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September 27, 1979

Mr. Harold Shoberg
Arizona State Board of Private
Technical and Business Schools
Suite 214, 1812 West Monroe
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ARIZONA ATTORNEY GENERAL
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Dear Mr. Shoberg:

This is in response to your letter of August 30, 1979, in which you ask whether any state agency in Arizona is empowered to regulate the conduct of electrolysis operators.

Electrolysis is a process for the removal of hair by insertion of a needle charged with a small quantity of negative electricity. The electric charge acts as an alkaline caustic which destroys the root of the hair.

Your letter suggests that electrolysis may constitute the practice of medicine in that it requires the piercing of the skin.

A.R.S. § 32-1401.9 defines the "practice of medicine" in the following manner:

"Practice of medicine", which shall include the practice of medicine alone, the practice of surgery alone, or both, means the diagnosis, treatment or correction of, or the attempt to, or the holding oneself out as being able to diagnose, treat or correct any and all human diseases, injuries, ailments or infirmities, whether physical or mental, organic or emotional, by any means, methods, devices or instrumentalities, except as the same may be among the acts or persons not affected by this chapter.

Merely piercing the skin does not by itself constitute the practice of medicine. In Ariz.Att'yGen.Op. No. 59-48, this office found that electrolysis does not constitute the practice of medicine. See also People v. Lehman, 251 App.Div. 451, 296 N.Y.S. 580, aff'd, 276 N.Y. 479, 12 N.E.2d 106 (1937). Although the skin is pierced in electrolysis, it is not for the purpose of

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diagnosing or treatment of disease, injury, ailment or infirmity. Cf. Hicks v. Arkansas State Medical Board, 537 S.W.2d 794 (Ark. 1976); State v. Wilson, 11 Wash.App. 916, 528 P.2d 279 (1974); Ariz. Att'y Gen. Op. No. 65-11-L. Therefore, electrolysis operators are not regulated by the Arizona State Board of Medical Examiners.

A.R.S. § 32-501 defines the practice of cosmetology as it relates to the removal of hair as:

2. "Cosmetology" means any one or a combination of any of the following practices when performed upon the head, face, neck, shoulders, arms or hands of persons for cosmetic purposes only:

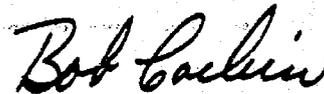
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E. Removing superfluous hair from the face, neck, shoulders or arms of a person by the use of depilatories.

However, not only does this statute limit cosmetology to practices involving specified parts of the human body, but a depilatory is defined in Webster's Third International Dictionary as a chemical used for removing hair. Thus, electrolysis is not included with the statutory definition of cosmetology.

Having found no other applicable statute, we conclude that electrolysis operators are not subject to regulation by a state agency.

Sincerely,



BOB CORBIN
Attorney General

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