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HOUSE BILL 726  
Committee Substitute Favorable 7/31/07  
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Short Title: Amend Electrolysis Practice Act/Fees.-AB

(Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER HAIR PRACTITIONERS AND LASER HAIR PRACTITIONER INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 88A-2 reads as rewritten:

**"§ 88A-2. Purpose.**

The purpose of this Chapter is to ensure minimum standards of competency, to protect the public from misrepresentation of status by persons who hold themselves out to be "~~certified electrologists~~", 'licensed electrologists' or 'licensed laser hair practitioners' and to provide the public with safe care by the mandatory licensing of ~~electrologists-electrologists and laser hair practitioners.~~"

**SECTION 2.** G.S. 88A-3 is amended by adding the following new subdivisions to read:

**"§ 88A-3. Definitions.**

As used in this Chapter, unless the context requires otherwise:

...

(5) 'Laser hair practitioner' means a person who engages in laser, light source, or pulsed-light treatments for the removal of hair.

(6) 'Laser, light source, or pulsed-light treatments' means the use of laser or pulsed-light devices for nonablative procedures for the removal of hair.

(7) 'Laser, light source, or pulsed-light devices' means a device used exclusively in the nonablative procedure for the removal of hair.'

**SECTION 3.** G.S. 88A-4 reads as rewritten:

1 **"§ 88A-4. Unlawful practice.**

2 (a) ~~Effective January 31, 1994, it~~ shall be unlawful to engage in the practice of  
 3 electrolysis or laser, light source, or pulsed-light treatments in this State without a  
 4 license.

5 (b) Any person practicing electrology or laser, light source, or pulsed-light  
 6 treatments for the purpose of hair removal or hair reduction in this State without being  
 7 licensed by the Board shall be guilty of a Class I felony and may be assessed a civil  
 8 penalty of up to five thousand dollars (\$5,000) for each offense. Any other violation of  
 9 this Chapter shall be a Class 2 misdemeanor."

10 **SECTION 4.** G.S. 88A-9(b) reads as rewritten:

11 "(b) All fees may be calculated by the Board in amounts sufficient to pay the costs  
 12 of administration of this act, but in no event may they exceed the following:

13	(1)	Application for licensure as an electrologist .....	\$150.00
14	(1a)	Initial license .....	150.00
15	(1b)	Examination or reexamination .....	125.00
16	(2)	Licensure of electrology renewal .....	<del>200.00</del> <u>150.00</u>
17	(3)	Application for <del>certification</del> <u>licensure</u> as an electrology	
18		instructor.....	150.00
19	(4)	<del>Certificate</del> <u>Licensure</u> of electrology instructor renewal.....	<del>75.00</del> <u>150.00</u>
20	(5)	Application for certification as a <del>Board-approved</del>	
21		<u>Board-approved</u> school of electrology .....	500.00
22	(5a)	<u>Application for licensure as laser hair practitioner</u> .....	150.00
23	(5b)	<u>Licensure of laser hair practitioner renewal</u> .....	150.00
24	(5c)	<u>Application for licensure as laser hair practitioner instructor</u> .....	150.00
25	(5d)	<u>Licensure of laser hair practitioner instructor renewal</u> .....	150.00
26	(5e)	<u>Application for certification as a Board-approved school of</u>	
27		<u>laser, light source, or pulsed-light treatments</u> .....	500.00
28	(5f)	<u>Certificate of Board-approved school of laser, light source,</u>	
29		<u>or pulsed-light renewal</u> .....	400.00
30	(6)	Certificate of <del>Board-approved</del> <u>Board-approved</u> school of	
31		electrology renewal .....	250.00
32	(6a)	Certification of out-of-state schools .....	<del>100.00</del> <u>150.00</u>
33	(6b)	Certification of out-of-state schools renewal .....	<del>75.00</del> <u>100.00</u>
34	(6c)	Office inspection or reinspection .....	100.00
35	(6d)	License by reciprocity .....	150.00
36	(7)	Late renewal charge .....	<del>75.00</del> <u>125.00</u>
37	(8)	Reinstatement of expired license <u>or certification</u> .....	<del>300.00</del> <u>250.00</u>
38	(9)	Reactivation of license .....	200.00
39	(10)	Duplicate license <u>or certification</u> .....	25.00."

40 **SECTION 5.** G.S. 88A-10(a)(3) reads as rewritten:

41 "(a) Any person who desires to be licensed as an "electrologist" pursuant to this  
 42 Chapter shall:

- 43 ...  
 44 (3) Be ~~18-21~~ years of age or older.

...."

SECTION 6. Chapter 88A of the General Statutes is amended by adding a new section to read:

**"§ 88A-11.1. Requirements for licensure as a laser hair practitioner; limitations on licensed laser hair practitioners.**

(a) Any person seeking licensure by the Board as a laser hair practitioner shall have met the following requirements at the time the license is requested:

(1) Be an electrologist licensed under this Chapter.

(2) Completed a minimum 30-hour laser, light source, or pulsed-light treatment certification course approved by the Board and in accordance with rules adopted by the Board.

(3) Be currently using or anticipate using laser, light source, or pulsed-light devices that the person has been certified by a Board-approved school to operate.

(b) When the Board determines that an applicant has met all the requirements for licensure, and has submitted the initial license fee required in G.S. 88A-9(b), the Board shall issue a license to the applicant.

(c) Each laser hair practitioner shall practice laser, light source, or pulsed-light treatments under the supervision of a physician licensed under Article 1 of Chapter 90 of the General Statutes. The physician shall be readily available, but not required to be on site when the laser, light source, or pulsed-light treatments are being performed. However, the authority to regulate laser clinicians shall remain with the Board.

(d) A laser hair practitioner shall not dispense or administer medication or provide advice regarding the use of medication, whether prescription or over-the-counter, in connection with laser, light source, or pulsed-light treatments.

(e) All laser hair practitioners shall use laser, light source, or pulsed-light devices approved by the federal Food and Drug Administration and comply with all applicable federal and State regulations, rules, and laws. Any licensed laser hair practitioner violating this subsection shall have his or her license revoked by the Board.

(f) Only a licensed physician may use laser, light source, or pulsed-light devices for ablative procedures."

SECTION 7. G.S. 88A-12 reads as rewritten:

**"§ 88A-12. License renewal.**

(a) Every electrologist license or laser hair practitioner license issued pursuant to this Chapter must be renewed annually. On or before the date the current license expires, a person who desires to continue to practice electrology or as a laser hair practitioner shall apply for license renewal to the Board on forms approved by the Board, provide evidence of the successful completion of a continuing educational program approved by the Board, meet the criteria for renewal established by the Board, and pay the required fee. The Board may provide for the late renewal of licensure upon payment of a late fee as set by the Board, but late renewal may not be granted more than 90 days after expiration of the license.

(b) Any person who has failed to renew his or her license for more than 90 days after expiration may have it reinstated by applying to the Board for reinstatement on a

1 form approved by the Board, furnishing a statement of the reason for failure to apply for  
2 renewal prior to the deadline, and paying the required fee. The Board may require  
3 evidence of competency to resume practice before reinstating the applicant's license."

4 **SECTION 8.** G.S. 88A-13 is amended by adding the following new  
5 subsection to read:

6 "(d) Laser hair practitioners are required to complete a minimum of 10 hours of  
7 continuing education annually to maintain their licenses pursuant to rules adopted by the  
8 Board."

9 **SECTION 9.** Chapter 88A of the General Statutes is amended by adding the  
10 following new sections to read:

11 **"§ 88A-15.1. Persons and practices not affected.**

12 The requirements of this Chapter shall not apply to any person licensed or approved  
13 by the North Carolina Medical Board to practice medicine or perform medical acts,  
14 tasks, or functions pursuant to Article 1 of Chapter 90 of the General Statutes or any  
15 person employed and working under the direct supervision of a physician licensed to  
16 practice medicine pursuant to Article 1 of Chapter 90 of the General Statutes.

17 **"§ 88A-17.1. Requirements for licensure as a laser hair practitioner instructor.**

18 (a) Any person who desires licensure as a laser practitioner instructor pursuant to  
19 this Chapter shall meet the following requirements:

20 (1) Submit an application on a form approved by the Board.

21 (2) Be an electrologist licensed under this Chapter or a physician licensed  
22 under Article 1 of Chapter 90 of the General Statutes.

23 (3) Have practiced laser and light-based treatments actively for at least  
24 five years immediately before applying for licensure.

25 (4) Have at least 100 hours of training in laser and light-based treatments.

26 (b) When the Board determines that an applicant has met all qualifications for  
27 licensure as a laser hair practitioner instructor and has submitted the required fee, the  
28 Board shall issue an instructor's license to the applicant."

29 **SECTION 10.** G.S. 88A-18 reads as rewritten:

30 **"§ 88A-18. Renewal of instructor's ~~certificate~~ license.**

31 An electrology or laser hair practitioner instructor's ~~certificate~~ license shall be  
32 renewed annually. On or before the date the current ~~certificate~~ license expires, the  
33 applicant must submit an application for renewal of ~~certification~~ licensure on a form  
34 approved by the Board, meet criteria for renewal established by the Board, and pay the  
35 required fee. Any person whose instructor's ~~certificate~~ license has expired for a period  
36 of ~~five~~ three years or more shall be required to take and pass the instructor's  
37 examination before the ~~certificate~~ license can be renewed."

38 **SECTION 11.** Chapter 88A of the General Statutes is amended by adding  
39 the following new section to read:

40 **"§ 88A-19.1. Requirements for certification as a Board-approved school of laser,**  
41 **light source, or pulsed-light treatments.**

42 (a) Any school in this State or another state that desires to be certified as a  
43 Board-approved school of laser, light source, or pulsed-light treatments shall:

44 (1) Submit an application on a form approved by the Board;

- 1           (2) Submit a detailed projected floor plan of the institutional area  
2 demonstrating adequate school facilities to accommodate students for  
3 purposes of lectures, classroom instruction, and practical  
4 demonstration;  
5           (3) Submit a detailed list of the equipment to be used by the students in  
6 the practical course of their studies;  
7           (4) Submit a copy of the planned laser, light source, or pulsed-light  
8 curriculum consisting of the number of hours and subject matter  
9 determined by the Board, provided that the number of hours required  
10 shall not be less than 30 hours pursuant to rules adopted by the Board;  
11           (5) Submit a certified copy of the school manual of instruction;  
12           (6) Submit the names and qualifications of the instructors certified; and  
13           (7) Submit any additional information the Board may require.

14       (b) When the Board determines that an applicant has met all the qualifications for  
15 certification as a Board-approved school of laser, light source, or pulsed-light treatments  
16 and has submitted the required fee, the Board shall issue a certificate to the applicant.

17       (c) A school's certification is only valid for the location named in the application.  
18 When a school desires to change locations, an application shall be submitted to the  
19 Board on a form furnished by the Board, and the fee shall be paid for certificate  
20 renewal.

21       (d) A school's certification is not transferable. Schools shall immediately notify  
22 the Board in writing of any sale, transfer, or change in ownership or management.

23       (e) Every school shall display its certification in a manner prescribed by the  
24 Board.

25       (f) All laser, light source, or pulsed-light devices used in the school shall be  
26 approved by the federal Food and Drug Administration."

27       **SECTION 12.** G.S. 88A-20 reads as rewritten:

28       "**§ 88A-20. Certification renewal.**

29       Every certificate issued pursuant to G.S. 88A-19 or G.S. 88A-19.1 shall be renewed  
30 annually. On or before the date the current certificate expires, the applicant must submit  
31 an application for renewal of certification on a form approved by the Board, meet  
32 criteria for renewal established by the Board, and pay the required fee. Failure to renew  
33 the certificate within 90 days after the expiration date shall result in automatic forfeiture  
34 of any certification issued pursuant to this Chapter."

35       **SECTION 13.** Any person who submits proof to the Board that he or she has  
36 met educational training requirements to practice as a laser hair practitioner in  
37 accordance with rules adopted by the North Carolina Board of Electrolysis Examiners  
38 shall be licensed without having to satisfy the educational training requirements of  
39 G.S. 88A-11.1, as enacted by Section 6 of this act, but shall comply with all other  
40 requirements for licensure under G.S. 88A-11.1, enacted by Section 6 of this act, and  
41 otherwise comply with the provisions of Chapter 88A of the General Statutes and rules  
42 adopted by the Board.

43       **SECTION 14.** This act becomes effective October 1, 2007.