

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 2412
 AUTHOR: Reyes
 BILL DATE: February 12, 2024, Introduced
 SUBJECT: Healing Arts: California Body Contouring Council:
 Practitioners
 SPONSOR: California Body Contouring Council, Inc.

DESCRIPTION OF CURRENT LEGISLATION

Establishes the California Body Contouring Practitioner Act, which defines body contouring as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body, as specified. Establishes the California Body Contouring Council (Council) to establish the scope of practice, required education, and related requirements to become a “California Certified and Permitted Body Contouring Practitioner.”

Requires the Medical Board of California (Board) to appoint a California-licensed physician to the council’s Board of Directors, who will act as the council’s Medical Director and a “professional liaison” to the Board.

BACKGROUND

The California Board of Barbering and Cosmetology protects consumers by licensing and regulating the state's barbering and beauty industry and licenses over 50,000 establishments and over 560,000 individuals. [Business and Professions Code \(BPC\) section 7316](#) defines the practice of barbering, cosmetology, skin care, nail care, and hairstyling.

[BPC section 2052](#) generally defines the practice of medicine as “any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person.”

According to this [U.S. Food & Drug Administration webpage](#) (which discusses some of the types of services that may be authorized through AB 2421):

“Understand that while noninvasive body contouring may be performed in a variety of facilities, noninvasive body contouring is a medical procedure with benefits and risks. Talk with your health care provider about the benefits and risks associated with body contouring devices and procedures.”

[BPC section 480](#) authorizes a licensing board to deny a license, generally, if the applicant has been convicted of a crime or been subject to formal discipline by a licensing board in or outside California within seven years preceding their application.

Further, it authorizes denial due to a serious felony¹ or when the applicant is required to register as a sex offender² regardless of when that conviction occurred.

ANALYSIS

AB 2412 includes the following intent language:

“More than 1,000,000 people from all segments of society perform body contouring treatments to willing consumers in California and throughout the world.

Currently, there is no official training, vetting, scope of practice, agency, establishment, registry, or system, and no accountability, for a person who performs body contouring treatment. Therefore, persons engaging in this type of service are using techniques that they have learned via demonstrations on the internet, YouTube, Instagram, or Facebook, or from other practitioners.

Aspiring body contourists seek training from persons who claim to be experts in the field. This training can range in price from \$1,500 to \$2,500, or more for online or in-person instruction. Many Californians are paying for this type of training because no official training exists. Because there is no official training or defined scope of practice, persons who wish to perform these procedures are confused, and often misinformed, about what equipment or applications they can safely and effectively use. In many instances, according to the Medical Board of California, contourists use medical-grade equipment and practice medicine without a license. Without clear, lawfully approved training, a place to make official inquiries, ongoing education, and a process for receipt and investigation of consumer complaints, these individuals are operating without a scope of practice or accountability through no fault of their own.

By offering a standard, physician-approved curriculum, it is the intent of the Legislature that the California Body Contouring Council will eliminate price gouging affecting persons seeking to learn how to perform body contouring and ensure that those persons are sufficiently trained. It is the intent of the Legislature that training curriculum be developed, approved, and overseen by an advisory board.

It is the intent of the Legislature that the California Body Contouring Council embrace this new, growing industry by providing consumer safety and specialized, all-inclusive training to ensure both clients and body contourists are working in harmony for an in-demand and marketable vocation.

¹ [See Penal Code \(PC\) 1192.7\(c\)](#)

² Only for certain sex offenses, see [paragraph 2 or 3 of PC 290\(d\)](#)

Job creation faces many barriers. It is the intent of the Legislature that the California Body Contouring Council recognize this dilemma and provide an innovative model of education, implementation, training, a clear scope of practice, and accountability.”

Council Governance

The Council would be governed by a board of directors, who will be compensated in an amount at the discretion of the Council and shall include five members. One member shall be a physician, appointed by the Board, who shall act as the Council’s Medical Director, a professional liaison to the Board, and the curriculum advisor.

Required Training

The council shall develop and make available to students on its internet website five online, 40-hour educational modules composing a five-week, 200-hour, physician-approved course in the practice of body contouring. Aspiring permit holders shall be required to successfully complete a 25-question test covering the material, subject to a fee of up to \$125. Failure to complete the course within five weeks will require the individual to pay a new registration fee and retake the course. The bill specifies the topics for each of the five courses:

- Introduction to California body contouring
- Understanding the human body and client safety
- Disinfection and sanitation
- Client treatment and safety
- California business setup and laws

Obtaining and Maintaining a Permit

An applicant shall submit a digital application to the council and provide the council with satisfactory evidence that they have met all of the following requirements:

- Successful completion of the course in the practice of body contouring described in Section 4660.11, evidenced by a certificate of completion issued by the council.
- Evidence of Live Scan fingerprint clearance that does not report charges of felony rape or domestic abuse.
- The applicant is 18 years of age or older.
- Pay a fee of up to \$495.

To maintain their permit, practitioners must annually renew by paying a fee of up to \$295 and complete a free continuing education course offered by the Council.

Scope of Practice

The bill defines “body contouring” as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body using wooden or metal tools, enzyme-based scrubs or wraps, sauna blankets, or light-emitting diodes.

The use of needles, injections, lasers, radio frequency, cavitation, electrical muscle stimulation, or any medical machine or medical instrument by a practitioner is explicitly prohibited by this chapter unless otherwise permitted pursuant to another provision of law. The Council shall determine any other rules of practice consistent with the bill, that it deems appropriate.

Permit holders may apply for a mobile permit or premises permit (subject to annual renewal) authorizing practice in a mobile or physical location. Additional requirements for those additional permits are included in the language.

Miscellaneous Provisions

Among other provisions, the Council shall provide a public website with information about how to file a complaint, the legal scope of practice of body contouring practitioners, a free search tool to identify permit holders and permitted locations, required curriculum, continuing education courses, and a free listing service for employers with a premise permit to advertise available jobs and spaces to rent.

Staff Concerns with AB 2412

- The FDA has [raised concerns](#) about the health impacts related to the practice of body contouring specified in the bill and describes it as a medical procedure. The language in the bill provides the Council with wide latitude (subject to the limitations identified above) to define the practice of body contouring, and the various requirements that must be met to obtain a permit from the Council.
- To the extent that a particular practice of body contouring is medicine (or contained within the scope of another practice act), under current law, that would require it to be performed by a competent individual licensed by a healing arts board in this state.
- The Board’s involvement in this program, through the appointment of the Medical Director of the council, could lead consumers and stakeholders to believe that the Board approves of the practice of body contouring and the work of the Council.
- The Board has no particular expertise with body contouring and may require contracting with outside experts to assist in the recruitment and vetting of a qualified physician to appoint as Medical Director to the Council.
- The bill creates a standard for denying an application that is different than for other licensed health professionals and does not specify what constitutes unprofessional conduct for a permit holder.

Consideration of a Board Position

If the Board adopts an Oppose position, it would be helpful to the various stakeholders for the Board to clarify which of the above staff concerns it shares, or whether it has additional or different concerns with the proposal.

FISCAL: Undetermined costs associated with recruiting and vetting a physician to serve as Medical Director to the Council.

SUPPORT: None identified.

OPPOSITION: None identified.

POSITION: Recommendation: Oppose.

ATTACHMENT: [AB 2412, Reyes – Healing Arts: California Body Contouring Council: Practitioners](#)
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