

House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 63

HOUSE BILL 2529

AN ACT

AMENDING SECTIONS 32-516 AND 32-3233, ARIZONA REVISED STATUTES; RELATING TO
COSMETIC LASER PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-516, Arizona Revised Statutes, is amended to
3 read:

4 32-516. Aestheticians; cosmetic laser and IPL device use;
5 certification; fees; definitions

6 A. An aesthetician who wishes to perform cosmetic laser procedures and
7 procedures using IPL devices must:

8 1. Apply for and receive a certificate from the agency.

9 2. Comply with the requirements of this section and agency rules.

10 3. Successfully complete forty hours of didactic training as required
11 by agency rules at an agency-certified training program. The program shall
12 provide a provisional certificate to the applicant verifying the successful
13 completion of the didactic training.

14 4. For hair removal, complete hands-on training that is supervised by
15 a health professional who is acting within the health professional's scope of
16 practice or by a laser technician who has a minimum of one hundred hours of
17 hands-on experience per procedure. The health professional or laser
18 technician must be present in the room during twenty-four hours of hands-on
19 use of lasers or IPL devices. The supervising health professional or laser
20 technician shall verify that the aesthetician has completed the training and
21 supervision as prescribed by this section.

22 5. For other cosmetic laser and IPL device procedures, complete a
23 minimum of an additional twenty-four hours of hands-on training of at least
24 ten cosmetic procedures for each type of specific procedure that is
25 supervised by a health professional who is acting within the health
26 professional's scope of practice or by a laser technician who has a minimum
27 of one hundred hours of hands-on experience per procedure. The health
28 professional or laser technician must be present in the room during
29 twenty-four hours of hands-on use of lasers or IPL devices. The supervising
30 health professional or laser technician shall verify that the aesthetician
31 has completed the training and supervision as prescribed by this section.

32 6. Submit to the agency the provisional certificate from the training
33 program and certification by the health professional or laser technician who
34 directly supervised the applicant in the room during the hands-on training.

35 B. The agency shall issue a laser technician certificate authorizing
36 the aesthetician to use lasers and IPL devices if the applicant has completed
37 the training for hair removal or lasers and IPL devices for other cosmetic
38 procedures, as applicable, and shall maintain a current register of those
39 laser technicians in good standing and whether certification is for hair
40 removal only or other cosmetic procedures as well. The agency may establish
41 a fee for the registration of aestheticians as laser technicians and the
42 issuance of certificates pursuant to this subsection. The agency shall
43 deposit monies collected pursuant to this subsection in the laser safety fund
44 established by section 32-3234.

45 C. An aesthetician who has been certified as a laser technician by the
46 agency may use a laser or IPL device:

1 1. For hair removal under the indirect supervision of a health
2 professional whose scope of practice permits the supervision.

3 2. For cosmetic purposes other than hair removal if the aesthetician
4 is directly supervised by a health professional whose scope of practice
5 permits the supervision and the aesthetician has been certified in those
6 procedures.

7 D. The board shall investigate any complaint from the public or from
8 another board or agency regarding a licensed aesthetician who performs
9 cosmetic laser procedures or procedures using IPL devices pursuant to this
10 section. The board shall report to the agency any complaint it receives
11 about the training or performance of an aesthetician who is certified as a
12 laser technician.

13 E. An aesthetician who has been using laser and IPL devices before ~~the~~
14 ~~effective date of this amendment to this section~~ NOVEMBER 24, 2009 may
15 continue to do so if the aesthetician applies for and receives a certificate
16 pursuant to this section before October 1, 2010.

17 F. For the purposes of this section:

18 1. "Agency" means the radiation regulatory agency.

19 2. "Directly supervised" means a health professional who is licensed
20 in this state and whose scope of practice allows the supervision supervises
21 the use of a laser or IPL device for cosmetic purposes while the health
22 professional is present at the facility where and when the device is being
23 used.

24 3. "Health professional" means a person WHO IS licensed pursuant to
25 EITHER:

26 (a) Chapter 11, ARTICLE 2 OF THIS TITLE AND WHO SPECIALIZES IN ORAL
27 AND MAXILLOFACIAL SURGERY.

28 (b) CHAPTER 13, 14, 15, 17 or 25 of this title.

29 4. "Indirect supervision" means supervision by a health professional
30 who is licensed in this state, whose scope of practice allows the supervision
31 and who is readily accessible by telecommunication.

32 5. "IPL device" means an intense pulse light class II surgical device
33 certified in accordance with the standards of the agency for cosmetic
34 procedures.

35 6. "Laser" means any device that can produce or amplify
36 electromagnetic radiation with wavelengths in the range of one hundred eighty
37 nanometers to one millimeter primarily by the process of controlled
38 stimulated emission and certified in accordance with the standards for the
39 agency for cosmetic procedures.

40 7. "Laser technician" means a person who is or has been certified by
41 the agency pursuant to its rules and chapter 32, article 2 of this title.

42 Sec. 2. Section 32-3233, Arizona Revised Statutes, is amended to read:

43 32-3233. Lasers; IPL devices; authorized use; authorized
44 supervision

45 A. A health professional may register, operate and use a laser or IPL
46 device registered with the agency or administer drugs or devices for cosmetic

1 purposes to the extent the use is allowed by the health professional's scope
2 of practice and the health professional has completed any training required
3 by the health professional's regulatory board and the agency.

4 B. A health professional may supervise another health professional in
5 the use of a laser or IPL device for cosmetic purposes to the extent the
6 supervision is allowed or required by the supervising health professional's
7 scope of practice and the supervising health professional has completed any
8 training required by the supervising health professional's regulatory board
9 and the agency.

10 C. The health professional's regulatory board shall investigate any
11 complaint from the public or another board or agency involving the training,
12 education, supervision or use of a laser or IPL device. A health
13 professional shall report to the agency any complaint received about the
14 training or performance of a laser technician.

15 D. A health professional may supervise a laser technician in the use
16 of a laser or IPL device for cosmetic purposes if:

17 1. The health professional is licensed pursuant to EITHER:

18 (a) Chapter 11, ARTICLE 2 OF THIS TITLE AND SPECIALIZES IN ORAL AND
19 MAXILLOFACIAL SURGERY.

20 (b) CHAPTER 13, 14, 15, 17 or 25 of this title and the supervision is
21 within the health professional's scope of practice.

22 2. The supervision does not conflict with the requirements of this
23 article.

24 3. The laser technician has been certified by the agency to use a
25 laser or IPL device for hair removal or other cosmetic procedures.

26 E. A laser technician who wishes to perform cosmetic laser procedures
27 and procedures using IPL devices must:

28 1. Successfully complete forty hours of didactic training as required
29 by agency rules at an agency certified training program. The program shall
30 provide a provisional certificate to the applicant verifying the successful
31 completion of the didactic training.

32 2. For hair removal, complete hands-on training that is supervised by
33 a health professional who is acting within the health professional's scope of
34 practice or by a laser technician who has a minimum of one hundred hours of
35 hands-on experience per procedure. The health professional or laser
36 technician must be present in the room during twenty-four hours of hands-on
37 use of lasers or IPL devices. The supervising health professional or
38 supervising laser technician shall verify that the laser technician has
39 completed the training and supervision as prescribed by this section.

40 3. For other cosmetic laser and IPL device procedures, complete a
41 minimum of an additional twenty-four hours of hands-on training of at least
42 ten cosmetic procedures for each type of procedure that is supervised by a
43 health professional who is acting within the health professional's scope of
44 practice or by a laser technician who has a minimum of one hundred hours of
45 hands-on experience per procedure. The health professional or laser
46 technician must be present in the room during twenty-four hours of hands-on

1 use of lasers or IPL devices. The supervising health professional or
2 supervising laser technician shall verify that the laser technician has
3 completed the training and supervision as prescribed by this section.

4 4. Submit to the agency the provisional certificate from the training
5 program and certification by the health professional or laser technician who
6 directly supervised the applicant in the room during the hands-on training.

7 F. The agency shall issue a laser technician certificate authorizing
8 the use of lasers and IPL devices only for hair removal if the applicant
9 meets the applicable requirements of subsection E OF THIS SECTION, or for
10 hair removal and other cosmetic procedures if the applicant meets the
11 applicable requirements of subsection E OF THIS SECTION. The agency shall
12 maintain a current register of those laser technicians in good standing and
13 whether certification is only for hair removal or for hair removal and other
14 cosmetic procedures. The agency may establish a fee for the registration of
15 laser technicians and the issuance of certificates pursuant to this
16 subsection. The agency shall deposit monies collected pursuant to this
17 subsection in the laser safety fund established by section 32-3234.

18 G. A laser technician who has been using laser and IPL devices before
19 ~~the effective date of this amendment to this section~~ NOVEMBER 24, 2009 may
20 continue to do so if the laser technician applies for and receives a
21 certificate pursuant to this section before October 1, 2010.

22 H. A laser technician may use a laser or IPL device in the following
23 circumstances:

24 1. For hair removal under the indirect supervision of a health
25 professional whose scope of practice permits the supervision.

26 2. For cosmetic purposes other than hair removal if the laser
27 technician is directly supervised by a health professional whose scope of
28 practice permits the supervision.

29 I. The supervising health professional, the employer of a laser
30 technician and the registrant who owns or operates the laser or IPL device
31 are subject to disciplinary action by the appropriate regulatory board for
32 any errors made by a laser technician or for the use of a laser or IPL device
33 not allowed by this article. A person who employs a person who operates a
34 laser or IPL device must report any misuse of a laser or IPL device to the
35 operator's regulatory board and to the agency.

36 J. The agency shall investigate any complaint from a member of the
37 public or another board or agency involving the training, education, practice
38 or complaint of harm resulting from a laser technician performing procedures
39 for cosmetic purposes under this article and shall take appropriate
40 disciplinary action as necessary including revocation of the laser
41 technician's certification or revocation of a registrant's or employer's
42 license to own or operate a laser or IPL device.

~~APPROVED BY THE GOVERNOR APRIL 16, 2014.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2014.~~

Passed the House February 25, 20 14

Passed the Senate April 15, 20 14

by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

16 day of April, 20 14

at 11:50 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 16th day of

April

at 2:42 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17th day of April, 20 14

at 8:12 o'clock a M.

[Signature]
Secretary of State

H.B. 2529