

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 amending s. 478.43, F.S.; providing rulemaking
 5 authority to the Department of Health for regulating
 6 electrolysis services; repealing s. 478.44, F.S.,
 7 relating to the Electrolysis Council; amending s.
 8 478.46, F.S.; deleting temporary permits for
 9 applicants seeking licensure by endorsement; revising
 10 the duration for which a temporary permit may be
 11 issued for an applicant seeking licensure by
 12 examination; amending s. 478.49, F.S.; providing
 13 certification requirements for licensed electrologists
 14 who perform laser hair removal or reduction; amending
 15 ss. 478.45, 478.47, 478.50, 478.51, 478.52, 478.53,
 16 and 478.55, F.S.; conforming provisions to changes
 17 made by the act; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 478.42, Florida Statutes, is amended to
 22 read:

23 478.42 Definitions.—As used in this chapter, the term:

24 ~~(1) "Board" means the Board of Medicine.~~

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

26 (1)~~(3)~~ "Department" means the Department of Health.

27 (2)~~(4)~~ "Electrologist" means a person who engages in the
 28 practice of electrolysis.

29 (3)~~(5)~~ "Electrolysis or electrology" means the permanent
 30 removal of hair ~~by destroying the hair-producing cells of the~~
 31 ~~skin and vascular system,~~ using equipment and devices that
 32 ~~approved by the board which~~ have been cleared by and registered
 33 with the United States Food and Drug Administration ~~and that are~~
 34 ~~used pursuant to protocols approved by the board.~~

35 Section 2. Section 478.43, Florida Statutes, is amended to
 36 read:

37 478.43 Department of Health Board of Medicine; powers and
 38 duties.—

39 (1) The department board, ~~with the assistance of the~~
 40 ~~Electrolysis Council,~~ is authorized to establish minimum
 41 standards for the delivery of electrolysis services and to adopt
 42 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 43 provisions of this chapter.

44 (2) The department board may administer oaths, summon
 45 witnesses, and take testimony in all matters relating to its
 46 duties under this chapter.

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

49 (3)~~(4)~~ The department board, ~~in consultation with the~~
 50 ~~council,~~ shall recommend proposed rules, and the board shall

51 adopt rules for a code of ethics for electrologists and rules
 52 related to the curriculum and approval of electrolysis training
 53 programs, sanitary guidelines, the delivery of electrolysis
 54 services, continuing education requirements, and any other area
 55 related to the practice of electrology.

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

57 Section 4. Section 478.45, Florida Statutes, is amended to
 58 read:

59 478.45 Requirements for licensure.—

60 (1) An applicant applying for licensure as an
 61 electrologist shall file a written application, accompanied by
 62 the application for licensure fee prescribed in s. 478.55, on a
 63 form provided by the department ~~board~~, showing to the
 64 satisfaction of the department ~~board~~ that the applicant:

65 (a) Is at least 18 years old.

66 (b) Is of good moral character.

67 (c) Possesses a high school diploma or a high school
 68 equivalency diploma.

69 (d) Has not committed an act in any jurisdiction which
 70 would constitute grounds for disciplining an electrologist in
 71 this state.

72 (e) Has successfully completed the academic requirements
 73 of an electrolysis training program, not to exceed 120 hours,
 74 and the practical application thereof as approved by the
 75 department ~~board~~.

76 (2) Each applicant for licensure must ~~shall~~ successfully
77 pass a written examination developed by the department or a
78 national examination that has been approved by the department
79 ~~board~~. The examinations must ~~shall~~ test the applicant's
80 knowledge relating to the practice of electrology, including the
81 applicant's professional skills and judgment in the use of
82 electrolysis techniques and methods, and any other subjects that
83 ~~which~~ are useful to determine the applicant's fitness to
84 practice.

85 (3) The department, ~~upon approval of the board,~~ may adopt
86 a national examination in lieu of any part of the examination
87 required by this section. The department board, ~~with the~~
88 ~~assistance of the council,~~ shall establish standards for
89 acceptable performance.

90 (4) The department shall issue a license to practice
91 electrology to any applicant who passes the examination, pays
92 the licensure fee as set forth in s. 478.55, and otherwise meets
93 the requirements of this chapter.

94 (5) The department shall conduct licensure examinations at
95 least two times a year. The department shall give public notice
96 of the time and place of each examination at least 60 days
97 before it is administered and shall mail notice of such
98 examination to each applicant whose application is timely filed,
99 pursuant to department board rule.

100 (6) The department may not issue a license to any

101 applicant who is under investigation in another jurisdiction for
102 an offense that ~~which~~ would be a violation of this chapter,
103 until such investigation is complete. Upon completion of such
104 investigation, if the applicant is found guilty of such offense,
105 the department ~~board~~ shall apply the applicable provisions of s.
106 478.52.

107 Section 5. Section 478.46, Florida Statutes, is amended to
108 read:

109 478.46 Temporary permits.—

110 ~~(1) If the department determines that an applicant is~~
111 ~~qualified to be licensed under s. 478.47, the department may~~
112 ~~issue the applicant a temporary permit to practice electrolysis~~
113 ~~until the next board meeting at which license applications are~~
114 ~~to be considered, but not for a longer period of time. Only one~~
115 ~~temporary permit shall be issued to an applicant, and it shall~~
116 ~~not be renewable.~~

117 (1)(2)(a) If the department ~~executive director~~ of the
118 ~~board~~ determines that an applicant is qualified for licensure by
119 examination except for passage of the examination and has
120 applied for the next scheduled examination, the department
121 ~~executive director~~ may issue the applicant a nonrenewable
122 temporary permit to practice electrology under the supervision
123 of a licensed electrologist until notification of the results of
124 the examination.

125 (b) The temporary permit of a person who fails such

126 examination is automatically revoked upon notification of the
127 examination results, and the applicant shall cease the practice
128 of electrology immediately upon receipt of such notice.

129 (c) An applicant with a temporary permit who passes such
130 examination may continue to practice under such temporary permit
131 for no more than 90 days ~~until the next meeting of the board at~~
132 ~~which license applications are to be considered.~~

133 ~~(2)(3)~~ As used in subsection (1) ~~subsection (2)~~,
134 "supervision" means responsible control by a licensed
135 electrologist who provides the initial direction in developing a
136 treatment plan and also periodically inspects the permittee's
137 implementation of such plan, which plan may not be altered by
138 the permittee without the prior consultation and approval of the
139 supervisor. A supervisor shall be available to consult with and
140 direct a permittee in an emergency, although the supervisor does
141 not have to be on the premises while the permittee is delivering
142 electrolysis services.

143 Section 6. Section 478.47, Florida Statutes, is amended to
144 read:

145 478.47 Licensure by endorsement.—The department shall
146 issue a license by endorsement to any applicant who submits an
147 application and the required fees as set forth in s. 478.55 and
148 who holds an active license or other authority to practice
149 electrology in a jurisdiction whose licensure requirements are
150 determined by the department ~~board~~ to be equivalent to the

151 requirements for licensure in this state.

152 Section 7. Section 478.49, Florida Statutes, is amended to
 153 read:

154 478.49 License and certification required.—

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

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

163 (3) A licensee who uses a laser or pulsed-light device in
 164 a laser hair removal or reduction procedure must be certified by
 165 a nationally recognized electrology organization in the use of
 166 these devices.

167 Section 8. Subsections (2) and (4) of section 478.50,
 168 Florida Statutes, are amended to read:

169 478.50 Renewal of license; delinquent status; address
 170 notification; continuing education requirements.—

171 (2) A license that is not renewed at the end of the
 172 biennium prescribed by the department automatically reverts to
 173 delinquent status. The department ~~board~~ shall adopt rules
 174 establishing procedures, criteria, and fees as set forth in s.
 175 478.55 for reactivation of an inactive license.

176 (4) (a) An application for license renewal must be
177 accompanied by proof of the successful completion of 20 hours of
178 continuing education courses or proof of successfully passing a
179 reexamination for licensure within the immediately preceding
180 biennium which meets the criteria established by the department
181 ~~board~~. Both the continuing education and reexamination shall
182 contain education on blood-borne diseases.

183 (b) The department board, ~~with the assistance of the~~
184 ~~council~~, shall approve criteria for, and content of,
185 electrolysis training programs and continuing education courses
186 required for licensure and renewal as set forth in this chapter.

187 (c) Continuing education programs shall be approved by the
188 department board. Applications for approval shall be submitted
189 to the department board not less than 60 days or ~~not~~ more than
190 360 days before they are held.

191 Section 9. Subsections (2), (3), and (11) of section
192 478.51, Florida Statutes, are amended to read:

193 478.51 Electrology facilities; requisites; facility
194 licensure; inspection.—

195 (2) The facility license shall be displayed in a
196 conspicuous place within the facility and shall be made
197 available upon request of the department ~~or board~~.

198 (3) The department board shall adopt rules governing the
199 licensure and operations of such facilities, personnel, safety
200 and sanitary requirements, and the licensure application and

201 granting process.

202 (11) Renewal of license registration for electrology
 203 facilities shall be accomplished pursuant to rules adopted by
 204 the department ~~board~~.

205 Section 10. Paragraphs (i), (r), and (t) of subsection (1)
 206 and subsections (2), (3), and (4) of section 478.52, Florida
 207 Statutes, are amended to read:

208 478.52 Disciplinary proceedings.—

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

211 (i) Willfully or repeatedly violating a rule adopted under
 212 this chapter, or an order of the ~~board~~ or department previously
 213 entered in a disciplinary hearing.

214 (r) Being unable to practice electrology with reasonable
 215 skill and safety because of a mental or physical condition or
 216 illness, or the use of alcohol, controlled substances, or any
 217 other substance that ~~which~~ impairs one's ability to practice.

218 1. The department may, upon probable cause, compel a
 219 licensee to submit to a mental or physical examination by
 220 physicians designated by the department. The cost of an
 221 examination shall be borne by the licensee, and her or his
 222 failure to submit to such an examination constitutes an
 223 admission of the allegations against her or him, consequent upon
 224 which a default and a final order may be entered without the
 225 taking of testimony or presentation of evidence, unless the

226 failure was due to circumstances beyond her or his control.

227 2. A licensee who is disciplined under this paragraph
 228 shall, at reasonable intervals, be afforded an opportunity to
 229 demonstrate that she or he can resume the practice of
 230 electrology with reasonable skill and safety.

231 3. In any proceeding under this paragraph, the record of
 232 proceedings or the orders entered by the department ~~board~~ may
 233 not be used against a licensee in any other proceeding.

234 (t) Practicing or attempting to practice any permanent
 235 hair removal except as described in s. 478.42(3) ~~s. 478.42(5)~~.

236 (2) The department ~~board~~ may enter an order denying
 237 licensure or imposing any of the penalties in s. 456.072(2)
 238 against any applicant for licensure or licensee who is found
 239 guilty of violating any provision of subsection (1) of this
 240 section or who is found guilty of violating any provision of s.
 241 456.072(1).

242 (3) The department ~~board~~ may not issue or reinstate a
 243 license to a person it has deemed unqualified until it is
 244 satisfied that such person has complied with the terms and
 245 conditions of the final order and that the licensee can safely
 246 practice electrology.

247 (4) The department ~~board, with the assistance of the~~
 248 ~~council,~~ may, by rule, establish guidelines for the disposition
 249 of disciplinary cases involving specific types of violations.
 250 The guidelines may include minimum and maximum fines, periods of

251 supervision on probation, or conditions upon probation or
 252 reissuance of a license.

253 Section 11. Subsection (6) of section 478.53, Florida
 254 Statutes, is amended to read:

255 478.53 Penalty for violations.—It is a misdemeanor of the
 256 first degree, punishable as provided in s. 775.082 or s.
 257 775.083, to:

258 (6) Practice or attempt to practice any permanent hair
 259 removal except as described in s. 478.42(3) ~~s. 478.42(5)~~.

260 Section 12. Subsection (1) of section 478.55, Florida
 261 Statutes, is amended to read:

262 478.55 Fees; facility; disposition.—

263 (1) The department ~~board~~ shall establish by rule the
 264 collection of fees for the following purposes:

265 (a) License application fee: a fee not to exceed \$100.

266 (b) Examination fee: a fee not to exceed \$300.

267 (c) Initial licensure fee: a fee not to exceed \$100.

268 (d) Renewal fee: a fee not to exceed \$100 biennially.

269 (e) Reactivation fee: a fee not to exceed \$100.

270 (f) Inspection fee for facility: a fee not to exceed \$100
 271 biennially.

272 Section 13. This act shall take effect October 1, 2018.