

STATE OF NEW YORK

6156--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 10, 2021

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Economic Development -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- 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. Section 400 of the general business law is amended by
2 adding two new subdivisions 12 and 13 to read as follows:

3 12. The practice of "laser hair removal" means the use of a laser or
4 pulsed light device in a hair removal procedure that does not remove the
5 epidermis.

6 13. "Laser hair removal technician" means a person licensed by the
7 secretary who practices laser hair removal as defined in subdivision
8 twelve of this section.

9 § 2. Subdivisions 1 and 3 of section 401 of the general business law,
10 subdivision 1 as amended by chapter 80 of the laws of 2015 and subdivi-
11 sion 3 as amended by chapter 341 of the laws of 1998, are amended to
12 read as follows:

13 1. No person shall engage in the practice of nail specialty, waxing,
14 natural hair styling, esthetics [~~ex~~], cosmetology or laser hair removal,
15 as defined in section four hundred of this article, without having
16 received a license to engage in such practice in the manner prescribed
17 in this article. No person shall act as a trainee or perform any service
18 as such unless he or she has obtained a certificate of registration
19 pursuant to this article.

20 3. A person licensed by any other state or country to practice nail
21 specialty, waxing, natural hair styling, esthetics [~~ex~~], cosmetology or
22 laser hair removal shall be allowed to practice in New York state for

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

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1 three months or less within any calendar year for the purpose of giving
2 to, or receiving from, persons who are licensed under this article
3 training in current styles, techniques or materials, provided however,
4 that no such unlicensed person may provide services to the public for
5 any fee, or other compensation, whether direct or indirect.

6 § 3. Subdivision 1 of section 403 of the general business law, as
7 amended by chapter 339 of the laws of 2017, is amended to read as
8 follows:

9 1. There shall be established within the department an advisory
10 committee which shall consist of [~~nine~~] ten members broadly represen-
11 tative of the appearance enhancement industry; including one person
12 engaged in the practice of either nail specialty or waxing; two persons
13 engaged in natural hair styling; one of whom shall be knowledgeable in
14 the practice of styling techniques which place tension on the hair
15 roots, and one of whom shall ensure strict adherence to quality services
16 for all clients of all hair types, including, but not limited to, curl
17 pattern, hair strand thickness, and volume of hair; one person engaged
18 in esthetics; one person engaged in laser hair removal; two persons
19 engaged in cosmetology; two persons engaged in training of persons for
20 such practices and one person licensed as a dermatologist. The secretary
21 shall appoint such persons to serve on the advisory committee, provided,
22 that two shall be appointed by the secretary on the recommendation of
23 the temporary president of the senate and two shall be appointed by the
24 secretary on the recommendation of the speaker of the assembly. Each
25 member of the committee shall be appointed for terms of two years. Any
26 member may be reappointed for additional terms. The secretary shall
27 designate from among the members of the committee a chairperson who
28 shall serve at the pleasure of the secretary.

29 § 4. Section 404 of the general business law, as amended by chapter 80
30 of the laws of 2015, is amended to read as follows:

31 § 404. Rules and regulations. The secretary shall promulgate rules and
32 regulations which establish standards for practice and operation by
33 licensees and trainees under this article in order to ensure the health,
34 safety and welfare of the public including licensees and trainees when
35 they are working within such establishments. Such rules and regulations
36 shall include, but not be limited to, the sanitary conditions and proce-
37 dures required to be maintained, a minimum standard of training appro-
38 priate to the duties of nail specialists, trainees, waxers, natural hair
39 stylists, estheticians, [~~and~~], cosmetologists, and laser hair removal
40 technicians and the provision of service by nail specialists, trainees,
41 waxers, natural hair stylists, estheticians [~~or~~], cosmetologists or
42 laser hair removal technicians at remote locations other than the
43 licensee's home provided that such practitioner holds an appearance
44 enhancement business license to operate at a fixed location or is
45 employed by the holder of an appearance enhancement business license.
46 Regulations setting forth the educational requirements for nail special-
47 ists and trainees shall include education in the area of causes of
48 infection and bacteriology. Regulations related to the practice and
49 operation of licensed laser hair removal technicians shall include the
50 standards set forth in section four hundred four-d of this article. In
51 promulgating such rules and regulations the secretary shall consult with
52 the state education department, the advisory committee established
53 pursuant to this article, any other state agencies and private industry
54 representatives as may be appropriate in determining minimum training
55 requirements.

1 § 5. The general business law is amended by adding a new section 404-d
2 to read as follows:

3 § 404-d. Laser hair removal rules and regulations. 1. The secretary
4 shall, in consultation with the appearance enhancement advisory commit-
5 tee provided for in section four hundred three of this article, promul-
6 gate rules and regulations which establish standards for the practice
7 and operation of licensed laser hair removal technicians in order to
8 ensure the health, safety and welfare of the public including licensees
9 and trainees when they are working in such establishments. Such rules
10 and regulations shall be promulgated in accordance with section four
11 hundred four of this article and shall include, but not be limited to:
12 the identification of a state approved curriculum for licensees; the
13 implementation of a registration fee for laser hair removal establish-
14 ments; a minimum age requirement for laser hair removal technicians; the
15 minimum number of hours of training a trainee must receive from a state
16 approved curriculum; training requirements specifying the minimum number
17 of procedures, specific to each part of the body, to be performed on
18 volunteers; and continued certification by a nationally accredited
19 organization acceptable to the department.

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

24 3. The secretary shall require establishments providing laser hair
25 removal to maintain a maintenance of a minimum of one million dollars in
26 liability insurance.

27 § 6. Paragraph a of subdivision 1 of section 406 of the general busi-
28 ness law, as amended by chapter 341 of the laws of 1998, is amended to
29 read as follows:

30 a. Any person intending to practice nail specialty, waxing, natural
31 hair styling, esthetics [~~or~~], cosmetology or laser hair removal as
32 defined in this article, or to own or operate an appearance enhancement
33 business, shall first make application to the secretary for a license
34 therefor.

35 § 7. Subdivision 2 of section 406 of the general business law, as
36 amended by chapter 341 of the laws of 1998 and paragraph c as amended by
37 section 3 of part D of chapter 328 of the laws of 2014, is amended to
38 read as follows:

39 2. a. Any person seventeen years of age or older may apply to the
40 secretary for a license to practice nail specialty, waxing, natural hair
41 styling, esthetics or cosmetology.

42 b. Each such application shall also be accompanied by satisfactory
43 evidence of having taken and passed the appropriate examination or exam-
44 inations offered by the secretary pursuant to this article for the
45 license sought and evidence of the successful completion of an approved
46 course of study in nail specialty, waxing, natural hair styling, esthet-
47 ics [~~or~~], cosmetology or laser hair removal in a school duly licensed
48 pursuant to the education law.

49 c. Any applicant for a license to practice nail specialty, waxing,
50 natural hair styling, esthetics [~~or~~], cosmetology or laser hair removal
51 may submit satisfactory evidence of licensure to practice an equivalent
52 occupation issued by any other state, territory, protectorate or depend-
53 ency of the United States or any other country in lieu of the evidence
54 of schooling and examination required by this subdivision, provided that
55 such license was granted in compliance with standards which were, in the
56 judgment of the secretary, not lower than those of this state and

1 provided that such state, territory, protectorate, dependency, or coun-
2 try extends similar reciprocity to the licensees of this state, or the
3 applicant practiced an equivalent occupation in such state, territory,
4 protectorate, dependency or country for a minimum of five years, or the
5 applicant is a member of the household of a member of the armed forces
6 of the United States, national guard or reserves and was a member of
7 such household before such member relocated to the state.

8 d. Notwithstanding the educational requirements of this section and
9 the testing requirements of this section, an applicant who otherwise has
10 met the licensing requirements of this article for a nail specialist,
11 waxer, natural hair stylist, esthetician [~~or~~], cosmetologist or laser
12 hair removal technician who shall provide satisfactory evidence he or
13 she has been actively and continuously engaged in the practice of nail
14 specialty, waxing, natural hair styling, esthetics [~~or~~], cosmetology or
15 laser hair removal for at least one year prior to the effective date of
16 this article, may be issued a license for nail specialty, waxing,
17 natural hair styling, esthetics [~~or~~], cosmetology or laser hair removal
18 pursuant to this article. Notwithstanding the educational and testing
19 requirements of this section, a person licensed to practice barbering
20 under article twenty-eight of this chapter who otherwise has met the
21 licensing requirements of this article may be issued a license to prac-
22 tice natural hairstyling. Other than applicants licensed under article
23 twenty-eight of this chapter, those persons who apply after a twelve
24 month period from the effective date of this article will be required to
25 provide evidence of training and to take the examination or examinations
26 as required for other licenses pursuant to this article.

27 e. Upon acceptance by the secretary of a proper application for an
28 operator's license to practice nail [~~speciality~~] specialty, waxing,
29 natural hair styling, esthetics [~~or~~], cosmetology or laser hair removal,
30 the secretary may issue a temporary operator's license which shall
31 expire six months from issuance. Upon good cause shown, the secretary
32 may renew a temporary operator's license for one additional six-month
33 period upon filing the appropriate application and fee.

34 § 8. Subdivision 1 of section 407 of the general business law, as
35 amended by chapter 255 of the laws of 1999, is amended to read as
36 follows:

37 1. The examinations for the license to practice natural hair styling,
38 esthetics, nail specialty [~~and~~], cosmetology and laser hair removal
39 shall be practical and written. The examinations for the license to
40 practice waxing shall be limited to a written examination only. The
41 secretary shall determine reasonable standards of performance for each
42 license and shall evaluate the prospective applicants and applicants on
43 the basis of such standards. The objectives of the examinations shall be
44 to insure that prospective applicants and applicants have sufficient
45 basic skills to safeguard the health and safety of the public and to
46 insure that prospective applicants and applicants have attained adequate
47 levels of skill to competently engage in the activities authorized by
48 the license.

49 § 9. Subdivision 1 of section 409 of the general business law, as
50 amended by section 2 of part Y of chapter 60 of the laws of 2011, is
51 amended to read as follows:

52 1. The non-refundable fee for an application for a license to engage
53 in the practice of nail specialty, waxing, natural hair styling, esthet-
54 ics [~~or~~], cosmetology or laser hair removal, shall be forty dollars
55 initially and for each renewal thereof the fee shall be forty dollars;
56 the fee for a temporary license and each renewal shall be ten dollars.

1 § 10. Paragraph a of subdivision 2 of section 410 of the general busi-
2 ness law, as amended by chapter 80 of the laws of 2015, is amended to
3 read as follows:

4 a. The secretary may issue an order directing the cessation of any
5 activity related to nail specialty, waxing, natural hair styling,
6 esthetics [~~or~~], cosmetology or laser hair removal for which a license is
7 required by this article upon a determination that a person, partner-
8 ship, limited liability company or business corporation, engaging in the
9 business or occupation of, or holding himself, herself or itself out as
10 or acted, temporarily or otherwise, as a nail specialist, natural hair
11 stylist, esthetician [~~or~~], cosmetologist or laser hair removal techni-
12 cian within this state without a valid license being in effect. The
13 secretary shall, before making such determination and order, afford such
14 person, partnership, limited liability company or business corporation
15 an opportunity to be heard in person or by counsel in reference thereto
16 in an adjudicatory proceeding held pursuant to section four hundred
17 eleven of this article as applicable.

18 § 11. Subdivision 1 of section 412 of the general business law, as
19 amended by chapter 80 of the laws of 2015, is amended to read as
20 follows:

21 1. The practice of nail specialty, waxing, natural hair styling,
22 esthetics [~~or~~], cosmetology or laser hair removal without a license or
23 while under suspension or revocation, or in violation of an order
24 directing the cessation of unlicensed activity issued by the secretary
25 pursuant to section four hundred ten or four hundred eleven of this
26 article, is a violation and is subject to a civil penalty of up to five
27 hundred dollars for the first violation; one thousand dollars for a
28 second such violation; and two thousand five hundred dollars for a third
29 violation and any subsequent violation.

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