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**HOUSE BILL 2377**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Stonier, Bronoske, Reed, and Simmons

AN ACT Relating to the regulation of laser hair removal; and adding a new chapter to Title 18 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that laser hair removal is a medical procedure, and its practice by unqualified persons presents a danger to the public health and safety. Because it is difficult for the public to make informed choices related to laser hair removal services, and because the consequences of wrong choices can harm the public health and safety, it is the intent of the legislature to ensure that laser hair removal is only performed by persons who possess the proper licensure and skills. However, it is the intent of the legislature to impose restrictions only to the extent necessary to protect the public and in a manner that will not unreasonably affect the competitive market for the safe and effective delivery of such services.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health professional" means a physician licensed pursuant to chapter 18.71 RCW, physician assistant licensed pursuant to chapter 18.71A RCW, or advanced registered nurse practitioner, registered nurse, or licensed practical nurse licensed pursuant to chapter 18.79 RCW.

(2) "Laser hair removal" means the use of a laser light-based device assigned by the United States food and drug administration to hazard class three or four and approved by the United States food and drug administration as prescription devices to perform a nonablative hair removal procedure that does not remove the epidermis.

(3) "Laser hair removal facility" means a business location that provides laser hair removal.

(4) "Laser practitioner" means a health professional or other person who is authorized to practice laser hair removal pursuant to this chapter and chapter 18.16 RCW.

NEW SECTION. **Sec.**  (1) A person may not perform or attempt to perform laser hair removal unless the person is a laser practitioner.

(2) A laser practitioner who is not a physician shall complete a laser practitioner training and education program. A laser training and education program may be completed internally at the laser hair removal facility or through a third party, provided such third-party program is overseen by a physician. A laser practitioner training and education program must include 40 total hours of training, which may be a combination of didactic training, in-person hands-on training, and performance of laser hair removal procedures.

(3) A laser practitioner may only perform laser hair removal using lasers approved by the United States food and drug administration for noninvasive procedures. Laser hair removal may not be performed on the globe of the eye.

NEW SECTION. **Sec.**  (1) A laser hair removal facility must be overseen by a physician. The physician must ensure that there is a quality assurance program for the laser hair removal facility regarding the selection and treatment of patients. An appropriate quality assurance program must include the following:

(a) A mechanism to identify complications and untoward effects of treatment and to determine their cause;

(b) A mechanism to review the adherence of laser practitioners to written protocols;

(c) A mechanism to monitor the quality of treatments;

(d) A mechanism by which the findings of the quality assurance program are reviewed and incorporated into future protocols; and

(e) Ongoing training to maintain and improve the quality of treatment and performance of laser practitioners.

(2) A physician must establish written office protocols for laser hair removal provided at a laser hair removal facility that the physician oversees. The written office protocols must include the following:

(a) The identity of the physician overseeing the laser hair removal facility;

(b) Selection criteria to screen patients for the appropriateness of treatments;

(c) Identification of devices and settings to be used for patients who meet selection criteria;

(d) Methods by which the specified device is to be operated and maintained;

(e) A description of appropriate care and follow-up for common complications, serious injury, or emergencies, which must utilize a physician, physician assistant, or advanced registered nurse practitioner; and

(f) A statement of the activities, decision criteria, and plan the laser practitioner shall follow when performing procedures, including the method for documenting decisions made and a plan for communication or feedback to the physician overseeing the laser hair removal facility concerning specific decisions made.

(3) A laser practitioner must follow all written office protocols established and revised by a physician.

(4) A physician is not required to be physically present or to supervise laser hair removal procedures, but must be available for communication during the procedure, either in person or by two-way, real-time interactive communication.

(5) A laser practitioner is permitted to perform laser hair removal on a patient without a prior physical examination, diagnosis, recommendation, or referral of such patient by a physician.

(6) A physician must determine the number of laser practitioners under such physician's oversight.

(7) A physician must review not less than 10 percent of laser hair removal patient records at a laser hair removal facility that the physician oversees.

NEW SECTION. **Sec.**  Nothing in this chapter shall prohibit any person licensed pursuant to chapter 18.16, 18.71, 18.71A, or 18.79 RCW or any other act from engaging in the practice for which they are duly licensed.

NEW SECTION. **Sec.**  This chapter may be known and cited as the Washington regulation of laser hair removal act.

NEW SECTION. **Sec.**  Sections 1 through 6 of this act constitute a new chapter in Title 18 RCW.

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