

HOUSE BILL REPORT

SHB 1779

As Passed Legislature

Title: An act relating to esthetics.

Brief Description: Concerning esthetics.

Sponsors: House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Ryu).

Brief History:

Committee Activity:

Business & Financial Services: 2/14/13, 2/21/13 [DPS].

Floor Activity:

Passed House: 3/8/13, 87-11.

Senate Amended.

Passed Senate: 4/17/13, 45-2.

House Concurred.

Passed House: 4/23/13, 87-10.

Passed Legislature.

Brief Summary of Substitute Bill

- Modifies the license requirements for an esthetician.
- Creates a master esthetician license.
- Provides for transitions for applicants for the modified esthetician license and the new master esthetician license.
- Creates reciprocity provisions for the new master esthetician license.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Kirby, Chair; Ryu, Vice Chair; Parker, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake, Chandler, Habib, Hawkins, Hudgins, Hurst, Kochmar, MacEwen, O'Ban, Santos and Stanford.

Staff: Jon Hedegard (786-7127).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

An esthetician license allows "the care of the skin by application and use of preparations, antiseptics, tonics, essential oils, or exfoliants, or by any device or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, pore extraction, or product application and removal; the temporary removal of superfluous hair by means of lotions, creams, mechanical or electrical apparatus, appliance, waxing, tweezing, or depilatories; tinting of eyelashes and eyebrows; and lightening the hair, except the scalp, on another person."

The Department of Licensing (Department) licenses estheticians, including:

- establishing curricula for the training of students and apprentices;
- preparing and administering the exams;
- establishing minimum safety and sanitation standards; and
- adopting rules.

The Washington State Apprenticeship and Training Council (WSATC) oversees the state apprenticeship program within the Department of Labor and Industries. The WSATC establishes apprenticeship program standards, approves apprenticeship training programs, and otherwise governs apprenticeship programs.

Apprenticeship is another path to receiving a license for esthetics. An apprenticeship program for esthetics must be approved by the WSATC. An apprenticeship salon/shop must provide the Department with a list of individuals acting as apprentice trainers. These trainers must be approved by the Department, must have a current license in esthetics, and must have held that license for a minimum of three consecutive years. An apprenticeship salon/shop must post a notice to consumers stating that the shop participates in the apprenticeship program and that apprentices are in training and not yet licensed. The programs have various record-keeping and reporting requirements.

Minimum Training Hours.

To receive an esthetics license, a person must meet training requirements and pass an exam. The minimum training hours required at a school is 600 hours for an esthetician. The minimum training hours required by an approved apprenticeship program are 800 hours for an esthetician.

Reciprocity.

A reciprocity provision allows a person with the equivalent license in another state to obtain a license by paying a fee and passing the examination.

Summary of Substitute Bill:

Licensure of estheticians is broken into two categories:

- estheticians; and
- master estheticians.

Scope of Practice.

The definition of the "practice of esthetics" is modified. It means the care of the skin for compensation by application, use of preparations, antiseptics, tonics, essential oils, exfoliants, superficial and light peels, or by any device or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, superficial skin stimulation, pore extraction, or product application and removal; temporary removal of superfluous hair by means of lotions, creams, appliance, waxing, threading, tweezing, or depilatories, including chemical means; and application of product to the eyelashes and eyebrows, including extensions, design and treatment, tinting and lightening of the hair, excluding the scalp. The practice of esthetics does not include the use of lasers or the administration of injections.

"Practice of master esthetics" includes all of the methods allowed in the definition of the practice of esthetics. It also includes the performance of medium depth peels and the use of medical devices for care of the skin and permanent hair reduction. The medical devices include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound. The use of a medical device must comply with state law and rules, including any laws or rules that require delegation or supervision by a licensed health professional acting within the scope of practice of that health profession.

Minimum Hours.

The minimum training hours required at a school is increased to 750 hours for an esthetician; for a master esthetician license, the minimum training hours required are either:

- 1,200 hours; or
- esthetician licensure plus 450 hours of training.

The minimum training hours required for an apprentice remains 800 hours for an esthetician. For a master esthetician it is 1,400 hours.

Transition to New Licenses.

Prior to January 1, 2015, any person holding an active license in good standing as an esthetician may continue to be licensed as an esthetician after paying the appropriate license fee.

Prior to January 1, 2015, an applicant for a master esthetician license must have an active license in good standing as an esthetician, pay the appropriate license fee, and provide the Department with proof of having satisfied one or more of the following requirements:

- a combination of specific training and/or experience regarding medium depth peels and the use of lasers;
- a national or international diploma or certification in esthetics that is recognized by the Department by rule;
- an instructor in esthetics who has been licensed as an instructor in esthetics by the Department for a minimum of three years; or
- completion of 1,200 hours of an esthetic curriculum approved by the Department.

Reciprocity.

The Director of the Department (Director) must, upon passage of the required examination, issue a license as master esthetician to an applicant who submits the approved application, the fee, and provides proof to the Director that the applicant is currently licensed in good

standing in esthetics in any state, territory, or possession of the United States, or foreign country and holds a specific diploma or certificate.

The Director may, upon passage of the required examination, issue a master esthetician license to an applicant that is currently licensed in esthetics in any other state, territory, or possession of the United States, or foreign country and submits an application, the fee, and provides proof to the Director that he or she is licensed in good standing and:

- the licensing state, territory, or possession of the United States, or foreign country has licensure requirements that the Director determines are substantially equivalent to a master esthetician license in this state; or
- the applicant has certification or a diploma or other credentials that the Director determines has licensure requirements that are substantially equivalent to the specified diplomas and certificate.

A number of changes are made to reflect the creation of the additional license category.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Estheticians worked to create the existing license structure and address the techniques available at that time. Since then, new products and devices have been developed. The scope of an esthetician license allows for the use of these technologies. Stakeholders have worked on the issues in this bill for many years. Licensees need more training than is currently required. The 600 hours currently required for a basic esthetician license is not enough to perform some of the functions allowed by the scope of license. The bill creates a new master esthetician license. The Medical Quality Assurance Commission (MQAC) regulates the use of lasers. The MQAC requires another licensee to oversee the use of a laser by an esthetician. Public safety requires more training and education for the esthetician. The bill creates two tiers of licenses. A licensee with a basic license will not be allowed to use lasers. The industry is trying to regulate itself and provide for the safety of the public. A newly licensed esthetician with just 600 hours of training should not be able to work with lasers. The 600 hours of education that are currently required do not include training in lasers. Continuing education is important but there must be additional educational requirements. The world has changed but the license requirements for an esthetician have not changed. Other states are raising their requirements and Washington should also address this issue. There have been stakeholders meetings for over two years to develop this bill. Approximately 10 states have these types of increased requirements for licensure.

(With concerns) The only concerns with the bill are resolved if the proposed amendment removing the word massage is adopted. The use of the word massage is an issue. Massage requires a license. The removal of that word resolves the concern.

(Opposed) None.

Persons Testifying: (In support) Representative Kirby, prime sponsor; Anne Martin, NorthWest Aestheticians Guild; Sylvia Garcia, Spokane Community College; Christine Brown, Renee Beck, Samantha Tah, Nina Brooks and Amber Wirkkala, Clover Park Technical College; Debbie Caddell, Caddell's Laser Clinic; Denise Lawless, Gary Manuel Aveda Institute; and Rod Fender.

(With concerns) Melanie Stewart, Mary Beth Berney, and Lori Grassi, American Massage Therapy Association and Washington State Contracting Alliance.

Persons Signed In To Testify But Not Testifying: None.