

# STATE OF NEW YORK

2834

2019-2020 Regular Sessions

## IN SENATE

January 29, 2019

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-d  
8 to read as follows:

9 § 404-d. Laser hair removal rules and regulations. 1. (a) The secre-  
10 tary shall promulgate rules and regulations which establish standards  
11 for the practice and operation of licensed laser hair removal techni-  
12 cians in order to ensure the health, safety and welfare of the public  
13 including licensees and trainees when they are working in such estab-  
14 lishments. Such rules and regulations shall include, but not be limited  
15 to: the implementation of a registration fee for laser hair removal  
16 establishments; a minimum age requirement for laser hair removal techni-  
17 cians; the minimum number of hours of training a trainee must receive  
18 from a state approved curriculum; training requirements specifying the  
19 minimum number of procedures, specific to each part of the body, to be  
20 performed on volunteers; continued certification by a nationally accred-  
21 ited organization acceptable to the department.

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

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

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

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