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SECOND REPRINT

S.B. 291

SENATE BILL NO. 291—SENATOR LANGE

MARCH 22, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensure and regulation of advanced estheticians and instructors of advanced estheticians. (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 ~~fornited-material~~ is material to be omitted.

AN ACT relating to cosmetology; providing for the licensure and regulation of advanced estheticians and instructors of advanced estheticians by the State Board of Cosmetology; setting forth certain requirements for licensure as an advanced esthetician or instructor of advanced estheticians; setting forth certain requirements for the performance of certain procedures performed by an advanced esthetician; prohibiting an advanced esthetician from performing certain procedures; requiring the Board to prescribe a curriculum for a course of study in advanced esthetics; establishing certain fees relating to licensure as an advanced esthetician and an instructor of advanced 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 an advanced esthetician or an instructor of advanced estheticians to certain persons who would otherwise not qualify for such licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides for the licensure and regulation by the State Board of
- 2 Cosmetology of persons engaged in the practice of various branches of
- 3 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 defines generally 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 7** of this bill as advanced estheticians, who, in addition to the practice of esthetics, engage in certain specified advanced esthetic procedures; and (2) instructors of advanced estheticians.

Existing law requires the Board to hold examinations to determine the qualifications of all applicants for licenses issued by the Board. (NRS 644A.300-644A.535) **Section 19** of this bill sets forth certain requirements for admission to examination for a license as an advanced esthetician. **Section 20** of this bill sets forth certain requirements for the examination for licensure as an advanced esthetician.

Section 6 of this bill designates certain procedures as advanced esthetic procedures. Among these procedures is a nonablative esthetic medical procedure, which is defined in **sections 11 and 18** of this bill to mean a procedure performed for esthetic purposes using certain medical devices and which is not expected to excise, vaporize, disintegrate or remove living tissue. **Section 22** of this bill sets forth certain requirements for the performance of a nonablative esthetic medical procedure by an advanced esthetician. **Section 22** also prohibits an advanced esthetician from performing an ablative esthetic medical procedure, which is defined in **sections 5 and 11** of this bill to mean a procedure performed for esthetic purposes using certain medical devices and which is expected to excise, vaporize, disintegrate or remove living tissue.

Existing law sets forth various requirements for the operation of schools of cosmetology. (NRS 644A.700-644A.755) **Section 23** of this bill requires the Board to adopt regulations prescribing a curriculum for a course of study in advanced esthetics to be used by a licensed school of cosmetology that wishes to offer such a course of study and sets forth certain requirements for the curriculum. Existing law imposes certain requirements for admission to examination for a license as an instructor of cosmetology, instructor of estheticians and instructor in nail technology. (NRS 644A.420-644A.430) **Section 21** of this bill imposes similar requirements for admission to examination for a license as an instructor of advanced estheticians. **Section 42** of this bill requires a student advanced esthetician to complete a certain number of hours of instruction before commencing work on members of the public.

Existing law exempts a person authorized to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry from the provisions of existing law regarding cosmetology. (NRS 644A.150) **Section 26** of this bill revises that exemption for the purposes of allowing only a physician or osteopathic physician, a physician assistant or an advanced practice registered nurse to engage in the practice of advanced esthetics without being subject to the requirements set forth in this bill.

Section 25 of this bill includes advanced esthetician within the occupations encompassed by the definition of "cosmetology" set forth in existing law. (NRS 644A.040) **Section 3** of this bill includes a person licensed as an advanced esthetician among the persons exempt from the provisions of existing law governing massage therapy. (NRS 640C.100) **Section 27** of this bill authorizes a person licensed as an advanced esthetician to be appointed to the Board.

Section 29 of this bill provides for the issuance of a provisional license as an instructor to certain licensed advanced estheticians under certain circumstances. **Section 30** of this bill authorizes the Board to issue a limited license to certain persons who are licensed as advanced estheticians, which allows for the practice of advanced esthetics subject to certain restrictions.



Section 32 of this bill revises provisions relating to the language in which examinations for licenses issued by the Board are given to apply to the examinations for a license as an advanced esthetician and an instructor of advanced estheticians.

Sections 31 and 34 of this bill establish certain fees for the examination and issuance of a license as an advanced esthetician and an instructor of advanced estheticians. **Sections 36-38** of this bill revise provisions relating to the expiration and renewal of licenses issued by the Board to apply to a license as an advanced esthetician and an instructor of advanced estheticians.

Sections 39-41 of this bill revise provisions relating to the operation of cosmetological establishments to apply to cosmetological establishments at which advanced estheticians practice.

Section 43 of this bill revises provisions relating to disciplinary action against holders of licenses issued by the Board to apply to the holder of a license as an advanced esthetician or an instructor of advanced estheticians.

Sections 45 and 46 of this bill set forth processes by which the Board is authorized to issue a license as an advanced esthetician or a license as an instructor of advanced estheticians to certain applicants who do not meet the requirements set forth in this bill but who: (1) hold a license as an esthetician or a license as an instructor of cosmetology or instructor of estheticians, as applicable, 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 5-18 of this bill define words and terms applicable to the provisions of this bill. **Sections 24, 33 and 44** of this bill make conforming changes to properly indicate the placement of new language in the Nevada Revised Statutes.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

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

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

(c) A person licensed or registered as an *advanced esthetician*, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an *advanced esthetician*, esthetician, esthetician's apprentice, hair designer, hair



designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

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

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

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

Sec. 4. Chapter 644A of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 23, inclusive, of this act.

Sec. 5. *"Ablative esthetic medical procedure" means an esthetic medical procedure that is expected to excise, vaporize, disintegrate or remove living tissue.*

Sec. 6. *"Advanced esthetic procedure" means any of the following procedures performed for esthetic purposes and not for the treatment of a medical, physical or mental ailment:*

1. Exfoliation;



2. *Microdermabrasion and related services;*
3. *Microneedling;*
4. *Dermaplaning;*
5. *Extraction;*
6. *Medium-depth chemical peel;*
7. *Hydrotherapy;*
8. *A nonablative esthetic medical procedure; or*
9. *Other similar esthetic preparations or procedures with the use of the hands or a mechanical or electronic apparatus.*

Sec. 7. *“Advanced esthetician” means any person who engages in the practice of advanced esthetics.*

Sec. 8. *“Advanced esthetics” means the practice of advanced esthetic procedures in addition to the practice of esthetics.*

Sec. 9. *“Dermaplaning” means the use of a blade with a handle to remove dead skin cells and vellus hairs from the face.*

Sec. 10. *“Esthetic medical device” means a device, as defined in 21 U.S.C. § 321, used to perform an esthetic medical procedure, including, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.*

Sec. 11. *“Esthetic medical procedure” means a procedure performed using an esthetic medical device for the purposes of the care of the skin, beautification, anti-aging, permanent hair reduction, skin tightening, skin rejuvenation, noninvasive body contouring, noninvasive lipolysis or other similar esthetic purposes.*

Sec. 12. *“Exfoliation” means a process whereby superficial epidermal cells are removed from the skin.*

Sec. 13. *“Extraction” means the removal of impurities from the skin using lancets or needles.*

Sec. 14. *“Hydrotherapy” means the use of water for esthetic purposes or beautification of the body.*

Sec. 15. *“Medium-depth chemical peel” means the removal of skin from the epidermis and papillary dermis layers using chemicals applied directly to the skin.*

Sec. 16. *“Microdermabrasion” means the physical removal of surface epidermal cells using an abrasive material or apparatus.*

Sec. 17. *“Microneedling” means the use of multiple small needles which are solid and which are designed to pierce the skin for the purpose of stimulating collagen production or cellular renewal.*



1 **Sec. 18.** *“Nonablative esthetic medical procedure” means an*
2 *esthetic medical procedure that is not expected to excise, vaporize,*
3 *disintegrate or remove living tissue.*

4 **Sec. 19.** *The Board shall admit to examination for a license*
5 *as an advanced esthetician any person who has made the*
6 *application to the Board in proper form, paid the fee and:*

- 7 1. *Is at least 18 years of age;*
8 2. *Is of good moral character;*
9 3. *Has successfully completed the 10th grade in school or its*
10 *equivalent; and*

11 4. *Satisfies at least one of the following:*

12 (a) *The person has completed at least 900 hours of training in*
13 *a licensed school of cosmetology in a curriculum prescribed by the*
14 *Board pursuant to section 23 of this act;*

15 (b) *The person is a licensed esthetician and has additionally*
16 *completed at least 300 hours of training in a licensed school of*
17 *cosmetology in a curriculum prescribed by the Board pursuant to*
18 *section 23 of this act; or*

19 (c) *The person has practiced as a full-time licensed advanced*
20 *esthetician for at least 1 year.*

21 **Sec. 20.** *The examination for a license as an advanced*
22 *esthetician may include:*

23 1. *Practical demonstrations in advanced esthetics;*

24 2. *Written and oral tests on:*

25 (a) *Antisepsis, sterilization and sanitation;*

26 (b) *The use of electricity and mechanical apparatuses,*
27 *including, without limitation, esthetic medical devices, as*
28 *applicable to the practice of advanced esthetics; and*

29 (c) *The laws of Nevada and the regulations of the Board*
30 *relating to cosmetology; and*

31 3. *Such other demonstrations and tests as the Board requires.*

32 **Sec. 21.** 1. *The Board shall admit to examination for a*
33 *license as an instructor of advanced estheticians any person who*
34 *has applied to the Board in proper form, paid the fee and:*

35 (a) *Is at least 18 years of age;*

36 (b) *Is of good moral character;*

37 (c) *Has successfully completed the 12th grade in school or its*
38 *equivalent;*

39 (d) *Has received a minimum of 700 hours of training as a*
40 *student instructor or 500 hours of training as an instructor or as a*
41 *licensed provisional instructor in a licensed school of*
42 *cosmetology;*

43 (e) *Is licensed as an advanced esthetician pursuant to this*
44 *chapter; and*



(f) *Has practiced as a full-time licensed advanced esthetician or as a licensed student instructor.*

2. *An instructor of advanced estheticians shall complete at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained during each 2-year period of his or her license in courses approved by the Board.*

Sec. 22. 1. *An advanced esthetician may perform a nonablative esthetic medical procedure only under the supervision of a health care professional. For the purposes of this subsection, an esthetic medical procedure is performed under the supervision of a health care professional if, at all times during the performance of the procedure, the health care professional:*

(a) *Is readily available for immediate consultation with the advanced esthetician by telephone or other communication technology which allows the health care professional and the advanced esthetician to communicate in real time; and*

(b) *Remains within 60 miles or 60 minutes of the location at which the procedure is being performed and is readily available to provide care in person if any problems arise during the procedure.*

2. *An advanced esthetician shall not perform any ablative esthetic medical procedure.*

3. *As used in this section, "health care professional" has the meaning ascribed to it in NRS 453C.030.*

Sec. 23. 1. *The Board shall adopt regulations prescribing a curriculum for a course of study in advanced esthetics to be used by a licensed school of cosmetology that wishes to offer such a course of study.*

2. *The curriculum prescribed pursuant to subsection 1 must include, without limitation, instruction in the following subjects:*

(a) *State and federal laws pertaining to the practice of advanced esthetics;*

(b) *Professional ethical standards for advanced estheticians;*

(c) *The theory and performance of advanced esthetic procedures;*

(d) *Medical subjects relevant to the practice of advanced esthetics, including, without limitation, subjects relating to health, lifestyle, nutrition, autoimmune diseases, infection control and wound healing;*

(e) *First aid, including, without limitation, the administration of cardiopulmonary resuscitation;*



(f) *Subjects relating to the science of the skin, including, without limitation, skin types, systems for the classification of skin conditions and skin disorders and diseases;*

(g) *Anatomy, physiology, chemistry, pharmacology and other relevant sciences;*

(h) *The physics of wave energy, including, without limitation, the physics of lasers, intense pulsed light, radio frequency, ultrasound, plasma and other energies;*

(i) *The duties of an advanced esthetician with respect to the confidentiality of client information, client consultation, informed consent and the care of clients both before and after advanced esthetic procedures;*

(j) *Subjects relevant to the professional practice of advanced esthetics, including, without limitation, professional liability insurance, risk management and professional interactions with health care professionals;*

(k) *Subjects relating to esthetic medical devices and other apparatuses used in the practice of advanced esthetics, including, without limitation, the classification, maintenance and safe and proper use of such devices and apparatuses; and*

(l) *Any other subject which the Board may determine by regulation to be necessary and proper for the instruction of advanced estheticians.*

Sec. 24. NRS 644A.010 is hereby amended to read as follows:

644A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644A.015 to 644A.140, inclusive, *and sections 5 to 18, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 25. NRS 644A.040 is hereby amended to read as follows:

644A.040 “Cosmetology” includes the occupations of a cosmetologist, esthetician, *advanced esthetician*, electrologist, hair designer, shampoo technologist, hair braider, demonstrator of cosmetics and nail technologist. The term does not include the occupation of a makeup artist.

Sec. 26. NRS 644A.150 is hereby amended to read as follows:

644A.150 1. The following persons are exempt from the provisions of this chapter:

(a) ~~AM~~ *Except for those provisions relating to advanced estheticians, all* persons authorized by the laws of this State to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.



(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a service relating to the practice of cosmetology except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services or the practice of makeup artistry and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644A.740.

(b) Notwithstanding the provisions of NRS 644A.735, shall maintain a staff of at least one licensed instructor.

3. Any health care professional, as defined in NRS 453C.030, is exempt from the provisions of this chapter relating to advanced estheticians.

Sec. 27. NRS 644A.205 is hereby amended to read as follows:

644A.205 1. No person is eligible for appointment as a member of the Board:

(a) Who is not licensed as a nail technologist, electrologist, esthetician, *advanced esthetician* or cosmetologist under the provisions of this chapter.

(b) Who is not, at the time of appointment, actually engaged in the practice of his or her respective branch of cosmetology.

(c) Who is not at least 25 years of age.

(d) Who has not been a resident of this State for at least 3 years immediately before appointment.

2. The requirements of paragraphs (a) and (b) of subsection 1 do not apply to a person appointed to represent customers of cosmetology.



3. Not more than one member of the Board may be connected, directly or indirectly, with any school of cosmetology, or have been so connected while previously serving as a member of the Board.

Sec. 28. NRS 644A.260 is hereby amended to read as follows:

644A.260 1. The Board shall keep a record containing the name, known place or places of business, electronic mail address, personal mailing address, telephone number and the date and number of the license or certificate of registration, as applicable, of every nail technologist, electrologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, demonstrator of cosmetics, makeup artist registered pursuant to NRS 644A.395 and cosmetologist, together with the names and addresses of all establishments for hair braiding, cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure or registration.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee or registrant.

(b) A member of the general public, except information concerning the personal mailing address, work address, electronic mail address and telephone number of a licensee or registrant.

Sec. 29. NRS 644A.415 is hereby amended to read as follows:

644A.415 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, hair braider, esthetician, *advanced esthetician* or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$40 and not more than \$75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training



required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 30. NRS 644A.455 is hereby amended to read as follows:

644A.455 1. The Board may, without examination, issue a limited license to a person who intends to practice cosmetology in this State in the manner set forth in this section and who is currently licensed as a cosmetologist, hair designer, nail technologist , ~~for~~ esthetician ~~or~~ *or advanced esthetician:*

(a) Pursuant to NRS 644A.490; or

(b) In another state or territory of the United States or the District of Columbia.

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

(a) Within the branch of cosmetology or branches of cosmetology for which the person is licensed in a resort hotel and in other types of locations the Board designates by regulation; and

(b) For:

(1) A 1-year period; or

(2) Not more than five periods, of not more than 10 days each, during any 1-year period for which the license is issued or renewed.

3. To apply for a limited license for the period described in subparagraph (1) of paragraph (b) of subsection 2, an applicant must submit to the Board:

(a) An application which includes the name of the applicant and the number of the applicant's license issued pursuant to NRS 644A.490;

(b) Proof of successful completion of a course provided by the Board relating to sanitation and infection control when providing services relating to the practice of cosmetology in a location other than a cosmetological establishment;

(c) Any other information required by the Board; and

(d) An application fee of \$100.

4. To apply for a limited license for the period described in subparagraph (2) of paragraph (b) of subsection 2, an applicant must submit to the Board:

(a) An application which includes the name of the applicant and:

(1) The number of the applicant's license issued pursuant to NRS 644A.490; or



(2) The number or other designation identifying the applicant's license from any other jurisdiction described in subsection 1;

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

(c) An application fee of \$100.

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

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

(a) Apply to the Board for renewal; and

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

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

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

(b) The specific dates and times on which the holder will be practicing cosmetology in this State pursuant to the limited license; and

(c) The name and address of the location at which the holder will be practicing cosmetology in this State pursuant to the limited license.

8. A holder of a limited license may submit to the Board the notice required by subsection 7 by using the Board's online notification process, by mail or in person.

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

10. The Board:

(a) Shall designate by regulation the types of:

(1) Locations, in addition to a resort hotel, at which a holder of a limited license may practice cosmetology in this State under a limited license; and

(2) Services relating to the practice of cosmetology that a holder of a limited license may perform in this State under a limited license.

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

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



Sec. 31. NRS 644A.470 is hereby amended to read as follows:
644A.470 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than \$75 and not more than \$200.

(b) For examination as an electrologist, not less than \$75 and not more than \$200.

(c) For examination as a hair designer, not less than \$75 and not more than \$200.

(d) For examination as a shampoo technologist, not less than \$50 and not more than \$100.

(e) For examination as a hair braider, \$110.

(f) For examination as a nail technologist, not less than \$75 and not more than \$200.

(g) For examination as an esthetician, not less than \$75 and not more than \$200.

(h) *For examination as an advanced esthetician, not less than \$75 and not more than \$200.*

(i) For examination as an instructor of estheticians, *advanced estheticians*, hair designers, cosmetology or nail technology, not less than \$75 and not more than \$200.

2. Except as otherwise provided in this subsection, the fee for each reexamination is not less than \$75 and not more than \$200. The fee for reexamination as a hair braider is \$110.

3. In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is \$75.

4. Each applicant referred to in subsections 1 and 3 shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 32. NRS 644A.480 is hereby amended to read as follows:
644A.480 1. The Board:

(a) Shall provide examinations for licensure or registration as a cosmetologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics in English and, upon the request of an applicant for licensure or registration as a cosmetologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics, in Spanish; and

(b) May provide examinations for licensure or registration as a cosmetologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics, in any other language upon the request of an applicant, if the Board determines that providing the examination in that language is in the best interests of the public.



2. A request for an examination for licensure or registration as a cosmetologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics to be translated into a language other than English or Spanish must be filed with the Board by the applicant making the request at least 90 days before the scheduled examination. The Board shall keep all such requests on file.

3. The Board shall impose a fee upon the applicants who file requests for an examination for licensure or registration as a cosmetologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics to be translated into a language other than English or Spanish. The fee must be sufficient to ensure that the applicants bear the full cost for the development, preparation, administration, grading and evaluation of the translated examination. The fee is in addition to all other fees that must be paid by applicants for the examination for licensure or registration as a cosmetologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics.

4. In determining whether it is in the best interests of the public to translate an examination for licensure or registration as a cosmetologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics into a language other than English or Spanish, the Board shall consider the percentage of the population within this State whose native language is the language for which the translated examination is sought.

Sec. 33. NRS 644A.485 is hereby amended to read as follows:

644A.485 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license or evidence of registration issued pursuant to NRS 644A.300 to 644A.535, inclusive, *and sections 19, 20 and 21 of this act* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license or evidence of registration issued pursuant to NRS 644A.300 to 644A.535, inclusive, *and sections 19, 20 and 21 of this act* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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



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

(b) A separate form prescribed by the Board.

3. A license or evidence of registration may not be issued or renewed by the Board pursuant to NRS 644A.300 to 644A.535, inclusive, *and sections 19, 20 and 21 of this act* if the applicant:

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

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

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

Sec. 34. NRS 644A.490 is hereby amended to read as follows:

644A.490 1. The Board shall issue a license or certificate of registration, as applicable, as a cosmetologist, esthetician, *advanced esthetician*, electrologist, hair designer, shampoo technologist, hair braider, nail technologist, demonstrator of cosmetics or instructor to each applicant who:

(a) Except as otherwise provided in NRS 644A.380 and 644A.455, passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; and

(b) Complies with such other requirements as are prescribed in this chapter for the issuance of the license or certificate of registration.

2. The fees for issuance of an initial license or certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, *advanced estheticians*, hair designers, shampoo technologists, demonstrators of cosmetics and cosmetologists:

(1) For 2 years, not less than \$50 and not more than \$100.

(2) For 4 years, not less than \$100 and not more than \$200.

(b) For hair braiders:

(1) For 2 years, \$70.

(2) For 4 years, \$140.



(c) For instructors:

(1) For 2 years, not less than \$60 and not more than \$100.

(2) For 4 years, not less than \$120 and not more than \$200.

Sec. 35. NRS 644A.510 is hereby amended to read as follows:

644A.510 Every licensed or registered nail technologist, electrologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, demonstrator of cosmetics or cosmetologist shall, within 30 days after changing his or her place of business or personal mailing address, as designated in the records of the Board, notify the Board of the new place of business or personal mailing address. Upon receipt of the notification, the Board shall make the necessary change in the records.

Sec. 36. NRS 644A.515 is hereby amended to read as follows:

644A.515 1. The license or certificate of registration, as applicable, of every cosmetologist, esthetician, *advanced esthetician*, electrologist, hair designer, shampoo technologist, hair braider, nail technologist, demonstrator of cosmetics and instructor expires on either:

(a) The second anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration, from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal; or

(b) The fourth anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal.

2. The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Board may similarly defer the expiration of the license or certificate of registration, as applicable, of the spouse or dependent child of that person if the spouse or child is residing with the person.

3. For the purposes of this section, any licensee or holder of a certificate of registration whose date of birth occurs on February 29 in a leap year shall be deemed to have a birthdate of February 28.

Sec. 37. NRS 644A.520 is hereby amended to read as follows:

644A.520 1. An application for renewal of any license or certificate of registration issued pursuant to this chapter must be:



- (a) Made on a form prescribed and furnished by the Board;
- (b) Made on or before the date for renewal specified by the Board;
- (c) Accompanied by the applicable fee for renewal; and
- (d) Accompanied by all information required to complete the renewal.

2. The fees for renewal of a license or a certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, *advanced estheticians*, hair designers, shampoo technologists, demonstrators of cosmetics and cosmetologists:

(1) For 2 years, not less than \$50 and not more than \$100.

(2) For 4 years, not less than \$100 and not more than \$200.

(b) For hair braiders:

(1) For 2 years, \$70.

(2) For 4 years, \$140.

(c) For instructors:

(1) For 2 years, not less than \$60 and not more than \$100.

(2) For 4 years, not less than \$120 and not more than \$200.

(d) For cosmetological establishments:

(1) For 2 years, not less than \$100 and not more than \$200.

(2) For 4 years, not less than \$200 and not more than \$400.

(e) For establishments for hair braiding:

(1) For 2 years, \$70.

(2) For 4 years, \$140.

(f) For schools of cosmetology:

(1) For 2 years, not less than \$500 and not more than \$800.

(2) For 4 years, not less than \$1,000 and not more than \$1,600.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license or a certificate of registration as a shampoo technologist is not renewed, there must be assessed and collected at the time of renewal a penalty of \$50 for a school of cosmetology and \$20 for an establishment for hair braiding, a cosmetological establishment, all persons licensed pursuant to this chapter and persons registered as a shampoo technologist.

4. An application for the renewal of a license or a certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, *advanced esthetician*, electrologist, nail technologist, demonstrator of cosmetics or instructor must be:

(a) Accompanied by two current photographs of the applicant which are 2 by 2 inches and have the name of the applicant written on the back of each photograph; or



(b) If the application for the renewal of the license or certificate of registration, as applicable, is made online, accompanied by a current photograph of the applicant which is 2 by 2 inches and is electronically attached to the application for renewal.

5. Before a person applies for the renewal of a license or certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, *advanced esthetician*, electrologist, nail technologist or demonstrator of cosmetics, the person must complete at least 4 hours of instruction relating to infection control and prevention in a professional course or seminar approved by the Board.

Sec. 38. NRS 644A.525 is hereby amended to read as follows:

644A.525 1. A nail technologist, electrologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, cosmetologist, demonstrator of cosmetics or instructor whose license or certificate of registration, as applicable, has expired may have his or her license or certificate of registration renewed only upon payment of all applicable required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, cosmetologist, demonstrator of cosmetics or instructor who retires from practice for more than 1 year may have his or her license or certificate of registration, as applicable, restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, esthetician, *advanced esthetician*, hair designer, shampoo technologist, hair braider, cosmetologist, demonstrator of cosmetics or instructor who has retired from practice for more than 4 years may have his or her license or certificate of registration, as applicable, restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

Sec. 39. NRS 644A.615 is hereby amended to read as follows:

644A.615 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license or a duplicate of the license in plain view of members of the general public in the principal office or place of business of the holder.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed or registered, as applicable, nail technologists, electrologists, estheticians, *advanced estheticians*, hair designers, shampoo technologists, hair braiders, demonstrators of cosmetics and cosmetologists at the establishment to provide services relating



1 to the practice of cosmetology. This subsection does not prohibit an
2 operator of a cosmetological establishment from:

3 (a) Leasing space to or employing a barber. Such a barber
4 remains under the jurisdiction of the State Barbers' Health and
5 Sanitation Board and remains subject to the laws and regulations of
6 this State applicable to his or her business or profession.

7 (b) Leasing space to any other professional, including, without
8 limitation, a provider of health care pursuant to subsection 3. Each
9 such professional remains under the jurisdiction of the regulatory
10 body which governs his or her business or profession and remains
11 subject to the laws and regulations of this State applicable to such
12 business or profession.

13 3. The operator of a cosmetological establishment may lease
14 space at the cosmetological establishment to a provider of health
15 care for the purpose of providing health care within the scope of his
16 or her practice. The provider of health care shall not use the leased
17 space to provide such health care at the same time a cosmetologist
18 uses that space to engage in the practice of cosmetology. A provider
19 of health care who leases space at a cosmetological establishment
20 pursuant to this subsection remains under the jurisdiction of the
21 regulatory body which governs his or her business or profession and
22 remains subject to the laws and regulations of this State applicable
23 to such business or profession.

24 4. As used in this section:

25 (a) "Provider of health care" means a person who is licensed,
26 certified or otherwise authorized by the law of this State to
27 administer health care in the ordinary course of business or practice
28 of a profession.

29 (b) "Space" includes, without limitation, a separate room in the
30 cosmetological establishment.

31 **Sec. 40.** NRS 644A.620 is hereby amended to read as follows:

32 644A.620 Cosmetology and threading may be practiced in a
33 cosmetological establishment by licensed or registered, as
34 applicable, cosmetologists, estheticians, *advanced estheticians*,
35 electrologists, hair designers, shampoo technologists, hair braiders,
36 demonstrators of cosmetics, nail technologists and natural persons
37 who engage in the practice of threading, as appropriate, who are:

38 1. Employees of the owner of the enterprise; or

39 2. Lessees of space from the owner of the enterprise.

40 **Sec. 41.** NRS 644A.625 is hereby amended to read as follows:

41 644A.625 1. A cosmetological establishment must, at all
42 times, be under the immediate supervision of a person who is
43 licensed in the branch of cosmetology or a combination of branches
44 of cosmetology of any service relating to the practice of



1 cosmetology provided at the cosmetological establishment at the
2 time the service is provided.

3 2. If the operator of a cosmetological establishment leases
4 space to a licensed or registered, as applicable, nail technologist,
5 electrologist, esthetician, *advanced esthetician*, hair designer,
6 shampoo technologist, hair braider, demonstrator of cosmetics or
7 cosmetologist pursuant to NRS 644A.615, the lessee must provide
8 supervision for that branch of cosmetology in the manner required
9 by subsection 1.

10 **Sec. 42.** NRS 644A.745 is hereby amended to read as follows:

11 644A.745 A student enrolled as a cosmetologist, esthetician,
12 *advanced esthetician*, electrologist, hair designer or nail
13 technologist must receive a minimum of 10 percent of the total
14 hours of instruction in the classroom before commencing work on
15 members of the public.

16 **Sec. 43.** NRS 644A.850 is hereby amended to read as follows:

17 644A.850 1. The following are grounds for disciplinary
18 action by the Board:

19 (a) Failure of an owner of an establishment for hair braiding, a
20 cosmetological establishment, a licensed or registered, as applicable,
21 esthetician, *advanced esthetician*, cosmetologist, hair designer,
22 shampoo technologist, hair braider, electrologist, instructor, nail
23 technologist, demonstrator of cosmetics, makeup artist or school of
24 cosmetology to comply with the requirements of this chapter or the
25 applicable regulations adopted by the Board.

26 (b) Failure of a cosmetologist's apprentice, electrologist's
27 apprentice, esthetician's apprentice, hair designer's apprentice or
28 nail technologist's apprentice to comply with the requirements of
29 this chapter or the applicable regulations adopted by the Board.

30 (c) Obtaining practice in cosmetology or any branch thereof, for
31 money or any thing of value, by fraudulent misrepresentation.

32 (d) Gross malpractice.

33 (e) Continued practice by a person knowingly having an
34 infectious or contagious disease.

35 (f) Drunkenness or the use or possession, or both, of a controlled
36 substance or dangerous drug without a prescription, while engaged
37 in the practice of cosmetology.

38 (g) Advertising in violation of any of the provisions of NRS
39 644A.800 or 644A.935.

40 (h) Permitting a license or certificate of registration to be used
41 where the holder thereof is not personally, actively and continuously
42 engaged in business.

43 (i) Failure to display the license or certificate of registration or a
44 duplicate of the license or certificate of registration as provided in
45 NRS 644A.530, 644A.535, 644A.615, 644A.665 and 644A.710.



(j) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(k) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(l) Engaging in prostitution or solicitation for prostitution in violation of NRS 201.354 by the owner of a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

(m) Failure to comply with the provisions of NRS 454.217 or 629.086.

(n) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed \$2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 44. NRS 644A.860 is hereby amended to read as follows:

644A.860 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been issued a license or been registered pursuant to NRS 644A.300 to 644A.535, inclusive, *and sections 19, 20 and 21 of this act*, the Board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the license or registration stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or registration issued pursuant to NRS 644A.300 to 644A.535, inclusive, *and sections 19, 20 and 21 of this act* that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to



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

5 **Sec. 45.** 1. Notwithstanding the amendatory provisions of
6 this act, the Board may issue a license as an advanced esthetician to
7 an applicant, without regard to whether the applicant meets the
8 requirements set forth in the amendatory provisions of this act, if the
9 applicant:

10 (a) Holds a current license as an esthetician issued by the Board
11 on or before October 1, 2023;

12 (b) Applies to the Board for a license as an advanced esthetician
13 on or before October 1, 2023; and

14 (c) Satisfies at least one of the following requirements:

15 (1) Has continuously held a license as an instructor of
16 estheticians issued by the Board for not less than 3 years
17 immediately preceding the submission of the application for a
18 license; or

19 (2) Has completed:

20 (I) At least 7 hours of training in the theory and
21 application of medium-depth chemical peels or at least 35 hours of
22 practical experience in providing medium-depth chemical peels
23 under the delegation or supervision of a health care professional or
24 other licensed professional whose licensure permits such delegation
25 or supervision; and

26 (II) At least 75 hours of training in the operation of lasers
27 for medical or esthetic purposes or at least 150 hours of practical
28 experience as an operator of lasers for medical or esthetic purposes
29 under the delegation or supervision of a health care professional or
30 other licensed professional whose licensure permits such delegation
31 or supervision.

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

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

35 (b) The fee for the initial issuance of a license as an advanced
36 esthetician set forth in NRS 644A.490, as amended by section 34 of
37 this act;

38 (c) Proof satisfactory to the Board that the applicant satisfies the
39 requirements for licensure set forth in subsection 1; and

40 (d) Any other information requested by the Board.

41 3. A license issued by the Board pursuant to subsection 1 shall
42 be deemed to be a license as an advanced esthetician issued by the
43 Board pursuant to NRS 644A.490, as amended by section 34 of this
44 act.

45 4. As used in this section:



(a) "Advanced esthetician" has the meaning ascribed to it in section 7 of this act.

(b) "Board" means the State Board of Cosmetology.

(c) "Esthetics" has the meaning ascribed to it in NRS 644A.075.

(d) "Health care professional" has the meaning ascribed to it in NRS 453C.030.

(e) "Medium-depth chemical peel" has the meaning ascribed to it in section 15 of this act.

Sec. 46. 1. Notwithstanding the amendatory provisions of this act, the Board shall issue a license as an instructor of advanced estheticians to an applicant, without regard to whether the applicant meets the requirements set forth in the amendatory provisions of this act, if the applicant:

(a) Holds a current license as an instructor of cosmetology or an instructor of estheticians on or before October 1, 2023;

(b) Applies to the Board for a license as an instructor of advanced estheticians on or before October 1, 2023; and

(c) Has completed at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. Such continuing education must be related to advanced esthetics.

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

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

(b) Proof satisfactory to the Board that the applicant satisfies the requirements set forth in subsection 1; and

(c) Any other information requested by the Board.

3. A license issued by the Board pursuant to subsection 1 shall be deemed to be a license as an instructor of advanced estheticians.

4. As used in this section:

(a) "Advanced esthetician" has the meaning ascribed to it in section 7 of this act.

(b) "Advanced esthetics" has the meaning ascribed to it in section 8 of this act.

(c) "Board" means the State Board of Cosmetology.

Sec. 47. 1. This act becomes effective on January 1, 2022.

2. Section 44 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:



- 1 (a) Have failed to comply with a subpoena or warrant relating to
2 a proceeding to determine the paternity of a child or to establish or
3 enforce an obligation for the support of a child; or
4 (b) Are in arrears in the payment for the support of one or more
5 children,
6 ↪ are repealed by the Congress of the United States.

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