

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 Health Policy

BILL: SB 504

INTRODUCER: Senator Grimsley

SUBJECT: Laser Hair Removal

DATE: November 24, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Pre-meeting
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

I. Summary:

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 (BOM), 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 (FDA) for laser hair removal.

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 BOM which have been cleared by, and registered with, the FDA, and that are used pursuant to protocols approved by the BOM.¹

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;

¹ Section 478.42(5), F.S.

- 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 the FDA registered devices an electrologist may use as needle-type epilators, lasers, and light based hair removal devices. Pursuant to that rule, laser and light based devices may only be used by a licensed electrolysis who:

- Has completed training in laser and light-based hair removal and reduction that meets specified requirements set forth in that rule;
- Has been certified in the use of laser and light-based devices by a national certification organization approved of by the Council and the Board;
- 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 chs. 458 or 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 chs. 458 and 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 chs. 458 and 459, F.S.

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

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:

- Completed a 30-hour continuing education course approved by the council;⁵

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).

⁵ Rule 64B8-52.004, F.A.C.

- 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 Board of Medicine;
- 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 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 chs. 458 or 459, F.S.;
- Meet all the requirements for a licensed electrology facility where laser and light-based hair removal is performed; and

Florida has only one approved national certification organization that has been approved by the Electrolysis Council and the Florida BOM - The Society for Clinical and Medical Hair Removal (SCMHR),⁶ although other national certifying organizations exist.⁷

III. Effect of Proposed Changes:

SB 504 amends s.478.45, F.S., relating to requirements for licensure, to define “laser or pulsed-light device” and “laser hair removal.” “Laser or pulsed-light device” is defined as an electronic device approved of by the FDA for laser hair removal. “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

The bill also amends this section of law to require in statute, as opposed to rule, 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 defined by the BOM, for each device used.

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

⁶ SCMHR is an international non-profit organization with members in the United States, Canada, United Arab Emirates and beyond. SCMHR supports all existing methods of hair removal and is dedicated to the research of new technological breakthroughs, allowing our members to offer cutting-edge, safe and effective hair removal procedures to their clients. SCMHR promotes the highest standards within the hair removal profession through our membership benefits, conferences, live and pre-recorded webinars, offline 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)

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:

The requirement for certification and training to perform laser hair removal is added to the section of law that addresses the standards for licensure. A licensed electrologist may practice electrology without performing laser hair removal. Therefore, it does not appear that certification is a prerequisite for licensure. It may be clearer to add the requirement for certification to s. 478.49, F.S., which addresses the requirement for an active license under this chapter prior to practicing electrology or holding oneself out as an electrologist. The new definitions pertaining to certification could be added to s. 478.42, F.S., which includes other definitions applicable to the regulation of electrolysis in ch. 478, F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 478.45, Florida Statutes.

IX. Additional Information:

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

None.

- 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.
