

By Senator Diaz

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1 A bill to be entitled
 2 An act relating to laser hair removal or reduction;
 3 amending s. 478.42, F.S.; revising definitions;
 4 repealing s. 478.44, F.S., relating to the
 5 Electrolysis Council; amending s. 478.49, F.S.;
 6 providing certification requirements for licensed
 7 electrologists who perform laser hair removal or
 8 reduction; amending ss. 478.43, 478.45, 478.50,
 9 478.52, and 478.53, F.S.; conforming provisions to
 10 changes made by the act; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 478.42, Florida Statutes, is amended to
 15 read:

16 478.42 Definitions.—As used in this chapter, the term:

17 (1) "Board" means the Board of Medicine.

18 ~~(2) "Council" means the Electrolysis Council.~~

19 (2)~~(3)~~ "Department" means the Department of Health.

20 (3)~~(4)~~ "Electrologist" means a person who engages in the
 21 practice of electrolysis.

22 (4)~~(5)~~ "Electrolysis or electrology" means the permanent
 23 removal of hair ~~by destroying the hair-producing cells of the~~
 24 ~~skin and vascular system,~~ using equipment and devices approved
 25 by the board which have been cleared by and registered with the
 26 United States Food and Drug Administration and that are used
 27 pursuant to protocols approved by the board.

28 Section 2. Section 478.43, Florida Statutes, is amended to
 29 read:

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30 478.43 Board of Medicine; powers and duties.—

31 (1) The board, ~~with the assistance of the Electrolysis~~
32 ~~Council,~~ is authorized to establish minimum standards for the
33 delivery of electrolysis services and to adopt rules pursuant to
34 ss. 120.536(1) and 120.54 to implement the provisions of this
35 chapter.

36 (2) The board may administer oaths, summon witnesses, and
37 take testimony in all matters relating to its duties under this
38 chapter.

39 ~~(3) The board may delegate such powers and duties to the~~
40 ~~council as it may deem proper.~~

41 (3) ~~(4)~~ The board, ~~in consultation with the council,~~ shall
42 ~~recommend proposed rules,~~ and the board shall adopt rules for a
43 code of ethics for electrologists and rules related to the
44 curriculum and approval of electrolysis training programs,
45 sanitary guidelines, the delivery of electrolysis services,
46 continuing education requirements, and any other area related to
47 the practice of electrology.

48 Section 3. Section 478.44, Florida Statutes, is repealed.

49 Section 4. Subsections (2), (3), and (6) of section 478.45,
50 Florida Statutes, are amended to read:

51 478.45 Requirements for licensure.—

52 (2) Each applicant for licensure must ~~shall~~ successfully
53 pass a written examination developed by the department or a
54 national examination that has been approved by the board. The
55 examinations must ~~shall~~ test the applicant's knowledge relating
56 to the practice of electrology, including the applicant's
57 professional skills and judgment in the use of electrolysis
58 techniques and methods, and any other subjects that ~~which~~ are

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59 useful to determine the applicant's fitness to practice.

60 (3) The department, upon approval of the board, may adopt a
61 national examination in lieu of any part of the examination
62 required by this section. The board, ~~with the assistance of the~~
63 ~~council,~~ shall establish standards for acceptable performance.

64 (6) The department may not issue a license to any applicant
65 who is under investigation in another jurisdiction for an
66 offense that ~~which~~ would be a violation of this chapter, until
67 such investigation is complete. Upon completion of such
68 investigation, if the applicant is found guilty of such offense,
69 the board shall apply the applicable provisions of s. 478.52.

70 Section 5. Section 478.49, Florida Statutes, is amended to
71 read:

72 478.49 License required.—

73 (1) A person may not ~~No person may~~ practice electrology or
74 hold herself or himself out as an electrologist in this state
75 unless she or he ~~the person~~ has been issued a license by the
76 department and holds an active license pursuant to ~~the~~
77 ~~requirements of~~ this chapter.

78 (2) A licensee shall display her or his license in a
79 conspicuous location in her or his place of practice and provide
80 it to the department or the board upon request.

81 (3) A licensee who uses a laser or pulsed-light device in a
82 laser hair removal or reduction procedure must be certified by a
83 nationally recognized electrology organization in the use of
84 such device.

85 Section 6. Subsection (4) of section 478.50, Florida
86 Statutes, is amended to read:

87 478.50 Renewal of license; delinquent status; address

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88 notification; continuing education requirements.-

89 (4) (a) An application for license renewal must be
90 accompanied by proof of the successful completion of 20 hours of
91 continuing education courses or proof of successfully passing a
92 reexamination for licensure within the immediately preceding
93 biennium which meets the criteria established by the board. Both
94 the continuing education and reexamination shall contain
95 education on blood-borne diseases.

96 (b) The board, ~~with the assistance of the council,~~ shall
97 approve criteria for, and content of, electrolysis training
98 programs and continuing education courses required for licensure
99 and renewal as set forth in this chapter.

100 (c) Continuing education programs shall be approved by the
101 board. Applications for approval shall be submitted to the board
102 not less than 60 days or ~~not~~ more than 360 days before they are
103 held.

104 Section 7. Paragraph (t) of subsection (1) and subsection
105 (4) of section 478.52, Florida Statutes, is amended to read:

106 478.52 Disciplinary proceedings.-

107 (1) The following acts constitute grounds for denial of a
108 license or disciplinary action, as specified in s. 456.072(2):

109 (t) Practicing or attempting to practice any permanent hair
110 removal except as described in s. 478.42(4) ~~s. 478.42(5)~~.

111 (4) The board, ~~with the assistance of the council,~~ may, by
112 rule, establish guidelines for the disposition of disciplinary
113 cases involving specific types of violations. The guidelines may
114 include minimum and maximum fines, periods of supervision on
115 probation, or conditions upon probation or reissuance of a
116 license.

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117 Section 8. Subsection (6) of section 478.53, Florida
118 Statutes, is amended to read:

119 478.53 Penalty for violations.—It is a misdemeanor of the
120 first degree, punishable as provided in s. 775.082 or s.
121 775.083, to:

122 (6) Practice or attempt to practice any permanent hair
123 removal except as described in s. 478.42(4) ~~s. 478.42(5)~~.

124 Section 9. This act shall take effect October 1, 2019.