

ASSEMBLY BILL NO. 496—COMMITTEE ON COMMERCE AND LABOR

MARCH 28, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions governing licensing and regulation of cosmetology. (BDR 54-1182)

FISCAL NOTE: Effect on Local Government: No.
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 cosmetology; requiring the State Board of Cosmetology to issue a license as a cosmetologist and massage therapist, or as an aesthetician and massage therapist, to a person who complies with certain requirements; providing for the issuance of a license to practice cosmetology on a temporary basis under certain circumstances; authorizing the Board to establish certain fees by regulation; 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. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Board shall issue a license as a cosmetologist and massage therapist to any person who has made application to the Board in proper form, paid the fee and:*

(a) Otherwise has satisfied the requirements for the issuance of a license as a cosmetologist pursuant to this chapter; and

(b) Has successfully completed a course of study in massage therapy approved by the Board and passed such practical demonstrations and written and oral tests required by the Board.

2. *The Board shall issue a license as an aesthetician and massage therapist to any person who has made application to the Board in proper form, paid the fee and:*



1 (a) Otherwise has satisfied the requirements for the issuance
2 of a license as an aesthetician pursuant to this chapter; and

3 (b) Has successfully completed a course of study in massage
4 therapy approved by the Board and passed such practical
5 demonstrations and written and oral tests required by the Board.

6 3. A license issued by the Board pursuant to this section must
7 specify the type of massage therapy which the holder of the license
8 is entitled to perform. A cosmetologist or an aesthetician shall not
9 engage in massage therapy unless he holds a license issued by the
10 Board pursuant to this section and shall not engage in any type of
11 massage therapy that is not specified on his license.

12 4. Notwithstanding any statutory provision to the contrary, a
13 local governmental entity which regulates persons who engage in
14 the practice of massage therapy shall not require a cosmetologist
15 or an aesthetician who engages in message therapy in accordance
16 with a license issued by the Board pursuant to this section to
17 obtain a license, certificate or registration, other than a business
18 license to operate a business, from the local governmental entity to
19 engage in the practice of massage therapy.

20 5. The Board shall establish, by regulation:

21 (a) A fee for the initial issuance of a license pursuant to this
22 section; and

23 (b) If the Board requires an applicant for a license pursuant to
24 this section to pass a practical demonstration or a written or an
25 oral examination, a fee for administering the practical
26 demonstration or written or oral examination.

27 6. The Board shall adopt regulations to carry out the
28 provisions of this section.

29 **Sec. 3.** 1. Upon application to the Board, the Board may,
30 without examination, issue a license to a person currently licensed
31 as a cosmetologist in another state or territory of the United States
32 or the District of Columbia who wishes to work on a temporary
33 basis in a resort hotel.

34 2. An application for a license to work as a cosmetologist on
35 a temporary basis must be accompanied by the fees set by the
36 Board by regulation for the license and include:

37 (a) The name and license number of the applicant;

38 (b) The name and address of the resort hotel at which the
39 applicant will be practicing cosmetology;

40 (c) The specific dates on which the applicant desires to
41 practice cosmetology in this State on a temporary basis; and

42 (d) Any other information required by the Board.

43 3. A license to work as a cosmetologist on a temporary basis
44 issued by the Board pursuant to this section must include the
45 name of the cosmetologist, the name of the resort hotel at which



1 *the cosmetologist may temporarily practice cosmetology and the*
2 *period during which the cosmetologist may engage in that*
3 *practice.*

4 **4. The Board shall not issue a license to work on a temporary**
5 **basis to a cosmetologist pursuant to this section more than five**
6 **times during any calendar year.**

7 **5. As used in this section:**

8 (a) *“Resort hotel” has the meaning ascribed to it in*
9 *NRS 463.01865.*

10 (b) *“Temporary basis” means for a specified period of not*
11 *more than 7 calendar days.*

12 **Sec. 4.** NRS 644.0205 is hereby amended to read as follows:

13 644.0205 **1.** “Aesthetician” means any person who engages
14 in the practices of:

15 ~~[1-]~~ (a) Beautifying, massaging, cleansing or stimulating the
16 skin of the human body, except the scalp, by the use of cosmetic
17 preparations, antiseptics, tonics, lotions or creams, or any device,
18 electrical or otherwise, for the care of the skin;

19 ~~[2-]~~ (b) Applying cosmetics or eyelashes to any person, tinting
20 eyelashes and eyebrows, and lightening hair on the body except the
21 scalp; and

22 ~~[3-]~~ (c) Removing superfluous hair from the body of any person
23 by the use of depilatories, waxing or tweezers,
24 ➤ but does not include the branches of cosmetology of a
25 cosmetologist, hair designer, electrologist or manicurist.

26 **2. The term includes an aesthetician who holds a license as**
27 **an aesthetician and massage therapist issued by the Board**
28 **pursuant to section 2 of this act.**

29 **Sec. 5.** NRS 644.023 is hereby amended to read as follows:

30 644.023 **1.** “Cosmetologist” means a person who engages in
31 the practices of:

32 ~~[1-]~~ (a) Cleansing, stimulating or massaging the scalp or
33 cleansing or beautifying the hair by the use of cosmetic
34 preparations, antiseptics, tonics, lotions or creams.

35 ~~[2-]~~ (b) Cutting, trimming or shaping the hair.

36 ~~[3-]~~ (c) Arranging, dressing, curling, waving, cleansing,
37 singeing, bleaching, tinting, coloring or straightening the hair of any
38 person with the hands, mechanical or electrical apparatus or
39 appliances, or by other means, or similar work incident to or
40 necessary for the proper carrying on of the practice or occupation
41 provided by the terms of this chapter.

42 ~~[4-]~~ (d) Removing superfluous hair from the surface of the body
43 of any person by the use of electrolysis where the growth is a
44 blemish, or by the use of depilatories, waxing or tweezers, except
45 for the permanent removal of hair with needles.



~~[5-]~~ (e) Manicuring the nails of any person.
~~[6-]~~ (f) Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device, electrical or otherwise, for the care of the skin.

~~[7-]~~ (g) Giving facials or skin care or applying cosmetics or eyelashes to any person.

2. *The term includes a cosmetologist who holds a license as a cosmetologist and massage therapist pursuant to section 2 of this act.*

Sec. 6. NRS 644.212 is hereby amended to read as follows:

644.212 An application for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 2 and 3 of this act*** must include the social security number of the applicant.

Sec. 7. NRS 644.214 is hereby amended to read as follows:

644.214 1. An applicant for the issuance or renewal of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 2 and 3 of this act*** shall submit to the Board the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the Board.

3. A license or evidence of registration may not be issued or renewed by the Board pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 2 and 3 of this act*** if the applicant:

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

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other



1 public agency enforcing the order to determine the actions that the
2 applicant may take to satisfy the arrearage.

3 **Sec. 8.** NRS 644.325 is hereby amended to read as follows:

4 644.325 1. An application for renewal of any license issued
5 pursuant to this chapter must be:

6 (a) Made on a form prescribed and furnished by the Board at
7 any time during the month of June of the year in which the license
8 expires;

9 (b) Accompanied by the statement required pursuant to NRS
10 644.214; and

11 (c) Accompanied by the fee for renewal.

12 2. The fees for renewal are:

13 (a) For manicurists, electrologists, aestheticians, hair designers,
14 demonstrators of cosmetics and cosmetologists, not less than \$30
15 and not more than \$50.

16 (b) *For cosmetologists and aestheticians to whom the Board*
17 *has issued a license pursuant to section 2 of this act, not less than*
18 *\$30 and not more than \$50.*

19 (c) For instructors, not less than \$40 and not more than \$60.

20 ~~[(e)]~~ (d) For cosmetological establishments, not less than \$60
21 and not more than \$100.

22 ~~[(d)]~~ (e) For schools of cosmetology, not less than \$450 and not
23 more than \$500.

24 3. For each month or fraction thereof after July 1 in which a
25 license is not renewed, there must be assessed and collected at the
26 time of renewal a penalty of \$25 for a school of cosmetology and
27 \$10 for a cosmetological establishment and all persons licensed
28 pursuant to this chapter.

29 4. An application for the renewal of a license as a
30 cosmetologist, hair designer, aesthetician, electrologist, manicurist,
31 demonstrator of cosmetics or instructor must be accompanied by
32 two current photographs of the applicant which are 1 1/2 by 1 1/2
33 inches. The name and address of the applicant must be written on
34 the back of each photograph.

35 **Sec. 9.** NRS 644.325 is hereby amended to read as follows:

36 644.325 1. An application for renewal of any license issued
37 pursuant to this chapter must be:

38 (a) Made on a form prescribed and furnished by the Board at
39 any time during the month of June of the year in which the license
40 expires; and

41 (b) Accompanied by the fee for renewal.

42 2. The fees for renewal are:

43 (a) For manicurists, electrologists, aestheticians, hair designers,
44 demonstrators of cosmetics and cosmetologists, not less than \$30
45 and not more than \$50.



(b) *For cosmetologists and aestheticians to whom the Board has issued a license pursuant to section 2 of this act, not less than \$30 and not more than \$50.*

(c) For instructors, not less than \$40 and not more than \$60.

~~[(e)]~~ (d) For cosmetological establishments, not less than \$60 and not more than \$100.

~~[(d)]~~ (e) For schools of cosmetology, not less than \$450 and not more than \$500.

3. For each month or fraction thereof after July 1 in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of \$25 for a school of cosmetology and \$10 for a cosmetological establishment and all persons licensed pursuant to this chapter.

4. An application for renewal of a license as a cosmetologist, hair designer, aesthetician, electrologist, manicurist, demonstrator of cosmetics or instructor must be accompanied by two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

Sec. 10. NRS 644.435 is hereby amended to read as follows:

644.435 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been issued a license or been registered pursuant to NRS 644.190 to 644.330, inclusive, *and sections 2 and 3 of this act*, the Board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the license or registration stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and sections 2 and 3 of this act* that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 11. 1. This section, sections 1 to 8 inclusive, and 10 of this act become effective on October 1, 2005.



2. Sections 6, 7, 8 and 10 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 and 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.

3. Section 9 of this act becomes effective 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 and 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.



