

# SENATE BILL REPORT

## SHB 1779

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As of March 19, 2013

**Title:** An act relating to esthetics.

**Brief Description:** Concerning esthetics.

**Sponsors:** House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Ryu).

**Brief History:** Passed House: 3/08/13, 87-11.

**Committee Activity:** Commerce & Labor: 3/18/13.

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Staff:** Edith Rice (786-7444)

**Background:** An esthetician license allows the care of the skin by application and use of preparations, antiseptics, tonics, essential oils, or exfoliants, or by any device or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, pore extraction, or product application and removal; the temporary removal of superfluous hair by means of lotions, creams, mechanical or electrical apparatus, appliance, waxing, tweezing, or depilatories; tinting of eyelashes and eyebrows; and lightening the hair, except the scalp, on another person.

The Department of Licensing (Department) licenses estheticians, including the following:

- establishing curricula for the training of students and apprentices;
- preparing and administering exams;
- establishing minimum safety and sanitation standards; and
- adopting rules.

The Washington State Apprenticeship and Training Council (WSATC) oversees the state apprenticeship program within the Department of Labor and Industries. WSATC establishes apprenticeship program standards, approves apprenticeship training programs, and otherwise governs apprenticeship programs.

Minimum Training Hours. To receive an esthetics license, a person must meet training requirements and pass an exam. The minimum training hours required at a school is 600 hours for an esthetician. The minimum training hours required by an approved apprenticeship program is 800 hours for an esthetician.

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Reciprocity. A reciprocity provision allows a person with the equivalent license in another state to obtain a license by paying a fee and passing the examination.

**Summary of Bill:** Licensure of estheticians is broken into two categories:

- estheticians; and
- master estheticians.

Scope of Practice. The definition of the practice of esthetics is modified. It means the care of the skin for compensation by application or use of preparations, antiseptics, tonics, essential oils, exfoliants, superficial and light peels, or by any device or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, superficial skin stimulation, pore extraction, or product application and removal; temporary removal of superfluous hair by means of lotions, creams, appliance, waxing, threading, tweezing, or depilatories, including chemical means; and application of product to the eyelashes and eyebrows, including extensions, design and treatment, tinting, and lightening of the hair, excluding the scalp.

Practice of master esthetics includes all of the methods allowed in the definition of the practice of esthetics and adds the performance of medium depth peels and the use of medical devices for care of the skin and permanent hair reduction. The medical devices include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound. The use of a medical device must comply with state law and rules, including any laws or rules that require delegation or supervision by a licensed health professional acting within the scope of practice of that health profession.

Minimum Hours. The minimum training hours required at a school is increased to 750 hours for an esthetician; for a master esthetician license, the minimum training hours required are either:

- 1200 hours; or
- esthetician licensure plus 450 hours of training.

The minimum training hours required for an apprentice remains 800 hours for an esthetician. For a master esthetician it is 1400 hours.

Transition to New Licenses. Prior to January 1, 2015, any person holding an active license in good standing as an esthetician may continue to be licensed as an esthetician after paying the appropriate license fee. Prior to January 1, 2015, an applicant for a master esthetician license must have an active license in good standing as an esthetician, pay the appropriate license fee, and provide the Department with proof of having satisfied one or more of the following requirements:

- a combination of specific training and/or experience regarding medium depth peels and the use of lasers;
- a national or international diploma or certification in esthetics that is recognized by the Department by rule;
- an instructor in esthetics who has been licensed as an instructor in esthetics by the Department for a minimum of three years; or
- completion of 1200 hours of an esthetic curriculum approved by the Department.

Reciprocity. The Director of the Department (Director) must, upon passage of the required examination, issue a license as master esthetician to an applicant who submits the approved application, the fee, and provides proof to the Director that the applicant is currently licensed in good standing in esthetics in any state, territory, or possession of the United States, or a foreign country and holds a specific diploma or certificate. The Director may, upon passage of the required examination, issue a master esthetician license to an applicant that is currently licensed in esthetics in any other state, territory, or possession of the United States, or foreign country and submits an application, the fee, and provides proof to the Director that they are licensed in good standing and:

- the licensing state, territory, or possession of the United States, or foreign country has licensure requirements that the Director determines are substantially equivalent to a master esthetician license in this state; or
- the applicant has a certification, diploma, or other credentials that the Director determines has licensure requirements that are substantially equivalent to the specified diplomas and certificate.

A number of changes are made to reflect the creation of the additional license category.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill creates a master esthetician credential and raises the training requirements. The current scope of practice allows for use of lasers under supervision. This bill was developed over three years through the advisory group. The license fee is \$25, and the one-time costs to implement the bill would be absorbed with current funds. The practice of estheticians has changed with technology. There is a growing emphasis on lasers and chemical peels. We felt it was important to get additional training because we can do these procedures now. We need to raise the standards of care to require better training. This will protect people who are asking for these treatments. There currently is no laser training for estheticians in Washington; I have sent employees to Denver for training. Doctors often hire estheticians and train them onsite to work in their offices. The work of estheticians has changed over the years. We already require a higher level of training.

**Persons Testifying:** PRO: Representative Kirby, prime sponsor; Susan Colard, Dept. of Licensing; Renee Beck, Christine Brown Clover Park Technical College; Debbie Caddell, Anne Martin, NW Astheticians' Guild; Denise Lawless, Gary Manuel, Aveda Institute.