SENATE BILL No. 461

By Committee on Public Health and Welfare

AN ACT concerning health and healthcare; relating to laser hair removal; creating the laser hair removal act; restricting the practice thereof to certain medical professionals.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This section shall be known and may be cited as the laser hair removal act.

(b) As used in this section:

(1) "Advanced practice registered nurse" means a person licensed by the board of nursing pursuant to K.S.A. 65-1130, and amendments thereto.

(2) "Healthcare professional" means a physician, a physician assistant, an advanced practice registered nurse or a licensed "professional nurse" or "practical nurse" as defined in K.S.A. 65-1113, and amendments thereto.

(3) "Laser hair removal" means the use of a class III laser product or class IV laser product as such terms are defined by 21 C.F.R. § 1040.10, the use of which has been approved by the federal food and drug administration in performing a non-ablative hair removal procedure that does not remove the epidermis.

(4) "Laser hair removal facility" means a business establishment that provides laser hair removal.

(5) "Laser practitioner" means a licensed healthcare professional who practices laser hair removal pursuant to this section.

(6) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

"Physician assistant" means a person licensed by the state board of healing arts pursuant to K.S.A. 65-28a04, and amendments thereto.

(c) (1) Except as provided in this section, on and after January 1, 2025, no person shall perform or attempt to perform laser hair removal unless such person is a healthcare professional as defined by this section or pursuant to light-based medical treatment regulations adopted by the board of healing arts.

(2) No person shall present oneself, orally or in writing, expressly or by implication, as authorized to perform laser hair removal unless authorized to do so in paragraph (1).

(d) A laser practitioner shall only perform laser hair removal using
lasers approved by the federal food and drug administration for noninvasive procedures.

(e) 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 a laser hair removal facility or through a third party, if such training and education program is overseen by a physician. A laser practitioner training and education program shall include not less than 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.

(f) Notwithstanding any other law to the contrary:

(1) A laser hair removal facility shall have a physician to serve as medical director, who shall be responsible for the quality, safety and appropriateness of services provided;

(2) a physician shall establish written practice protocols for laser hair removal and complication management provided at a facility, which shall be signed by such physician and laser practitioner. A laser practitioner shall follow all written procedure protocols established and revised by such physician;

(3) a physician shall not be required to be physically present or immediately available to supervise laser hair removal procedures or patient evaluations, except that such physician shall be available for communication, either in person or by two-way, real-time interactive communication;

(4) a physician shall determine the number of physician assistants practicing under the physician's supervision at different laser hair removal facilities. A supervising physician shall not be limited in the number of physician assistants under such physician's supervision, except that such supervising physician shall use professional judgment regarding the physician's ability to adequately supervise each physician assistant based upon factors adopted in rules and regulations by the board of healing arts;

(5) a physician shall review not less than 10% of laser hair removal patient records; and

(6) complication management protocols shall utilize a physician, physician assistant or advanced practice registered nurse, who may be available by two-way, real-time interactive communication.

(g) Nothing in this section shall prohibit any person in the healing arts or practice of nursing in this state from engaging in the practice for which they are duly licensed or certified.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.