

AMENDED IN ASSEMBLY APRIL 8, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2412

Introduced by Assembly Member Reyes

February 12, 2024

An act to add Chapter 10.8 (commencing with Section 4660) to Division 2 of the Business and Professions Code, relating to body contouring.

LEGISLATIVE COUNSEL’S DIGEST

AB 2412, as amended, Reyes. Healing arts: California Body Contouring Council: practitioners.

Existing law, the Massage Therapy Act, regulates massage practitioners and therapists who administer massage, defined as the scientific manipulation of the soft tissues, for compensation. Existing law creates the California Massage Therapy Council. Existing law specifies that it is an unfair business practice for a person to hold oneself out or to use the title of “certified massage therapist” or “certified massage practitioner” unless that person currently holds an active and valid certificate issued by the council pursuant to these provisions.

This bill, the California Body Contouring Practitioner Act, would define body contouring as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body, as specified. The bill would create the California Body Contouring Council (council) for the purpose of regulating the practice of body contouring. The bill would require the council to issue certificates of completion to individuals who complete a certain educational course, permits to be a California Certified and Permitted Body Contouring Practitioner, permits to maintain a specified physical location, and mobile permits, as prescribed.

The bill would require the council to be governed by a board of directors comprised of 4 individuals. The bill would establish an advisory board comprised of 14 members, as specified, and would make the advisory board responsible for advising the board of directors.

This bill would require the council to develop and make available to students on an internet website 5 online, 40-hour educational modules composing a 5-week, 200-hour, physician-approved course in the practice of body contouring. The bill would require a student who successfully completes the course of instruction to receive a certificate of completion issued by the council for the purpose of qualifying that person for a permit to practice body contouring. To become a practitioner of body contouring, the bill would require an applicant to submit an application of the council and provide the council with satisfactory evidence that they have met prescribed requirements, including payment of certain fees that cover the council's reasonable regulatory costs of administering the program.

This bill would require permits to practice body contouring, premises permits, and mobile permits to be renewed annually. The bill would establish fees for specified permits, including an initial fee for a permit to practice body contouring that does not exceed \$495, and would require those fees to cover the council's reasonable regulatory costs of administering the program. The bill would require practitioners to comply with specified requirements, including, submitting to inspection and investigation by the council, adhering to the ethical standards prescribed by the council, and not exceeding the legal scope of their permit, among other things. The bill would make it unlawful for any person to falsely advertise that they or any other individual is a California Certified and Permitted Body Contouring Practitioner and deem engaging in that or other prohibited behavior unfair competition pursuant to other specified provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 10.8 (commencing with Section 4660)
- 2 is added to Division 2 of the Business and Professions Code, to
- 3 read:

1 CHAPTER 10.8. CALIFORNIA BODY CONTOURING PRACTITIONER
2 ACT
3

4 4660. This chapter shall be known, and may be cited, as the
5 California Body Contouring Practitioner Act.

6 4660.1. (a) The Legislature finds and declares all of the
7 following:

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

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

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

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

(c) 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.

(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.

4660.3. As used in this chapter, the following definitions apply:

(a) “Body contouring” means 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.

(b) “California Certified and Permitted Body Contouring Practitioner,” “Certified and Permitted Body Contouring Practitioner,” or “practitioner” means a person who is permitted to operate as a Certified and Permitted Body Contouring Practitioner pursuant to this chapter and who has undergone education, training, certification, and permitting as specified in this chapter.

(c) “Council” means the California Body Contouring Council.

4660.5. (a) 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.

(b) This chapter does not authorize a practitioner to diagnose illness or to assist or guarantee weight loss through the practice of body contouring.

4660.7. (a) The California Body Contouring Council is hereby established and shall carry out the responsibilities and duties set forth in this chapter.

(b) Protection of the public shall be the highest priority of the council in exercising its certification and disciplinary authority, and any of its other functions. If the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

1 (c) The council may take any reasonable action necessary to
2 carry out the responsibilities and duties set forth in this chapter,
3 including, but not limited to, hiring staff, contracting, and
4 developing policies, procedures, rules, and bylaws to implement
5 this chapter.

6 (d) The council may require background checks for all
7 employees, contractors, volunteers, and board members as a
8 condition of their employment, formation of a contractual
9 relationship, or participation in council activities.

10 (e) The council shall issue all of the following:

11 (1) Certificates of completion to individuals who have
12 successfully completed the educational course in the practice of
13 body contouring described in Section 4660.11.

14 (2) Numbered permits to be a California Certified and Permitted
15 Body Contouring Practitioner and to perform services within the
16 designated legal scope of practice to individuals who have satisfied
17 the requirements described in Section 4660.13.

18 (3) Numbered premises permits to maintain a specified physical
19 location that complies with all health and safety regulations
20 established by the council where body contouring may be practiced
21 by California Certified and Permitted Body Contouring
22 Practitioners who perform services within the designated scope of
23 legal practice. The owner and operator of the premises shall be a
24 California Certified and Permitted Body Contouring Practitioner
25 that has satisfied the requirements described in Section 4660.17.

26 (4) Numbered mobile permits to maintain a self-contained,
27 self-supporting, enclosed mobile unit that complies with all health
28 and safety regulations established by the council where body
29 contouring may be practiced by California Certified and Permitted
30 Body Contouring Practitioners who perform services within the
31 designated scope of legal practice. The owner and operator of the
32 mobile unit shall be a California Certified and Permitted Body
33 Contouring Practitioner that has satisfied the requirements
34 described in Section 4660.19.

35 (f) The council may determine whether the information provided
36 to it in connection with certification and permitting is true and
37 correct and meets the requirements of this chapter. If the council
38 has any reason to question whether the information provided by
39 an applicant is true and correct, or meets the requirements of this
40 chapter, the council may make any investigation it deems necessary

1 in order to establish that the information received is accurate and
2 satisfies the criteria established pursuant to this chapter. An
3 applicant shall have the burden to prove that they are entitled to
4 the desired certification or permit.

5 (g) The meetings of the council shall be subject to the
6 Bagley-Keene Open Meeting Act (Article 9 (commencing with
7 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
8 the Government Code). The board may adopt additional policies
9 and procedures that provide greater transparency to persons who
10 hold certifications or permits, and members of the public, that is
11 required by the act.

12 4660.9. (a) The council shall be governed by a board of
13 directors, who shall be compensated, as determined by the council,
14 and shall be reimbursed for necessary and reasonable expenses
15 incurred in connection with performing board duties. The board
16 of directors shall be comprised of all of the following:

17 (1) A president.

18 (2) A vice president.

19 (3) A California licensed ~~physician, appointed by the Medical~~
20 ~~Board of California,~~ *physician* who shall also perform the following
21 functions by serving as all of the following:

22 (A) The council's Medical Director.

23 (B) A professional liaison to the ~~Medical Board of California.~~
24 *California medical community.*

25 (C) The council's curriculum adviser.

26 (4) A California licensed cosmetologist.

27 (b) The council shall be advised by an advisory board comprised
28 of 14 members who shall represent California's diverse
29 communities and cultures and shall be selected for their expertise
30 in the fields of medicine, cosmetology, personal services, personal
31 services equipment, curriculum creation, training and education,
32 California state law, and the practice of body contouring. Members
33 of the ~~advisory board of directors~~ shall be selected, as follows:

34 (1) Each of the following entities shall select one member:

35 (A) The Department of Consumer Affairs.

36 (B) The Assembly Business and Professions Committee.

37 (C) The Senate Business, Professions and Economic
38 Development Committee.

39 (2) Eleven advisory board members shall be selected by the
40 council.

1 (c) Members of the advisory board shall serve a term of three
2 years.

3 4660.11. (a) The council shall develop and make available to
4 students on its internet website five online, 40-hour educational
5 modules composing a five-week, 200-hour, physician-approved
6 course in the practice of body contouring. The course shall use
7 narratives, videos, and multiple-choice quizzes, and be offered in
8 multiple languages as determined by the council.

9 (b) A student shall have five weeks to complete all five
10 educational modules, successfully complete five corresponding
11 module tests, and successfully complete a final, 25-question
12 comprehensive test covering the curriculum in all five modules in
13 order to be eligible to receive certification. A student shall be
14 permitted to review each module, to retake the test for each module,
15 and to retake the final comprehensive examination an unlimited
16 number of times during the five-week period. If a student does not
17 complete the course, does not pass a module test, or does not pass
18 the final comprehensive examination within the five-week period,
19 they shall be required to reregister for, and retake, the course.

20 (c) The registration fee for the five-week course shall be an
21 amount sufficient to support the functions of the council and to
22 cover the reasonable regulatory cost of administering this chapter,
23 but shall not exceed one hundred ~~twenty-five~~ *twenty-five* dollars
24 (\$125). This fee shall apply each time a student registers or
25 reregisters for the course. The council may increase the fee no
26 more frequently than every four years based upon the rate of
27 inflation.

28 (d) The course in body contouring shall include each of the
29 following 40-hour modules:

30 (1) "Introduction to California body contouring," which shall
31 include instruction on all of the following topics:

32 (A) What is California body contouring.

33 (B) The council's scope of practice.

34 (C) The legalities of California body contouring.

35 (D) The council's code of ethics and contract for success.

36 (E) Permitted tools, equipment, and machines.

37 (2) "Understanding the human body and client safety," which
38 shall include instruction on all of the following topics:

39 (A) Anatomy and adipose tissue.

- 1 (B) The council’s contraindications, medical history, consent,
2 and precare and postcare.
- 3 (C) Body contouring table setup.
- 4 (D) Clear, understandable treatment pricing, and length of
5 service.
- 6 (E) Demonstration of tools, modalities, and equipment.
- 7 (3) “Disinfection and sanitation.”
- 8 (4) “Client treatment and safety,” which shall include instruction
9 on all of the following topics:
- 10 (A) Emergency protocols in the treatment room.
- 11 (B) Mandatory client recordkeeping and incident reporting.
- 12 (C) Use of hands-only cardiopulmonary resuscitation, the
13 Heimlich maneuver, epinephrine auto-injectors, and automated
14 external defibrillators.
- 15 (D) Division of Occupational Safety and Health (OSHA)
16 Bloodborne Pathogen Training.
- 17 (5) “California business setup and laws,” which shall include
18 instruction on all of the following:
- 19 (A) Sole proprietor, limited liability company, or corporation.
- 20 (B) Paying taxes and the Franchise Tax Board.
- 21 (C) Doing business in different cities.
- 22 (D) Social media legalities.
- 23 (E) Using artificial intelligence in your business and integrating
24 artificial intelligence for client communication.
- 25 (F) Your business reputation and how to protect it.
- 26 (e) The assistance of a translator may be used in order for an
27 applicant who primarily speaks a language other than English to
28 successfully complete the curricula
- 29 (f) Successful passage of the final, 25-question comprehensive
30 test covering the curriculum in all five modules shall demonstrate
31 that a student has the requisite knowledge and skill in order to
32 engage in the practice of body contouring. The examination shall
33 be offered in multiple languages in order to accommodate students
34 who primarily speak a language other than English as determined
35 by the council.
- 36 (g) A student who successfully completes the course of
37 instruction described in this section shall receive a certificate of
38 completion issued by the council solely for the purpose of
39 qualifying the individual for a permit to practice body contouring
40 pursuant to Section 4660.13. The certificate shall not be transferred,

1 sold, or assigned in any way to any other person or entity for any
2 reason at any time.

3 (h) The council shall also make available to practitioners via its
4 internet website, in the same manner described in subdivision (a),
5 continuing education short courses in the practice of body
6 contouring covering the topics described in subdivision (d).

7 4660.13. (a) To become a California Certified and Permitted
8 Body Contouring Practitioner, an applicant shall submit a digital
9 application to the council and provide the council with satisfactory
10 evidence that they have met all of the following requirements:

11 (1) Successful completion of the course in the practice of body
12 contouring described in Section 4660.11, evidenced by a certificate
13 of completion issued by the council.

14 (2) Evidence of Live Scan fingerprint clearance that does not
15 report charges of felony rape or domestic abuse.

16 (3) The applicant is 18 years of age or older.

17 (b) The initial fee for a permit to practice body contouring shall
18 be an amount sufficient to cover the reasonable regulatory cost of
19 administering this chapter and supporting the functions of the
20 council, but shall not exceed four hundred ninety-five dollars
21 (\$495). The council may increase the fee no more frequently than
22 every four years based upon the rate of inflation.

23 (c) A permit to practice body contouring shall be subject to
24 renewal each year. The fee to renew a permit to practice body
25 contouring shall be an amount sufficient to cover the reasonable
26 cost of administering this chapter and supporting the functions of
27 the council, but shall not exceed two hundred ninety-five dollars
28 (\$295). The council may increase the fee no more frequently than
29 every four years based upon the rate of inflation. The council may
30 provide for late renewal. If a permit is not renewed annually within
31 one year of the date of its initial issuance, a twenty-five-dollar
32 (\$25) penalty shall be charged for every month that it is not
33 renewed.

34 (d) In order to renew a permit to practice body contouring, a
35 practitioner shall provide the council evidence of successful
36 completion of a continuing education short course, offered by the
37 council pursuant to Section 4660.11, covering one topic of their
38 choice.

39 (e) A permit shall not be transferred, sold, or assigned in any
40 way to any other person or entity for any reason at any time.

1 4660.15. (a) A California Certified and Permitted Body
2 Contouring Practitioner shall do all of the following:

3 (1) Complete the annual continuing education requirement
4 described in Section 4660.13.

5 (2) Submit to inspection and investigation by the council at both
6 random and predetermined times.

7 (3) Possess a working, cellular smartphone with them when
8 they are performing body contouring.

9 (4) Clearly display any consumer protection notices mandated
10 by the council at the location where body contouring is performed
11 for compensation.

12 (5) Clearly display an active establishment permit or mobile
13 permit, if applicable, and their individual practitioner permit at the
14 location where body contouring is performed for compensation.

15 (6) Adhere to the ethical standards prescribed by the council
16 and not exceed the legal scope of their permit.

17 (b) The council shall have the authority to determine disciplinary
18 actions that may include nonrenewal of a permit and revocation
19 of an existing permit due to noncompliance with the provisions of
20 this chapter or the rules and regulations established by the council.

21 4660.17. (a) An individual who is a Certified and Permitted
22 Body Contouring Practitioner may apply to the council for a
23 premises permit authorizing the practice of body contouring at a
24 specified physical location that complies with all health and safety
25 regulations established by the council.

26 (b) A premises permit shall be subject to renewal each year.

27 (c) The holder of a premises permit shall do all of the following:

28 (1) Submit to inspection and investigation by the council at both
29 random and predetermined times.

30 (2) Maintain a working, cellular smartphone on the premises
31 during business hours.

32 (3) Clearly display any consumer protection notices mandated
33 by the council at the premises.

34 (4) Clearly display the permit at the premises.

35 (5) Adhere to the ethical standards prescribed by the council
36 and not exceed the legal scope of the permit.

37 (d) A permit shall not be transferred, sold, or assigned in any
38 way to any other person or entity for any reason at any time.

39 (e) The council shall have the authority to determine disciplinary
40 actions that can include nonrenewal of a permit and revocation of

1 an existing permit due to noncompliance with this chapter or the
2 rules and regulations established by the council.

3 4660.19. (a) An individual who is a Certified and Permitted
4 Body Contouring Practitioner may apply to the council for a mobile
5 permit authorizing the practice of body contouring within a
6 self-contained, self-supporting, enclosed mobile unit that complies
7 with all health and safety regulations established by the council.

8 (b) A premises permit shall be subject to renewal each year.

9 (c) The holder of a premises permit shall do all of the following:

10 (1) Submit to inspection and investigation by the council at both
11 random and predetermined times.

12 (2) Maintain a working, cellular smartphone within the mobile
13 unit during business hours.

14 (3) Clearly display any consumer protection notices mandated
15 by the council within the mobile unit.

16 (4) Clearly display the permit within the mobile unit.

17 (5) Adhere to the ethical standards prescribed by the council
18 and not exceed the legal scope of the permit.

19 (d) A permit shall not be transferred, sold, or assigned in any
20 way to any other person or entity for any reason at any time.

21 (e) The council shall have the authority to determine disciplinary
22 actions that may include nonrenewal of a permit and revocation
23 of an existing permit due to noncompliance with this chapter or
24 the rules and regulations established by the council.

25 4660.21. (a) It is unlawful for any person to state or advertise
26 or put out any sign or card or other device, or to falsely represent
27 to the public through any print or electronic media that they or any
28 other individual is a California Certified and Permitted Body
29 Contouring Practitioner, or is certified, permitted, licensed, or
30 registered by a governmental agency as a body contouring
31 practitioner, sculptor, or specialist.

32 (b) In addition to any other available remedies, engaging in any
33 of the prohibited behaviors described in subdivision (a) constitutes
34 unfair competition pursuant to Section 17200.

35 4660.23. The council shall maintain an internet website for
36 purposes of providing information to the public about the council
37 and California Certified and Permitted Body Contouring
38 Practitioners that does all of the following:

- 1 (a) Provides consumers access to a council email address for
2 filing complaints related to a practitioner and that facilitates
3 submission of digital images in connection with a complaint.
- 4 (b) Provides a clear and direct message to the consumer about
5 the legal scope of practice for California Certified and Permitted
6 Body Contouring Practitioners.
- 7 (c) Displays the council's code of ethics and scope of legal
8 practice for California Certified and Permitted Body Contouring
9 Practitioners.
- 10 (d) Maintains a free registry for consumers and employers to
11 search for California Certified and Permitted Body Contouring
12 Practitioners and businesses that have a premises permit for the
13 practice of body contouring.
- 14 (e) Makes available to students and practitioners the educational
15 courses described in Section 4660.11.
- 16 (f) Makes available free, voluntary continuing education classes
17 for body contouring practitioners.
- 18 (g) Maintains a free listing service for employers that hold a
19 premises permit to post available jobs for California Certified Body
20 Contouring Practitioners and for spaces, shops, and rooms to rent
21 or to share where body contouring may be practiced.