

26

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **58-1-102** is amended to read:

29 **58-1-102. Definitions.**

30 [~~For purposes of~~] As used in this title:

31 (1) "Ablative procedure" [~~is as defined in~~] means the same as that term is defined in

32 Section 58-67-102.

33 (2) "Cosmetic medical procedure":

34 (a) [~~is as defined in~~] means the same as that term is defined in Section 58-67-102; and

35 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah

36 Osteopathic Medical Practice Act, does not apply to the scope of practice of an individual

37 licensed under this title if the individual's scope of practice includes the authority to operate or

38 perform surgical procedures.

38a **§→ (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold**

38b **temperature to reduce fat deposits in certain areas of the body. ←§**

39 (3) "Department" means the Department of Commerce.

40 **§→ [(4)] (5) ←§** "Director" means the director of the Division of Professional Licensing.

41 **§→ [(5)] (6) ←§** "Division" means the Division of Professional Licensing created in Section

42 58-1-103.

43 **§→ [(6)] (7) ←§** "Executive director" means the executive director of the Department of

43a Commerce.

44 **§→ [(7)] (8) ←§** "Licensee" includes any holder of a license, certificate, registration, permit,

44a student

45 card, or apprentice card authorized under this title.

46 **§→ [(8)] (9) ←§** (a) (i) "Nonablative procedure" means a procedure that is expected or

46a intended to

47 alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or remove

48 living tissue.

49 (ii) Notwithstanding Subsection (8)(a)(i), nonablative procedure includes hair removal **§→**

49a **and cryolipolysis ←§** .

50 (b) "Nonablative procedure" does not include:

51 (i) a superficial procedure;

52 (ii) the application of permanent make-up; or

53 (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are

54 performed by an individual licensed under this title who is acting within their scope of practice.

55 **§→ [(9)] (10) ←§** "Pain clinic" means:

56 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or

181 (iv) may not perform a nonablative cosmetic medical procedure to remove a tattoo on a
 182 patient unless the patient is approved for the tattoo removal by a physician after the physician
 183 evaluates the patient.

184 (4) For a nonablative cosmetic medical procedure other than hair removal under
 185 Subsection (2) or tattoo removal under Subsection (3):

186 (a) a physician who has an unrestricted license to practice medicine, a nurse
 187 practitioner who has an unrestricted license for advanced practice registered nursing, or a
 188 physician assistant acting in accordance with Chapter 70a, Utah Physician Assistant Act, who
 189 has an unrestricted license to practice as a physician assistant, shall:

190 (i) develop a treatment plan for the nonablative cosmetic medical procedure; and

191 (ii) conduct an ~~[in-person face-to-face]~~ evaluation of the patient ~~[prior to]~~ either
 192 in-person or utilizing a live telemedicine visit before the initiation of a treatment protocol or
 193 series of treatments; and

194 **§→ ~~[(iii) if the evaluation is conducted via telemedicine, ensure that the registered nurse or~~**
 195 **~~master aesthetician performing the procedure is in-person with the patient during the evaluation~~**
 196 **~~and the supervisor is on the telemedicine visit at the same time conducting the evaluation.] ←§~~**

197 ~~[(b) a nurse practitioner or physician assistant conducting an in-person face-to-face~~
 198 ~~evaluation of a patient under Subsection (3)(a)(ii) prior to removing a tattoo shall:]~~

199 ~~[(i) inspect the patient's skin for any discoloration unrelated to the tattoo and any other~~
 200 ~~indication of cancer or other condition that should be treated or further evaluated before the~~
 201 ~~tattoo is removed;]~~

202 ~~[(ii) refer a patient with any such condition to a physician for treatment or further~~
 203 ~~evaluation; and]~~

204 ~~[(iii) shall not supervise a nonablative cosmetic medical procedure to remove a tattoo~~
 205 ~~on the patient until the patient has been approved for the tattoo removal by a physician who has~~
 206 ~~evaluated the patient; and]~~

207 ~~[(c)]~~ (b) the supervisor supervising the procedure shall:

208 (i) have an unrestricted license to practice medicine or advanced practice registered
 209 nursing;

210 (ii) personally perform the nonablative cosmetic medical procedure or:

211 (A) authorize and provide general cosmetic medical procedure supervision for the

243 cosmetic medical procedure for hair removal if the chiropractic physician is acting within the
244 scope of practice of a chiropractic physician and with training specific to nonablative hair
245 removal.

246 Section 4. Section **58-67-102** is amended to read:

247 **58-67-102. Definitions.**

248 In addition to the definitions in Section 58-1-102, as used in this chapter:

249 (1) (a) "Ablative procedure" means a procedure that is expected to excise, vaporize,
250 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium:
251 YAG lasers.

252 (b) "Ablative procedure" does not include hair removal ~~§~~ → or cryolipolysis ← ~~§~~ .

253 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the
254 American Medical Association.

255 (3) "Administrative penalty" means a monetary fine or citation imposed by the division
256 for acts or omissions determined to constitute unprofessional or unlawful conduct, in
257 accordance with a fine schedule established by the division in collaboration with the board, as a
258 result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,
259 Administrative Procedures Act.

260 (4) "Associate physician" means an individual licensed under Section 58-67-302.8.

261 (5) "Attempted sex change" means an attempt or effort to change an individual's body
262 to present that individual as being of a sex or gender that is different from the individual's
263 biological sex at birth.

264 (6) "Biological sex at birth" means an individual's sex, as being male or female,
265 according to distinct reproductive roles as manifested by:

266 (a) sex and reproductive organ anatomy;

267 (b) chromosomal makeup; and

268 (c) endogenous hormone profiles.

269 (7) "Board" means the Physicians Licensing Board created in Section 58-67-201.

270 (8) "Collaborating physician" means an individual licensed under Section 58-67-302
271 who enters into a collaborative practice arrangement with an associate physician.

272 (9) "Collaborative practice arrangement" means the arrangement described in Section
273 58-67-807.