

Botulinum Toxin and Cosmetic Fillers (Children) Act

Factsheet for healthcare professionals, professional bodies representing healthcare professionals and the healthcare regulatory bodies

What is changing?

From 1st October 2021 the Botulinum Toxin and Cosmetic Fillers (Children) Act comes into force.

The new law means:

1. It will be a criminal offence to administer botulinum toxin, or a filler by way of injection for a cosmetic purpose, to a person under-18 in England.
2. It will be an offence to make arrangements for, or book an appointment to provide, these treatments to any person under-18 in England.

What are the penalties?

Failure to comply with the new law could result in a criminal prosecution and an unlimited fine.

Who is affected?

The new law applies to everybody in England, not just businesses, including:

- providers of clinical healthcare services and regulated healthcare professionals working in these services;
- commercial providers of cosmetic procedures e.g. beauty therapists, mobile aesthetic practitioners, regulated healthcare professionals; and
- individuals performing the procedures on an informal basis

It does not matter if the person under 18 does not live in England, or are just visiting, they will still not be able to have anyone perform either procedure on them whilst they are in England.

The law applies even if they have the permission of someone over 18.

Which substances and treatments are covered by the new law?

- Botulinum toxin medicines
- Cosmetic fillers - defined as a subcutaneous, submucous or intradermal injection of a filler generally used for a cosmetic purpose, and where the likely effect of the injection is to alter the appearance of the person injected.

What if the treatments are needed to meet a clinical need?

Under the new law, the treatments can still be approved for use on persons under-18 by a registered medical practitioner (doctor).

Doctors should, as per their usual practice, follow guidance and standards issued by their regulator, the General Medical Council, when considering the use of either product on under-18s.

Where a doctor has approved the substances for use on a person under-18 who can perform the procedure?

The following registered healthcare professions may administer the treatments to U18s only when they are acting under the directions of a doctor:

- Nurse
- Dentist
- Pharmacist

A person assessed for one of the named procedures approved by a doctor can seek a referral either through NHS services (where appropriate and available) or make a private arrangement with a health professional from one of the listed categories, ensuring an appropriately trained and qualified practitioner may conduct the procedure.

What do I need to do differently from 1st October?

- ✓ Verify age - practitioners and businesses involved in the provision of the treatments in England must verify the age of all customers or patients before booking an appointment for, or carrying out, botulinum toxin or cosmetic filler treatments.
- ✓ If you are a regulated healthcare professional, you must check if you are one of the approved professions permitted to carry out the treatments on persons under-18 (doctor, dentist, nurse, pharmacist). You must then only make arrangements for, or perform the treatments on, persons under-18 when you are acting under the directions of a registered medical practitioner (doctor).

Background to the legislation

The Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 (the Act) received Royal Assent on 29 April 2021 and will come into force on 1 October 2021.

The legislation was introduced into Parliament as a Private Member's Bill sponsored by Laura Trott, the Member of Parliament for Sevenoaks. The Bill received cross-party support.

The Act aims to safeguard children from the potential health risks of botulinum toxin and cosmetic fillers (commonly known as 'dermal fillers'). There are also ethical considerations about the extent to which persons under-18 have the emotional and mental maturity to give informed consent to these invasive procedures when accessing them on the commercial market without a medical or psychological assessment.

The new law provides the highest possible level of protection to young people by ensuring the treatments will now only be available following an assessment by a doctor, and performed by a regulated healthcare professional.