

SENATE FLOOR VERSION

April 11, 2024

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2998

By: Hasenbeck, McEntire, and
Pittman of the House

and

Daniels and Hicks of the
Senate

[laser hair removal - instruments - credential -
training and education program - physician oversight
- protocols - requirements - conduct - codification -
effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 538.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Laser Hair
Removal Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 538.2 of Title 59, unless there
is created a duplication in numbering, reads as follows:

1. "Health professional" means a physician, physician assistant
as defined in Section 519.2 of Title 59 of the Oklahoma Statutes,
Advanced Practice Registered Nurse as defined in Section 567.3a of

1 Title 59 of the Oklahoma Statutes, Registered Nurse as defined in
2 Section 567.3a of Title 59 of the Oklahoma Statutes, or Licensed
3 Practical Nurse as defined in Section 567.3a of Title 59 of the
4 Oklahoma Statutes;

5 2. "Laser hair removal" means the use of a class three or class
6 four laser light-based device approved by the United States Food and
7 Drug Administration (FDA) to perform a nonablative hair removal
8 procedure that does not remove the epidermis. Laser hair removal
9 does not include electrolysis as defined in Section 536.2 of Title
10 59 of the Oklahoma Statutes;

11 3. "Laser hair removal facility" means a business location that
12 provides laser hair removal;

13 4. "Laser practitioner" means a person who practices laser hair
14 removal pursuant to this act; and

15 5. "Physician" means a person licensed to practice medicine
16 pursuant to the provisions of the Oklahoma Allopathic Medical and
17 Surgical Licensure and Supervision Act or the Oklahoma Osteopathic
18 Medicine Act.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 538.3 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. A laser practitioner shall only perform laser hair removal
23 using lasers or pulsed light devices approved by the United States
24 Food and Drug Administration (FDA) for noninvasive procedures.

1 B. A person shall not perform or attempt to perform laser hair
2 removal unless the person holds the appropriate health professional
3 license or certificate as defined in Section 2 of this act. A laser
4 practitioner who is not a physician shall complete a laser
5 practitioner training and education program. A laser training and
6 education program may be completed internally at the laser hair
7 removal facility or via a third party, provided such third-party
8 program is overseen by a physician. A laser practitioner training
9 and education program shall include forty (40) total hours of
10 training which may be a combination of didactic training, in-person
11 hands-on training, and performance of laser hair removal procedures.

12 C. A laser hair removal facility shall be overseen by a
13 physician; provided, that Advanced Practice Registered Nurses shall
14 be exempt from this oversight requirement.

15 D. The overseeing physician shall:

- 16 1. Establish proper protocols for laser hair removal provided
17 at a facility including, but not limited to, complication
18 management. A laser practitioner shall follow all written procedure
19 protocols established and revised by the overseeing physician. Such
20 protocols shall require utilizing a physician, physician assistant,
21 or Advanced Practice Registered Nurse for complication management;
- 22 2. Determine the number of laser practitioners under such
23 physician's supervision; and

1 3. Review not less than ten percent (10%) of laser hair removal
2 patient records.

3 E. A physician shall not be required to be physically present
4 or to supervise laser hair removal, but shall be available for
5 communication during the procedure, either in person or by two-way,
6 real time interactive communication.

7 F. A laser practitioner may perform laser hair removal on a
8 patient without the prior evaluation or referral of such patient by
9 a physician.

10 G. The conduct of allopathic physicians and physician
11 assistants pursuant to this act shall be regulated by the State
12 Board of Medical Licensure and Supervision. The conduct of
13 osteopathic physicians pursuant to this act shall be regulated by
14 the State Board of Osteopathic Examiners. The conduct of Registered
15 Nurses, Licensed Practical Nurses, and Advanced Practice Registered
16 Nurses pursuant to this act shall be regulated by the Oklahoma Board
17 of Nursing.

18 H. Nothing in this act shall prohibit any person in the healing
19 arts, in this state under any other act, from engaging in the
20 practice for which he or she is duly licensed.

21 SECTION 4. This act shall become effective November 1, 2024.

22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
23 April 11, 2024 - DO PASS AS AMENDED BY CS
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