

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 and 478.45, F.S.;
 9 conforming provisions to changes made by the act;
 10 amending 478.50, F.S.; providing specified continuing
 11 education requirements for electrologists who perform
 12 laser or light-based hair removal or reduction;
 13 amending ss. 478.50, 478.52, and 478.53, F.S.;
 14 conforming provisions to changes made by the act;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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

21 478.42 Definitions.—As used in this chapter, the term:

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

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

24 (2)~~(3)~~ "Department" means the Department of Health.

25 (3)~~(4)~~ "Electrologist" means a person who engages in the

26 | practice of electrolysis.

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

33 | Section 2. Section 478.43, Florida Statutes, is amended to
 34 | read:

35 | 478.43 Board of Medicine; powers and duties.—

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

41 | (2) The board may administer oaths, summon witnesses, and
 42 | take testimony in all matters relating to its duties under this
 43 | chapter.

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

46 | (3)~~(4)~~ The board,~~in consultation with the council,~~ shall
 47 | ~~recommend proposed rules, and the board~~ shall adopt rules for a
 48 | code of ethics for electrologists and rules related to the
 49 | curriculum and approval of electrolysis training programs,
 50 | sanitary guidelines, the delivery of electrolysis services,

51 continuing education requirements, and any other area related to
52 the practice of electrology.

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

54 Section 4. Subsections (2), (3), and (6) of section
55 478.45, Florida Statutes, are amended to read:

56 478.45 Requirements for licensure.—

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

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

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

75 Section 5. Section 478.49, Florida Statutes, is amended to

76 read:

77 478.49 License required.—

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

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

86 (3) A licensee who uses a laser or light-based device in a
 87 laser hair removal or reduction procedure must have passed:

88 (a) An examination administered by a nationally recognized
 89 electrology organization or other applicable organization as
 90 approved by the board in the use of such device; or

91 (b) A licensure examination approved by the board that
 92 tests both epilator and laser or light-based modalities.

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

95 478.50 Renewal of license; delinquent status; address
 96 notification; continuing education requirements.—

97 (4) (a) An application for license renewal must be
 98 accompanied by proof of the successful completion of 20 hours of
 99 continuing education courses or proof of successfully passing a
 100 reexamination for licensure within the immediately preceding

101 biennium which meets the criteria established by the board. Both
102 the continuing education and reexamination shall contain
103 education on blood-borne diseases. If a licensee uses laser or
104 light-based modalities and is renewing a license by completing
105 20 hours of continuing education courses, at least 10 hours of
106 such continuing education courses must include education on
107 laser or light-based modalities.

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

112 (c) Continuing education programs shall be approved by the
113 board. Applications for approval shall be submitted to the board
114 not less than 60 days or ~~not~~ more than 360 days before they are
115 held.

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

118 478.52 Disciplinary proceedings.—

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

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

123 (4) The board, ~~with the assistance of the council,~~ may, by
124 rule, establish guidelines for the disposition of disciplinary
125 cases involving specific types of violations. The guidelines may

126 | include minimum and maximum fines, periods of supervision on
127 | probation, or conditions upon probation or reissuance of a
128 | license.

129 | Section 8. Subsection (6) of section 478.53, Florida
130 | Statutes, is amended to read:

131 | 478.53 Penalty for violations.—It is a misdemeanor of the
132 | first degree, punishable as provided in s. 775.082 or s.
133 | 775.083, to:

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

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