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MEMORANDUM

To: Chair Gossage and the Senate Committee on Public Health and Welfare

From: Office of Revisor of Statutes

Date: February 13, 2024

Subject: **SB 461**, Creating the laser hair removal act to restrict the performance of laser hair removal to certain medical professionals.

SB 461 would enact a new provision law, named the laser hair removal act.

Definitions are contained in subsection (b), and create definitions for "laser hair removal," "laser hair removal facility," and "laser practitioner."

Subsection (c) restricts the performance of laser hair removal to healthcare professionals as defined in K.S.A. 65-1113 or pursuant to light-based medical treatment regulations. The subsection also prohibits a person from presenting themselves as being authorized to perform laser hair removal unless authorized to do so in paragraph (1).

Subsection (d) prohibits laser practitioners from using lasers other than those approved by the FDA for noninvasive procedures.

Subsection (e) requires a non-physician laser practitioner to complete a laser practitioner training and education program and defines the requirements of such a program.

Subsection (f) requires that a physician serve as the medical director of a laser hair removal facility. The physician will be required to establish written practice protocols for laser hair removal and complication management. A physician shall not be required to be physically present or immediately available to supervise laser hair removal procedures but shall be required to be available for communication. A physician shall also determine the number of physician assistants who can practice under the physician's supervision at different laser hair removal facilities but shall use professional judgment regarding the physician's ability to adequately supervise each physician assistant based upon factors adopted in rules and regulations developed by the board of healing arts. The subsection requires a physician to review at least 10% of patient records and requires complication management protocols to utilize a physician, physician assistant or advanced practice registered nurse, who may be available by two-way, real-time, interactive communication. Lastly, the act should not be construed to prohibit anyone in the healing arts or practice of nursing in this state from engaging in in the practice for which they are licensed or certified.

If enacted, the bill would become effective on July 1, 2024.