

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 and local governmental entities to reduce duplication in the licensing procedure by sharing certain background information of persons who apply for a license to practice cosmetology and a license to practice massage therapy; providing for the issuance of a limited license to practice cosmetology under certain circumstances; 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 and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, if both applications are filed not more than 60 days apart.*

2. *If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy and, not later than 60 days after that application, the applicant also submits an application to the Board for a license to practice pursuant to this chapter:*



1 (a) The applicant is not required to submit a set of fingerprints
2 to the Board if the applicant submitted a set of fingerprints with
3 his application to the local governmental entity;

4 (b) The Board shall request from the local governmental entity
5 a copy of any reports relating to a background investigation of the
6 applicant;

7 (c) Upon receiving such a request, the local governmental
8 entity shall provide to the Board any reports relating to a
9 background investigation of the applicant; and

10 (d) The Board shall use the reports provided by the local
11 governmental entity in reviewing the application for a license to
12 practice pursuant to this chapter.

13 3. If a qualified applicant submits an application to the Board
14 for a license to practice pursuant to this chapter and, not later
15 than 60 days after that application, the applicant also submits an
16 application to a local governmental entity for a license to practice
17 massage therapy:

18 (a) The applicant is not required to submit a set of fingerprints
19 to the local governmental entity if the applicant submitted a set of
20 fingerprints with his application to the Board;

21 (b) The local governmental entity shall request from the Board
22 a copy of any reports relating to a background investigation of the
23 applicant;

24 (c) Upon receiving such a request, the Board shall provide to
25 the local governmental entity any reports relating to a background
26 investigation of the applicant; and

27 (d) The local governmental entity shall use the reports
28 provided by the Board in reviewing the application for a license to
29 practice massage therapy, except that the local governmental
30 entity may conduct its own background investigation of the
31 applicant if the local governmental entity deems it to be necessary.

32 **Sec. 3. 1.** The Board may, without examination, issue a
33 limited license to a person currently licensed as a cosmetologist in
34 another state or territory of the United States or the District of
35 Columbia who intends to practice cosmetology in this State in the
36 limited manner set forth in this section.

37 2. A limited license issued pursuant to this section authorizes
38 the holder of the limited license to practice cosmetology in this
39 State:

40 (a) In a resort hotel and in other types of locations the Board
41 designates by regulation; and

42 (b) For not more than five periods, of not more than 10 days
43 each, during any 1-year period for which the license is issued or
44 renewed.



1 3. To apply for a limited license pursuant to this section, an
2 applicant must submit to the Board:

3 (a) An application which includes the name of the applicant
4 and the number or other designation identifying the applicant's
5 license from the other jurisdiction;

6 (b) Any other information required by the Board; and

7 (c) An application fee of \$100.

8 4. The Board may issue a limited license pursuant to this
9 section for not more than 1 year and may renew the limited license
10 annually. A limited license expires 1 year after its date of issuance.

11 5. A holder of a limited license may renew the limited license
12 on or before the date of its expiration. To renew the limited
13 license, the holder must:

14 (a) Apply to the Board for renewal; and

15 (b) Submit an annual renewal fee of \$100.

16 6. Not less than 5 days before practicing cosmetology in this
17 State pursuant to a limited license, the holder of a limited license
18 shall notify the Board in writing of the holder's intention to
19 practice cosmetology in this State. The notice must specify:

20 (a) The name and limited license number of the holder;

21 (b) The specific dates on which the holder will be practicing
22 cosmetology in this State; and

23 (c) The name and address of the location at which the holder
24 will be practicing cosmetology in this State.

25 7. A holder of a limited license is subject to the regulatory
26 and disciplinary authority of the Board to the same extent as any
27 other licensed cosmetologist for all acts relating to the practice of
28 cosmetology which occur in this State.

29 8. The Board:

30 (a) Shall designate by regulation the types of locations, in
31 addition to a resort hotel, at which a holder of a limited license
32 may practice cosmetology in this State under a limited license.

33 (b) May adopt any other regulations as are necessary to carry
34 out the provisions of this section.

35 9. As used in this section, "resort hotel" has the meaning
36 ascribed to it in NRS 463.01865.

37 Sec. 4. NRS 644.212 is hereby amended to read as follows:

38 644.212 An application for the issuance of a license or
39 evidence of registration issued pursuant to NRS 644.190 to 644.330,
40 inclusive, *and sections 2 and 3 of this act* must include the social
41 security number of the applicant.

42 Sec. 5. NRS 644.214 is hereby amended to read as follows:

43 644.214 1. An applicant for the issuance or renewal of a
44 license or evidence of registration issued pursuant to NRS 644.190
45 to 644.330, inclusive, *and sections 2 and 3 of this act* shall submit



1 to the Board the statement prescribed by the Welfare Division of the
2 Department of Human Resources pursuant to NRS 425.520. The
3 statement must be completed and signed by the applicant.

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

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

9 (b) A separate form prescribed by the Board.

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

13 (a) Fails to submit the statement required pursuant to subsection
14 1; or

15 (b) Indicates on the statement submitted pursuant to subsection
16 1 that he is subject to a court order for the support of a child and is
17 not in compliance with the order or a plan approved by the district
18 attorney or other public agency enforcing the order for the
19 repayment of the amount owed pursuant to the order.

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

28 **Sec. 6.** NRS 644.435 is hereby amended to read as follows:

29 644.435 1. If the Board receives a copy of a court order
30 issued pursuant to NRS 425.540 that provides for the suspension of
31 all professional, occupational and recreational licenses, certificates
32 and permits issued to a person who has been issued a license or been
33 registered pursuant to NRS 644.190 to 644.330, inclusive, **and**
34 **sections 2 and 3 of this act**, the Board shall deem the license or
35 registration issued to that person to be suspended at the end of the
36 30th day after the date on which the court order was issued unless
37 the Board receives a letter issued by the district attorney or other
38 public agency pursuant to NRS 425.550 to the holder of the license
39 or registration stating that the holder of the license or registration
40 has complied with the subpoena or warrant or has satisfied the
41 arrearage pursuant to NRS 425.560.

42 2. The Board shall reinstate a license or registration issued
43 pursuant to NRS 644.190 to 644.330, inclusive, **and sections 2 and**
44 **3 of this act** that has been suspended by a district court pursuant to
45 NRS 425.540 if the Board receives a letter issued by the district



1 attorney or other public agency pursuant to NRS 425.550 to the
2 person whose license or registration was suspended stating that the
3 person whose license or registration was suspended has complied
4 with the subpoena or warrant or has satisfied the arrearage pursuant
5 to NRS 425.560.

6 **Sec. 7.** 1. This act becomes effective on October 1, 2005.

7 2. Sections 4, 5 and 6 of this act expire by limitation on the
8 date on which the provisions of 42 U.S.C. § 666 requiring each state
9 to establish procedures under which the state has authority to
10 withhold or suspend, or to restrict the use of professional,
11 occupational and recreational licenses of persons who:

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

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

17 ➤ are repealed by the Congress of the United States.



