



April 16, 2024

The Honorable Eloise Reyes
Assembly Majority Leader Emerita
P.O. Box 942849
Sacramento, CA 94249-0050

Re: AB 2412 (Reyes) Healing Arts: California Body Contouring Council: Practitioners

Dear Assemblymember Reyes:

The Consumer Protection Policy Center (CPPC) is a nonprofit, nonpartisan, academic center of research, teaching, learning and advocacy in regulatory and public interest law based at the University of San Diego School of Law. CPPC opposes AB 2412 (Reyes), which creates a new licensing council to regulate the practice of body contouring. While CPPC supports the bill's intent to protect consumers, we do not believe a new regulatory licensing council would better protect the public.

First, this bill, sponsored by a body contouring association, seeks to create a licensing council to regulate who can and cannot practice body contouring in California. The bill requires the council to be governed by a board of directors comprised of four individuals, and an advisory board comprised of fourteen members responsible for advising the board of directors. There is no instruction on how many of these members must be public members compared to those that are within the profession they wish to regulate. CPPC is concerned that this creates a council comprised of the practitioners that it seeks to regulate, causing an unnecessary barrier to entry and a way for the council to control the practice for themselves.

Second, "body contouring" is defined as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body using wooden or motel tools, enzyme-based scrubs or wraps, sauna blankets, or light-emitting diodes. As a "noninvasive, nonmedical treatment," it is unclear why there needs to be a physician-approved curriculum to train body contouring practitioners. Surely if there were any practice that ventures into medical treatment, the Medical Board of California would be best suited to enforce such actions. Further, the California Board of Barbering and Cosmetology licensed over 50,000 establishments and over 560,000 individuals and has their own enforcement division. There are licensing boards already in existence to combat the type of harmful activity this bill intends to regulate.

Instead of creating a new regulatory council for body contouring practitioners, the legislature should instead focus on how to improve enforcement within existing regulatory agencies to help better protect the public. It is well known that enforcement proceedings are time and cost consuming, and only hinder the public safety as it exists today. The creation of a new regulatory agency would not improve the safety of the public without the improvement of existing enforcement proceedings. Improving enforcement proceedings within the Medical Board of California and California Board of Barbering and Cosmetology would better protect consumers and is more suitable for this bill's intent.

CPPC is concerned this regulatory council would impose an unnecessary restraint on trade, and the council will be ill-equipped to adjudicate licensed practitioners in an effective manner to protect the public.

For these reasons, CPPC opposes AB 2412.

Sincerely,

Marcus Friedman

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