

STATE OF NEW YORK

6088--A

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee and committed to the Committee on Rules -- 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:

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

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

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

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

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

20 5. Adopt such rules and regulations not inconsistent with the
21 provisions of this article, as may be necessary with respect to the form
22 and content of applications for licenses, the reception thereof, the

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

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1 investigation and examination of applicants and of prospective appli-
2 cants taking examinations and their qualifications, and the other
3 matters incidental or appropriate to the powers and duties of the secre-
4 tary as prescribed by this article and for the proper administration and
5 enforcement of the provisions of this article. Nothing in this section
6 shall prohibit the secretary from incorporating competency standards
7 developed by nationally accredited organizations acceptable to the
8 department into requirements for licensure in practice areas when neces-
9 sary to maintain public health and safety.

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

12 § 404-c. Laser hair removal rules and regulations. 1. (a) The secre-
13 tary shall promulgate rules and regulations which establish standards
14 for the practice and operation of licensed laser hair removal techni-
15 cians in order to ensure the health, safety and welfare of the public
16 including licensees and trainees when they are working in such estab-
17 lishments. Such rules and regulations shall include, but not be limited
18 to: the implementation of a registration fee for laser hair removal
19 establishments; a minimum age requirement for laser hair removal techni-
20 cians; the minimum number of hours of training a trainee must receive
21 from a state approved curriculum; training requirements specifying the
22 minimum number of procedures, specific to each part of the body, to be
23 performed on volunteers; continued certification by a nationally accred-
24 ited organization acceptable to the department.

25 (b) The department may, at its discretion, waive training and curric-
26 ulum requirements for currently employed licensed estheticians perform-
27 ing laser hair removal provided that the licensed esthetician satisfac-
28 torily completes the competency examination approved by the department.

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

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

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