

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: CS/SB 504

INTRODUCER: Health Policy Committee and Senator Grimsley

SUBJECT: Laser Hair Removal

DATE: January 12, 2016 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------------|----------------|-----------|-----------------------------|
| 1. | Rossitto-Van Winkle | Stovall | HP | Fav/CS |
| 2. | Brown | Pigott | AHS | Recommend: Favorable |
| 3. | | | FP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 504 requires a licensed electrologist who uses a laser or pulse-light device to be certified by a nationally recognized electrology organization and have appropriate training, as defined by the Board of Medicine, for each device used. The bill defines a laser or pulsed light device as an electronic device approved by the U.S. Food and Drug Administration for laser hair removal.

The bill has no fiscal impact.

The effective date of the bill is July 1, 2016.

II. Present Situation:

State Regulation of Electrology

Chapter 478, F.S., governs the regulation of electrologists and the practice of electrolysis or electrology. It defines “electrolysis or electrology” as the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system, using equipment and devices approved by the Board of Medicine (BOM) which have been cleared by, and registered with, the U.S. Food and Drug Administration (FDA), and that are used pursuant to protocols approved by the BOM.¹

¹ Section 478.42(5), F.S.

Section 478.45, F.S., sets out the current requirements for licensure as an electrologist and directs the Department of Health (DOH) to perform certain functions in connection with the issuance, or non-issuance, of that license. Specifically, an applicant must:

- Be at least 18 years old;
- Be of good moral character;
- Possess a high school diploma or high school equivalency diploma;
- Have not committed an act that constitutes grounds for discipline as an electrologist in Florida;
- Have successfully completed the academic and practical training requirements of an electrolysis training program approved of by the BOM, not to exceed 120 hours; and
- Have passed a written examination developed by the DOH or a national examination approved of by the BOM.

A person may not practice electrolysis, or hold himself or herself out as an electrologist, unless that person has an active, valid Florida license under ch. 478, F.S.²

The BOM, with the assistance of the Electrolysis Council, establishes minimum standards for the delivery of electrolysis services and adopts rules to implement ch. 478, F.S.³

Rule 64B8-56.002 of the Florida Administrative Code lists FDA-registered devices an electrologist may use as needle-type epilators, lasers, and light-based hair removal devices. Under that rule, laser and light-based devices may only be used by a licensed electrologist who:

- Has completed training in laser and light-based hair removal and reduction that meets specified requirements;
- Has been certified in the use of laser and light-based devices by a national certification organization approved of by the Electrolysis Council and the BOM;
- Is using only the laser and light-based devices upon which he or she has been trained; and
- Is operating under the direct supervision of a physician trained in hair removal and licensed under ch. 458 or ch. 459, F.S.

Sections 458.348(3) and 459.025(2), F.S., also regulate the practice of electrolysis and electrologists. All services using laser or light-based hair removal or reduction by persons other than physicians licensed under ch. 458 or ch. 459, F.S., require that the person performing such service be appropriately trained and work only under the direct supervision and responsibility of a physician licensed under ch. 458 or ch. 459, F.S.

Currently there are 1,240 individuals who hold active Florida electrologist licenses. The DOH does not distinguish in its reporting between those certified and those not certified in use of lasers.⁴

² Section 478.49(1), F.S.

³ Section 478.43, F.S. See Rules 64B8-50 through 64B8-56, F.A.C., which regulate the licensure, practice, continuing education, and discipline of electrologists.

⁴ Number of active Florida licenses calculated by adding “In State Active” practitioners, “Out of State Active,” and “Military Active” practitioners. See *Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long Range Plan Fiscal Year 2014-2015: Summary of Licensed Practitioners*, available at: <http://mqawebteam.com/annualreports/1415> (last visited Nov. 24, 2015).

Certification for Use of Laser and Light-based Hair Removal

Florida electrologists are currently permitted to perform laser and light-based hair removal only if they have completed the following requirements:

- A 30-hour continuing education course approved by the Electrolysis Council;⁵
- Are certified in the use of laser and light-based hair devices for the removal or reduction of hair by a national certification organization approved by the Electrolysis Council and the BOM;
- Are using only the laser and light-based hair removal or reduction devices upon which they have been trained;
- Have developed with his or her supervising physician written protocols and furnished them to the Electrolysis Council prior to beginning the practice of laser hair removal;
- Are operating under the direct supervision and responsibility of a physician properly trained in laser hair removal and licensed pursuant to the provisions of ch. 458 or ch. 459, F.S.; and
- Meet all the requirements for a licensed electrology facility where laser and light-based hair removal is performed.

Florida has only one approved national certification organization, the Society for Clinical and Medical Hair Removal,⁶ that has been approved by the Electrolysis Council and the BOM, although at least one other national certifying organization exists.⁷

III. Effect of Proposed Changes:

CS/SB 504 amends s. 478.42, F.S., to provide the following definitions:

- “Laser hair removal” is defined as the use of a laser or pulsed-light device in a hair removal procedure that does not remove the epidermis;⁸ and
- “Laser or pulsed-light device” is defined as an electronic device approved of by the FDA for laser hair removal.

The bill also amends s. 478.49, F.S., to require that an electrologist who uses a laser or pulse light device must be certified by a nationally-recognized electrology organization in the use of these devices and have appropriate training, as determined by the BOM, for each device used.

⁵ Rule 64B8-52.004, F.A.C.

⁶ SCMHR is an international non-profit organization with members in the United States, Canada, United Arab Emirates, and other countries. SCMHR supports all existing methods of hair removal and is dedicated to the research of new technological breakthroughs, allowing its members to offer cutting-edge, safe and effective hair removal procedures to their clients. SCMHR claims to promote the highest standards within the hair removal profession through our membership benefits, conferences, live and pre-recorded webinars, pencil-and-paper courses, and certification programs. SCMHR certification programs are the only national certifications aimed toward physicians, nurses and medical estheticians to demonstrate their knowledge of this profession. SCMHR’s educational materials can also be used to earn continued education units (CEUs) to fulfill requirements for licensing and certification in some states. - *The Society of Clinical & Medical Hair Removal, Inc.* (SCMHR). <https://www.scmhr.org/> (last visited Nov. 15, 2015).

⁷ See the American Electrology Association, <http://professionals.electrology.com/be-an-electrologist/cpe-credential-for-electrologists.html> (last visited Nov. 25, 2015).

⁸ The epidermis is outer epithelial layer of the external integument of the animal body that is derived from the embryonic epiblast; *specifically*: the outer non-sensitive and nonvascular layer of the skin of a vertebrate that overlies the dermis. Merriam-Webster, an Encyclopedia Britannica Company, *Epidermis*, available at <http://www.merriam-webster.com/medical/epidermis> (last viewed Oct. 27, 2015).

The effective date of the bill is July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of Florida Statutes: 478.42 and 478.49.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on December 1, 2015:

Places the definitions in s. 478.42, F.S., and the certification requirements in s. 478.49, F.S., instead of placing both in s. 478.45, F.S., as in the underlying bill.

B. The Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
