

# 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 [~~or~~], 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 [~~or~~], 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.