

SENATE
S. B. No. **2939**

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14

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 15 provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

The popularity of laser hair removal has increasingly grown in hospitals, clinics and malls. This is a service now offered by dermatology clinics, saloons, and other cosmetology establishments. In this method, a laser destroys hair follicles with heat. Electrolysis is the longest established method of permanent hair removal. Electrolysis has the longest known track record together with the most effective results for hair removal. Electrolysis (Epilation) works by passing a small amount of energy into the hair follicle through a very fine needle. This produces heat which destroys the cells that produce the hair at the base of the follicle. More than one treatment will be necessary due to the fact that hair follicles have a specific hair growth cycle.

In the United States, electrolysis is regulated in many states, requiring training and licensure. Certification of a laser product means that each unit has passed a quality assurance test and that it complies with the performance standard. This procedure may involve the use of skin numbing products. The United States Food and Drug Administration's Center for Drug Evaluation and Research has received reports of serious and life-threatening side effects after use of large amounts of skin-numbing products for laser hair removal. Side effects of laser hair removal can include blistering, discoloration after treatment, swelling, redness, and scarring. There is therefore a need to regulate the

use of laser hair removal devices to inform the public and protect it from the possible side effects of this treatment. This bill aims to raise the standards used for this procedure.

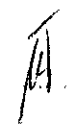
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

8 DEC -3 2009

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1 AN ACT
2 REGULATING THE USE OF LASERS IN COSMETOLOGICAL
3 HAIR REMOVAL PROCEDURES

4 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
5 *Congress assembled:*

6 SECTION 1. *Short Title.* – This Act shall be known as the “Laser Hair Removal
7 Regulatory Act of 2008.”

8 SECTION 2. *Definition of terms.* – As used in this Act, the term–

9 (A) “Laser hair removal device” refers to any device that emits light (electromagnetic
10 radiation) through a process called stimulated emission or Intense Pulse Light (IPL)
11 epilators which use xenon flash lamps that emit full spectrum light;

12 (B) “Cosmetology” includes performing or offering to engage in any act of the classified
13 occupations of cosmetology for compensation, which shall include, for purposes of
14 this Act, the use of lasers, as defined in paragraph (A) of this Section, for cosmetic
15 purposes, including but not limited to the removal or reduction of superfluous hair,
16 wrinkles, scars, moles, and other blemishes; except that, for lasers and pulse light
17 sources that are capable of coagulating tissue, such lasers and pulse light sources
18 shall only be used under the direct supervision of a licensed physician;

19 (C) “Cosmetologist” refers to a person practicing cosmetology;

20 (D) “Cosmetology establishment” is that part of any building wherein or whereupon any
21 of the classified occupations are practiced including any space rented within a
22 licensed establishment by a person licensed under this Act, for the purpose of
23 rendering cosmetology services;

1 (E) "Department" means the Department of Health.

2 SECTION 3. *Requirements for the Use of Laser Hair Removal Devices.* – A
3 cosmetologist must observe the following requirements if he uses a laser hair removal device in
4 his cosmetology establishment–

5 (A) Lasers are prescription devices that should be used only under the direction and
6 supervision of a licensed physician, who must be present in the treatment room or
7 area during the actual procedure;

8 (B) If a topical anesthetic product is recommended before a laser hair removal procedure
9 to minimize pain, clients must discuss with a licensed physician the circumstances
10 under which the cream should be used, and whether the use is appropriate;

11 (C) Those who decide to use a skin-numbing product should follow the directions of a
12 health care provider and consider using a product that contains the lowest amount of
13 anesthetic drugs possible;

14 (D) The risks, possible side effects, and extent of the procedure must be discussed to the
15 client;

16 (E) Cosmetology establishments must register with the Department if they intend to use
17 or are using a laser hair removal device.

18 SECTION 4. *Implementing Rules and Regulations.* - The Department shall promulgate
19 rules regarding the training and authorized use of lasers and pulse light sources by
20 cosmetologists.

21 SECTION 5. *Penalties.* – The Department is empowered to establish and assess penalties
22 or fines against a cosmetologist and the owner of a cosmetology establishment for violations of
23 this Act or regulations adopted under this Act. In no circumstance will any penalty or fine exceed
24 P50,000.00 for each violation. All violators shall be solidarily liable.

25 SECTION 6. *Separability Clause.* – If any provision, or part hereof is held invalid or
26 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
27 valid and subsisting.

1 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
3 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

4 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved,