 4. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.