

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1419

AN ACT

AMENDING SECTION 32-501, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-516; AMENDING TITLE 32, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO COSMETIC LASER AND INJECTION PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-501, Arizona Revised Statutes, is amended to
3 read:

4 32-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Aesthetician" means a person who is licensed to practice skin care
7 pursuant to this chapter.

8 2. "Aesthetics" means any one or a combination of the following
9 practices if they are performed for cosmetic purposes:

10 (a) Massaging, cleansing, stimulating, manipulating, exercising,
11 beautifying or applying oils, creams, antiseptics, clays, lotions or other
12 preparations, either by hand or by mechanical or electrical appliances.

13 (b) Arching eyebrows or tinting eyebrows and eyelashes.

14 (c) Removing superfluous hair by means other than electrolysis.

15 3. "Board" means the board of cosmetology.

16 4. "Cosmetic purposes" means for the purpose of beautifying,
17 preserving or conferring comeliness, excluding therapeutic massage and
18 manipulations.

19 5. "Cosmetologist" means a person licensed to practice cosmetology
20 pursuant to this chapter.

21 6. "Cosmetology" means any one or a combination of the following
22 practices if they are performed for cosmetic purposes:

23 (a) Cutting, clipping or trimming hair.

24 (b) Massaging, cleansing, stimulating, manipulating, exercising,
25 beautifying or applying oils, creams, antiseptics, clays, lotions or other
26 preparations, either by hand or by mechanical or electrical appliances.

27 (c) Styling, arranging, dressing, curling, waving, permanent waving,
28 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or
29 similarly treating hair.

30 (d) Arching eyebrows or tinting eyebrows and eyelashes.

31 (e) Removing superfluous hair by means other than electrolysis.

32 (f) Nail technology.

33 7. "ELECTRICAL APPLIANCES" MEANS DEVICES THAT USE ELECTRICAL CURRENT
34 AND INCLUDES LASERS AND IPL DEVICES AS DEFINED IN SECTION 32-516.

35 ~~7-~~ 8. "Instructor" means a person licensed to teach cosmetology,
36 aesthetics or nail technology, or any combination thereof, pursuant to this
37 chapter.

38 ~~8-~~ 9. "Nail technician" means a person licensed to practice nail
39 technology pursuant to this chapter.

40 ~~9-~~ 10. "Nail technology" means:

41 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or
42 otherwise treating a person's nails.

43 (b) Applying artificial nails.

44 (c) Massaging and cleaning a person's hands, arms, legs and feet.

1 SUPERVISING HEALTH PROFESSIONAL OR LASER TECHNICIAN SHALL VERIFY THAT THE
2 AESTHETICIAN HAS COMPLETED THE TRAINING AND SUPERVISION AS PRESCRIBED BY THIS
3 SECTION.

4 6. 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 B. THE AGENCY SHALL ISSUE A LASER TECHNICIAN CERTIFICATE AUTHORIZING
8 THE AESTHETICIAN TO USE LASERS AND IPL DEVICES IF THE APPLICANT HAS COMPLETED
9 THE TRAINING FOR HAIR REMOVAL OR LASERS AND IPL DEVICES FOR OTHER COSMETIC
10 PROCEDURES, AS APPLICABLE, AND SHALL MAINTAIN A CURRENT REGISTER OF THOSE
11 LASER TECHNICIANS IN GOOD STANDING AND WHETHER CERTIFICATION IS FOR HAIR
12 REMOVAL ONLY OR OTHER COSMETIC PROCEDURES AS WELL. THE AGENCY MAY ESTABLISH
13 A FEE FOR THE REGISTRATION OF AESTHETICIANS AS LASER TECHNICIANS AND THE
14 ISSUANCE OF CERTIFICATES PURSUANT TO THIS SUBSECTION. THE AGENCY SHALL
15 DEPOSIT MONIES COLLECTED PURSUANT TO THIS SUBSECTION IN THE LASER SAFETY FUND
16 ESTABLISHED BY SECTION 32-3234.

17 C. AN AESTHETICIAN WHO HAS BEEN CERTIFIED AS A LASER TECHNICIAN BY THE
18 AGENCY MAY USE A LASER OR IPL DEVICE:

19 1. FOR HAIR REMOVAL UNDER THE INDIRECT SUPERVISION OF A HEALTH
20 PROFESSIONAL WHOSE SCOPE OF PRACTICE PERMITS THE SUPERVISION.

21 2. FOR COSMETIC PURPOSES OTHER THAN HAIR REMOVAL IF THE AESTHETICIAN
22 IS DIRECTLY SUPERVISED BY A HEALTH PROFESSIONAL WHOSE SCOPE OF PRACTICE
23 PERMITS THE SUPERVISION AND THE AESTHETICIAN HAS BEEN CERTIFIED IN THOSE
24 PROCEDURES.

25 D. THE BOARD SHALL INVESTIGATE ANY COMPLAINT FROM THE PUBLIC OR FROM
26 ANOTHER BOARD OR AGENCY REGARDING A LICENSED AESTHETICIAN WHO PERFORMS
27 COSMETIC LASER PROCEDURES OR PROCEDURES USING IPL DEVICES PURSUANT TO THIS
28 SECTION. THE BOARD SHALL REPORT TO THE AGENCY ANY COMPLAINT IT RECEIVES
29 ABOUT THE TRAINING OR PERFORMANCE OF AN AESTHETICIAN WHO IS CERTIFIED AS A
30 LASER TECHNICIAN.

31 E. AN AESTHETICIAN WHO HAS BEEN USING LASER AND IPL DEVICES BEFORE THE
32 EFFECTIVE DATE OF THIS SECTION MAY CONTINUE TO DO SO IF THE AESTHETICIAN
33 APPLIES FOR AND RECEIVES A CERTIFICATE PURSUANT TO THIS SECTION WITHIN ONE
34 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

35 F. FOR THE PURPOSES OF THIS SECTION:

36 1. "AGENCY" MEANS THE RADIATION REGULATORY AGENCY.

37 2. "DIRECTLY SUPERVISED" MEANS A HEALTH PROFESSIONAL WHO IS LICENSED
38 IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE SUPERVISION SUPERVISES
39 THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES WHILE THE HEALTH
40 PROFESSIONAL IS PRESENT AT THE FACILITY WHERE AND WHEN THE DEVICE IS BEING
41 USED.

42 3. "HEALTH PROFESSIONAL" MEANS A PERSON LICENSED PURSUANT TO CHAPTER
43 13, 14, 15, 17 OR 25 OF THIS TITLE.

1 4. "INDIRECT SUPERVISION" MEANS SUPERVISION BY A HEALTH PROFESSIONAL
2 WHO IS LICENSED IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE
3 SUPERVISION AND WHO IS READILY ACCESSIBLE BY TELECOMMUNICATION.

4 5. "IPL DEVICE" MEANS AN INTENSE PULSE LIGHT CLASS II SURGICAL DEVICE
5 CERTIFIED IN ACCORDANCE WITH THE STANDARDS OF THE AGENCY FOR COSMETIC
6 PROCEDURES.

7 6. "LASER" MEANS ANY DEVICE THAT CAN PRODUCE OR AMPLIFY
8 ELECTROMAGNETIC RADIATION WITH WAVELENGTHS IN THE RANGE OF ONE HUNDRED EIGHTY
9 NANOMETERS TO ONE MILLIMETER PRIMARILY BY THE PROCESS OF CONTROLLED
10 STIMULATED EMISSION AND CERTIFIED IN ACCORDANCE WITH THE STANDARDS FOR THE
11 AGENCY FOR COSMETIC PROCEDURES.

12 7. "LASER TECHNICIAN" MEANS A PERSON WHO IS OR HAS BEEN CERTIFIED BY
13 THE AGENCY PURSUANT TO ITS RULES AND CHAPTER 32, ARTICLE 2 OF THIS TITLE.

14 Sec. 3. Title 32, chapter 32, Arizona Revised Statutes, is amended by
15 adding article 2, to read:

16 ARTICLE 2. COSMETIC LASER AND INJECTION PROCEDURES

17 32-3231. Definitions

18 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

19 1. "ADMINISTER" MEANS THE DIRECT APPLICATION, DISPENSING OR FURNISHING
20 A PRESCRIPTION MEDICATION OR A PRESCRIPTION-ONLY DEVICE, WHETHER BY INJECTION
21 OR ANY OTHER MEANS, TO THE BODY OF A PATIENT BY A HEALTH PROFESSIONAL OR BY
22 THE HEALTH PROFESSIONAL'S AUTHORIZED AGENT AT THE DIRECTION OF THE HEALTH
23 PROFESSIONAL.

24 2. "AESTHETICIAN" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-501.

25 3. "AGENCY" MEANS THE RADIATION REGULATORY AGENCY.

26 4. "COSMETIC PURPOSE" MEANS FOR THE PURPOSE OF BEAUTIFYING, PRESERVING
27 OR CONFERRING COMELINESS, EXCLUDING THERAPEUTIC MASSAGE AND MANIPULATIONS.

28 5. "DIRECTLY SUPERVISED" MEANS A HEALTH PROFESSIONAL WHO IS LICENSED
29 IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE SUPERVISION, SUPERVISES
30 THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES WHILE THE HEALTH
31 PROFESSIONAL IS PRESENT AT THE FACILITY WHERE AND WHEN THE DEVICE IS BEING
32 USED.

33 6. "INDIRECT SUPERVISION" MEANS SUPERVISION BY A HEALTH PROFESSIONAL
34 WHO IS LICENSED IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE
35 SUPERVISION AND WHO IS READILY ACCESSIBLE BY TELECOMMUNICATION.

36 7. "IPL DEVICE" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-516

37 8. "LASER" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-516.

38 9. "LASER TECHNICIAN" MEANS A PERSON WHO IS OR HAS BEEN CERTIFIED BY
39 THE AGENCY PURSUANT TO ITS RULES AND THIS ARTICLE.

40 10. "REGISTRANT" MEANS A PERSON OR ENTITY THAT OWNS OR OPERATES A
41 LASER OR IPL DEVICE FOR WHICH THE APPLICATION FOR REGISTRATION IS ON FILE
42 WITH THE AGENCY AND THAT IS IN COMPLIANCE WITH AGENCY RULES.

1 32-3232. Supervision

2 ONLY A HEALTH PROFESSIONAL, WHO HAS PRESCRIBING AUTHORITY AND WHO IS
3 ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF PRACTICE, MAY ADMINISTER OR
4 SUPERVISE ANOTHER HEALTH PROFESSIONAL, WHO IS ACTING WITHIN THE HEALTH
5 PROFESSIONAL'S SCOPE OF PRACTICE, IN THE ADMINISTRATION OF PRESCRIPTION
6 MEDICATION OR A PRESCRIPTION-ONLY DEVICE FOR A COSMETIC PURPOSE PURSUANT TO
7 THIS ARTICLE, WHETHER BY INJECTION OR ANY OTHER MEANS, TO A PATIENT.

8 32-3233. Lasers; IPL devices; authorized use; authorized
9 supervision; civil liability

10 A. A HEALTH PROFESSIONAL MAY REGISTER, OPERATE AND USE A LASER OR IPL
11 DEVICE REGISTERED WITH THE AGENCY OR ADMINISTER DRUGS OR DEVICES FOR COSMETIC
12 PURPOSES TO THE EXTENT THE USE IS ALLOWED BY THE HEALTH PROFESSIONAL'S SCOPE
13 OF PRACTICE AND THE HEALTH PROFESSIONAL HAS COMPLETED ANY TRAINING REQUIRED
14 BY THE HEALTH PROFESSIONAL'S REGULATORY BOARD AND THE AGENCY.

15 B. A HEALTH PROFESSIONAL MAY SUPERVISE ANOTHER HEALTH PROFESSIONAL IN
16 THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES TO THE EXTENT THE
17 SUPERVISION IS ALLOWED OR REQUIRED BY THE SUPERVISING HEALTH PROFESSIONAL'S
18 SCOPE OF PRACTICE AND THE SUPERVISING HEALTH PROFESSIONAL HAS COMPLETED ANY
19 TRAINING REQUIRED BY THE SUPERVISING HEALTH PROFESSIONAL'S REGULATORY BOARD
20 AND THE AGENCY.

21 C. THE HEALTH PROFESSIONAL'S REGULATORY BOARD SHALL INVESTIGATE ANY
22 COMPLAINT FROM THE PUBLIC OR ANOTHER BOARD OR AGENCY INVOLVING THE TRAINING,
23 EDUCATION, SUPERVISION OR USE OF A LASER OR IPL DEVICE. A HEALTH
24 PROFESSIONAL SHALL REPORT TO THE AGENCY ANY COMPLAINT RECEIVED ABOUT THE
25 TRAINING OR PERFORMANCE OF A LASER TECHNICIAN.

26 D. A HEALTH PROFESSIONAL MAY SUPERVISE A LASER TECHNICIAN IN THE USE
27 OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES IF:

28 1. THE HEALTH PROFESSIONAL IS LICENSED PURSUANT TO CHAPTER 13, 14, 15,
29 17 OR 25 OF THIS TITLE AND THE SUPERVISION IS WITHIN THE HEALTH
30 PROFESSIONAL'S SCOPE OF PRACTICE.

31 2. THE SUPERVISION DOES NOT CONFLICT WITH THE REQUIREMENTS OF THIS
32 ARTICLE.

33 3. THE LASER TECHNICIAN HAS BEEN CERTIFIED BY THE AGENCY TO USE A
34 LASER OR IPL DEVICE FOR HAIR REMOVAL OR OTHER COSMETIC PROCEDURES.

35 E. A LASER TECHNICIAN WHO WISHES TO PERFORM COSMETIC LASER PROCEDURES
36 AND PROCEDURES USING IPL DEVICES MUST:

37 1. SUCCESSFULLY COMPLETE FORTY HOURS OF DIDACTIC TRAINING AS REQUIRED
38 BY AGENCY RULES AT AN AGENCY CERTIFIED TRAINING PROGRAM. THE PROGRAM SHALL
39 PROVIDE A PROVISIONAL CERTIFICATE TO THE APPLICANT VERIFYING THE SUCCESSFUL
40 COMPLETION OF THE DIDACTIC TRAINING.

41 2. FOR HAIR REMOVAL, COMPLETE HANDS-ON TRAINING THAT IS SUPERVISED BY
42 A HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF
43 PRACTICE OR BY A LASER TECHNICIAN WHO HAS A MINIMUM OF ONE HUNDRED HOURS OF
44 HANDS-ON EXPERIENCE PER PROCEDURE. THE HEALTH PROFESSIONAL OR LASER
45 TECHNICIAN MUST BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF ACTUAL

1 HANDS-ON USE OF LASERS OR IPL DEVICES. THE SUPERVISING HEALTH PROFESSIONAL
2 OR SUPERVISING LASER TECHNICIAN SHALL VERIFY THAT THE LASER TECHNICIAN HAS
3 COMPLETED THE TRAINING AND SUPERVISION AS PRESCRIBED BY THIS SECTION.

4 3. FOR OTHER COSMETIC LASER AND IPL DEVICE PROCEDURES, COMPLETE A
5 MINIMUM OF AN ADDITIONAL TWENTY-FOUR HOURS OF HANDS-ON TRAINING OF AT LEAST
6 TEN COSMETIC PROCEDURES FOR EACH TYPE OF PROCEDURE THAT IS SUPERVISED BY A
7 HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF
8 PRACTICE OR BY A LASER TECHNICIAN WHO HAS A MINIMUM OF ONE HUNDRED HOURS OF
9 HANDS-ON EXPERIENCE PER PROCEDURE. THE HEALTH PROFESSIONAL OR LASER
10 TECHNICIAN MUST BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF ACTUAL
11 HANDS-ON USE OF LASERS OR IPL DEVICES. THE SUPERVISING HEALTH PROFESSIONAL
12 OR SUPERVISING LASER TECHNICIAN SHALL VERIFY THAT THE LASER TECHNICIAN HAS
13 COMPLETED THE TRAINING AND SUPERVISION AS PRESCRIBED BY THIS SECTION.

14 4. SUBMIT TO THE AGENCY THE PROVISIONAL CERTIFICATE FROM THE TRAINING
15 PROGRAM AND CERTIFICATION BY THE HEALTH PROFESSIONAL OR LASER TECHNICIAN WHO
16 DIRECTLY SUPERVISED THE APPLICANT IN THE ROOM DURING THE HANDS-ON TRAINING.

17 F. THE AGENCY SHALL ISSUE A LASER TECHNICIAN CERTIFICATE AUTHORIZING
18 THE USE OF LASERS AND IPL DEVICES ONLY FOR HAIR REMOVAL IF THE APPLICANT
19 MEETS THE APPLICABLE REQUIREMENTS OF SUBSECTION E, OR FOR HAIR REMOVAL AND
20 OTHER COSMETIC PROCEDURES IF THE APPLICANT MEETS THE APPLICABLE REQUIREMENTS
21 OF SUBSECTION E. THE AGENCY SHALL MAINTAIN A CURRENT REGISTER OF THOSE LASER
22 TECHNICIANS IN GOOD STANDING AND WHETHER CERTIFICATION IS ONLY FOR HAIR
23 REMOVAL OR FOR HAIR REMOVAL AND OTHER COSMETIC PROCEDURES. THE AGENCY MAY
24 ESTABLISH A FEE FOR THE REGISTRATION OF LASER TECHNICIANS AND THE ISSUANCE OF
25 CERTIFICATES PURSUANT TO THIS SUBSECTION.

26 G. A LASER TECHNICIAN WHO HAS BEEN USING LASER AND IPL DEVICES BEFORE
27 THE EFFECTIVE DATE OF THIS SECTION MAY CONTINUE TO DO SO IF THE LASER
28 TECHNICIAN APPLIES FOR AND RECEIVES A CERTIFICATE PURSUANT TO THIS SECTION
29 WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

30 H. A LASER TECHNICIAN MAY USE A LASER OR IPL DEVICE IN THE FOLLOWING
31 CIRCUMSTANCES:

32 1. FOR HAIR REMOVAL UNDER THE INDIRECT SUPERVISION OF A HEALTH
33 PROFESSIONAL WHOSE SCOPE OF PRACTICE PERMITS THE SUPERVISION.

34 2. FOR COSMETIC PURPOSES OTHER THAN HAIR REMOVAL IF THE LASER
35 TECHNICIAN IS DIRECTLY SUPERVISED BY A HEALTH PROFESSIONAL WHOSE SCOPE OF
36 PRACTICE PERMITS THE SUPERVISION.

37 I. THE SUPERVISING HEALTH PROFESSIONAL, THE EMPLOYER OF A LASER
38 TECHNICIAN AND THE REGISTRANT WHO OWNS OR OPERATES THE LASER OR IPL DEVICE
39 ARE SUBJECT TO DISCIPLINARY ACTION BY THE APPROPRIATE REGULATORY BOARD FOR
40 ANY ERRORS MADE BY A LASER TECHNICIAN OR FOR THE USE OF A LASER OR IPL DEVICE
41 NOT ALLOWED BY THIS ARTICLE. A PERSON WHO EMPLOYS A PERSON WHO OPERATES A
42 LASER OR IPL DEVICE MUST REPORT ANY MISUSE OF A LASER OR IPL DEVICE TO THE
43 OPERATOR'S REGULATORY BOARD AND TO THE AGENCY.

1 J. THE AGENCY SHALL INVESTIGATE ANY COMPLAINT FROM A MEMBER OF THE
2 PUBLIC OR ANOTHER BOARD OR AGENCY INVOLVING THE TRAINING, EDUCATION, PRACTICE
3 OR COMPLAINT OF HARM RESULTING FROM A LASER TECHNICIAN PERFORMING PROCEDURES
4 FOR COSMETIC PURPOSES UNDER THIS ARTICLE AND SHALL TAKE APPROPRIATE
5 DISCIPLINARY ACTION AS NECESSARY INCLUDING REVOCATION OF THE LASER
6 TECHNICIAN'S CERTIFICATION OR REVOCATION OF A REGISTRANT'S OR EMPLOYER'S
7 LICENSE TO OWN OR OPERATE A LASER OR IPL DEVICE.

8 32-3234. Laser safety fund

9 THE LASER SAFETY FUND IS ESTABLISHED CONSISTING OF FEES COLLECTED BY
10 THE AGENCY PURSUANT TO SECTIONS 32-516 AND 32-3233. THE AGENCY SHALL
11 ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.