

SENATE BILL No. 461

By Committee on Public Health and Welfare

2-6

1 AN ACT concerning health and healthcare; relating to laser hair removal;
2 creating the laser hair removal act; restricting the practice thereof to
3 certain medical professionals.
4

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

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

8 (b) As used in this section:

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

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

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

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

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

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

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

28 (c) (1) Except as provided in this section, on and after January 1,
29 2025, no person shall perform or attempt to perform laser hair removal
30 unless such person is a healthcare professional as defined by this section or
31 pursuant to light-based medical treatment regulations adopted by the board
32 of healing arts.

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

36 (d) A laser practitioner shall only perform laser hair removal using

1 lasers approved by the federal food and drug administration for
2 noninvasive procedures.

3 (e) A laser practitioner who is not a physician shall complete a laser
4 practitioner training and education program. A laser training and education
5 program may be completed internally at a laser hair removal facility or
6 through a third party, if such training and education program is overseen
7 by a physician. A laser practitioner training and education program shall
8 include not less than 40 total hours of training, which may be a
9 combination of didactic training, in-person hands-on training and
10 performance of laser hair removal procedures.

11 (f) Notwithstanding any other law to the contrary:

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

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

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

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

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

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

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

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