

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2030

SPONSOR: Senator Campbell and others

SUBJECT: Electrologists

DATE: April 14, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HC	Unfavorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill modifies the definition of “electrolysis or electrology” to include the use of laser and light-based equipment designed for hair removal, remove the requirement that equipment and devices used by electrologists be approved by the Board of Medicine, and require the Electrolysis Council, rather than the Board of Medicine, to approve protocols for the use of equipment and devices by electrologists. The bill specifies that an electrologist may not use lasers or light-based devices for hair removal unless the electrologist has completed a board-approved training course in the use of such devices and practices under the general supervision of a Florida-licensed allopathic or osteopathic physician. The supervision must follow written protocols that require easy accessibility and communication between the electrologist and the supervising physician and that ensure patient safety when the physician is not physically present during the performance of procedures.

This bill substantially amends sections 478.42, 478.49, and 478.50 of the Florida Statutes.

**II. Present Situation:**

Chapter 478, F.S., governs the regulation of electrolysis or electrology. The chapter defines “electrolysis or electrology” to mean the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system, using equipment and devices that have been cleared by and registered with the United States Food and Drug Administration and that are used pursuant to protocols approved by the Board of Medicine. A person may not practice electrology or hold herself or himself out as an electrologist in Florida unless the person holds an active valid license under the chapter. The Board of Medicine, with the assistance of the Electrolysis Council, must approve criteria for, and content of, electrolysis training programs and continuing education courses required for licensure and renewal as set forth in the chapter. The board, with

the assistance of the council, may establish minimum standards for the delivery of electrolysis services and adopt rules to implement the provisions of the chapter.

Section 458.348(3), F.S., provides that any person other than a licensed physician, who uses a laser or light-based device for hair removal, must be appropriately trained and work only under the direct supervision of a licensed allopathic or osteopathic physician.

### III. Effect of Proposed Changes:

**Section 1.** Amends s. 478.42, F.S., to modify the definition of “electrolysis or electrology” to include the use of laser and light-based equipment designed for hair removal, remove the requirement that equipment and devices used by electrologists be approved by the Board of Medicine, and require the Electrolysis Council, rather than the Board of Medicine, to approve protocols for the use of equipment and devices by electrologists.

**Section 2.** Amends s. 478.49, F.S., to specify that an electrologist may not use lasers or light-based devices for hair removal unless the electrologist has completed a board-approved training course in the use of such devices and practices under the general supervision of a Florida-licensed allopathic or osteopathic physician. The supervision must follow written protocols that require easy accessibility and communication between the electrologist and the supervising physician and that ensure patient safety when the physician is not physically present during the performance of procedures.

**Section 3.** Amends s. 478.50, F.S., to include training in the use of lasers and light-based devices in board-approved training programs for electrologists.

**Section 4.** Provides that the act will take effect July 1, 2001.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

#### B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

#### C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, s. 19(f) of the Florida Constitution.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill authorizes an electrologist to use lasers or light-based devices for hair removal after the electrologist has completed a board-approved training course in the use of such devices and practices under the *general* supervision of a Florida-licensed allopathic or osteopathic physician. This conflicts with s. 458.348(3) F.S., that requires any person other than a licensed physician, who uses a laser or light-based device for hair removal, to be appropriately trained and to work only under the *direct* supervision of a licensed allopathic or osteopathic physician.

**VIII. Amendments:**

None.