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Guidance

Botulinum toxin and cosmetic fillers for under 18s: guidance for businesses

How practitioners and businesses can comply with the Botulinum Toxin and Cosmetic Fillers (Children) Act 2021.

From:

[Department of Health and Social Care](#)

Applies to England

Documents

HTML



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Details

This guidance aims to help practitioners and businesses to comply with the [Botulinum Toxin and Cosmetic Fillers \(Children\) Act 2021](#), which came into effect on 1 October 2021.

The guidance sets out:

- an overview of the new age restrictions for botulinum toxin and cosmetic filler treatments and how the law is changing
- advice on some of the steps that providers of botulinum toxin and cosmetic filler treatments can take to show they are complying with the new law

The purpose of the new law is to safeguard children from the potential health risks of botulinum toxins and cosmetic fillers.

This information has been developed by the Department of Health and Social Care. It should be read alongside the Act.

Brexit

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Guidance

Botulinum toxin and cosmetic fillers for under 18s: guidance for businesses

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Applies to: England

Summary

Key message

From 1 October 2021 it is a criminal offence to administer botulinum toxin (commonly known as 'Botox'®), or a filler by way of injection for a cosmetic purpose to a person under 18 in England, even if they have the permission of someone over 18.

It is also an offence to make arrangements or book an appointment to provide these treatments to anyone under the age of 18 in England.

There is separate:

- guidance for under 18s and their parents and guardians
- guidance for enforcement officers

Introduction

The aim of this guidance is to help practitioners and businesses to comply with the [Botulinum Toxin and Cosmetic Fillers \(Children\) Act 2021](#) (the Act), which came into effect on 1 October 2021.

The purpose of the new law is to safeguard children from the potential health risks of botulinum toxins (commonly known as 'Botox'®) and cosmetic fillers. The age

restriction has been set at 18 years as it aligns with age restrictions in England on other comparable body modifications which carry health risks, such as tattooing, sunbed use and teeth whitening.

The prohibition aims to reinforce existing good practice within the cosmetics industry. The procedures carry risks to physical health, including infection, blindness and in rare cases death, and there are psychological implications associated with changing physical appearance.

Young people are particularly vulnerable as they are developing physically and mentally, and there are ethical implications around the extent to which they can give informed consent to procedures. Many practitioners choose not to perform these procedures on young people, but because the law did not expressly prohibit it, it was possible for a person under the age of 18 to undergo these procedures. This is no longer the case.

The power for enforcing the legislation lies with the police and local weights and measures authorities (usually Trading Standards).

This information has been developed by the Department of Health and Social Care. It should be read alongside the Act.

If you are in any doubt about your legal obligations, you should seek your own independent legal advice or consult your local authority.

Prohibition on botulinum toxins and cosmetic fillers for people under the age of 18 years in England

Under the Act, it is an offence for a person to administer, in England, to a person under 18 a:

- botulinum toxin
- subcutaneous, submucous or intradermal injection of a filler^{[footnote 1](#)} for a cosmetic purpose

As set out in the Act, a 'filler' is any substance used for dermal or mucous membrane filling (whether or not designed to be so used). An injection of a filler is taken to be for a cosmetic purpose when the likely effect of the injection is to alter the appearance of the person injected.

This would not apply where the arranged procedure will be administered by a doctor, or a regulated health professional acting in accordance with the directions of a 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 types.

If found guilty of either offence a person, business owner or body corporate is liable to an unlimited fine.

The new law applies to everybody in England, not just businesses. This means:

- it does not matter if the person under 18 does not live in England, or is just visiting – they will still not be able to have anyone perform either procedure on them while they are in England
- there is no requirement for payment to be made, either directly or indirectly, for the procedures to fall within the scope of the new law

The new law applies to any procedures planned or administered after 1 October 2021.

Responsibilities for business owners and practitioners offering cosmetic interventions

Under the Act, you will be required to ensure:

- you do not administer botulinum toxin, or a filler by way of injection for a cosmetic purpose, to a child under the age of 18 in England
- you do not make arrangements to administer botulinum toxin, or a filler by way of injection for a cosmetic purpose, on a child under the age of 18 in England

Making arrangements can include:

- confirming an appointment via phone, digital or social media, or in person
- agreeing to carry out the procedure on someone under the age of 18, even when no specific appointment is made

Registered doctors, nurses, dentists and pharmacists can still provide the treatments to under 18s, but only in cases where the treatment has been approved by a doctor.

The requirements of the new law are in addition to your existing responsibilities under health and safety legislation, or any requirements under local registration or licensing.

By making it an offence for arrangements to be made to administer one of the products covered by the legislation to a person aged under 18, prosecutions are able to be brought even where the person aged under 18 did not go on to have the procedure administered (because, for example, the person changed their mind or an enforcement agency intervened).

The Act offers a defence if the person administering the injections had both:

- taken reasonable steps to establish the person's age
- reasonably believed that they were aged 18 or over

Consent is not a defence. A parent or guardian cannot give consent for a person under 18 to have the procedure. An offence would still be committed by the person or business providing or making arrangements for the treatment.

The way in which you comply with the law will be for you to decide but you must ensure that you, and any staff working for you, are aware of the new age restrictions. You will need to have procedures in place to stop anyone under the age of 18 years old making an appointment for, or being provided with, a botulinum toxin or cosmetic filler treatment.

The sections below provide examples that may help in this process.

Age verification checks

This is not set out in the new law but you could ask to see the following documents or digital ID:

- a passport
- a photo card driving licence
- a photographic identity card or digital ID bearing the national Proof of Age Standards Scheme (PASS) hologram or digital mark
- any other officially recognised document that can prove the person is 18 or over

It is not enough for the practitioner or business to decide that the young person looks to be over 18 – they must take careful steps and check documents to make sure they are certain the person is 18 or over to avoid breaking the law.

For online bookings, consider putting into place age verification procedures using systems that are compliant with [PAS 1296:2018](#). This is a code of practice for online age verification service providers.

You can also use prompts that appear on the till to remind staff to carry out age verification checks.

Staff training

You should:

- have written procedures for staff for dealing with people who may be under 18
- train staff in these procedures
- keep records of this training
- make sure the training is regularly updated

Dual-checking process

As it is now an offence to ‘make arrangements’ for one of the treatments to be provided to a person under 18, you should require customers to demonstrate proof of age prior to booking an appointment (whether face-to-face, over the phone or online).

Then, verify the age of that customer again on the appointment date before carrying out the procedure.

Signage and CCTV

Ensure you have adequate signs to inform consumers of the minimum legal age for a botulinum toxin or cosmetic fillers procedure.

Refusals register

Keep and maintain a refusals register – this means keeping a record (date, time, incident, description of potential buyer) where sales of age-restricted procedures have been refused. This helps to demonstrate that you actively refuse sales and have an effective system in place

1. The definition set out in the Act captures all and any substances that are inserted into the body with the intention of producing a filling effect to change appearance. [↪](#)