

- SUBJECT:** Regulating laser hair removal technicians and facilities
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 10 ayes — Kolkhorst, Naishtat, Coleman, J. Davis, Hopson, S. King, Laubenberg, McReynolds, Truitt, Zerwas
- 0 nays
- 1 absent — Gonzales
- WITNESSES:** For — Ben Campbell, Texas Chiropractic Association; Dan McCoy, Texas Dermatological Society; Steven Finder, Texas Association of Cosmetic Laser Education and Regulation, (*Registered, but did not testify*, Heidi Fischer)
- Against — None
- DIGEST:** CSHB 449 would require laser hair removal technicians to obtain certification from the Department of State Health Services (DSHS) and would require laser hair removal facilities to be licensed with the department. The bill would set up four different levels of certification based on education and experience. Laser hair removal facilities would be required to have a formal relationship with a physician, who would be available in case of an emergency.
- Highest level of certification.** All laser hair removal facilities would be required to have at least one certified laser hair removal professional on the premises. If the certified laser hair removal professional left, the facility would have 45 days to replace the individual. To be a certified laser hair removal professional, the most rigorous classification, an individual would have to:
- be certified by a DSHS-approved agency;
 - pass an exam;
 - have a least 24 hours of training in safety, laser physics, skin typing, skin reactions, treatment protocols, and post treatment protocols;

- have performed at least 100 laser removal procedures; and
- have supervised at least 100 laser hair removal procedures.

Lower levels of certification. The three other classifications would have less stringent requirements. Senior laser hair removal technicians would be required to have 24 hours of training, 100 hours of practice, and 100 hours of supervision. Laser hair removal technicians would be required to have 24 hours of training and 100 hours of practice. Laser hair removal apprentices-in-training would have to be at least 18 years old, have 24 hours of training, and work under the supervision of a senior laser hair removal technician or a certified laser hair removal professional. DSHS would have to offer continuing education programs for certificate holders.

Devices. Technicians would be required to use laser hair removal devices that had been approved by the federal Food and Drug Administration, and these devices could be used only for hair removal. Anyone who violated this rule would be subject to a certificate revocation or a penalty of not more than \$5,000 per violation.

Facility licenses. The bill would require all laser hair removal facilities to be licensed with DSHS. Certificates and licenses would be required to be displayed in plain sight at laser hair removal facilities. Certificates and licenses would expire every two years, and DSHS would charge the same fee for first-time applications and renewals. A facility could not disclose client records unless a client agreed to have the records released or there were another special circumstance.

Warnings. Certified technicians would be required to give a written statement to their clients explaining the risks involved in laser hair removal and that a laser hair removal certification does not allow one to practice medicine. Written notices would not excuse technicians from liability. Facilities also would have to display a warning sign designed by DSHS. Facilities could not claim that laser hair removal was risk-free.

Doctors and other health care professionals would not be required to obtain any additional certification to practice laser hair removal, provided laser hair removal was in their scope of practice.

Facilities in operation on the effective date of the bill would have until September 1, 2010, to obtain all required certificates and licenses.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 449 would facilitate a compromise between the Texas Medical Board and the laser hair removal industry. The Texas Medical Board expressed concern that the devices used in laser hair removal could pose a danger to public health and were for medical use only. CSHB 449 would limit the use of laser hair removal devices to properly trained professionals and would ensure that a physician would be available in case of a medical emergency.

Although laser hair removal is generally safe, some risks are associated with the practice. Ten percent of laser hair removal cases result in mild skin reactions, including swelling, redness, and acne-like reactions. These skin reactions look worse than they actually are and usually resolve themselves completely within a few days. CSHB 449 would require laser hair removal technicians to complete an intensive training program that would help them avoid these minor complications.

Allowing certified non-physicians to practice laser hair removal keeps competition up and prices down in the industry. Doctors charge two to three times the amount charged by non-doctors for laser hair removal. CSHB 449 would help keep this cosmetic procedure available to a wider segment of consumers by giving them the option of having the technique done by a non-physician at a lower price.

**OPPONENTS
SAY:**

Government regulation of the laser hair removal industry is not necessary and would place an undue burden on business. Laser hair removal is a very safe technique that has not received many complaints since its inception in 1997. The drive to regulate laser hair removal was brought about by a small group of physicians who wanted to command a larger share of the laser hair removal market.

**OTHER
OPPONENTS
SAY:**

The bill would not go far enough in the regulation of the laser hair removal industry. Other professions in the cosmetic industry have much more rigid certification standards. Cosmetologists are required to have at least 1,500 hours of training, and nail technicians are required to have 600. CSHB 449 would allow laser hair technicians to practice a risky procedure without having to attain a fraction of the training required in other cosmetic fields.

NOTES:

The committee substitute differs from the bill as filed in the following ways:

- requiring technicians to disclose to clients that they cannot practice medicine;
- prohibiting technicians from using a laser hair removal device to practice medicine; and
- assigning a fine of up to \$5,000 for violators.