

STATE OF NEW YORK

6088

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

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
23 investigation and examination of applicants and of prospective appli-
24 cants taking examinations and their qualifications, and the other
25 matters incidental or appropriate to the powers and duties of the secre-

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

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1 tary as prescribed by this article and for the proper administration and
2 enforcement of the provisions of this article. Nothing in this section
3 shall prohibit the secretary from incorporating competency standards
4 developed by nationally accredited organizations acceptable to the
5 department into requirements for licensure in practice areas when neces-
6 sary to maintain public health and safety.

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

9 § 404-c. Laser hair removal rules and regulations. 1. The secretary
10 shall promulgate rules and regulations which establish standards for the
11 practice and operation of licensed laser hair removal technicians in
12 order to ensure the health, safety and welfare of the public including
13 licensees and trainees when they are working in such establishments.
14 Such rules and regulations shall include, but not be limited to: the
15 implementation of a registration fee for laser hair removal establish-
16 ments; a minimum age requirement for laser hair removal technicians; the
17 minimum number of hours of training a trainee must receive from a state
18 approved curriculum; training requirements specifying the minimum number
19 of procedures, specific to each part of the body, to be performed on
20 volunteers; continued certification by the society for clinical and
21 medical hair removal; and the maintenance of a minimum of one million
22 dollars in malpractice liability insurance.

23 2. Every facility that is not a medical practice shall be required to
24 have a certified laser safety officer and a consulting physician who is
25 trained in the use of lasers for hair removal. The consulting physician
26 shall conduct an annual audit of policies and procedures and shall be
27 available throughout the year to see a laser hair removal client in case
28 of injury.

29 § 4. This act shall take effect immediately.