

Amendment No. 411

Senate Amendment to Senate Bill No. 291	(BDR 54-997)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 291 (§ 1).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JFS/KRO



Date: 4/17/2021

S.B. No. 291—Provides for the licensure and regulation of master estheticians and instructors of master estheticians. (BDR 54-997)



SENATE BILL NO. 291—SENATOR LANGE

MARCH 22, 2021

Referred to Committee on Commerce and Labor

SUMMARY—~~[Provides for the licensure and regulation of master estheticians and instructors of master estheticians.]~~ Authorizes the State Board of Cosmetology to adopt regulations to provide for classifications of licensing as an esthetician. (BDR 54-997)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; ~~[providing for the licensure and regulation of master estheticians and instructors of master estheticians by the State Board of Cosmetology; setting forth certain requirements for licensure as a master esthetician or instructor of master estheticians; setting forth certain requirements for the performance of certain procedures performed by a registered nurse or a master esthetician; prohibiting a master esthetician or registered nurse from performing certain procedures; requiring the Board to prescribe a curriculum for a course of study in master esthetics; establishing certain fees relating to licensure as a master esthetician and an instructor of master estheticians; revising provisions relating to schools of cosmetology and cosmetological establishments; authorizing the Board to, for a certain period of time, issue a license as a master esthetician to certain persons who would otherwise not qualify for licensure;]~~ authorizing the State Board of Cosmetology to adopt regulations to provide for classifications of licensing as an esthetician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation by the State Board of Cosmetology of persons engaged in the practice of various branches of cosmetology, cosmetological establishments, schools of cosmetology and instructors at such schools. (Chapter 644A of NRS) Among the persons licensed and regulated by the Board are persons engaged in the practice of esthetics, which existing law generally defines to include certain practices involving the care of the skin, the application of cosmetics and the removal of superfluous hair from the body. (NRS 644A.075) ~~[This bill provides for the licensure and regulation of: (1) persons designated by section 12 of this bill as "master estheticians" who, in addition to the practice of esthetics, also engage in certain specified advanced esthetic procedures; and (2) instructors of master estheticians.]~~

11 ~~Existing law requires the Board to hold examinations to determine the qualifications of all~~
12 ~~applicants for a license issued by the Board. (NRS 644A.300-644A.435) Section 18 of this bill~~
13 ~~sets forth certain requirements for admission to examination for a license as a master~~
14 ~~esthetician. Section 19 of this bill sets forth certain requirements for the examination for~~
15 ~~licensure as a master esthetician.~~

16 ~~Section 5 of this bill specifies certain procedures that constitute an "advanced esthetic~~
17 ~~procedure." Among these procedures is a "nonablative esthetic medical procedure" which is~~
18 ~~defined generally in sections 8 and 17 of this bill to mean a procedure performed for esthetic~~
19 ~~purposes using certain medical devices and which is not expected to excise, vaporize,~~
20 ~~disintegrate or remove living tissue. Section 21 of this bill sets forth certain requirements for~~
21 ~~the performance of a nonablative esthetic medical procedure by a master esthetician. Section~~
22 ~~21 also prohibits a master esthetician from performing an "ablative esthetic medical~~
23 ~~procedure" which is defined generally in sections 4 and 8 of this bill to mean a procedure~~
24 ~~performed for esthetic purposes using certain medical devices and which is expected to excise,~~
25 ~~vaporize, disintegrate or remove living tissue. Section 1 of this bill applies the same~~
26 ~~requirements for the performance of a nonablative esthetic medical procedure and the same~~
27 ~~prohibition on ablative esthetic medical procedures applicable to a master esthetician in~~
28 ~~section 21 to a registered nurse.~~

29 ~~Existing law sets forth various requirements for the operation of schools of cosmetology.~~
30 ~~(NRS 644A.700-644A.755) Section 22 of this bill requires the Board to adopt regulations~~
31 ~~prescribing a curriculum for a course of study in master esthetics to be used by a licensed~~
32 ~~school of cosmetology that wishes to offer such a course of study and sets forth certain~~
33 ~~requirements for the curriculum. Existing law imposes certain requirements for admission to~~
34 ~~examination for a license as an instructor of cosmetology, instructor of estheticians and~~
35 ~~instructor in nail technology. (NRS 644A.420, 644A.425, 644A.430) Section 20 of this bill~~
36 ~~imposes similar requirements for admission to examination for a license as an instructor of~~
37 ~~master estheticians. Section 41 of this bill requires a student master esthetician to complete a~~
38 ~~certain number of hours of instruction before commencing work on members of the public.~~

39 ~~Existing law exempts a person authorized to practice medicine, dentistry, osteopathic~~
40 ~~medicine, chiropractic or podiatry from the provisions of existing law regarding cosmetology.~~
41 ~~(NRS 644A.150) Section 25 of this bill revises that exemption for the purposes of allowing~~
42 ~~only a physician or osteopathic physician, a physician assistant or an advanced practice~~
43 ~~registered nurse to engage in practice of master esthetics without being subject to the~~
44 ~~requirements set forth in this bill.~~

45 ~~Section 24 of this bill includes master esthetician within the occupations encompassing~~
46 ~~the definition of "cosmetology" set forth in existing law. (NRS 644A.040) Section 2 of this~~
47 ~~bill includes a person licensed as a master esthetician among the persons exempt from the~~
48 ~~provisions of existing law governing massage therapy. (NRS 640C.100) Section 26 of this bill~~
49 ~~authorizes a person licensed as a master esthetician to be appointed to the Board.~~

50 ~~Section 28 of this bill provides for the issuance of a provisional license as an instructor to~~
51 ~~certain licensed master estheticians under certain circumstances. Section 29 of this bill~~
52 ~~authorizes the Board to issue a limited license to certain persons who are licensed as master~~
53 ~~estheticians, which allows for the practice of master esthetics subject to certain restrictions.~~

54 ~~Section 31 of this bill revises provisions relating to the language in which examinations~~
55 ~~for licenses issued by the Board are given to apply to examinations for a license as a master~~
56 ~~esthetician and an instructor of master estheticians.~~

57 ~~Sections 30 and 33 of this bill establish certain fees for the examination and issuance of a~~
58 ~~license as a master esthetician and an instructor of master estheticians. Sections 35-37 of this~~
59 ~~bill revise provisions relating to the expiration and renewal of licenses issued by the Board to~~
60 ~~apply to a license as a master esthetician and an instructor of master estheticians.~~

61 ~~Sections 38-40 of this bill revise provisions relating to the operation of cosmetological~~
62 ~~establishments to apply to cosmetological establishments at which master estheticians~~
63 ~~practice.~~

64 ~~Section 42 of this bill revises provisions relating to disciplinary action against holders of~~
65 ~~licenses issued by the Board to apply to holders of a license as a master esthetician or an~~
66 ~~instructor of master estheticians.~~

67 ~~Section 44 of this bill sets forth a process by which the Board is authorized to issue a~~
68 ~~license as a master esthetician to certain applicants who do not meet the requirements set forth~~
69 ~~in this bill but who: (1) hold a license as an esthetician issued by the Board on or before~~

~~October 1, 2023; (2) apply for licensure on or before October 1, 2023; and (3) meet certain other requirements.~~

~~Sections 4-17 of this bill define words and terms applicable to the provisions of this bill. Sections 23, 32 and 43 of this bill make conforming changes to properly place new language in the Nevada Revised Statutes.]~~ Section 1 of this bill authorizes the Board to adopt regulations to provide for classifications of licensing as an esthetician. Section 1 requires any such regulations to establish: (1) the qualifications for the issuance of each classification of license; (2) the qualifications for the renewal of each classification of license; (3) the fees for the issuance and renewal of each classification of license; and (4) the authorized scope of practice of each classification of license. Section 2 of this bill provides that any regulations adopted pursuant to section 1 must not become effective with respect to any person who is licensed as an esthetician on the date on which those regulations otherwise become effective until 6 months after that date.

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

Delete existing sections 1 through 44 of this bill and replace with the following new sections 1 and 2:

Section 1. Chapter 644A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may adopt regulations to provide for classifications of licensing as an esthetician.

2. The regulations adopted by the Board pursuant to subsection 1 must include, without limitation, regulations establishing:

(a) The qualifications for the issuance of each classification of license, including, without limitation, the education and experience required for each classification of license;

(b) The qualifications for the renewal of each classification of license;

(c) The fees for the issuance and renewal of each classification of license;
and

(d) The authorized scope of practice of each classification of license.

Sec. 2. Notwithstanding any provision of this act to the contrary, any regulations adopted pursuant to section 1 of this act must not become effective with respect to any person who is licensed as an esthetician on the date on which those regulations otherwise become effective until 6 months after that date.