

STATE OF NEW YORK

6665

2021-2022 Regular Sessions

IN SENATE

May 11, 2021

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:

Section 1. Section 400 of the general business law is amended by adding two new subdivisions 12 and 13 to read as follows:

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

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

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

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

3. A person licensed by any other state or country to practice nail specialty, waxing, natural hair styling, esthetics ~~[and]~~, cosmetology or laser hair removal shall be allowed to practice in New York state for three months or less within any calendar year for the purpose of giving to, or receiving from, persons who are licensed under this article training in current styles, techniques or materials, provided however,

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

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1 that no such unlicensed person may provide services to the public for
2 any fee, or other compensation, whether direct or indirect.

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

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

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

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

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

55 § 404-d. Laser hair removal rules and regulations. 1. The secretary
56 shall, in consultation with the appearance enhancement advisory commit-

tee provided for in section four hundred three of this article, promulgate rules and regulations which establish standards for the practice and operation of licensed laser hair removal technicians in order to ensure the health, safety and welfare of the public including licensees and trainees when they are working in such establishments. Such rules and regulations shall be promulgated in accordance with section four hundred four of this article and shall include, but not be limited to: the identification of a state approved curriculum for licensees; the implementation of a registration fee for laser hair removal establishments; a minimum age requirement for laser hair removal technicians; the minimum number of hours of training a trainee must receive from a state approved curriculum; training requirements specifying the minimum number of procedures, specific to each part of the body, to be performed on volunteers; and continued certification by a nationally accredited organization acceptable to the department.

2. The department may, at its discretion, waive training and curriculum requirements for currently employed licensed estheticians performing laser hair removal provided that the licensed esthetician satisfactorily completes the competency examination approved by the department.

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

§ 6. Paragraph a of subdivision 1 of section 406 of the general business law, as amended by chapter 341 of the laws of 1998, is amended to read as follows:

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

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

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

b. Each such application shall also be accompanied by satisfactory evidence of having taken and passed the appropriate examination or examinations offered by the secretary pursuant to this article for the license sought and evidence of the successful completion of an approved course of study in nail specialty, waxing, natural hair styling, esthetics ~~[ex]~~, cosmetology or laser hair removal in a school duly licensed pursuant to the education law.

c. Any applicant for a license to practice nail specialty, waxing, natural hair styling, esthetics ~~[ex]~~, cosmetology or laser hair removal may submit satisfactory evidence of licensure to practice an equivalent occupation issued by any other state, territory, protectorate or dependency of the United States or any other country in lieu of the evidence of schooling and examination required by this subdivision, provided that such license was granted in compliance with standards which were, in the judgment of the secretary, not lower than those of this state and provided that such state, territory, protectorate, dependency, or country extends similar reciprocity to the licensees of this state, or the applicant practiced an equivalent occupation in such state, territory, protectorate, dependency or country for a minimum of five years, or the

1 applicant is a member of the household of a member of the armed forces
2 of the United States, national guard or reserves and was a member of
3 such household before such member relocated to the state.

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

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

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

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

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

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

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

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

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

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

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