

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Seventy-Ninth Session
March 3, 2017**

The Committee on Commerce and Labor was called to order by Chair Irene Bustamante Adams at 12:30 p.m. on Friday, March 3, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Irene Bustamante Adams, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblyman Paul Anderson
Assemblyman Nelson Araujo
Assemblyman Chris Brooks
Assemblyman Skip Daly
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblywoman Dina Neal
Assemblyman James Ohrenschall
Assemblywoman Jill Tolles

COMMITTEE MEMBERS ABSENT:

Assemblyman Jason Frierson (excused)

GUEST LEGISLATORS PRESENT:

Senator Tick Segerblom, Senate District No. 3



STAFF MEMBERS PRESENT:

Kelly Richard, Committee Policy Analyst
Wil Keane, Committee Counsel
Earlene Miller, Committee Secretary
Olivia Lloyd, Committee Secretary

OTHERS PRESENT:

Gary Landry, Executive Director, State Board of Cosmetology
Jeanette Belz, representing State Board of Cosmetology
Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
K. Neena Laxalt, representing Board of Massage Therapists
Sandra J. Anderson, Executive Director, Board of Massage Therapists
Colleen Platt, Counsel, Board of Massage Therapists
Jeffrey J. Coday, Lieutenant, Special Investigations Section, Las Vegas Metropolitan
Police Department
Deborah Nimmons, Law and Regulation Chair, International Association of
Structural Integrators
Mike Cathcart, Business Operations Manager, City of Henderson, Nevada
Robin Graber, Private Citizen, Carson City, Nevada
Mendy Elliott, representing Chiropractic Physicians' Board of Nevada
Benjamin S. Lurie, D.C., President, Chiropractic Physicians' Board of Nevada
Karen Duddleston, Deputy Planning Director, City of Las Vegas
Christine Issel, Legislative Consultant, American Reflexology Certification Board
Marlene Lockard, representing the Nevada Chiropractic Association
Billie Shea, Private Citizen, Carson City, Nevada
Rebecca Willis, Private Citizen, Reno, Nevada
Stephanie Tsanas, Private Citizen, Reno, Nevada
Lior Hason, Private Citizen, Las Vegas, Nevada
Eran Tsur, Private Citizen, Las Vegas, Nevada
Shane Shimada, Private Citizen, Las Vegas, Nevada
Joseph L. Pollock, Deputy Administrator for Regulatory and Planning Services,
Division of Public and Behavioral Health, Department of Health and Human
Services

Chair Bustamante Adams:

[The roll was called. Assemblywoman Carlton assumed the Chair.]

Vice Chair Carlton:

I will open the hearing on Assembly Bill 195.

Assembly Bill 195: Revises provisions governing cosmetology. (BDR 54-119)

Assemblywoman Irene Bustamante Adams, Assembly District No. 42:

This bill deals with provisions governing the State Board of Cosmetology. I appreciate the leadership team of the State Board of Cosmetology and their efforts to evaluate the level of service to their licensees and to elevate the industry so Nevada can stay competitive within the region. I sponsored Assembly Bill 246 of the 78th Session on behalf of the State Board of Cosmetology. The focus was to enable the profession to grow in an ever-changing industry.

The focus of Assembly Bill 195 is efficiency and effectiveness. You will find five things in the bill: reduce barriers and improve licensure; increase efficient operations for licensure; structure the Board's ability to address prostitution; clarify cosmetology services; address changes and administrative services.

Assemblyman Kramer requested to be a cosponsor on this bill, but it did not get on the bill. I am asking for the Committee to consider that.

Gary Landry, Executive Director, State Board of Cosmetology:

I will address section-by-section details of the bill ([Exhibit C](#)). Section 1, subsection 4 of the bill gives the Governor the power to replace Board members who are negligent in their duties and practice malfeasance or misfeasance. That gives the Governor the ability to remove someone not qualified or not serving his other duty. Section 2 makes the office of Secretary-Treasurer a single person. It is currently two people except if the Board wants to make it one person. They have made it one person for the last 20 years, so we are trying to make it a streamlined operation. Section 3 removes the examination of applicants from the Board meetings. The last time an examination was given at a Board meeting was in the 1920s or 1930s. We do not do examinations at the Board meetings. In sections 4, 5, 7, 8, 9, 20, 23, 24, 25, 31, and 35, we add references to registration and certificates of registration to the law. That is because we have increased the number of certificates and registration types that are in the sections.

Section 6 substitutes language from the Nevada State Board of Accountancy in Chapter 628 of the *Nevada Revised Statutes* (NRS) regarding the deposit and use of fees. That is to allow our Board to operate more efficiently with the use of funds and fees, and we chose the Nevada State Board of Accountancy as a model for our statute.

Sections 10 and 14 remove the written verification of education requirement. They do supply their education verification, but they are not required to notarize it. Sections 11, 12, and 13 reduce the training requirements for instructors of cosmetologists, aestheticians, and nail technologists. There were varying degrees of education required for those, and it is really the same for each. Section 15 removes examinations from Board meetings and reduces the number of hours to complete the cosmetologist apprentice program. Last session

we reduced the number of hours to become a cosmetologist, but did not reflect that in the apprentice program, so we are changing the 3,600 hours to 3,200 hours for the apprentice program.

Section 16 removes examinations from the Board meeting similar to the previous section. Sections 17 and 18 remove testing at Board meetings and material affidavit of completing the 10th grade for hair braiders. That takes out the notarization requirement to allow them to submit an application form saying they did complete the 10th grade and certifying that. Sections 19, 27, 28, and 29 remove the requirement for notarizations on applications. That is to allow the streamlining of the processing. As long as we have notarization, we cannot do the entire application process online.

Section 21 adds all cosmetology license types to be able to take the examinations in English or Spanish. We offer the examinations in six languages and do not charge an additional fee to take it in any of those languages. Section 22 adds a reference to NRS 644.315, which is a limited license for those who already have a license in Nevada and provides additional services such as doing services outside of a salon.

Section 26 simplifies the request for a duplicate license. We will monitor that when a person gets more than two or three duplicate license requests. We will be monitoring to make sure that it is not going to be used for something other than their own duplicate license. Section 30 makes the requirement to practice on the public after completing 10 percent of the total hours of training. Currently, the required hours are individual for each practice. As the hours change in each practice, the hours to practice on the public change. This way we will not have to change the law every time the hours change because we are making it 10 percent of the total.

Section 32 makes it illegal to practice prostitution or pandering in a cosmetology salon. We recently had to prosecute two cases in Las Vegas. We have two more that we are investigating in Reno and an additional two in Las Vegas. This will make it easier for us to prosecute because we will have a statute in our code that allows us to reference it. We cannot prosecute prostitution and pandering using other laws outside of the code because we do not have that purview. It has to be within our law. Section 33 allows a cosmetological establishment to represent itself to the public as primarily offering hair services for men. This was put in place in 1969. This would allow a cosmetology salon to say its services are primarily for men. We are keeping the section that says it is illegal to practice as a barber, but it does allow to practice and advertise that you are primarily providing services for men. It will allow institutions like Sports Clips and others that are geared towards men to advertise that they are specifically targeting male clients. Section 34 allows licenses to be copied for lawful reasons. Today, we make a copy of the license before we give it to the person and keep it in their file. According to the law, that is illegal. The supply stores also make copies of licenses to have in their files; that is also illegal. The law was intended not to allow making copies of the licenses for illegal purposes.

Section 36 adds the State Board of Cosmetology and its Executive Director to the list of agencies that can request criminal history records. Currently, we have to run it through the Office of the Attorney General, which slows down the process and involves them in doing things that they would not necessarily like to be doing.

Section 38 deletes NRS 644.180 and NRS 644.196 from the law about the revolving fund and qualifications for exams as an instructor of cosmetology. Those are outdated sections that we do not use anymore.

Vice Chair Carlton:

Are there any questions from the Committee in sections 1 to 5?

Assemblyman Ohrenschall:

Section 1, subsection 4, says, "The Governor may, after notice and hearing, remove any member of the Board for neglect of duty, malfeasance or misfeasance." What is the current process to remove a Board member?

Gary Landry:

The Governor has removed Board members in the past. He asked them to step down and they did, but there is no law that allows him to do that.

Assemblywoman Neal:

Do you currently have a problem with Board members so you need this provision in law?

Gary Landry:

We do not currently have any Board members who are not doing their duties. There have been some in the past before I became Executive Director.

Vice Chair Carlton:

Have other boards added this language?

Gary Landry:

I do not know that, but some do because that is where I took the language.

Vice Chair Carlton:

That might be something to consider in an overarching statute for all boards. It might be good to give everyone that level of comfort and coverage in case we need it. Are there any questions in section 6?

Assemblywoman Jauregui:

Why has the language in section 6 regarding accountability and fees been removed?

Gary Landry:

We are changing that because we do not have the president sign the checks. They get a review of the register and we stamp it with his signature. We did not add the details in because the Nevada State Board of Accountancy did not.

Assemblywoman Jauregui:

The language was already there and you removed it.

Gary Landry:

We removed the language because we wanted to be consistent with the Nevada State Board of Accountancy.

Assemblywoman Neal:

In section 6, are there salaries being paid to the Board members?

Gary Landry:

They get a reimbursement of \$150 a day if the meeting is longer than two hours and \$75 if it is a two-hour meeting or less. They submit an expense report. They are not paid a salary. They are given reimbursement for attending meetings and serving their time.

Assemblywoman Neal:

Where it says that deposited money will not revert to the State General Fund, what was the reason for that language?

Gary Landry:

It was to be consistent with the Nevada State Board of Accountancy. A lot of the services and sections in our law started in 1931. They accumulated over time and we want to bring it back to a simpler system to manage.

Vice Chair Carlton:

Are there any questions on sections 10 and 11?

Assemblywoman Jauregui:

In section 11, for the student instructors and the instructors we were reducing the hours of training from 1,000 to 700. Before they complete the 700 hours, they have already gone through their licensure requirements to be a cosmetologist, and this is in addition to that training.

Gary Landry:

That is correct. They all have to have licenses in the field in which they are going to be teaching. This is just instructional teaching. It is teaching how to instruct to do hair, nails, or skin.

Assemblyman Brooks:

In section 11, how does this level of training to be an instructor compare with other states?

Gary Landry:

We are in the middle of the requirements. Most states have these types of requirements for their licensees and instructors. Typically, the smaller states have higher requirements, and that has been thought of as objectionable because it keeps people from going into the profession. We try to keep our requirements in the middle. The majority of the states have the 700- and 500-hour requirements.

Assemblyman Brooks:

Who gets to decide what good moral character is? Is that defined in statute?

Gary Landry:

Good moral character is determined by me as the Executive Director. Typically, if they have not violated the law, they have moral character. If they have violated the law, I will take a look at it. If I find that it is a serious offense, I bring the person to the Board to explain. If it is a minor offense, they explain it to me and I rule on it.

Vice Chair Carlton:

You will find that in a number of places. It is a bit of a catchall to protect the public because you cannot list everything. This allows good, reasonable executive directors to make sure that people who are getting a license in this state hopefully will not be a problem.

Assemblywoman Tolles:

In section 11, subsection 1, paragraph (c), the words, "Have 1 year of experience as a cosmetologist or as a licensed student instructor." Why did the Board choose to strike that language?

Gary Landry:

We did not think the one year of experience made any difference whether someone would be a good instructor. We struck that language to be able to open it up to more people who could be instructors. That came from the schools. They did not feel the one-year requirement was necessary for someone to be an instructor.

Assemblywoman Tolles:

Is that in line with other states?

Gary Landry:

Sixty percent of the states probably have no formal training and 40 percent have one year or less. Every state does it a little differently regarding how they are going to treat instructors.

Vice Chair Carlton:

Section 15 removes an out-of-date provision. Are there any questions on that? Seeing none, section 16 is examinations from the Board, which they no longer do. Sections 17 and 18 is the affidavit language. Are there any questions on those? Seeing none, sections 19, 27 through 29 is the notarization of applications. Are there any questions on the notarization provisions? Seeing none, section 21 is examinations in multiple languages. Are there any

questions? [There were none.] Section 22 deals with limited licenses. Seeing no questions there, section 26 is about the request for a duplicate license. Seeing no questions, section 30 is the requirement of practice on the public after completing 10 percent of the total hours of training.

Assemblywoman Jauregui:

My concern is reducing the hours of training from 300 to 10 percent. For somebody who is practicing in a school, 10 percent of that is going to be 120 hours. So, after 15 days of instruction, a student can start practicing on a real person versus 300 hours which is 40 days. That is a big difference.

Gary Landry:

This allows the schools to have the students work on the public at 10 percent. They are not required to. Most schools felt their students were of varying capacities. This is a minimum guideline that you cannot go below.

Assemblywoman Jauregui:

Why are we changing it from 300 hours?

Gary Landry:

We felt 300 hours was too much before working on the public.

Jeanette Belz, representing State Board of Cosmetology:

This does not mean the student is going to do full service. They will just be able to work on the public in some capacity. We could provide you with information about the instruction students would receive in the first 15 days.

Vice Chair Carlton:

Are there any questions in section 32?

Assemblyman Ohrenschall:

I wonder why this would be needed as opposed to law enforcement conducting investigations, trying to find out if this is going on, and trying to prosecute.

Gary Landry:

With the amount of work that Las Vegas Metropolitan Police Department, the Reno Police Department, and all of the other law enforcement agencies have, they do not have the capacity to do full investigations on every prostitution and pandering charge. We would fall into the category where they would catch some, but there may be a couple of months or a year before they go back and do something. By having the prostitution and pandering charges in our law, we will visit the salons at least twice a year. If we find something wrong, we may visit them three or four times per year. That allows us to step up the prosecution net. It also allows us to shut down the salon if we find it has been established to run prostitution. The first two cases we had were strictly put up to run prostitution. Our Board found they

were in industrial areas and would not attract anyone to go to that salon for anything other than prostitution. If we had good, effective prosecution in prostitution and we had plenty of law enforcement to do that, it would be great. We feel we do not have that at this time.

Assemblyman Ohrenschall:

When the Board finds out that something like this is going on, is it handled administratively or is it also referred to the police department in the jurisdiction, or both?

Gary Landry:

Once we find that it appears that there would be prostitution going on, we contact Las Vegas Metropolitan Police Department or the Reno Police Department and get them involved. They do a sting operation to prove it. They testify at our Board meetings. We have a case we open for a complaint. We go through all of the steps and then we shut them down, fine them, or something else in that capacity.

Vice Chair Carlton:

My concern is that prostitution in Nevada is illegal in multiple counties. I have concerns about a regulatory board getting involved in criminal issues. I understand what you are trying to do because we had this discussion with the Board of Massage Therapists. I understand the public purpose and the public safety aspect of this, but we have to be very careful about criminal and regulatory and making sure there is a line there.

**Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

I think the State Board of Cosmetology is trying to do what is currently being done with the Board of Massage Therapists.

Vice Chair Carlton:

We struggled with this issue with the Board of Massage Therapists to make sure it was done correctly. I am happy to see somebody using that as the model.

Brian O'Callaghan:

It has been eight years since Senate Bill 119 of the 75th Session was passed. It made sweeping changes in the massage business that helped us immensely.

Vice Chair Carlson:

Are there any other questions on this issue?

Assemblyman Kramer:

The responsibilities you have in the law enforcement system, including being able to do background checks, put another level of responsibility, including confidentiality, that people in law enforcement and the district attorney's office have. That would be a new responsibility for the State Board of Cosmetology, and I would caution you on that. I am in support of this bill because I am in favor of lowering the barriers to work. If someone wants to work, this is a great entryway.

Assemblywoman Tolles:

In section 32, subsection 1, paragraph (m), how does this line up with mandated reporting and any other disciplinary action that the Board would take in any other illegal activity that they uncover?

Gary Landry:

We treat all illegal activities the same. The Board has been aggressive with the fines, but that is on a case-by-case basis. We do not have mandatory reporting. The cases we have are sporadic. If we had to report to another agency, that would be fine. We typically do not get involved with criminal prosecution. We are involved in strictly administrative prosecution which can remove someone's license for a maximum of 10 years. After 10 years, they would have to come before the Board before they were issued a license.

Vice Chair Carlton:

Are there any questions on the remaining sections in the bill? [There were none.] Are there any to speak in support? [There were none.] Is there any opposition? [There was none.] Is there anyone in neutral? [There was no one.] Since there are no closing remarks, I will close the hearing on A.B. 195.

[Assemblywoman Bustamante Adams assumed the Chair.]

Chair Bustamante Adams:

I will open the hearing on Assembly Bill 179.

Assembly Bill 179: Revises provisions governing massage therapy. (BDR 54-766)

Assemblywoman Maggie Carlton, Assembly District No. 14:

I am presenting this bill and have delegated the presentation to others. I have worked with the Board of Massage Therapists. This is a profession that was being used as a cover for things that should not have been. It is a reputable profession; they want to regulate themselves and do it correctly.

K. Neena Laxalt, representing Board of Massage Therapists:

We appreciate the team effort on this bill, including Chiropractic Physicians' Board of Nevada, Nevada Chiropractic Association, Department of Public Safety, Board of Cosmetology, Las Vegas Metropolitan Police Department, and local jurisdictions.

Sandra J. Anderson, Executive Director, Board of Massage Therapists:

My first goals as Executive Director have been to streamline efficiencies, improve the way the Board operates, and improve licensing processes. Then I reached out to the municipalities and asked how the Board could better serve each of the local jurisdictions. In doing that, the Las Vegas Metropolitan Police Department, the City of Las Vegas, the City of Henderson, the City of North Las Vegas, and Clark County had concerns. We came together in August and we formed a southern Nevada massage working group. The group meets on a quarterly basis to address issues within the industry. At the first meeting of the

group, we discussed all of the problems that were happening in each of the jurisdictions. The common thread was illicit massage practices on issues around licensure for reflexology. The group felt that the Board of Massage Therapists had a better capacity to address their education and assess their qualifications than the individual municipalities did. We continued to talk to different stakeholders to come up with Assembly Bill 179.

In addition to adding the license group of reflexology, structural integrators have approached us over the past eight years to ask for a separate license type because their educational requirements are much higher than those of massage therapists. Since we were already opening up the statute for reflexology, we also added the structural integration piece. Working through the office and going through all of the different ways in which we had bottlenecks, we came up with the two-year licensure piece instead of a one-year licensure piece. We also came up with the establishment certification to be able to go into the establishments and hold them accountable for things for which the massage therapists are being held accountable. That would include clean uniforms, clean surroundings, no bugs, and things like that.

I will go through the bill section by section ([Exhibit D](#)). Section 1 adds reflexology and structural integration as regulated practices and removes reflexology from “wellness services.” *Nevada Revised Statutes* (NRS) 629.580 allows for multiple types of wellness services. Reflexology was listed in that section and we are recommending that it be removed from that section.

Sections 3 and 4 define reflexology and reflexologist. Sections 7 and 8 set forth the licensure requirements for a reflexologist. We have looked at multiple tests for certification. There are several regulatory groups who have tried to provide certification for reflexology. One of the best ones we found is ITEC. It is an international organization. They certify reflexologists in 42 countries. They provide their exam in multiple languages including Mandarin Chinese. A lot of our reflexologists in southern Nevada speak Mandarin Chinese more fluently than they do English. That particular organization would allow for testing of individuals who have English as their second language.

Sections 5 and 6 add "structural integration" and "structural integration practitioner." Sections 9 and 10 ensure the requirements for a structural integration practitioner.

Section 11 revises NRS 640C.320 to include provisions governing adopting regulations concerning licensure of licensees, and authorizes the Board to adopt regulations governing the certification of establishments and the standards for establishment compliance. This will allow the Board to adopt regulations which will provide a mechanism through which the Board can address any concerns or problems relating to the establishment itself.

Colleen Platt, Counsel, Board of Massage Therapists:

Section 11 is important to the Board in trying to get control of the regulation of the establishment. The establishments are currently licensed by the local jurisdictions through business licensure. So this will work as a concurrent jurisdiction. Any regulations we adopt

in regards to the regulation of establishments cannot be any stricter than what is currently provided by business licensure in the local jurisdictions. We have tried to refine this language with the local jurisdictions. When it says regulating, we want to make sure that regulation includes the issuing of the business license. Those are privilege licenses in the local jurisdictions.

Sandra Anderson:

Section 14 revises the name of the Board to the Board of Massage Therapy. Section 15 removes the exclusion of reflexology from the definition of massage therapy and instead provides an exemption for the demonstration of massage products provided that demonstration is no longer than two minutes. We were approached by the oxygen bars in southern Nevada. They sell all types of massage equipment. The law did not provide an exclusion from massage for these people. They have asked for this exclusion and we have added it.

Section 17 revises the membership of the Board to include one reflexologist and one structural integration practitioner. Section 20 is an update in the application process. There were many parts to the application form that were unnecessary. Section 26 of this bill revises NRS 640C.500 to provide for a two-year license period. This is a big piece for the Board. If we can have two-year licensure, we can incorporate licensing the reflexologists at no additional cost to the Board. The two-year license period makes it easier for the licensees because they have two years to obtain their continuing education units and it streamlines our efficiencies in-house. At this point, 71 percent of the states that participate in the Federation of State Massage Therapy Boards have licensure in the two-year cycle.

To assist applicants applying for endorsement with both the Board of Massage Therapists and the State Board of Cosmetology, in 2005 there was a link made between the two boards so we could share information. Executive Director Gary Landry of the State Board of Cosmetology and I have never done this. The Department of Public Safety felt this was a violation of federal law, so we are asking that sections 24 and 37 be repealed.

Section 28 increases the maximum amount the Board may charge for the renewal of a license. The Board will adopt such a fee schedule by regulation, and caps the establishment fee at \$50. We do not anticipate that we will have an increase to the individual licenses at this time. We may have a decrease in the licensing fees to between \$250 and \$275, which is a realistic amount to still be able to maintain the operation of the office. The Board has looked at the \$50 per-establishment fee. We do not want to increase the burden on the small businesses, so for individual sole practitioners who have a single treatment room, we want that to be part of their license packet. Establishments with two or more treatment rooms would have a sliding scale for the cost of the establishment certificate. The cost to the Board for all of the establishments is about \$700 for all of the establishments we have currently identified in the state. We want to keep that amount low and cover our costs.

Section 29 of this bill revises NRS 640C.700 to provide that the Board may institute disciplinary action for unethical or unprofessional conduct. Legal counsel recommended that

we have "as it relates to the practice of massage therapy" removed from that piece. The remaining sections of the bill make changes based upon the addition of reflexologists and structural integration practitioners to the regulatory framework of the Board. *Nevada Revised Statutes* 640C.420 provides for licensure by endorsement; therefore, pages 44 and 45 remove NRS 640C.425 as duplicative language.

Chair Bustamante Adams:

Could you explain the differences between reflexologists and massage therapists?

Sandra Anderson:

Reflexology is a modality limited to hands, feet, and ears. It is a reflex zone therapy treatment that addresses the entire body by addressing the hand or the foot. The body maps out so everything that is on the left side of the body is mapped on the left hand. Everything on the right side of the body is mapped out on the right hand. The reflexologist provides massage techniques to the hands or feet to address the areas of the body and open up the channels of bioelectric energy that run through all of the cells in our body. Their theory of practice is that by addressing those areas, they can address all of the organs that are held in those regions. Training for reflexology is between 110 hours with 90 hours of practical, if the certification is done by the American Reflexology Certification Board, to 350 hours for the International Institute of Reflexology depending on which organization does the certification. Massage is a 500-hour training program and addresses the entire body using multiple modalities. Many of the modalities mentioned in the NRS are Swedish in nature. They come from effleurage, petrissage, and tapotement. We have grown over the years, and massage is bodywork as well as just massage. The whole body is addressed with the exception of the areas that are off limits as determined by the statutes.

Chair Bustamante Adams:

Could you also explain what structural integration means?

Sandra Anderson:

Structural integration is a bodywork modality. It is also sometimes classified as a somatic therapy which comes in within the bodywork and massage profession. Structural integration addresses the fascia and the body as it relates to gravity. Their goal is to help the fascia to respond better and smoother to help improve gaits and walking, like a massage therapist, but they go in more depth into the fascia than a massage therapist. A massage therapist might address your pectoral or deltoid muscle for a sore shoulder, but a structural integrator might address how your feet are working in relation to your body. They might massage the bottom of your foot in order to make your shoulder better. In order to have some of that correlation within their training, their training is 750 to 2,000 hours to begin. Many of them go for advanced Rolfer and advanced structural integrator. Some of them have 4,000 to 5,000 hours of training. They would like to provide for public safety by having people know that if someone is set up as a structural integrator, they truly do have that level of education.

Chair Bustamante Adams:

How many massage therapists do you regulate?

Sandra Anderson:

We currently regulate 4,387 massage therapists. There are 700 reflexologists in southern Nevada. Reflexology is not a specific licensure in the northern part of the state. Our structural integration population is between 12 and 15.

Chair Bustamante Adams:

Are there any questions from the Committee in sections 1 through 7?

Assemblyman Brooks:

Where was structural integration in the law prior to this?

Sandra Anderson:

Structural integration has always been under massage since the inception of the Board. Reflexology was granted an exemption. The prior Executive Director of the Board of Massage Therapists, Billie Shea, felt that needed to be fixed.

Assemblyman Brooks:

Section 7, subsection 4, paragraph (a), subparagraphs (1) and (2) regarding the application of a reflexologist, and the same thing in section 9 for the application to practice structural integration, what arrests or convictions would make someone not have the ability to be a reflexologist or a structural integrationist?

Sandra Anderson:

We have background checks through fingerprinting. The issues I cannot approve are those that involve public safety. Our therapists are behind locked doors. They are with a client who has no clothes on under a sheet. Public safety in that environment is critical to us. Any sort of sexual assault would create a situation where we would not want to issue a license, and we would want to bring them before the Board for denial or potential denial. Anyone with prostitution arrests or theft arrests where we feel they might steal out of a person's purse or wallet while they are in the treatment room are brought before the Board for review.

Colleen Platt:

Regarding section 29, subsection 4 of the bill, NRS 640C.700 sets forth the grounds for a denial of a license. It also serves as grounds for disciplinary actions. This is the list of grounds for a denial of an application. Those individuals whose background checks come back with arrests or convictions are brought to the Board for review. It is not necessarily an automatic denial, but these are the grounds for which the Board can deny a license.

Assemblywoman Jauregui:

Did you license structural integration before?

Sandra Anderson:

Structural integration has always been a massage modality. It is considered a massage modality in many states. We are asking for separation because of their extensive training.

Assemblywoman Jauregui:

So this is just a different license? It sounds like they do a lot of the same work as a chiropractor, such as the alignment of the body. Who oversees what goes into the program of structural integration?

Sandra Anderson:

The International Association of Structural Integration (IASI) approves the program and the curriculum. The Board adopted their certification in 2014 as one of our tasks that is allowable for massage therapy.

Assemblywoman Jauregui:

It also says the Board may recognize other programs of massage therapy. What would those be?

Colleen Platt:

This language is borrowed from current law regarding programs of massage therapy. The Board is currently required to recognize programs of massage therapy that are through a college in this state approved by the Commission on Postsecondary Education. The Board is also required to recognize programs in massage therapy that are offered by public institutions in other states. The Board may also approve others. Private schools have come to the Board in the past for recognition. We have made a list of approved programs of massage therapy. There is a regulation that if someone attends a school that is not on the list, there is a mechanism for them to have that school recognized by the Board. It requires submission of coursework, teachers, attendance sheets, and other things. The schools for reflexology and structural integration would follow a similar mechanism. Currently, there are no structural integration schools in Nevada, so these would be schools that would need to demonstrate to the Board why they should be recognized.

Assemblyman Daly:

In section 7, subsection 4, paragraph (c) and also in section 9, it says, "Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board . . ." but you can share with other boards in other states. Does the confidentiality apply only to the investigation, and why do you want to keep the results confidential?

Colleen Platt:

If there is an investigation conducted, we receive fingerprints and background checks. That is confidential and we are not allowed to release that information. There may be other sensitive information that is provided by the applicant in regards to responses from the Board. This is borrowed from current language in statute for an applicant for massage therapy. We try to make sure their information is protected to the extent that we can.

Assemblyman Daly:

I want to make sure this is not overly broad. How do you do an investigation or do you have to have a hearing in order to take action? Is that done in a closed hearing? I want to know if there is a reason to have some of these documents confidential. Is everything you get from the applicant confidential?

Colleen Platt:

The investigation is Board staff reviewing the application and everything that has been submitted, including the fingerprint background check. If there has been correspondence between the applicant and the Board, that goes into the investigation of the applicant. We generally redact information. There is no investigation where we bring them before the Board. Once they receive the license, then there is a different type of an investigation. That would be regarding a disciplinary action, and it is public. This is referring to all the information that is gathered about the applicant so the Board can make the decision to issue the license.

Assemblyman Daly:

This is about the review of the application and would be confidential and would only apply to section 7, subsection 4, paragraph (c) and not the entire document. Then you would redact information in other sections of the law.

Colleen Platt:

This is strictly for applicants and the review of the applicants' files for whether they satisfy the criteria for licensure. Once they have the application, it is a totally different investigative and hearing process that is made public.

Neena Laxalt:

Assemblywoman Jauregui commented earlier on the definition of structural integration and mentioned that it sounded like chiropractic work. That was a concern for some people. The Chiropractic Physicians' Board of Nevada has offered an amendment ([Exhibit E](#)). In section 5, they have added the words, "without chiropractic adjustment or manipulation." All parties agreed to the amendment.

Chair Bustamante Adams:

We are going to move to sections 8 through 11. Are there any questions? Seeing none, sections 12 through 19 are additions to the verbiage and adding members to the Board. Are there any questions?

Assemblyman Ohrenschall:

Section 19, subsection 9 says, "Prescribe the standards and curriculum for schools of massage therapy, reflexology and structural integration in this State." Is that a dramatic expansion for the boards to prescribe the curricula of these institutions or has that been done before?

Colleen Platt:

I sit as board counsel to this Board. When the Board does something, I have to be sure they comply with the law. As questioned by Assemblywoman Jauregui of how do we know what the standards are, this will allow the Board to make a framework. Other boards such as the State Board of Nursing and the Board of Medical Examiners have outlined regulations on what it requires for a school of nursing to be approved as a school. We did not have that for this Board. In order for us to adopt regulations, I have to have the ability and authority to do that. That is what we are doing here, to make sure that everyone who is going to a program of massage therapy knows what they are required to do, what courses they are supposed to take, and how many hours they need to have. This is going to allow the Board to home in and clean up their regulations and provide a much better open regulatory process for these schools and the therapists.

Assemblyman Ohrenschall:

Currently, are the massage therapy schools and the curricula not regulated by the Board?

Colleen Platt:

The schools that are required to be recognized are those that are approved by the Commission on Postsecondary Education. We are going to be working with the Commission on Postsecondary Education to learn about their regulations and what they do to approve a school of massage therapy. There seems to have been a disconnect between what they have on their books and what we understand about the schools. We will work with the Commission to see what their process is to approve a school, and we will work that into our regulations.

Chair Bustamante Adams:

Are there any questions in sections 20 through 28? These address updates on the application form, two-year license, and fees. Seeing none, are there questions in sections 29 through 37? Sections 34 and 37 address a massage therapist license and a cosmetology license.

Neena Laxalt:

Sections 24 and 37 will be repealed from statute as well as the cosmetology statutes in an amendment.

Chair Bustamante Adams:

Are there any questions in the remaining sections through section 48? [There were none.] Ms. Laxalt, will you talk about the amendments?

Neena Laxalt:

Some of the amendments are conceptual, but we will have them for the work session. The first amendment was brought by the Chiropractic Physicians' Board of Nevada ([Exhibit E](#)) which adds the language, "without chiropractic adjustment and manipulation" in section 5 to clarify what structural integration means. The next amendment will delete the two sections of statute that the Department of Public Safety had problems with that were not in line with the *Code of Federal Regulations*.

Colleen Platt:

In section 11, we will be inserting language that makes clear that the term "regulate" includes, without limitation, the issuing of licenses.

Chair Bustamante Adams:

Are there any other amendments?

Neena Laxalt:

There are some other people who have put information on the Nevada Electronic Legislative Information System, but we have not yet spoken to them.

Chair Bustamante Adams:

Are there any to testify in support of A.B. 179?

**Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

I need to put something on the record from our vice section who are not here now. It reads, "The inclusion of reflexology into the current massage language has long been sought after by the Las Vegas Metropolitan Police Department. Reflexology has been a realm that criminals (human traffickers) have moved into many years ago. This bill provides a vital tool for law enforcement and the massage board, providing more leverage to control, monitor, and restrict illegal activity."

**Jeffrey J. Coday, Lieutenant, Special Investigations Section, Las Vegas Metropolitan
Police Department:**

We support A.B. 179 and it sounds like our main concern has been addressed. Our primary concern was that we retain the ability to investigate the establishments. In 2016, our section had 100 investigations involving reflexology or reflexology and massage establishments. Out of that, there were 3 arrests, 15 citations, and 31 violations for which we did not take criminal enforcement, but were brought to city business licensing. We support this bill for many of the same reasons that the vice section does in that we retain the ability to investigate the establishments because of the issues of hidden ownership, prostitution-related activity, and operating outside the scope of their license.

Assemblywoman Tolles:

In those investigations, is the primary focus on the establishments, or are you also arresting the solicitors?

Jeffrey Coday:

If there is a solicitation violation, we would cite or arrest the offender. We would also take action against the owner of the establishment. We would send that information to the county or city business licensing agency to take action against the establishment's license.

Deborah Nimmons, Law and Regulation Chair, International Association of Structural Integrators:

I appreciate this opportunity to introduce our profession and the International Association of Structural Integrators (IASI) ([Exhibit F](#)). My goal is to help you understand our profession better so that you can make an informed decision, and, hopefully, you would see the necessity provisions of A.B. 179 regarding structural integration.

Structural integration is a manual therapy profession, based on the work of Dr. Ida P. Rolf, which works the connective tissue of the body to integrate and align the body. In addition to manual therapy, we utilize movement, verbal cues, and awareness education to improve mobility and reinforce proper alignment and function. Structural integration has its own schools, curricula, continuing education, certification board, and psychometrically valid certification exam.

There are currently 17 IASI-approved schools of structural integration worldwide. Twelve of these are in the United States. All the schools that provide a foundation program require between 750 and 2,100 hours of education. International Association of Structural Integrators follows the protocols of the Institute for Credentialing Excellence in its school approval process.

The Certification Board for Structural Integration is an independent division of IASI offering the only psychometrically valid exam for graduates of IASI-approved education programs. This exam is both National Organization for Competency Assurance and American National Standards Institute certifiable. Once a practitioner is board-certified, he or she must maintain certification by taking 72 hours of IASI-approved continuing education in structural integration every four years.

The International Association of Structural Integrators is the umbrella organization that includes structural integrators from every school of structural integration. Our board is made up of persons representing a variety of structural integration modalities. We have bylaws, a code of ethics, a scope of practice for structural integration, and a position statement for appropriate regulation. We also offer benefits such as professional insurance for members and approved continuing education courses applicable to our profession.

This is my main point: Structural integration and massage are two distinct professions. Structural integration theory, focus, and practice do not use nor require knowledge of massage techniques, theory, training, or education. As said before, we have our own schools, curricula, continuing education, certification board, and exam.

Massage licensure and regulation is only appropriate for massage professionals. Structural integration and other professions have different standards and scopes of practice. Therefore, different licensing standards are needed so that professionals are not subject to unfair and inappropriate requirements, and so that the public may have access to safe and effective care through professions such as structural integration. These protections are only guaranteed when established in statute.

Separate, specific structural integration licensing provides more stringent and professional guidelines that promote public safety. Only graduation from an IASI-approved school and passage of a relevant professional exam ensure the public that a structural integration practitioner has a basic level of competence. With separate licensing, potential clients know that when they see a structural integration practitioner, that practitioner has proved a level of professional competence that can be trusted. You do not want untrained persons claiming to practice structural integration without having met the standards of our profession.

In recent years, several states have become aware of professions such as structural integration that are fundamentally different and distinct from massage therapy and created laws that acknowledge this fact. Respectfully, we ask that Nevada do the same and create a higher standard of regulation and public safety by adopting A.B. 179.

Gary Landry, Executive Director, State Board of Cosmetology:

We are in support this bill, specifically the repeal of NRS 644.191 from our regulations.

Mike Cathcart, Business Operations Manager, City of Henderson:

The City of Henderson is in support of the legislation. We have historically had an excellent working relationship with the Board of Massage Therapists and look forward to a continued partnership with them as they concurrently regulate the reflexology industry with us. Increased regulation not only adds more options for enforcement of bad actors, but it protects the reputation of the legitimate businesses. We are in full support of A.B. 179.

Robin Graber, Private Citizen, Carson City, Nevada:

I am a certified advanced Rolfer, structural integration practitioner. I hold a license and sit on the Board, but I am here to represent myself and answer any questions.

Mendy Elliott, representing Chiropractic Physicians' Board of Nevada:

We want to thank Assemblywoman Jauregui for her questions about the differences between structural integration and chiropractic. We want to thank the bill sponsor and the parties who helped with the amendment that has been accepted.

Benjamin S. Lurie, D.C., President, Chiropractic Physicians' Board of Nevada:

We appreciate working with the parties to develop an acceptable amendment to section 5. There is similar language in NRS 640.024, which is the practice of physical therapy. We appreciate the Board of Massage Therapists, its attorney, and members to accept this friendly amendment on behalf of the state and public safety and regulation for chiropractic physicians.

Karen Duddleston, Deputy Planning Director, City of Las Vegas:

We would like to echo the words of the representative of the City of Henderson. We have worked very closely with the Board of Massage Therapists and watched, over the last five or six years, the bad actors whom we worked to remove from massage establishments move into reflexology. In Las Vegas, we have now made that a privilege license. We have

stringent regulations at the local level, but we welcome this partnership and appreciate the work of the Board of Massage Therapists.

Chair Bustamante Adams:

In that southern Nevada working group, did it include anyone from the Asian business community, especially those in the Spring Valley area?

Karen Duddleston:

It was our enforcement officers who have been working with the Board of Massage Therapists. We have worked with many of those groups, especially the human trafficking groups that are centered out of the University of Nevada, Las Vegas on both the redevelopment of our reflexology regulations and in the closure of some of the massage establishments that have had human trafficking concerns.

Colleen Platt:

The working group that we have gathered is law enforcement and the licensing agencies. Executive Director Sandra Anderson does speak to the communities regarding what we are working on as a group. We are trying to get a handle on what the issues are in each of the communities, and branching out after that.

Christine Issel, Legislative Consultant, American Reflexology Certification Board:

We are in favor of A.B. 179 because, like the structural integrators, we are nonmassage in our technique. We have a separate history with theories, research, and a psychometrically valid exam. In our case, only footwear is removed. People do not disrobe. Touch is incidental because we work primarily with reflexes, but we have to go through the skin to reach the reflexes. We work not with the musculature, but the nervous system. Our scope of practice is very different, but we are in favor of being recognized as separate from massage.

Marlene Lockard, representing Nevada Chiropractic Association:

I worked with the parties to come up with the amendment. With the amendment, the Nevada Chiropractic Association supports A.B. 179.

Chair Bustamante Adams:

Is there anyone else in support? [There was no one.] Is there anyone in opposition? If you are in opposition, I would like to know if you have talked to the bill sponsor in advance so they are not caught off-guard.

Billie Shea, Private Citizen, Carson City, Nevada:

I never said to Sandy Anderson that I thought reflexology should be licensed. I said it was the greatest gift that this body ever gave to the Board of Massage Therapists. After the inception of the Board, 80 percent of our problems came from 20 percent of the therapists, who then jumped through the loophole and became reflexologists. It was the best thing that ever happened to our Board.

I will speak to some of the issues in this bill that I am really opposed to. As far as structural integration, I support their effort. There are a limited number of structural integrationists in Nevada, and unanimously they want a separate license, which I support. I do not believe the reflexologists have been communicated to properly. The ones I reached out to did not know anything about this. They have not had an opportunity to speak or prepare. I think the coalition has developed a very strong coalition of law enforcement, regulators, and city and county officials that really shows a need for regulating reflexology more strongly. I am not sure the Board of Massage Therapists is the correct venue for taking care of that. The Board has limited staff and resources. We are adding approximately 25 percent in numbers to the licensing. They have no plans to increase staff or add law enforcement or Nevada Commission on Peace Officers' Standards and Training (POST)-certified inspectors. Their investigations are all done through police, city, and county officials. I have grave concerns about that.

My research shows that in the United States, about 1 or 2 states regulate reflexology, 36 states have no regulation at all, and 10 states require reflexologists to be massage therapists. If we were going to follow that, we would ask reflexologists to get the education to become massage therapists, not stay at the lesser level. I have problems taking on the problem of trying to regulate reflexology because it is an avenue of criminal activity. Often, the parlors are run by crime syndicates. There is human trafficking, white slavery, and prostitution. We all know that, and I do not feel confident that this Board can handle all of those problems and issues. I was the main lobbyist to get Assembly Bill 250 of the 73rd Session passed to establish the Board, and I have lobbied continuously for this bill for the past 12 years. Assembly Bill 179 does not speak to the intent of what the massage bill was meant to do. I have communicated to the Executive Director and the Board that I have strong oppositions. They know my issues.

Rebecca Willis, Private Citizen, Reno, Nevada:

I am with Steamboat Hot Springs in Reno, Nevada. I have been participating at a management level in establishments that include massage for about 20 years. I am quite familiar with this area as it is practiced in Nevada. I am not opposed to A.B. 179 in its entirety, but I have some concerns about some of the elements of the bill. There is no recognition that reflexology is a modality that is included in massage therapy. The bill asks for a separate representative on the Board from the area of reflexology. To me, this reinforces the idea that reflexology is separate from massage. Currently, a very large number of massage therapists in Nevada include reflexology as a modality they offer within their massage practice. Many of the spas in the state have reflexology offerings that are being provided by their massage therapists. The wording of the bill does not allow for a massage therapist to practice as a reflexologist. My concern is that this makes it an easy step to then require that the massage therapist hold two licenses, one for massage and one for reflexology. It is not stated in the bill, but it is also not included that reflexology is an included modality within massage therapy.

I also have a concern in section 15, subsection 2, where a specific piece of equipment seems to be referred to without being identified. The language is vague. It could include a variety of things. At best something like this should be addressed in regulations, not in a bill. I think this particular section adds nothing to the bill.

My other concern is that there is something written into the bill that has the potential for greatly changing the scope of practice of this Board. That is that the Board should be providing an establishment license. Currently, the Board of Massage Therapists has no jurisdiction over the establishments that include massage therapists. They regulate the therapists, not the establishment.

Chair Bustamante Adams:

Is there anyone else in opposition to A.B. 179? [There was no one.] Are there any to testify from a neutral position?

Stephanie Tsanas, Private Citizen, Reno, Nevada:

I work at Northern Nevada Reflexology. I was notified by email two days ago that there was such a law being proposed. I have concerns about A.B. 179. I am a certified reflexologist with the International Institute of Reflexology and with the Laura Norman Method of Reflexology in New York City. I have been practicing for 28 years and in northern Nevada for 16 years. It would have been very easy to find me if you Googled reflexology Reno. I think it is remiss that the Board did not try to contact other reflexologists for this bill. I am concerned about the definition of reflexology in the bill. They refer to it as a pressure to the feet. It is not a pressure. It is specific hand and finger movements on specific reflexes that go to all parts of the body. The bill refers to it as part of the feet, ears, and hands of the body, but there are also referral areas on the body. If someone has a broken ankle, the reflexologist can work on reflexes on their wrist to help them heal. That is a very important part of reflexology that has been left out. I cannot emphasize enough that reflexology is not massage techniques. It is its own modality, has its own hand and finger techniques, has its own reflexes and nervous system, and it is not massage.

I think if somebody has gone through the International Institute of Reflexology and has been certified with their exam and their practical, which is over 350 hours, or the American Reflexology Certification Board, I want to see an amendment to grandfather in practicing reflexologists who have been certified on a national level and have been working in Nevada for over two years ([Exhibit G](#)). I have heard massage therapists and manicurists say they are doing reflexology, and they are not. A good reflexology session takes anywhere from 30 minutes to an hour. A massage therapist working on your foot for five minutes is not reflexology. I think the licenses should be separate. If they want to say they are practicing reflexology, they should take the exam for reflexology, take the coursework for reflexology, and be certified for reflexology.

I think the law is a good idea because I have seen so much sex trafficking, especially with what is being set up by Chinese who are saying they are reflexologists when they are really not. I have gone to several of these establishments and they are basically doing massage and

calling it reflexology. I am in favor of regulating reflexology, but there has to be a distinction between reflexology and massage, and between reflexology and a pedicure. I do not think you can be a reflexologist unless you have taken the exam and been certified as a reflexologist. I would like to see the Board use the International Institute of Reflexology exam or the American Reflexology Certification Board exam, which are national exams. The ITEC Board gives exams in different languages, but it is not the greatest exam.

I would like to know the Board of Massage Therapists criteria for overseeing its reflexology program. I would like to know what it entails and how many hours of hands-on work you need to do to be certified as a reflexologist. I would like to know what kinds of questions are they asking and what knowledge of the human body is needed. I have many questions. I want reflexology to be regulated, but I have concerns about how it is going to be regulated.

Chair Bustamante Adams:

Please get with Ms. Anderson to discuss your concerns. Seeing no other individuals to testify in neutral, are there any closing remarks?

Assemblywoman Carlton:

I appreciate all the parties who worked very hard when we established the massage therapy board. It was because we had an illicit practice happening within a respected profession and we wanted to make sure that we addressed that. We still have that problem within reflexology, and that is why we are addressing it now. I hope those who testified in opposition will reach out to Ms. Laxalt and the members of the Board. I had not heard any of the opposition until today, so I apologize for that.

[Sandra J. Anderson, Executive Director, Board of Massage Therapists, submitted a packet of letters ([Exhibit H](#)).]

Chair Bustamante Adams:

I will close the hearing on A.B. 179 and open the hearing on Assembly Bill 158.

Assembly Bill 158: Requires the State Board of Cosmetology to allow the use of fish for pedicures. (BDR 54-812)

Assemblyman Jim Marchant, Assembly District No. 37:

I am here to present Assembly Bill 158, but I am the mere vessel for the bill ([Exhibit I](#)). This bill would remove the restriction to prohibit the use of fish for pedicures in Nevada. Fish pedicures originated in the Middle East where they have been used for years. These fish are called Garra rufa fish. They are also referred to as doctor fish. They exfoliate the excess skin on a client's foot, removing dead skin and calluses from the bottom of the foot. They are basically doing a foot scrubbing. Clients put their feet into a tank with numerous small Garra rufa fish, which are not much bigger than a minnow. These toothless fish clean the clients' feet by exfoliating excess skin. Without teeth, they cannot remove live skin.

Currently the State Board of Cosmetology does not allow the use of fish for pedicures. Assembly Bill 158 would remove that restriction and allow the use of fish pedicures. Fish pedicures will bring welcomed revenue to struggling spas, hair salons, and other facilities throughout the state. It will create jobs, expand business opportunities, and further increase Nevada's tourism appeal. That is why I have brought this bill. I want to do anything I can to increase our economy and help businesses. I believe that with the correct implementation and oversight, fish pedicures could occur in a safe and clean environment that would bring relaxation to thousands of tourists and Nevadans alike, and a much-needed profit to many small Nevada businesses.

Section 1 of A.B. 158 amends *Nevada Revised Statutes* (NRS) Chapter 644 requiring the State Board of Cosmetology to allow the use of fish for pedicures, and require the Board to adopt regulations regarding the use of fish for pedicures. In section 2, it allows for a licensed establishment to maintain, on premises, an aquarium to hold the fish for pedicures. I would like to amend this bill to include Senator Tick Segerblom, Senate District No. 3 as a cosponsor.

Senator Tick Segerblom, Senate District No. 3:

I brought this bill in 2009 because I think it is a fantastic thing. It fits so perfectly with Las Vegas and what we do. Fish pedicures are used around the world and it is particularly important to the Asian community, which is a huge part of Nevada and this is a huge part of our future tourism. We were in a budget crisis in 2009, and I was told I could not bring the bill because we are trying to fight to save our state and you are going to talk about these little fish that eat people. They did not give me a hearing. So to show you how far Nevada has progressed, we now have a Republican sponsoring this bill.

Lior Hason, Private Citizen, Las Vegas, Nevada:

I was born in Israel and have been here for almost ten years doing business. Eran Tsur, my partner, and I would like to bring this bill. My partner is the one who had this idea.

Eran Tsur, Private Citizen, Las Vegas, Nevada:

I am also from Israel. I am raising these fish, and I own a farm in Israel to sell to many salons.

Lior Hason:

We did not invent this whole idea of fish pedicures. It exists around the world and has for more than ten years. It exists in Europe, in London and Paris, Santorini, Barcelona, and in the United States in Alexandria, Virginia. In 2009, a salon in Alexandria, Virginia, opened a fish spa and has become very famous. We want to bring it to Nevada, especially to Las Vegas. We are talking about the *Garra rufa*. The *Garra* family has 72 different species. Sometimes people confuse them with other species of the *Garra rufa*. The one we are talking about is the doctor fish. You can recognize him by two black dots on his gill and tail. This fish does not have any teeth. It is not a predator. When you put your feet in the water, it sucks all of the dead skin from the first dermis layer of your skin. We did a DNA test on the fish in Israel. We intend to bring the fish from Israel to the United States, but we want to

make sure we are using the correct fish. Our vision is to see fish pedicures all over Las Vegas. I think it will be a great contribution to tourism. A lot of struggling spas and salons will be able to have this opportunity to offer it to their customers. Hotels will be able to offer fish pedicures to tourists, and it will add an extra value to pedicures.

In 2016, Nevada ranked first in job creation with a score of plus 40 and an unemployment rate of 5.1 percent. We are thinking about creating more jobs; I am guessing a few hundred jobs in the field of the fish pedicures. There are over 1,000 nail salons in Nevada, and the fish can bring a lot of tourists and money.

Although some concerns have come up, according to our knowledge there has not been one reported incident of infection from these fish. Yesterday, we met with Joseph L. Pollock, Deputy Administrator for Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services, and two doctors. They came up with fewer than five incidents in Europe that were of concern. Those facilities did not use our system which we worked very hard to develop. There are millions of people who are doing fish pedicures, including celebrities from the United States, and there has not been one incident.

The Committee members have the information on our system. We are working to have the system patented. We will filter the water before it can go into the tank. We are going to get rid of the heavy metals and the pathogens to make sure the water is extremely clean for the health of the fish and the feet. After the first preparation, inside the tank we will have another filter that can clean out all of the fish feces and dead skin cells. Every particle in the water will go through this filter. We have developed a filter that has never been used. Between each customer, we are planning to change the filter. We will have an ultraviolet light, UV-C light which will kill 99 to 99.999 percent of all the germs in the water. It will be a very powerful UV light, but it will be inside a cover so it will not hurt your eyes. The water system will be able to replace the tank of water ten times in a day. Continuous replacement of the water will not allow any bacteria to grow or expand in the water.

We want to take care of the fish. Between customers, we will have a pump that will create a stream. These fish come from the Middle East: Turkey, Syria, Israel, and Lebanon. This is a freshwater fish and they swim against the stream. We are going to create a stream for them to swim against. It will wash any excess pathogens off the fish. We are also going to use a material to clean and sanitize the fish. We will use an automatic dose of potassium permanganate. These are steps to be sure the fish will be clean and the water will be sanitized. This water will be cleaner than any other pool or lake.

On top of cleaning the water, we are going to use a step-by-step system for sanitation of the customer. When a customer comes in, he will fill out a health declaration. We do not intend to use our services for people with low immune systems, diabetes, or skin diseases. A staff member will do a visual exam from the knee down for any open wounds. Anyone with open

wounds cannot go into the water tank. We will then disinfect their feet. I have heard some comments about fish cruelty. We do not starve the fish. We will feed the fish spirulina, a superfood. We will raise the temperature of the water so the fish will be more hungry and willing to work.

We met with the State Board of Cosmetology a few days ago and yesterday with the Division of Public and Behavioral Health. We were able to show them our presentation. We were also able to have a conference call with our expert, Dr. Gal Herzog, who will be the one who helps us develop everything. He has a Ph.D. from Tel Aviv University and from Cambridge University in the United Kingdom. What we are dealing with here is risk management. All reports indicate that this is extremely low risk. All of us carry thousands of germs on us, but with our system and the history of the fish, nothing will happen.

Aran Tsur:

The reason we are developing this system is because we are starting to bring these fish to the United States. We went to the State Board of Cosmetology and we read all of the reports from Dr. Ihsan Azzam, Medical Epidemiologist, Division of Public and Behavioral Health, Department of Health and Human Services. I sent it to my lab in Israel, and we developed a system that will eliminate all the risks. It took me three years. I do not use the system in Israel because it is not required. I own 20 places in Israel and never had one problem. This system is much safer. The risk you can have with the pedicure fish is the same risk you can have in a pool, a Jacuzzi, or standing barefoot in the airport.

Chair Bustamante Adams:

Are there any questions from the Committee?

Assemblywoman Tolles:

For how many treatments are those fish used?

Lior Hason:

These fish live between 10 and 15 years. In Israel we use them for three to ten years and in the United Kingdom, they use them until they die. We do not want to do that. We know there will be veterinary regulations for checking to see if the fish are healthy, but the fish can go on and on.

Assemblywoman Tolles:

How do you dispose of them after they are used? They require water that is 80 degrees and we do not have any water that fits that requirement here. There have been concerns about them being an invasive species in other areas when they are released in the wild.

Lior Hason:

I learned that fish pedicures also exist in Utah, and we have a report from the Department of Wildlife that approved one aquarium to have these fish, and they do not have any concerns in

having these fish here. In Israel, we are buying back the fish from the salons. We plan to open a fish farm here and require that the fish are returned to us so they will have a happy life.

Shane Shimada, Private Citizen, Las Vegas, Nevada:

I am with SeaQuest Interactive Aquarium and we have a sister location in Layton, Utah. In our Layton location, we have fish pedicures and they are very popular. I submitted some slides that show some of the FaceBook promotions ([Exhibit J](#)) that we are able to do. We are probably doing \$15,000 just in fish pedicures. It is legal in Utah. We had it approved through the Department of Wildlife in Nevada ([Exhibit K](#)) to bring the fish in, but it was turned down by the Clark County Commission when we were to apply for our design review. It was probably because they looked at the State Board of Cosmetology regulations. I figured if the State Board of Cosmetology approved it, it would be easier for me to get it pushed through. Filtration is a big part of the success of making this safe for people. Obviously, as an aquarium, filtration is something we do very well. As Lior Hasan said, filtration is a big part of the success of this. There is really not too much risk. There are some studies I included in a packet from WebMD ([Exhibit L](#) and [Exhibit M](#)) which says it is safe. There are speculations, but the fish are safe. Do look through my presentation ([Exhibit J](#)) because it shows some of the Facebook posts we are able to do. We are able to do some giveaways of fish pedicures and dinner which makes for a fun date night. It can be safe and bring in a lot of revenue.

Assemblyman Araujo:

How many states allow for these types of pedicures?

Assemblyman Marchant:

Two that I know of, Virginia and Utah.

Shane Shimada:

There might be a couple that are doing it, but there are only eight states that do not allow it, and Nevada is one of those.

Assemblyman Araujo:

The Centers for Disease Control and Prevention (CDC) has said there is no way to ensure that a fish after a pedicure is sanitary. Could you expand or clarify that report?

Lior Hason:

In our system we are going to wash the fish and sanitize it with our material. We did some tests in Israel where we put paint on the mouth of the fish. It took from eight to ten minutes for all of the paint to disappear. Whatever is in the water is completely safe. We took a lot of steps to make sure what is in the water.

Assemblyman Araujo:

My concern is the treatment and the safety of the fish with the products being used to clean them and test their sanitary status. I want to get more clarification on the report and raise

some concerns about how we are treating the fish to make sure they are sanitary for the next procedure.

Lior Hason:

Fish and humans from the early stages of evolution are separated. We cannot be a host for the same disease and pathogens. There are only five diseases, five bacteria that the fish can give us. The low risk is if the fish will give a disease to a person. That is why we plan to have the regulations and to wash the fish so it will not have any disease on it. We will have a veterinarian to check the fish because we do not want to have a fish infect a human. Fish pedicures have been done for lots of years without our system. With our system, it is an extra caution.

Assemblywoman Jauregui:

The CDC said over ten states have banned them and in the state that originally had it, Virginia, the courts shut them down. They took it to the appellate court in 2015 and the court refused to hear the case, so it is no longer allowed in Virginia. They closed it down because they said there was no way that fish could be sanitized between uses. I want more clarification on what Assemblywoman Tolles asked. The U.S. Fish and Wildlife Service said because they are not native here, they will be competition to native species and cause harm. How are you going to assure that they are not going to get out?

Lior Hason:

The inner organs of the fish cannot be sanitized. The outer part of the fish can be sanitized. The inner part of the fish is not coming in contact with the human. The fish will not carry a disease from one person to another because the fish and humans can only be host for five different diseases out of the large variety of diseases. The fish is vegetarian. It has a very low pH level inside its stomach and pathogens cannot survive in low pH. It would be killed inside of the fish stomach. The fish inner organs cannot be sanitized.

Assemblywoman Jauregui:

The CDC says the fish themselves cannot be disinfected or sanitized between customers.

Lior Hason:

That is totally correct. It is a very low risk. The incident in the United Kingdom was using a sick fish from Indonesia. We will not bring fish from countries that we do not know and where we do not know the health of the fish. We will bring the fish from Israel. The owner of the aquarium here grows the fish himself, and I am sure they are doing a great job.

Assemblyman Hansen:

I like this idea. It fits very well with what Las Vegas is all about. There is an element of risk in anything, but is so minimal that it has not occurred. If this came to Las Vegas, what will the economic impact be?

Lior Hason:

In Virginia, in the first five months, they had more than 6,000 people come in. I cannot say how many people will use it. We do not have a facility in the United States. We know it has attracted a lot of attention, and a lot of people are excited not only for pedicures but it will be a great experience for everyone together. It is very low risk. It is the same risk we are taking when we go into the Jacuzzi in our gym, the pools in the hotel, or the lake.

Assemblyman Brooks:

Are these farm-raised fish, or do you find them in the wild? Are these found anywhere in the United States in the wild? How old do they need to be to be used for this purpose?

Lior Hason:

We want to use them when they are young, strong, and eat the most. These are freshwater fish. They originated in basins, and that is how they were found and called doctor fish. People who were in rivers put their feet inside or their whole body inside, and the fish ate the dead skin.

Assemblywoman Neal:

In section 1 of the bill, it says adopt regulations concerning the use for pedicures. Would you be bonded? Would there be civil or criminal liability if someone does get an infection or has issues?

Lior Hason:

That is why we have the health declaration which says everything from stating the age and health condition to saying they know what the risks are and they are willing to do it.

Assemblywoman Neal:

I think liability on the owner needs to be crystal clear that you will have some responsibility if something goes wrong. If an employee forgets to change a filter, those are things that have to be controlled. What will be the hours of training that employees will have to run a foot spa with fish and clean the filters properly?

Lior Hason:

The CDC report does not show any incidents. There was one incident in the United Kingdom where it says that about 6,000 fish that came from Malaysia came in and they were caught early. There was no incident of a customer getting infected. Regarding our health declaration, of course we have a responsibility as a business, but the health declaration is giving us and the state the information and knowledge for every person to take responsibility for themselves and to choose if they want to have a treatment. We will come up with a plan to determine who can work at the facility. It is too early to do that.

Assemblywoman Neal:

The CDC said the pedicure tubs cannot be sufficiently cleaned between customers when fish are present and the fish themselves cannot be disinfected or sanitized between customers.

Due to the cost, salon owners are likely to use the same fish multiple times with different customers which increases the risk of spreading infection. I am not talking about the incidents, but the actual risk of getting an infection.

Lior Hason:

The risk is minimal. It is the risk of getting into any water resource. The whole point of our system is that it will be extremely sanitized. There is no way to sanitize the fish 100 percent, but we will take extra caution about sanitizing the outer parts of the fish with things that have not been tried in the United States or the United Kingdom so far. We are developing this to make fish pedicures happen here.

Assemblyman Ohrenschall:

What does the treatment usually cost?

Shane Shimada:

In our Utah location, it is \$40 for a general guest and \$30 for our members who have an annual pass.

Assemblywoman Tolles:

I understand there is a Chinese fish called the Chinchin that looks very similar and grows teeth and can draw blood. How would we be able to ensure that the right fish are being used?

Shane Shimada:

We work with the Department of Wildlife and have the importation permit. Anytime we are bringing anything in, including these fish, we would let them know how many are coming in; we would send our receipt for the purchase. We buy from suppliers. To make this work, there has to be regulation. It can be expensive when you have the right filtration and those sorts of things. That will limit who can do it because it costs to do it, set it up, and set it up right. If there are people who develop the right regulations and the right filtration, I think it can be very successful.

Aran Tsur:

We check the legs and feet of the people who come into our spas in Israel for cuts. People who have cuts cannot use the spas. People who have risks of infection are those who have cuts in their feet and legs. We inform the customers of the risk in the declaration, and they take the responsibility. The systems that we are developing do not exist anywhere else. People who use the spas do not get infected. More than 2 million people a month are doing this and none of them get infected. This is without our system. With the system, it will be much safer. We have spent three years to develop this system to be safer. It will bring so many things, and I do not see any risk.

Lior Hason:

We are also having a DNA test before the fish are imported in to the United States.

Chair Bustamante Adams:

Is there anyone in support of A.B. 158? [There was no one.] Is there anyone to testify in opposition? [There was no one.] Are there any to speak from a neutral position?

Gary Landry, Executive Director, State Board of Cosmetology:

The State Board of Cosmetology has taken a neutral position because of NRS 644.120 which says that any new treatments or processes that come in have to be approved by the State Board of Health to say that it is safe and sanitary. We are also looking for some support from the Nevada State Board of Veterinary Medical Examiners. Before we get that information, we cannot rule on it. If they tell us this is safe, we can move forward with it; but if they do not, we cannot support it.

[Gary Landry, Executive Director, State Board of Cosmetology, submitted material regarding Assembly Bill 158, ([Exhibit N](#)).]

Assemblyman Daly:

If this passes, the State Board of Cosmetology would be charged with adopting the regulations to oversee this. The presenters have developed a process, but that is their operation. It does not mean that everyone is going to follow the same protocols. If this bill passes, will you be up to speed? Are there regulations in other states, are you starting from scratch, and do you have enough time? I would not be comfortable until the regulations are in place before this can take effect.

Gary Landry:

We do not have sufficient capabilities to get all of the regulations done. We would require some extra time so as many people who want could get into the business. We are going to have to have some sort of testing mechanism to verify that the fish are *Garra rufa* and that may require extra costs. We may have to come back to the Legislature for increasing fees for doing inspections. I do not know if we would have the ability to come up with regulations quickly, so we might need more time to get the regulations in place.

Assemblyman Daly:

This is not a line of business for which you have some protocols and regulations. Requirements for licensing and applications are not included in this bill. None of the infrastructure is set up under your agency, so are there a lot of pieces missing?

Gary Landry:

We do not regulate anything that involves an animal in any of the practices we currently regulate.

Assemblyman Daly:

So the infrastructure to do this and license it is not in place, and there would be no fee for you to cover the cost for your oversight. I am not saying this is a bad idea; there are pieces missing to the whole equation.

Gary Landry:
That is correct.

Assemblywoman Carlton:
When do you think you will get responses to the people you have reached out to?

Gary Landry:
I did not reach out to them. The presenters have to secure those approvals.

Assemblyman Hansen:
I would be more afraid to eat sushi than do this. Is there anybody testifying from the Division of Public and Behavioral Health, Department of Health and Human Services?

Shane Shimada:
In SeaWorld San Diego, one of the first exhibits is the Explorer's Reef where they use the Garra rufa fish in a touch tank. It must be legal in California.

**Joseph L. Pollock, Deputy Administrator for Regulatory and Planning Services,
Division of Public and Behavioral Health, Department of Health and Human
Services:**

You have already touched on all of the questions that we have asked. To my knowledge, there has not been any test to show, and I am not sure it is possible for a test to show, that a fish that nibbles on the feet of a person who has a disease could physically transmit the disease to the next customer. There is also the factor that a disease could be transmitted through the water without the fish being involved. I do not know if there are any studies that show that by using a stream of water over the fish, as described by the presenters, cleanses the areas that come into contact with the customers. I am not sure we could ever verify that. All the reports I have seen, it is a very low risk. There have not been very many reported cases in Europe where this is much more prevalent. That being said, there is a risk. The idea is to minimize the risk to protect the public health. My concern is these presenters seem to have the "Cadillac" of a system. You are going to have many others that are "junkers." They are going to cut costs and do it as cheaply as they possibly can. I do not envy the State Board of Cosmetology to come up with regulations that are enforceable, because you are only as good as your weakest link. The concern with the salons is the ones who are not up to speed on hygiene. That is where you are going to have your problems.

Chair Bustamante Adams:
Are there any closing remarks?

Assemblyman Marchant:

We are trying to create a new opportunity. We know there are a lot of challenges and a lot of issues to deal with. This is just a starting point, and we have answered a lot of questions today. There is risk in everything. When we get in our car, there is a lot more risk than sticking our feet in a bucket of fish. As Executive Director Landry said, the State Board of Cosmetology will have to come up with some regulations to deal with this. We will have some suggestions on how to do that once we deal with the Division of Public and Behavioral Health and the experts who can help us with this. We may have to limit the number of people who can do this who can come up with a system or purchase the right kind of system.

Chair Bustamante Adams:

I will close the hearing on A.B. 158. Is there any public comment? [There was none.]
The meeting is adjourned [at 3:19 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblywoman Irene Bustamante Adams, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is an overview of [Assembly Bill 195](#) titled "Nevada State Board of Cosmetology," submitted by Gary Landry, Executive Director, State Board of Cosmetology.

[Exhibit D](#) is a document regarding [Assembly Bill 179](#) submitted by the Board of Massage Therapists presented by Sandra J. Anderson, Executive Director, Board of Massage Therapists.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 179](#) submitted by Mendy Elliott, representing Chiropractic Physicians' Board of Nevada.

[Exhibit F](#) is a document titled, "Talking Points for Nevada Commerce and Labor Committee-Assembly," dated March 3, 2017, regarding [Assembly Bill 179](#), submitted and presented by Deborah Nimmons, Law and Regulation Chair, International Association of Structural Integrators.

[Exhibit G](#) is a proposed amendment to [Assembly Bill 179](#) presented by Stephanie Tsanas, Private Citizen, Reno, Nevada.

[Exhibit H](#) is a packet of letters in support of [Assembly Bill 179](#) submitted by Sandra J. Anderson, Executive Director, Board of Massage Therapists, from Jacqueline R. Holloway, Director, Department of Business License, Clark County; Mavies F. Gascon, President, The Nevada Chapter of the American Massage Therapy Association; Patty Anderson, Executive Director, International Association of Structural Integrators (IASI) and other IASI representatives; and Christine Issel, Legislative Consultant, American Reflexology Certification Board.

[Exhibit I](#) is a summary and discussion of [Assembly Bill 158](#), submitted and presented by Assemblyman Jim Marchant, Assembly District No. 37.

[Exhibit J](#) is a copy of a PowerPoint presentation titled, "SeaQuest Interactive Aquarium," submitted by Shane Shimada, Private Citizen, Las Vegas, Nevada.

[Exhibit K](#) is a copy of a Commercial Possession of Live Wildlife License, issued to Shane Shimada, SeaQuest Interactive Aquarium, dated April 22, 2016, from the Department of Wildlife.

[Exhibit L](#) is a copy of an article on WebMD.com, dated May 16, 2012, titled "New fish pedicure worries," submitted by Shane Shimada, Private Citizen, Las Vegas, Nevada.

[Exhibit M](#) is a copy of an article written by Nicky Broyd, from a WebMD Feature titled, "Fish spa pedicure FAQs," submitted by Shane Shimda, Private Citizen, Las Vegas, Nevada.

[Exhibit N](#) is material submitted by Gary Landry, Executive Director, State Board of Cosmetology, regarding Assembly Bill 158 and consisting of the following:

1. A copy of an email, dated June 22, 2015, from Ihsan Azzam, Medical Epidemiologist, Division of Public and Behavioral Health, Department of Health and Human Services, to Gary Landry, Executive Director, State Board of Cosmetology, regarding fish manicure/pedicure information.
2. A document titled "Petition to Appear—Fish Pedicure," dated August 3, 2015.
3. A copy of an article from the Centers for Disease Control and Prevention titled "Fish Pedicures and Fish Spas."
4. A document from the State Board of Cosmetology titled "Nail Salon Safety Guide."
5. A document dated August 2011 from the Health Protection Agency, London, England, titled "Guidance on the management of the public health risks from fish pedicures."
6. A letter to the editor in *Emerging Infectious Diseases*, Volume 18, No. 6, June 2012, titled "Zoonotic Disease Pathogens in Fish Used for Pedicure."
7. A copy of an article from the ABC News website, dated May 16, 2012, titled "Fish Pedicures: Bacteria in Your Foot Soak."