

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 Committee on Fiscal Policy

BILL: CS/SB 504

INTRODUCER: Health Policy Committee and Senator Grimsley

SUBJECT: Laser Hair Removal

DATE: January 19, 2016 **REVISED:** _____

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

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 determined 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 United States Food and Drug Administration for laser hair removal.

The bill has no fiscal impact to state funds.

The bill is effective 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. "Electrolysis or electrology" is defined 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

United States Food and Drug Administration (FDA) and that are used pursuant to protocols approved by the BOM.¹

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 Specifically, an applicant for a license 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 by the BOM.³

The BOM, with the assistance of the Electrolysis Council,⁴ establishes minimum standards for the delivery of electrolysis services and adopts rules to implement ch. 478, F.S.⁵

Use of Laser and Light-based Devices for Hair Removal or Reduction

Florida electrologists are currently permitted to use laser and light-based devices for hair removal or reduction if they:

- Have completed a 30-hour continuing education course approved by the Electrolysis Council;⁶
- Are certified in the use of laser and light-based 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; and
- Are operating under the direct supervision and responsibility of a physician⁷ properly trained in laser hair removal and licensed pursuant to the provisions of ch. 458 or ch. 459, F.S.⁸

¹ Section 478.42(5), F.S.

² Section 478.49(1), F.S.

³ Section 478.45(1), F.S.

⁴ Section 478.44, F.S., creates the Electrolysis Council, and specifies its membership and meeting requirements.

⁵ 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.

⁶ Rule 64B8-52.004, F.A.C.

⁷ A physician cannot supervise more than four electrologists at any one time. Rule 64B8-56.002(6), F.A.C.

⁸ Rule 64B8-56.002(2), F.A.C.

The Electrolysis Council and the BOM have approved the Society for Clinical & Medical Hair Removal, Inc.,⁹ as the national certification organization to certify Florida electrologists in the use of laser and light-based devices for the removal or reduction of hair.¹⁰

There are currently 1,240 active electrologist licenses in Florida. The DOH does not distinguish in its reporting between those certified and those not certified in use of lasers.¹¹

III. Effect of Proposed Changes:

The bill amends s. 478.42, F.S., to define the terms:

- “Laser hair removal” as the use of a laser or pulsed-light device in a hair removal procedure that does not remove the epidermis;¹² and
- “Laser or pulsed-light device” as an electronic device approved of by the United States FDA for laser hair removal.

The bill requires a licensed electrologist who uses a laser or pulsed-light device in laser hair removal procedures to be certified by a nationally-recognized electrology organization in the use of these devices and have the appropriate training, as determined by BOM rule, for each device used.

The bill is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁹ The Society for Clinical & Medical Hair Removal, Inc., is an international non-profit organization with members in the United States, Canada, United Arab Emirates, and other countries. The certification programs are aimed toward physicians, nurses, and medical estheticians to demonstrate their knowledge of the profession. The Society of Clinical & Medical Hair Removal, Inc., *About Us*, available at <https://www.scmhr.org/about-scmhr> (last visited Jan. 15, 2016).

¹⁰ Department of Health, Licensing and Regulation, Electrolysis, Laser, *Laser Information*, available at <http://www.floridahealth.gov/licensing-and-regulation/electrolysis/laser/index.html> (last visited Jan. 15, 2016).

¹¹ The number of active Florida licenses was calculated by adding “In State Active,” “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*, at pg. 10, available at <http://mqawebteam.com/annualreports/1415/> (last visited Jan. 15, 2016).

¹² The epidermis defined as the outer layer skin. Merriam-Webster, an Encyclopedia Britannica Company, *Epidermis*, available at <http://www.merriam-webster.com/dictionary/epidermis> (last viewed Jan. 15, 2016).

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 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. Amendments:

None.