

ASSEMBLY BILL NO. 250—ASSEMBLYMAN ARBERRY JR.
(BY REQUEST)

MARCH 21, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Provides for licensing and regulation of massage therapists. (BDR 54-733)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to massage therapy; creating the Board of Massage Therapists; prescribing the powers and duties of the Board; providing for its membership; prohibiting a person from engaging in the practice of massage therapy unless he is issued a license by the Board; prescribing the requirements for the issuance or renewal of a license; setting forth the grounds for disciplinary action against a massage therapist; providing the actions the Board may take against a person who commits certain acts; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 34, inclusive, of this act.

Sec. 2. *The Legislature finds and declares that:*

1. The practice of massage therapy by persons who do not possess sufficient knowledge of anatomy and physiology or an understanding of the relationship between the structure and function of the tissues being treated and the total function of the



1 *body may endanger the health, welfare and safety of the residents*
2 *of this State.*

3 *2. To protect the residents of this State, it is necessary to*
4 *license and regulate the practice of massage therapy.*

5 *Sec. 3. As used in this chapter, unless the context otherwise*
6 *requires, the words and terms defined in sections 4 to 7, inclusive,*
7 *of this act have the meanings ascribed to them in those sections.*

8 *Sec. 4. "Board" means the Board of Massage Therapists.*

9 *Sec. 5. "License" means a license issued by the Board.*

10 *Sec. 6. "Massage therapist" means a person who is licensed*
11 *pursuant to the provisions of this chapter to engage in the practice*
12 *of massage therapy.*

13 *Sec. 7. 1. "Massage therapy" means the application of a*
14 *system of pressure to the muscular structure and soft tissues of the*
15 *human body for therapeutic purposes, including, without*
16 *limitation:*

17 *(a) Effleurage;*

18 *(b) Petrissage;*

19 *(c) Tapotement;*

20 *(d) Compressions;*

21 *(e) Vibration;*

22 *(f) Friction; and*

23 *(g) Movements applied manually with or without superficial*
24 *heat, cold, water or lubricants for the purpose of maintaining good*
25 *health and establishing and maintaining good physical condition.*

26 *2. The term does not include:*

27 *(a) Diagnosis, adjustment, mobilization or manipulation of*
28 *any articulations of the body or spine; or*

29 *(b) Reflexology.*

30 *Sec. 8. 1. The provisions of this chapter do not apply to:*

31 *(a) A person licensed pursuant to chapter 630, 630A, 631, 632,*
32 *633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage*
33 *therapy is performed in the course of the practice for which the*
34 *person is licensed.*

35 *(b) A person licensed as a barber or apprentice pursuant to*
36 *chapter 643 of NRS if the person is massaging, cleansing or*
37 *stimulating the scalp, face, neck or skin within the permissible*
38 *scope of practice for a barber or apprentice pursuant to that*
39 *chapter.*

40 *(c) A person licensed or registered as an aesthetician,*
41 *cosmetologist or cosmetologist's apprentice pursuant to chapter*
42 *644 of NRS if the person is massaging, cleansing or stimulating*
43 *the scalp, face, neck or skin within the permissible scope of*
44 *practice for an aesthetician, cosmetologist or cosmetologist's*
45 *apprentice pursuant to that chapter.*



1 (d) A person who is an employee of an athletic department of
2 any high school, college or university in this State and who, within
3 the scope of that employment, practices massage therapy on
4 athletes.

5 (e) Students enrolled in a school of massage therapy
6 recognized by the Board.

7 (f) A person who practices massage therapy solely on members
8 of his immediate family.

9 (g) A person who performs any activity in a licensed brothel.

10 2. Except as otherwise provided in subsection 3, the
11 provisions of this chapter preempt the licensure and regulation of
12 a massage therapist by a county, city or town, including, without
13 limitation, conducting a criminal background investigation and
14 examination of a massage therapist or applicant for a license to
15 practice massage therapy.

16 3. The provisions of this chapter do not prohibit a county, city
17 or town from requiring a massage therapist to obtain a license or
18 permit to transact business within the jurisdiction of the county,
19 city or town, if the license or permit is required of other persons,
20 regardless of occupation or profession, who transact business
21 within the jurisdiction of the county, city or town.

22 4. As used in this section, "immediate family" means persons
23 who are related by blood, adoption or marriage, within the second
24 degree of consanguinity or affinity.

25 **Sec. 9. 1. The Board of Massage Therapists is hereby**
26 **created. The Board consists of seven members appointed pursuant**
27 **to this section and one nonvoting advisory member appointed**
28 **pursuant to section 10 of this act.**

29 2. The Governor shall appoint to the Board seven members as
30 follows:

31 (a) Six members who:

32 (1) Are licensed to practice massage therapy in this State;
33 and

34 (2) Have engaged in the practice of massage therapy for the
35 2 years immediately preceding their appointment.

36 ↳ Of the six members appointed pursuant to this paragraph, three
37 members must be residents of Clark County, two members must be
38 residents of Washoe County and one member must be a resident of
39 a county other than Clark County or Washoe County.

40 (b) One member who is a member of the general public. This
41 member must not be:

42 (1) A massage therapist; or

43 (2) The spouse or the parent or child, by blood, marriage or
44 adoption, of a massage therapist.



1 3. The Governor may, in making his appointments to the
2 Board pursuant to paragraph (a) of subsection 2, consider for
3 appointment to the Board a person recommended to him by any
4 person or group.

5 4. The members who are appointed to the Board pursuant to
6 paragraph (a) of subsection 2 must continue to practice massage
7 therapy in this State while they are members of the Board.

8 5. After the initial terms, the term of each member of the
9 Board is 4 years. A member may continue in office until the
10 appointment of a successor.

11 6. A member of the Board may not serve more than two
12 consecutive terms. A former member of the Board is eligible for
13 reappointment to the Board if that person has not served on the
14 Board during the 4 years immediately preceding the
15 reappointment.

16 7. A vacancy must be filled by appointment for the unexpired
17 term in the same manner as the original appointment.

18 8. The Governor may remove any member of the Board for
19 incompetence, neglect of duty, moral turpitude or misfeasance,
20 malfeasance or nonfeasance in office.

21 **Sec. 10.** 1. The Governor shall appoint to the Board one
22 nonvoting advisory member.

23 2. The advisory member must be a person who:

24 (a) Is a resident of Clark County;

25 (b) Has been certified by the Peace Officers' Standards and
26 Training Commission created pursuant to NRS 289.500; and

27 (c) Is actively serving or has retired from service as a police
28 officer with the Las Vegas Metropolitan Police Department.

29 3. The advisory member is subject to the provisions of section
30 9 of this act with regard to his terms, reappointment, vacancy and
31 removal.

32 4. The advisory member:

33 (a) Serves solely as an advisor to the Board.

34 (b) May be designated by the Board to assist in any
35 investigation conducted pursuant to this chapter.

36 (c) May not be counted in determining a quorum of the Board.

37 (d) May not vote on any matter before the Board.

38 5. The advisory member:

39 (a) Serves without salary or compensation.

40 (b) Is entitled to receive the per diem allowance and travel
41 expenses provided for in section 15.6 of this act.

42 6. If the advisory member is actively serving as a police
43 officer, the advisory member must be relieved from his duties
44 without loss of his regular compensation so that he may prepare
45 for and attend meetings of the Board and perform any work that is



1 *necessary to carry out his duties with the Board in the most timely*
2 *manner practicable. The advisory member's employer shall not*
3 *require the advisory member to:*

4 (a) *Make up the time he is absent from work to carry out his*
5 *duties with the Board; or*

6 (b) *Take annual leave or compensatory time for the absence.*

7 7. *Notwithstanding any other provision of law, the advisory*
8 *member:*

9 (a) *Is not disqualified from public employment or holding a*
10 *public office because of his membership on the Board; and*

11 (b) *Does not forfeit his public office or public employment*
12 *because of his membership on the Board.*

13 **Sec. 11.** 1. *At the first meeting of each fiscal year, the*
14 *members of the Board shall elect a Chairman, Vice Chairman and*
15 *Secretary-Treasurer from among the members.*

16 2. *The Board shall meet at least quarterly and may meet at*
17 *other times at the call of the Chairman or upon the written request*
18 *of a majority of the members of the Board.*

19 3. *The Board shall alternate the location of its meetings*
20 *between the southern district of Nevada and the northern district*
21 *of Nevada. For the purposes of this subsection:*

22 (a) *The southern district of Nevada consists of all that portion*
23 *of the State lying within the boundaries of the counties of Clark,*
24 *Esmeralda, Lincoln and Nye.*

25 (b) *The northern district of Nevada consists of all that portion*
26 *of the State lying within the boundaries of Carson City and the*
27 *counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander,*
28 *Lyon, Mineral, Pershing, Storey, Washoe and White Pine.*

29 4. *A meeting of the Board may be conducted telephonically or*
30 *by videoconferencing. A meeting conducted telephonically or by*
31 *videoconferencing must meet the requirements of chapter 241 of*
32 *NRS and any other applicable provisions of law.*

33 5. *Four members of the Board constitute a quorum for the*
34 *purposes of transacting the business of the Board, including,*
35 *without limitation, issuing, renewing, suspending, revoking or*
36 *reinstating a license issued pursuant to this chapter.*

37 **Sec. 12.** *The Board shall:*

38 1. *Adopt a seal of which each court in this State shall take*
39 *judicial notice;*

40 2. *Prepare and maintain a record of its proceedings and*
41 *transactions;*

42 3. *Review and evaluate applications for the licensing of*
43 *massage therapists;*

44 4. *Determine the qualifications and fitness of applicants;*



1 5. *Issue, renew, reinstate, revoke, suspend and deny licenses,*
2 *as appropriate;*

3 6. *Enforce the provisions of this chapter and any regulations*
4 *adopted pursuant thereto;*

5 7. *Investigate any complaints filed with the Board;*

6 8. *Impose any penalties it determines are required to*
7 *administer the provisions of this chapter; and*

8 9. *Transact any other business required to carry out its*
9 *duties.*

10 **Sec. 13.** *1. The Board shall prepare and maintain a*
11 *separate list of:*

12 (a) *Persons issued a license;*

13 (b) *Applicants for a license; and*

14 (c) *Persons whose licenses have been revoked or suspended by*
15 *the Board.*

16 2. *The Board shall, upon request, disclose the information*
17 *included in each list and may charge a fee for a copy of the list.*
18 *The fee may not exceed the actual cost incurred by the Board to*
19 *make a copy of the list.*

20 **Sec. 14.** *The Board shall adopt regulations to carry out the*
21 *provisions of this chapter. The regulations must include, without*
22 *limitation, provisions that:*

23 1. *Establish the requirements for continuing education for*
24 *the renewal of a license;*

25 2. *Establish the requirements for the approval of a course of*
26 *continuing education, including, without limitation, a course on a*
27 *specialty technique of massage therapy;*

28 3. *Establish the requirements for the approval of an*
29 *instructor of a course of continuing education;*

30 4. *Establish requirements relating to sanitation, hygiene and*
31 *safety relating to the practice of massage therapy;*

32 5. *Prescribe the requirements for any practical, oral or*
33 *written examination for a license that the Board may require,*
34 *including, without limitation, the passing grade for such an*
35 *examination; and*

36 6. *Establish the period within which the Board or its designee*
37 *must report the results of the investigation of an applicant.*

38 **Sec. 15.** *1. The Attorney General and his deputies are*
39 *hereby designated as the attorneys for the Board.*

40 2. *The provisions of this section do not prevent the Board*
41 *from employing or retaining other attorneys as it may deem*
42 *necessary to carry out the provisions of this chapter.*

43 **Sec. 15.2.** *1. The Board shall employ a person as the*
44 *Executive Director of the Board.*



1 2. *The Executive Director serves as the chief administrative*
2 *officer of the Board at a level of compensation set by the Board.*

3 3. *The Executive Director is an at-will employee who serves*
4 *at the pleasure of the Board.*

5 **Sec. 15.4.** *1. The Board may employ or contract with*
6 *inspectors, investigators, advisers, examiners and clerks and any*
7 *other persons required to carry out its duties and secure the*
8 *services of attorneys and other professional consultants as it may*
9 *deem necessary to carry out the provisions of this chapter.*

10 2. *Each employee of the Board is an at-will employee who*
11 *serves at the pleasure of the Board. The Board may discharge an*
12 *employee of the Board for any reason that does not violate public*
13 *policy, including, without limitation, making a false representation*
14 *to the Board.*

15 **Sec. 15.6.** *Except as otherwise provided in section 10 of this*
16 *act, while engaged in the business of the Board:*

17 1. *Each member of the Board is entitled to receive a salary of*
18 *not more than \$80 per day, as established by the Board; and*

19 2. *Each member and employee of the Board is entitled to*
20 *receive a per diem allowance and travel expenses at a rate fixed by*
21 *the Board. The rate must not exceed the rate provided for officers*
22 *and employees of this State generally.*

23 **Sec. 15.8.** *The Board and any of its members and its staff*
24 *and employees, including, without limitation, inspectors,*
25 *investigators, advisers, examiners, clerks, counsel, experts,*
26 *committees, panels, hearing officers and consultants, are immune*
27 *from civil liability for any act performed in good faith and without*
28 *malicious intent in the execution of any duties pursuant to this*
29 *chapter.*

30 **Sec. 16.** *The Board shall adopt a fiscal year beginning on*
31 *July 1 and ending on June 30.*

32 **Sec. 17.** *1. Except as otherwise provided in subsection 5, all*
33 *reasonable expenses incurred by the Board in carrying out the*
34 *provisions of this chapter must be paid from the money that it*
35 *receives. No part of any expenses of the Board may be paid from*
36 *the State General Fund.*

37 2. *The Board may accept gifts, grants, donations and*
38 *contributions from any source to assist in carrying out the*
39 *provisions of this chapter.*

40 3. *All money received by the Board must be deposited in a*
41 *bank or other financial institution in this State and paid out upon*
42 *the Board's order for its expenses.*

43 4. *The Board may delegate to a hearing officer or panel its*
44 *authority to take any disciplinary action pursuant to this chapter,*
45 *impose and collect fines and penalties therefor, and deposit the*



1 money therefrom in a bank or other financial institution in this
2 State.

3 5. If a hearing officer or panel is not authorized to take
4 disciplinary action pursuant to subsection 4 and the Board
5 deposits the money collected from the imposition of fines with the
6 State Treasurer for credit to the State General Fund, it may
7 present a claim to the State Board of Examiners for
8 recommendation to the Interim Finance Committee if money is
9 required to pay attorney's fees or the costs of an investigation, or
10 both.

11 **Sec. 18. 1.** If a person is not licensed to practice massage
12 therapy pursuant to this chapter, the person shall not:

13 (a) Engage in the practice of massage therapy; or

14 (b) Use in connection with his name the words or letters
15 "L.M.T.," "licensed massage therapist," "licensed massage
16 technician," "M.T.," "massage technician" or "massage
17 therapist," or any other letters, words or insignia indicating or
18 implying that he is licensed to practice massage therapy, or in any
19 other way, orally, or in writing or print, or by sign, directly or by
20 implication, use the word "massage" or represent himself as
21 licensed or qualified to engage in the practice of massage therapy.

22 2. If a person's license to practice massage therapy pursuant
23 to this chapter has expired or has been suspended or revoked by
24 the Board, the person shall not:

25 (a) Engage in the practice of massage therapy; or

26 (b) Use in connection with his name the words or letters
27 "L.M.T.," "licensed massage therapist," "licensed massage
28 technician," "M.T.," "massage technician" or "massage
29 therapist," or any other letters, words or insignia indicating or
30 implying that he is licensed to practice massage therapy, or in any
31 other way, orally, or in writing or print, or by sign, directly or by
32 implication, use the word "massage" or represent himself as
33 licensed or qualified to engage in the practice of massage therapy.

34 3. A person who violates any provision of this section is guilty
35 of a misdemeanor.

36 **Sec. 18.5. 1.** If the Board determines that a person has
37 violated or is about to violate any provision of this chapter, the
38 Board may bring an action in a court of competent jurisdiction to
39 enjoin the person from engaging in or continuing the violation.

40 2. An injunction:

41 (a) May be issued without proof of actual damage sustained by
42 any person.

43 (b) Does not prohibit the criminal prosecution and punishment
44 of the person who commits the violation.



1 **Sec. 19. 1. The Board may issue a license to practice**
2 **massage therapy.**

3 **2. An applicant for a license must:**

4 **(a) Be at least 18 years of age;**

5 **(b) Submit to the Board:**

6 **(1) A completed application on a form prescribed by the**
7 **Board;**

8 **(2) The fees prescribed by the Board pursuant to section 25**
9 **of this act;**

10 **(3) Proof that he has successfully completed a program of**
11 **massage therapy recognized by the Board;**

12 **(4) A certified statement issued by the licensing authority in**
13 **each state, territory or possession of the United States or the**
14 **District of Columbia in which the applicant is or has been licensed**
15 **to practice massage therapy verifying that:**

16 **(I) The applicant has not been involved in any**
17 **disciplinary action relating to his license to practice massage**
18 **therapy; and**

19 **(II) Disciplinary proceedings relating to his license to**
20 **practice massage therapy are not pending;**

21 **(5) Except as otherwise provided in section 21 of this act, a**
22 **complete set of fingerprints and written permission authorizing the**
23 **Board to forward the fingerprints to the Central Repository for**
24 **Nevada Records of Criminal History for submission to the Federal**
25 **Bureau of Investigation for its report;**

26 **(6) The names and addresses of five natural persons not**
27 **related to the applicant and not business associates of the**
28 **applicant who are willing to serve as character references;**

29 **(7) A statement authorizing the Board or its designee to**
30 **conduct an investigation to determine the accuracy of any**
31 **statements set forth in the application; and**

32 **(8) If required by the Board, a financial questionnaire; and**

33 **(c) In addition to any examination required pursuant to**
34 **section 14 of this act and except as otherwise provided in**
35 **subsection 3, pass a written examination administered by any**
36 **board that is accredited by the National Commission for Certifying**
37 **Agencies, or its successor organization, to examine massage**
38 **therapists.**

39 **3. If the Board determines that the examinations being**
40 **administered pursuant to paragraph (c) of subsection 2 are**
41 **inadequately testing the knowledge and competency of applicants,**
42 **the Board shall prepare or cause to be prepared its own written**
43 **examination to test the knowledge and competency of applicants.**
44 **Such an examination must be offered not less than four times**
45 **each year. The location of the examination must alternate between**



1 *Clark County and Washoe County. Upon request, the Board must*
2 *provide a list of approved interpreters at the location of the*
3 *examination to interpret the examination for an applicant who, as*
4 *determined by the Board, requires an interpreter for the*
5 *examination.*

6 *4. The Board shall recognize a program of massage therapy*
7 *that is:*

8 *(a) Approved by the Commission on Postsecondary Education;*
9 *or*

10 *(b) Offered by a public college in this State or any other state.*

11 *↳ The Board may recognize other programs of massage therapy.*

12 *5. The Board or its designee shall:*

13 *(a) Conduct an investigation to determine:*

14 *(1) The reputation and character of the applicant;*

15 *(2) The existence and contents of any record of arrests or*
16 *convictions of the applicant;*

17 *(3) The existence and nature of any pending litigation*
18 *involving the applicant that would affect his suitability for*
19 *licensure; and*

20 *(4) The accuracy and completeness of any information*
21 *submitted to the Board by the applicant;*

22 *(b) If the Board determines that it is unable to conduct a*
23 *complete investigation, require the applicant to submit a financial*
24 *questionnaire and investigate the financial background and each*
25 *source of funding of the applicant;*

26 *(c) Report the results of the investigation of the applicant*
27 *within the period the Board establishes by regulation pursuant to*
28 *section 14 of this act; and*

29 *(d) Maintain the results of the investigation in a confidential*
30 *manner for use by the Board and its members and employees in*
31 *carrying out their duties pursuant to this chapter. The provisions*
32 *of this paragraph do not prohibit the Board or its members or*
33 *employees from communicating or cooperating with or providing*
34 *any documents or other information to any other licensing board*
35 *or any other federal, state or local agency that is investigating a*
36 *person, including, without limitation, a law enforcement agency.*

37 **Sec. 20. 1. The Board may issue a temporary license to**
38 **practice massage therapy.**

39 **2. An applicant for a temporary license issued pursuant to**
40 **this section must:**

41 *(a) Be at least 18 years of age; and*

42 *(b) Submit to the Board:*

43 *(1) A completed application on a form prescribed by the*
44 **Board;**



1 (2) *The fees prescribed by the Board pursuant to section 25*
2 *of this act;*

3 (3) *Proof that he has successfully completed a program of*
4 *massage therapy recognized by the Board pursuant to section 19*
5 *of this act;*

6 (4) *Proof that he:*

7 (I) *Has taken the examination required pursuant to*
8 *section 19 of this act; or*

9 (II) *Is scheduled to take such an examination within 90*
10 *days after the date of application;*

11 (5) *An affidavit indicating that he has not committed any of*
12 *the offenses for which the Board may refuse to issue a license*
13 *pursuant to section 29 of this act;*

14 (6) *A certified statement issued by the licensing authority in*
15 *each state, territory or possession of the United States or the*
16 *District of Columbia in which the applicant is or has been licensed*
17 *to practice massage therapy verifying that:*

18 (I) *The applicant has not been involved in any*
19 *disciplinary action relating to his license to practice massage*
20 *therapy; and*

21 (II) *Disciplinary proceedings relating to his license to*
22 *practice massage therapy are not pending; and*

23 (7) *Except as otherwise provided in section 21 of this act, a*
24 *complete set of fingerprints and written permission authorizing the*
25 *Board to forward the fingerprints to the Central Repository for*
26 *Nevada Records of Criminal History for submission to the Federal*
27 *Bureau of Investigation for its report.*

28 3. *A temporary license issued pursuant to this section expires*
29 *90 days after the date the Board issues the temporary license. The*
30 *Board shall not renew the temporary license.*

31 4. *A person who holds a temporary license:*

32 (a) *May practice massage therapy only under the supervision*
33 *of a fully licensed massage therapist and only in accordance with*
34 *the provisions of this chapter and the regulations of the Board;*

35 (b) *Must comply with any other conditions, limitations and*
36 *requirements imposed on the temporary license by the Board;*

37 (c) *Is subject to the regulatory and disciplinary authority of the*
38 *Board to the same extent as a fully licensed massage therapist;*
39 *and*

40 (d) *Remains subject to the regulatory and disciplinary*
41 *authority of the Board after the expiration of the temporary*
42 *license for all acts relating to the practice of massage therapy*
43 *which occurred during the period of temporary licensure.*



1 5. As used in this section, “fully licensed massage therapist”
2 means a person who holds a license to practice massage therapy
3 issued pursuant to section 19 or 24 of this act.

4 **Sec. 21.** 1. The Board of Massage Therapists and the State
5 Board of Cosmetology shall, to the extent practicable, reduce
6 duplication in the licensing procedure for a qualified applicant
7 who is applying to the Board of Massage Therapists for a license
8 to practice pursuant to this chapter and who is also applying to the
9 State Board of Cosmetology for a license to practice pursuant to
10 chapter 644 of NRS, if both applications are filed not more than
11 60 days apart.

12 2. If a qualified applicant submits an application to the State
13 Board of Cosmetology for a license to practice pursuant to chapter
14 644 of NRS and, not later than 60 days after that application, the
15 applicant also submits an application to the Board of Massage
16 Therapists for a license to practice pursuant to this chapter:

17 (a) The applicant is not required to submit a set of fingerprints
18 to the Board of Massage Therapists if the applicant submitted a set
19 of fingerprints with his application to the State Board of
20 Cosmetology;

21 (b) The Board of Massage Therapists shall request from the
22 State Board of Cosmetology a copy of any reports relating to a
23 background investigation of the applicant;

24 (c) Upon receiving such a request, the State Board of
25 Cosmetology shall provide to the Board of Massage Therapists any
26 reports relating to a background investigation of the applicant;
27 and

28 (d) The Board of Massage Therapists shall use the reports
29 provided by the State Board of Cosmetology in reviewing the
30 application for a license to practice pursuant to this chapter,
31 except that the Board of Massage Therapists may conduct its own
32 background investigation of the applicant if the Board of Massage
33 Therapists deems it to be necessary.

34 **Sec. 22.** 1. In addition to the any other requirements set
35 forth in this chapter:

36 (a) An applicant for the issuance of a license as a massage
37 therapist shall include the social security number of the applicant
38 in the application submitted to the Board.

39 (b) An applicant for the issuance or renewal of a license as a
40 massage therapist shall submit to the Board the statement
41 prescribed by the Welfare Division of the Department of Human
42 Resources pursuant to NRS 425.520. The statement must be
43 completed and signed by the applicant.

44 2. The Board shall include the statement required pursuant to
45 subsection 1 in:



1 (a) *The application or any other forms that must be submitted*
2 *for the issuance or renewal of the license; or*

3 (b) *A separate form prescribed by the Board.*

4 3. *A license as a massage therapist may not be issued or*
5 *renewed by the Board if the applicant:*

6 (a) *Fails to submit the statement required pursuant to*
7 *subsection 1; or*

8 (b) *Indicates on the statement submitted pursuant to*
9 *subsection 1 that he is subject to a court order for the support of a*
10 *child and is not in compliance with the order or a plan approved*
11 *by the district attorney or other public agency enforcing the order*
12 *for the repayment of the amount owed pursuant to the order.*

13 4. *If an applicant indicates on the statement submitted*
14 *pursuant to subsection 1 that he is subject to a court order for the*
15 *support of a child and is not in compliance with the order or a*
16 *plan approved by the district attorney or other public agency*
17 *enforcing the order for the repayment of the amount owed*
18 *pursuant to the order, the Board shall advise the applicant to*
19 *contact the district attorney or other public agency enforcing the*
20 *order to determine the actions that the applicant may take to*
21 *satisfy the arrearage.*

22 **Sec. 23.** 1. *If the Board receives a copy of a court order*
23 *issued pursuant to NRS 425.540 that provides for the suspension*
24 *of all professional, occupational and recreational licenses,*
25 *certificates and permits issued to a person who is the holder of a*
26 *license, the Board shall deem the license issued to that person to*
27 *be suspended at the end of the 30th day after the date on which the*
28 *court order was issued unless the Board receives a letter issued to*
29 *the holder of the license by the district attorney or other public*
30 *agency pursuant to NRS 425.550 stating that the holder of the*
31 *license has complied with the subpoena or warrant or has satisfied*
32 *the arrearage pursuant to NRS 425.560.*

33 2. *The Board shall reinstate a license that has been*
34 *suspended by a district court pursuant to NRS 425.540 if:*

35 (a) *The Board receives a letter issued by the district attorney or*
36 *other public agency pursuant to NRS 425.550 to the person whose*
37 *license was suspended stating that the person whose license was*
38 *suspended has complied with the subpoena or warrant or has*
39 *satisfied the arrearage pursuant to NRS 425.560; and*

40 (b) *The licensee pays the fee for reinstatement of the license*
41 *prescribed by the Board pursuant to section 25 of this act.*

42 **Sec. 24.** 1. *Notwithstanding the provisions of section 19 of*
43 *this act and except as otherwise provided in subsection 3, the*
44 *Board may issue a license to an applicant who holds a current*
45 *license to practice massage therapy issued by another state,*



1 *territory or possession of the United States or the District of*
2 *Columbia.*

3 2. *An applicant for a license issued by the Board pursuant to*
4 *subsection 1 must submit to the Board:*

5 (a) *A completed application on a form prescribed by the*
6 *Board;*

7 (b) *The fees prescribed by the Board pursuant to section 25 of*
8 *this act;*

9 (c) *A notarized statement signed by the applicant that states:*

10 (1) *Whether any disciplinary proceedings relating to his*
11 *license to practice massage therapy have at any time been*
12 *instituted against him; and*

13 (2) *Whether he has been arrested or convicted, within the*
14 *immediately preceding 10 years, for any crime involving violence,*
15 *prostitution or any other sexual offense; and*

16 (d) *A certified statement issued by the licensing authority in*
17 *each state, territory or possession of the United States or the*
18 *District of Columbia in which the applicant is or has been licensed*
19 *to practice massage therapy during the immediately preceding 10*
20 *years verifying that:*

21 (1) *The applicant has not been involved in any disciplinary*
22 *action relating to his license to practice massage therapy; and*

23 (2) *Disciplinary proceedings relating to his license to*
24 *practice massage therapy are not pending.*

25 3. *The Board shall not issue a license pursuant to this section*
26 *unless the state, territory or possession of the United States or the*
27 *District of Columbia in which the applicant is licensed had*
28 *requirements at the time the license was issued that the Board*
29 *determines are substantially equivalent to the requirements for a*
30 *license to practice massage therapy set forth in this chapter.*

31 **Sec. 25. 1.** *The Board shall establish a schedule of fees and*
32 *charges. The fees for the following items must not exceed the*
33 *following amounts:*

<i>An examination established by the Board pursuant to</i> <i>this chapter</i>	<i>\$600</i>
<i>An application for a license</i>	<i>300</i>
<i>An application for a license without an examination.....</i>	<i>300</i>
<i>A background check of an applicant.....</i>	<i>600</i>
<i>The issuance of a license</i>	<i>400</i>
<i>The renewal of a license.....</i>	<i>200</i>
<i>The restoration of an expired license</i>	<i>500</i>
<i>The reinstatement of a suspended or revoked license.....</i>	<i>500</i>
<i>The issuance of a duplicate license</i>	<i>75</i>
<i>The restoration of an inactive license.....</i>	<i>300</i>



2. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

Sec. 26. Each licensee shall display his license in a conspicuous manner at each location where he practices massage therapy.

Sec. 27. 1. Each license expires on the last day of the month in which it was issued in the next succeeding calendar year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of his completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under section 14 of this act; and

(c) The fee for renewal of the license prescribed by the Board pursuant to section 25 of this act.

2. A license that expires pursuant to this section may be restored if the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board pursuant to section 25 of this act:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before his license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 28. 1. Upon written request to the Board, a holder of a license in good standing may cause his name and license to be transferred to an inactive list. The holder of the license may not practice massage therapy during the time the license is inactive, and no renewal fee accrues.

2. If an inactive holder of a license desires to resume the practice of massage therapy, the Board shall renew the license upon:

(a) Demonstration, if deemed necessary by the Board, that the holder of the license is then qualified and competent to practice;

(b) Completion and submission of an application; and

(c) Payment of the current fee for renewal of the license.

Sec. 29. The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:



1 1. *Has submitted false, fraudulent or misleading information*
2 *to the Board or any agency of this State, any other state, a territory*
3 *or possession of the United States, the District of Columbia or the*
4 *Federal Government;*

5 2. *Has violated any provision of this chapter or any*
6 *regulation adopted pursuant thereto;*

7 3. *Has been convicted of a crime involving violence,*
8 *prostitution or any other sexual offense, a crime involving any*
9 *type of larceny, a crime relating to a controlled substance, a crime*
10 *involving any federal or state law or regulation relating to*
11 *massage therapy or a substantially similar business, or a crime*
12 *involving moral turpitude within the immediately preceding 10*
13 *years.*

14 4. *Has engaged in or solicited sexual activity during the*
15 *course of practicing massage on a person, with or without*
16 *the consent of the person, including, without limitation, if the*
17 *applicant or holder of the license:*

18 (a) *Made sexual advances toward the person;*

19 (b) *Requested sexual favors from the person; or*

20 (c) *Massaged, touched or applied any instrument to the breasts*
21 *of the person, unless the person has signed a written consent form*
22 *provided by the Board;*

23 5. *Has habitually abused alcohol or is addicted to a*
24 *controlled substance;*

25 6. *Is, in the judgment of the Board, guilty of gross negligence*
26 *in his practice of massage therapy;*

27 7. *Is determined by the Board to be professionally*
28 *incompetent to engage in the practice of massage therapy;*

29 8. *Has failed to provide information requested by the Board*
30 *within 60 days after he received the request;*

31 9. *Has, in the judgment of the Board, engaged in unethical or*
32 *unprofessional conduct as it relates to the practice of massage*
33 *therapy;*

34 10. *Has been disciplined in another state, a territory or*
35 *possession of the United States or the District of Columbia for*
36 *conduct that would be a violation of the provisions of this chapter*
37 *or any regulations adopted pursuant thereto if the conduct were*
38 *committed in this State;*

39 11. *Has solicited or received compensation for services*
40 *relating to the practice of massage therapy that he did not provide;*

41 12. *If the holder of the license is on probation, has violated*
42 *the terms of his probation; or*

43 13. *Has engaged in false, deceptive or misleading advertising,*
44 *including, without limitation, falsely, deceptively or misleadingly*
45 *advertising that he has received training in a specialty technique*



1 of massage for which he has not received training, practicing
2 massage therapy under an assumed name and impersonating a
3 licensed massage therapist.

4 **Sec. 30.** 1. If any member of the Board or the Executive
5 Director becomes aware of any ground for initiating disciplinary
6 action against a holder of a license, the member or Executive
7 Director shall file a written complaint with the Board.

8 2. The complaint must specifically:

9 (a) Set forth the relevant facts; and

10 (b) Charge one or more grounds for initiating disciplinary
11 action.

12 3. As soon as practicable after the filing of the complaint, an
13 investigation of the complaint must be conducted to determine
14 whether the allegations in the complaint merit the initiation of
15 disciplinary proceedings against the holder of the license.

16 **Sec. 31.** 1. If, after notice and a hearing as required by law,
17 the Board finds one or more grounds for taking disciplinary
18 action, the Board may:

19 (a) Place the applicant or holder of the license on probation
20 for a specified period or until further order of the Board;

21 (b) Administer to the applicant or holder of the license a public
22 reprimand;

23 (c) Refuse to issue, renew, reinstate or restore the license;

24 (d) Suspend or revoke the license;

25 (e) Impose an administrative fine of not more than \$1,000 per
26 day for each day for which the Board determines that a violation
27 occurred;

28 (f) Require the applicant or holder of the license to pay the
29 costs incurred by the Board to conduct the investigation and
30 hearing; or

31 (g) Impose any combination of actions set forth in paragraphs
32 (a) to (f), inclusive.

33 2. The order of the Board may contain such other terms,
34 provisions or conditions as the Board deems appropriate.

35 3. The order of the Board and the findings of fact and
36 conclusions of law supporting that order are public records.

37 4. The Board shall not issue a private reprimand.

38 **Sec. 32.** Notwithstanding any other statute to the contrary:

39 1. If the Board finds that immediate action is necessary to
40 protect the health, safety or welfare of the public, the Board may,
41 upon providing notice to the massage therapist, temporarily
42 suspend his license for a period not to exceed 30 days. For good
43 cause, the Board may extend the period of the temporary
44 suspension if the Board deems such action to be necessary to
45 protect the health, safety or welfare of the public pending



1 *proceedings for disciplinary action. In any such case, a hearing*
2 *must be held and a final decision rendered regarding whether to*
3 *extend the period of the temporary suspension not later than 30*
4 *days after the date on which the Board notifies the massage*
5 *therapist of the temporary suspension.*

6 2. *If a massage therapist is charged with or cited for a crime*
7 *involving violence, prostitution or any other sexual offense, the*
8 *appropriate law enforcement agency shall report the charge or*
9 *citation to the Executive Director. Upon receiving such a report,*
10 *the Executive Director shall immediately issue a cease and desist*
11 *order temporarily suspending the license of the massage therapist.*
12 *The temporary suspension of the license is effective immediately*
13 *upon issuance of the cease and desist order and must not exceed*
14 *15 days. For good cause, the Board may extend the period of the*
15 *temporary suspension if the Board deems such action to be*
16 *necessary to protect the health, safety or welfare of the public*
17 *pending proceedings for disciplinary action. In any such case, a*
18 *hearing must be held and a final decision rendered regarding*
19 *whether to extend the period of the temporary suspension not later*
20 *than 15 days after the date on which the Executive Director issues*
21 *the cease and desist order.*

22 3. *If the Board or the Executive Director issues an order*
23 *temporarily suspending the license of a massage therapist pending*
24 *proceedings for disciplinary action, a court shall not stay that*
25 *order.*

26 **Sec. 33. 1.** *The Board may conduct investigations and hold*
27 *hearings to carry out its duties pursuant to this chapter.*

28 2. *In such a hearing:*

29 (a) *Any member of the Board may administer oaths and*
30 *examine witnesses; and*

31 (b) *The Board or any member thereof may issue subpoenas to*
32 *compel the attendance of witnesses and the production of books*
33 *and papers.*

34 3. *Each witness who is subpoenaed to appear before the*
35 *Board is entitled to receive for his attendance the same fees and*
36 *mileage allowed by law for a witness in a civil case. The amount*
37 *must be paid by the party who requested the subpoena. If any*
38 *witness who has not been required to attend at the request of any*
39 *party is subpoenaed by the Board, his fees and mileage must be*
40 *paid by the Board from money available for that purpose.*

41 4. *If any person fails to comply with the subpoena within 10*
42 *days after it is issued, the Chairman of the Board may petition a*
43 *court of competent jurisdiction for an order of the court*
44 *compelling compliance with the subpoena.*



1 5. *Upon the filing of such a petition, the court shall enter an*
2 *order directing the person subpoenaed to appear before the court*
3 *at a time and place to be fixed by the court in its order, the time to*
4 *be not more than 10 days after the date of the order, and to show*
5 *cause why he has not complied with the subpoena. A certified copy*
6 *of the order must be served upon the person subpoenaed.*

7 6. *If it appears to the court that the subpoena was regularly*
8 *issued by the Board, the court shall enter an order compelling*
9 *compliance with the subpoena. The failure of the person to comply*
10 *with the order is a contempt of the court that issued the order.*

11 **Sec. 34.** *1. Except as otherwise provided in this section, a*
12 *complaint filed with the Board, all documents and other*
13 *information filed with the complaint and all documents and other*
14 *information compiled as a result of an investigation conducted to*
15 *determine whether to initiate disciplinary action against a person*
16 *are confidential, unless the person submits a written statement to*
17 *the Board requesting that such documents and information be*
18 *made public records.*

19 2. *The charging documents filed with the Board to initiate*
20 *disciplinary action and all documents and information considered*
21 *by the Board when determining whether to impose discipline are*
22 *public records.*

23 3. *The provisions of this section do not prohibit the Board*
24 *from communicating or cooperating with or providing any*
25 *documents or other information to any other licensing board or*
26 *any other federal, state or local agency that is investigating a*
27 *person, including, without limitation, a law enforcement agency.*

28 **Sec. 34.5.** *Chapter 644 of NRS is hereby amended by adding*
29 *thereto a new section to read as follows:*

30 1. *The State Board of Cosmetology and the Board of Massage*
31 *Therapists shall, to the extent practicable, reduce duplication in*
32 *the licensing procedure for a qualified applicant who is applying*
33 *to the State Board of Cosmetology for a license to practice*
34 *pursuant to this chapter and who is also applying to the Board of*
35 *Massage Therapists for a license to practice pursuant to sections 2*
36 *to 34, inclusive, of this act, if both applications are filed not more*
37 *than 60 days apart.*

38 2. *If a qualified applicant submits an application to the Board*
39 *of Massage Therapists for a license to practice pursuant to*
40 *sections 2 to 34, inclusive, of this act and, not later than 60 days*
41 *after that application, the applicant also submits an application to*
42 *the State Board of Cosmetology for a license to practice pursuant*
43 *to this chapter:*

44 (a) *The applicant is not required to submit a set of fingerprints*
45 *to the State Board of Cosmetology if the applicant submitted a set*



1 *of fingerprints with his application to the Board of Massage*
2 *Therapists;*

3 *(b) The State Board of Cosmetology shall request from the*
4 *Board of Massage Therapists a copy of any reports relating to a*
5 *background investigation of the applicant;*

6 *(c) Upon receiving such a request, the Board of Massage*
7 *Therapists shall provide to the State Board of Cosmetology any*
8 *reports relating to a background investigation of the applicant;*
9 *and*

10 *(d) The State Board of Cosmetology shall use the reports*
11 *provided by the Board of Massage Therapists in reviewing the*
12 *application for a license to practice pursuant to this chapter.*

13 **Sec. 35.** NRS 218.825 is hereby amended to read as follows:

14 218.825 1. Except as otherwise provided in subsection 2,
15 each board created by the provisions of **NRS 590.485** and chapters
16 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656
17 of NRS ~~[and NRS 590.485,]~~ **and sections 2 to 34, inclusive, of this**
18 **act** shall:

19 (a) If the revenue of the board from all sources is less than
20 \$50,000 for any fiscal year, prepare a balance sheet for that fiscal
21 year on the form provided by the Legislative Auditor and file the
22 balance sheet with the Legislative Auditor and the Chief of the
23 Budget Division of the Department of Administration on or before
24 December 1 following the end of that fiscal year. The Legislative
25 Auditor shall prepare and make available a form that must be used
26 by a board to prepare such a balance sheet.

27 (b) If the revenue of the board from all sources is \$50,000 or
28 more for any fiscal year, engage the services of a certified public
29 accountant or public accountant, or firm of either of such
30 accountants, to audit all its fiscal records for that fiscal year and file
31 a report of the audit with the Legislative Auditor and the Chief of
32 the Budget Division of the Department of Administration on or
33 before December 1 following the end of that fiscal year.

34 2. In lieu of preparing a balance sheet or having an audit
35 conducted for a single fiscal year, a board may engage the services
36 of a certified public accountant or public accountant, or firm of
37 either of such accountants, to audit all its fiscal records for a period
38 covering 2 successive fiscal years. If such an audit is conducted, the
39 board shall file the report of the audit with the Legislative Auditor
40 and the Chief of the Budget Division of the Department of
41 Administration on or before December 1 following the end of the
42 second fiscal year.

43 3. The cost of each audit conducted pursuant to subsection 1 or
44 2 must be paid by the board that is audited. Each such audit must be
45 conducted in accordance with generally accepted auditing standards



1 , and all financial statements must be prepared in accordance with
2 generally accepted principles of accounting for special revenue
3 funds.

4 4. Whether or not a board is required to have its fiscal records
5 audited pursuant to subsection 1 or 2, the Legislative Auditor shall
6 audit the fiscal records of any such board whenever directed to do so
7 by the Legislative Commission. When the Legislative Commission
8 directs such an audit, the Legislative Commission shall also
9 determine who is to pay the cost of the audit.

10 5. A person who is a state officer or employee of a board is
11 guilty of nonfeasance if the person:

12 (a) Is responsible for preparing a balance sheet or having an
13 audit conducted pursuant to this section or is responsible for
14 preparing or maintaining the fiscal records that are necessary to
15 prepare a balance sheet or have an audit conducted pursuant to this
16 section; and

17 (b) Knowingly fails to prepare the balance sheet or have the
18 audit conducted pursuant to this section or knowingly fails to
19 prepare or maintain the fiscal records that are necessary to prepare a
20 balance sheet or have an audit conducted pursuant to this section.

21 6. In addition to any other remedy or penalty, a person who is
22 guilty of nonfeasance pursuant to this section forfeits his state office
23 or employment and may not be appointed to a state office or
24 position of state employment for a period of 2 years following the
25 forfeiture. The provisions of this subsection do not apply to a state
26 officer who may be removed from office only by impeachment
27 pursuant to Article 7 of the Nevada Constitution.

28 **Sec. 36.** NRS 244.335 is hereby amended to read as follows:

29 244.335 1. Except as otherwise provided in subsection 2, the
30 board of county commissioners may:

31 (a) Except as otherwise provided in NRS 598D.150 ~~§~~ *and*
32 *section 8 of this act*, regulate all character of lawful trades, callings,
33 industries, occupations, professions and business conducted in its
34 county outside of the limits of incorporated cities and towns.

35 (b) Except as otherwise provided in NRS 244.3359 and 576.128,
36 fix, impose and collect a license tax for revenue or for regulation, or
37 for both revenue and regulation, on such trades, callings, industries,
38 occupations, professions and business.

39 2. The county license boards have the exclusive power in their
40 respective counties to regulate entertainers employed by an
41 entertainment by referral service and the business of conducting a
42 dancing hall, escort service, entertainment by referral service or
43 gambling game or device permitted by law, outside of an
44 incorporated city. The county license boards may fix, impose and



1 collect license taxes for revenue or for regulation, or for both
2 revenue and regulation, on such employment and businesses.

3 3. No license to engage in any type of business may be granted
4 unless the applicant for the license signs an affidavit affirming that
5 the business has complied with the provisions of NRS 360.780. The
6 county license board shall provide upon request an application for a
7 business license pursuant to NRS 360.780.

8 4. No license to engage in business as a seller of tangible
9 personal property may be granted unless the applicant for the license
10 presents written evidence that:

11 (a) The Department of Taxation has issued or will issue a permit
12 for this activity, and this evidence clearly identifies the business by
13 name; or

14 (b) Another regulatory agency of the State has issued or will
15 issue a license required for this activity.

16 5. Any license tax levied for the purposes of NRS 244.3358 or
17 244A.597 to 244A.655, inclusive, constitutes a lien upon the real
18 and personal property of the business upon which the tax was levied
19 until the tax is paid. The lien has the same priority as a lien for
20 general taxes. The lien must be enforced in the following manner:

21 (a) By recording in the office of the county recorder, within 6
22 months after the date on which the tax became delinquent or was
23 otherwise determined to be due and owing, a notice of the tax lien
24 containing the following:

25 (1) The amount of tax due and the appropriate year;

26 (2) The name of the record owner of the property;

27 (3) A description of the property sufficient for identification;

28 and

29 (4) A verification by the oath of any member of the board of
30 county commissioners or the county fair and recreation board; and

31 (b) By an action for foreclosure against the property in the same
32 manner as an action for foreclosure of any other lien, commenced
33 within 2 years after the date of recording of the notice of the tax
34 lien, and accompanied by appropriate notice to other lienholders.


35 6. The board of county commissioners may delegate the
36 authority to enforce liens from taxes levied for the purposes of NRS
37 244A.597 to 244A.655, inclusive, to the county fair and recreation
38 board. If the authority is so delegated, the board of county
39 commissioners shall revoke or suspend the license of a business
40 upon certification by the county fair and recreation board that the
41 license tax has become delinquent, and shall not reinstate the license
42 until the tax is paid. Except as otherwise provided in NRS 244.3357,
43 all information concerning license taxes levied by an ordinance
44 authorized by this section or other information concerning the
45 business affairs or operation of any licensee obtained as a result of



1 the payment of such license taxes or as the result of any audit or
2 examination of the books by any authorized employee of a county
3 fair and recreation board of the county for any license tax levied for
4 the purpose of NRS 244A.597 to 244A.655, inclusive, is
5 confidential and must not be disclosed by any member, officer or
6 employee of the county fair and recreation board or the county
7 imposing the license tax unless the disclosure is authorized by the
8 affirmative action of a majority of the members of the appropriate
9 county fair and recreation board. Continuing disclosure may be so
10 authorized under an agreement with the Department of Taxation for
11 the exchange of information concerning taxpayers.

12 **Sec. 37.** NRS 266.355 is hereby amended to read as follows:

13 266.355 1. Except as otherwise provided in subsection 3, the
14 city council may:

15 (a) Except as otherwise provided in NRS 598D.150  *and*
16 *section 8 of this act*, regulate all businesses, trades and professions.

17 (b) Except as otherwise provided in NRS 576.128, fix, impose
18 and collect a license tax for revenue upon all businesses, trades and
19 professions.

20 2. The city council may establish any equitable standard to be
21 used in fixing license taxes required to be collected pursuant to this
22 section.

23 3. The city council may license insurance agents, brokers,
24 analysts, adjusters and managing general agents within the
25 limitations and under the conditions prescribed in NRS 680B.020.

26 **Sec. 38.** NRS 269.170 is hereby amended to read as follows:

27 269.170 1. Except as otherwise provided in NRS 576.128
28 and 598D.150, *and section 8 of this act*, the town board or board of
29 county commissioners may in any unincorporated town:

30 (a) Fix and collect a license tax on, and regulate, having due
31 regard to the amount of business done by each person so licensed,
32 and all places of business and amusement so licensed, as follows:

33 (1) Artisans, artists, assayers, auctioneers, bakers, banks and
34 bankers, barbers, boilermakers, cellars and places where soft drinks
35 are kept or sold, clothes cleaners, foundries, laundries, lumberyards,
36 manufacturers of soap, soda, borax or glue, markets, newspaper
37 publishers, pawnbrokers, funeral directors and wood and coal
38 dealers.

39 (2) Bootmakers, cobblers, dressmakers, milliners,
40 shoemakers and tailors.

41 (3) Boardinghouses, hotels, lodginghouses, restaurants and
42 refreshment saloons.

43 (4) Barrooms, gaming, manufacturers of liquors and other
44 beverages, and saloons.



(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

Sec. 39. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A,



1 inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS
2 ~~§~~ *and sections 2 to 34, inclusive, of this act*; or

3 (c) Officers or employees of any agency of the Executive
4 Department of the State Government who are exempted by specific
5 statute.

6 2. Except as otherwise provided in subsection 3, the terms and
7 conditions of employment of all persons referred to in subsection 1,
8 including salaries not prescribed by law and leaves of absence,
9 including, without limitation, annual leave and sick and disability
10 leave, must be fixed by the appointing or employing authority
11 within the limits of legislative appropriations or authorizations.

12 3. Except as otherwise provided in this subsection, leaves of
13 absence prescribed pursuant to subsection 2 must not be of lesser
14 duration than those provided for other state officers and employees
15 pursuant to the provisions of this chapter. The provisions of this
16 subsection do not govern the Legislative Commission with respect
17 to the personnel of the Legislative Counsel Bureau.

18 4. Any board, commission, committee or council created in
19 chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,
20 648, 652, 654 and 656 of NRS *and sections 2 to 34, inclusive, of*
21 *this act* which contracts for the services of a person, shall require the
22 contract for those services to be in writing. The contract must be
23 approved by the State Board of Examiners before those services
24 may be provided.

25 **Sec. 40.** NRS 353.005 is hereby amended to read as follows:

26 353.005 The provisions of this chapter do not apply to boards
27 created by the provisions of NRS 590.485 and chapters 623 to
28 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of
29 NRS *and sections 2 to 34, inclusive, of this act* and the officers and
30 employees of those boards.

31 **Sec. 41.** NRS 353A.020 is hereby amended to read as follows:

32 353A.020 1. The Director, in consultation with the
33 Committee and Legislative Auditor, shall adopt a uniform system of
34 internal accounting and administrative control for agencies. The
35 elements of the system must include, without limitation:

36 (a) A plan of organization which provides for a segregation of
37 duties appropriate to safeguard the assets of the agency;

38 (b) A plan which limits access to assets of the agency to persons
39 who need the assets to perform their assigned duties;

40 (c) Procedures for authorizations and recordkeeping which
41 effectively control accounting of assets, liabilities, revenues and
42 expenses;

43 (d) A system of practices to be followed in the performance of
44 the duties and functions of each agency; and

45 (e) An effective system of internal review.



2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever he considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 2 to 34, inclusive, of this act.*

(b) The University and Community College System of Nevada.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 42. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 2 to 34, inclusive, of this act.*

(b) The University and Community College System of Nevada.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.



5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 43. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Chief shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~and~~ *and sections 2 to 34, inclusive, of this act.*

(b) The University and Community College System of Nevada.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.



7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

11. Appoint a Manager of Internal Controls.

Sec. 44. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, and 656A of NRS ~~and sections 2 to 34, inclusive, of this act.~~

Sec. 45. Section 2.140 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2896, is hereby amended to read as follows:

Sec. 2.140 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) Except as otherwise provided in NRS 598D.150 ~~and section 8 of this act,~~ regulate all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.


2. The City Council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 46. Section 2.150 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2897, is hereby amended to read as follows:

Sec. 2.150 Powers of Board of Councilmen: Licensing, regulation and prohibition of businesses, trades and professions.



1 1. The Board of Councilmen may:

2 (a) Except as otherwise provided in NRS 598D.150 
3 *and section 8 of this act*, regulate all businesses, trades and
4 professions.


5 (b) Fix, impose and collect a license tax for revenue upon
6 all businesses, trades and professions.

7 2. No person licensed by an agency of the State of
8 Nevada to practice any trade or profession except gaming
9 may be denied a license to conduct his profession.

10 3. The Board of Councilmen may establish any equitable
11 standard to be used in fixing license taxes required to be
12 collected pursuant to this section.

13 **Sec. 47.** Section 2.260 of the Charter of Carson City, being
14 chapter 213, Statutes of Nevada 1969, as last amended by chapter
15 465, Statutes of Nevada 2003, at page 2897, is hereby amended to
16 read as follows:

17 Sec. 2.260 Power of Board: Licensing, regulation and
18 prohibition of trades, professions and businesses.

19 1. Except as otherwise provided in NRS 598D.150 
20 *and section 8 of this act*, the Board may fix, impose and
21 collect a license tax for revenue upon, or regulate:

22 (a) Or both, all trades, callings, professions and
23 businesses, conducted in whole or in part within Carson City,
24 except that no person licensed by an agency of the State of
25 Nevada to practice any profession except gaming may be
26 denied a license to conduct his profession or required to pay a
27 license tax except for revenue.

28 (b) Or both, all businesses selling alcoholic liquors at
29 wholesale or retail, or prohibit or suppress such businesses.

30 (c) Or prescribe the location of all gaming establishments,
31 or any combination of these, or may prohibit gambling and
32 gaming of all kinds, and all games of chance.

33 2. The Board may provide for the issuance of all licenses
34 authorized in this section and the time and manner in which
35 they will be issued.

36 3. The Board may establish any equitable standard to be
37 used in fixing license taxes required to be collected pursuant
38 to this section.

39 4. The Board may, for just cause, suspend, cancel or
40 revoke any business license.



1 **Sec. 48.** Section 2.150 of the Charter of the City of Elko,
2 being chapter 276, Statutes of Nevada 1971, as last amended by
3 chapter 465, Statutes of Nevada 2003, at page 2897, is hereby
4 amended to read as follows:

5 Sec. 2.150 Powers of City Council: Licensing,
6 regulation and prohibition of businesses, trades and
7 professions.

8 1. The City Council may:

9 (a) Except as otherwise provided in NRS 598D.150 ~~§~~
10 *and section 8 of this act*, regulate all businesses, trades and
11 professions.

12 (b) Fix, impose and collect a license tax for revenue upon
13 all businesses, trades and professions.

14 2. The City Council may establish any equitable
15 standard to be used in fixing license taxes collected pursuant
16 to this section.

17 **Sec. 49.** Section 2.130 of the Charter of the City of Henderson,
18 being chapter 266, Statutes of Nevada 1971, as amended by chapter
19 465, Statutes of Nevada 2003, at page 2898, is hereby amended to
20 read as follows:

21 Sec. 2.130 Powers of City Council: Licensing,
22 regulation and prohibition of businesses, trades and
23 professions.

24 1. The City Council may:

25 (a) Except as otherwise provided in NRS 598D.150 ~~§~~
26 *and section 8 of this act*, regulate all businesses, trades and
27 professions.

28 (b) Fix, impose and collect a license tax for revenue upon
29 all businesses, trades and professions.

30 2. The City Council may establish any equitable
31 standard to be used in fixing license taxes required to be
32 collected pursuant to this section.

33 **Sec. 50.** Section 2.150 of the Charter of the City of Las Vegas,
34 being chapter 517, Statutes of Nevada 1983, as amended by chapter
35 465, Statutes of Nevada 2003, at page 2898, is hereby amended to
36 read as follows:

37 Sec. 2.150 Powers of City Council: Licensing,
38 regulation and prohibition of businesses, trades and
39 professions.

40 1. The City Council may:

41 (a) Except as is otherwise provided in subsection 2 and
42 NRS 598D.150 ~~§~~ *and section 8 of this act*, license and
43 regulate all lawful businesses, trades and professions.

44 (b) Fix, impose and collect a license tax for regulation or
45 for revenue, or both, upon all businesses, trades and



1 professions and provide an equitable standard for fixing those
2 license taxes.

3 (c) Suspend or revoke the license of any business, trade or
4 profession for failing to comply with any regulation of the
5 City in such manner as may be prescribed by ordinance.

6 2. No person, firm or corporation which is licensed by
7 an agency of the State to conduct or practice any business,
8 trade or profession, except as is otherwise provided in
9 subsection 3, may be denied a license to conduct or practice
10 that business, trade or profession, nor may the license be
11 suspended or revoked, if:

12 (a) That person, firm or corporation complies with all of
13 the regulations which are established by that agency and pays
14 to the City such license taxes and related fees and posts such
15 bond or bonds as may be prescribed by ordinance; and

16 (b) The location of the business, trade or profession
17 complies with all of the requirements of all of the zoning,
18 building, plumbing, electrical, safety and fire prevention
19 codes or regulations of the City.

20 3. The City Council may provide, by ordinance,
21 regulations which restrict the number, location and method of
22 operation of and the qualifications for ownership in:

23 (a) Liquor-dispensing or gaming establishments, or both;

24 (b) Businesses which are engaged in the manufacture or
25 distribution, or both, of liquor or gaming devices; and


26 (c) Such other businesses, trades and professions as may
27 be declared by ordinance to be privileged,

28 ➤ and regulations which prescribe the circumstances under
29 and the manner in which licenses with respect to those
30 establishments, businesses, trades and professions may be
31 denied, limited, suspended or revoked.

32 **Sec. 51.** Section 2.140 of the Charter of the City of North Las
33 Vegas, being chapter 573, Statutes of Nevada 1971, as amended by
34 chapter 465, Statutes of Nevada 2003, at page 2899, is hereby
35 amended to read as follows:

36 Sec. 2.140 Powers of City Council: Licensing,
37 regulation and prohibition of businesses, trades and
38 professions.

39 1. The City Council may:

40 (a) Except as otherwise provided in NRS 598D.150 
41 *and section 8 of this act*, regulate all businesses, trades and
42 professions.

43 (b) Fix, impose and collect a license fee for revenue upon
44 all businesses, trades and professions.




2. The City Council may establish any equitable standard to be used in fixing license fees required to be collected pursuant to this section.

Sec. 52. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 2003, at page 2899, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150  *and section 8 of this act*, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State of Nevada. An offense that is made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell telecommunications service to the general public.



(b) May purchase or construct facilities for providing telecommunications that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. As used in this section:


(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

Sec. 53. Section 2.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 465, Statutes of Nevada 2003, at page 2900, is hereby amended to read as follows:

Sec. 2.090 Powers of City Council: General areas.

The City Council may exercise any power specifically granted in this Charter or by any of the provisions of Nevada Revised Statutes not in conflict with this Charter, in order to:

1. Except as otherwise provided in NRS 598D.150  *and section 8 of this act*, license all businesses, trades and professions for purposes of regulation and revenue.

2. Enact and enforce fire ordinances.

3. Regulate the construction and maintenance of any building or other structure within the City.

4. Provide for safeguarding of public health in the City.

5. Zone and plan the City, including the regulation of subdivision of land, as prescribed by chapter 278 of NRS.

6. Acquire, control, lease, dedicate, sell and convey rights-of-way, parks and other real property.

7. Except as otherwise provided in NRS 707.375, regulate vehicular traffic and parking of vehicles.

8. Establish and maintain a sanitary sewer system.



9. Condemn property within the territorial limits of the City, as well as property outside the territorial limits of the City, in the manner prescribed by chapter 37 of NRS.

10. Regulate, prescribe the location for, prohibit or suppress all businesses selling alcoholic liquors at wholesale or retail.

11. Regulate, prescribe the location for, prohibit or suppress gaming of all kinds.

Sec. 54. Section 2.150 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2901, is hereby amended to read as follows:

Sec. 2.150 Powers of Board of Councilmen: Licensing, regulation and prohibition of businesses, trades and professions.

1. The Board of Councilmen may:

(a) Except as otherwise provided in NRS 598D.150 ~~and~~ *and section 8 of this act*, regulate all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. No person licensed by an agency of the State of Nevada to practice any trade or profession except gaming may be denied a license to conduct his profession.

3. The Board of Councilmen may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 55. Section 2.140 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2901, is hereby amended to read as follows:

Sec. 2.140 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) Except as otherwise provided in NRS 598D.150 ~~and~~ *and section 8 of this act*, regulate all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.



1 **Sec. 56.** 1. Notwithstanding the provisions of sections 2 to
2 34, inclusive, of this act and except as otherwise provided in
3 subsection 3, the Board of Massage Therapists may issue a license
4 to practice massage therapy to an applicant, without regard to
5 whether the applicant meets the requirements set forth in section 19
6 of this act, if the applicant:

7 (a) Holds a current license to practice massage therapy issued
8 before July 1, 2007, by a county, city or town of this State that
9 regulates the practice of massage therapy; and

10 (b) Applies to the Board for a license before July 1, 2007.

11 2. An applicant who applies for a license from the Board
12 pursuant to subsection 1 must submit to the Board:

13 (a) A completed application on a form prescribed by the Board;

14 (b) The fees prescribed by the Board pursuant to section 25 of
15 this act; and

16 (c) A notarized statement signed by the applicant that states:

17 (1) Whether any disciplinary proceedings relating to his
18 license to practice massage therapy have at any time been instituted
19 against him; and

20 (2) Whether he has been arrested or convicted, within the 10
21 years immediately preceding submission of the application, for any
22 crime involving violence, prostitution or any other sexual offense.

23 3. If an applicant applies for a license from the Board pursuant
24 to subsection 1 and the applicant does not have a criminal
25 background investigation approved by a local law enforcement
26 agency, the applicant must:

27 (a) Submit a complete set of fingerprints and written permission
28 authorizing the Board to forward the fingerprints to the Central
29 Repository for Nevada Records of Criminal History for submission
30 to the Federal Bureau of Investigation for its report; and

31 (b) Submit to a background investigation conducted pursuant to
32 section 19 of this act.

33 4. A license issued by the Board pursuant to subsection 1 shall
34 be deemed to be a license issued by the Board pursuant to section 19
35 of this act.

36 5. A person who is licensed to practice massage therapy by a
37 county, city or town in this State before July 1, 2007, must, if the
38 person wishes to continue to practice massage therapy on and after
39 July 1, 2007, hold a license to practice massage therapy issued by
40 the Board.

41 6. Until July 1, 2007, if a person is licensed to practice
42 massage therapy by a county, city or town in this State but the
43 person does not hold a license to practice massage therapy issued by
44 the Board, the person shall comply with:



(a) All ordinances and regulations of the county, city or town relating to the practice of massage therapy; and

(b) The provisions of sections 2 to 18, inclusive, 22, 23 and 25 to 34, inclusive, of this act.

Sec. 57. 1. As soon as practicable, the Governor shall appoint to the Board of Massage Therapists pursuant to sections 9 and 10 of this act:

(a) Two members whose terms expire on June 30, 2007;

(b) Three members whose terms expire on June 30, 2008;

(c) Two members whose terms expire on June 30, 2009; and

(d) One nonvoting advisory member whose term expires on June 30, 2009,

↳ except that no member may begin serving a term sooner than July 1, 2005.

2. Notwithstanding the provisions of section 9 of this act, each massage therapist who is appointed to the Board of Massage Therapists to an initial term pursuant to subsection 1 is not required to hold a license issued pursuant to sections 2 to 34, inclusive, of this act at the time of appointment but must be eligible for such a license at the time of appointment.

Sec. 58. 1. This act becomes effective upon passage and approval for the purposes of:

(a) The Governor appointing members to the Board of Massage Therapists; and

(b) The Board and its members and employees performing any organizational, preparatory or preliminary administrative tasks that are necessary to carry out the provisions of this act,

↳ and on October 1, 2005, for all other purposes.

2. Sections 22 and 23 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational or recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↳ are repealed by the Congress of the United States.

