

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

**Eighty-First Session
May 28, 2021**

The Committee on Commerce and Labor was called to order by Chair Sandra Jauregui at 6:44 p.m. on Friday, May 28, 2021, Online and in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sandra Jauregui, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Susie Martinez
Assemblywoman Elaine Marzola
Assemblyman P.K. O'Neill
Assemblywoman Jill Tolles

COMMITTEE MEMBERS ABSENT:

Assemblyman Jason Frierson (excused)

GUEST LEGISLATORS PRESENT:

Senator Roberta Lange, Senate District No. 7

STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Sam Quast, Committee Counsel
Terri McBride, Committee Manager
Paris Smallwood, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

Gary K. Landry, Executive Director, State Board of Cosmetology
Matt Brinton, CEO, National Institute of Modern Aesthetics
Sandy O'Laughlin, Commissioner, Division of Financial Institutions, Department of
Business and Industry

Chair Jauregui:

[Roll was called.] Committee members, welcome to the evening edition of the Assembly Committee on Commerce and Labor. We have a very short agenda today, just two bill hearings and then we are going to move into a work session. I think everyone is familiar with our housekeeping items, so I do not want to waste time and would like to get started on our agenda. For those who are here, I do want to make note that we are removing Senate Bill 205 (2nd Reprint) from the agenda.

Senate Bill 205 (2nd Reprint): Provides regulatory exemptions for certain types of boilers. (BDR 40-839)

[Senate Bill 205 (2nd Reprint) was agendized but not heard.]

[Exhibit C, Exhibit D, and Exhibit E were submitted but not discussed and will become part of the record.]

Chair Jauregui:

We will go ahead and take the other two bills in order. At this time, I would like to open the hearing on Senate Bill 291 (3rd Reprint), which revises provisions relating to cosmetology. Senator Lange, welcome and when you are ready, the floor is yours.

Senate Bill 291 (3rd Reprint): Revises provisions relating to cosmetology. (BDR 54-997)

Senator Roberta Lange, Senate District No. 7:

I am here to talk to you tonight about Senate Bill 291 (3rd Reprint), a bill that seeks to expand the practice of cosmetology by including the practice of advanced esthetics. On Zoom is Gary Landry. He is the executive director of the State Board of Cosmetology and will answer any questions. Chair Jauregui, with your permission, when I am finished presenting, if I could head back to the Senate Committee on Education where we are doing a work session.

Chair Jauregui:

Yes, Senator Lange, that would be fine.

Senator Lange:

Ms. Jeanette Belz is here to answer any questions in my absence. The esthetics industry is swiftly evolving with technology advances such as cosmetic lasers and medical light-based devices taking skin care and anti-aging to the next level. However, many of the newest innovations in skin care do not fall under the scope of practice of the current Nevada esthetics license. These new procedures use state-of-the-art technology, and the inability to license these procedures poses a problem for spas that want to offer these services for estheticians who want to perform them. According to the Associated Skin Care Professionals, there are approximately 183,000 estheticians licensed in the United States. In addition, the Bureau of Labor Statistics in the U.S. Department of Labor expects that between 2019 and 2029, the number of skin care specialists licensed in the United States will increase by a full 17 percent just to keep pace with the growing demand for esthetic services.

All states require estheticians to complete some type of education or training before they can qualify for licensure. A few jurisdictions—the states of Washington, Utah, and Virginia, and Washington, D.C.—currently recognize a two-tiered esthetician license with additional training and education. A master esthetics program or apprenticeship is required to become a licensed master esthetician. The most typical route to achieving the required education is through a formal esthetics program within an esthetic school of cosmetology.

I will go through the sections of the bill quickly. I will begin with section 25.5, which expands the definition of esthetician to include the practice of advanced esthetics. Section 19 prohibits an esthetician from engaging in the practice of advanced esthetics unless the esthetician obtains an endorsement to his or her license to engage in the practice of advanced esthetics. Sections 19, 20, 20.5, and 45 set forth procedures for examination and obtaining the issuance of an endorsement to practice advanced esthetics.

Section 22 authorizes an esthetician to practice advanced esthetics and nonablative esthetic medical procedures under certain circumstances and under the supervision of a health care professional. This section also prohibits these professionals from performing any ablative esthetic medical procedures. Section 23 requires the State Board of Cosmetology to adopt regulations prescribing a curriculum for course study in advanced esthetics and outline certain subjects that must be included in the instruction of advanced esthetics. Section 25 provides that certain licensed medical professionals authorized to practice in their respective professions who engage in the practice of advanced esthetics are exempt from the requirements of this bill. Finally, section 39 requires a licensed cosmetology establishment to display, in plain view, a sign stating that the establishment is not a medical facility. Section 43 provides that failure to display such signs is grounds for a disciplinary action from the Board.

In closing, I might just let you know that the bill was amended because there was concern from doctors that some might think people doing advanced esthetics are physicians. That is why at their facility they have to say that this is not a medical facility. There was also concern about the deep tissue procedures. Doctors felt that going into the second level of

tissue was a concern and those should be done in the doctor's office; that is why that was removed from the bill. With that, I am happy to answer any questions, and thank you so much.

[A section-by-section bill summary was also submitted, [Exhibit F.](#)]

Chair Jauregui:

Was Mr. Landry here just for questions and answers, or is he giving remarks as well?

Senator Lange:

He is here just for questions and answers.

Chair Jauregui:

Okay. I do have a couple of questions, but I am going to go to the members first to see if there are any questions from the members.

Assemblyman Flores:

I did have an opportunity to speak with some of the stakeholders, and they did a great job giving me a breakdown of the bill. Could you provide an example of a scenario we have seen where unfortunately, because of lack of adequate training, there may have been somebody who was injured, so we understand the severity of not having that second-tier expertise that we are trying to get to now?

Senator Lange:

I think the reason we need the advanced esthetician license is because frankly, estheticians are doing these practices all around Nevada and all around the Las Vegas Strip. They have no oversight on what they are doing. Having an advanced esthetician license provides oversight so that these estheticians who are doing this work will now be governed by the State Board of Cosmetology and have some accountability for what they are doing. Did you want a specific example? I could ask Mr. Landry.

Assemblyman Flores:

Yes, and I understand that. It makes sense; you want to create uniformity across the state and put it in the hands of the correct folk to do that. I am curious to know if there is also an element of concern because we have seen folks who do not have that added layer of training and have unfortunately made mistakes, and we have seen folks come out injured. I do not know a lot about this area, but I am curious to know.

Gary K. Landry, Executive Director, State Board of Cosmetology:

There have been several cases that have come up, and they involve estheticians not practicing in an esthetics office, practicing outside of an esthetics office, always doing things that they should not be doing, and people got hurt. The thing that this bill will do is, it will allow us to go in and inspect to make sure they are doing things the right way and doing them without

harming people. The people who got harmed had burned skin, they had scraped skin, they had things that were beyond the scope of what the estheticians currently do. That is why we need to have this advanced bill to have them be taught the proper procedures in their practice.

Assemblywoman Duran:

Is an advanced esthetician going to be able to—or are the classes going to be on microblading and all that stuff that she has to take?

Senator Lange:

The Cosmetology Board will work to create the curriculum, and they will get training. The bill has a list of six kinds of treatments they will do, and the curriculum will relate to those things.

Assemblywoman Duran:

I know there are some people who specialize in the eyebrows or different things. If they wanted to expand that or just stay to that specialty, are they still having to take these classes that are going to be offered?

Gary Landry:

The curriculum would be only for the advanced esthetics courses. The things that estheticians get taught in their regular courses would include eyebrows and eyelashes and that type of thing. They are already trained for that. This would be for things like hydrotherapy, extraction, exfoliation, esthetic medical procedures, and things like that. Those are some of the things they would be taught. That is the reason why they need this advanced course.

Assemblyman O'Neill:

If I understand correctly, you first must become an esthetician, and that is a supervised license by the State Board of Cosmetology. Then you go back to school; you do 600 hours. Then you go back to school for another 400 hours for training. Then you come out and you still have some supervision or several hundred hours to complete before you can be accredited as an advanced esthetician. My question is, if the State Board of Cosmetology is already supervising these people and they are already licensed by the State Board of Cosmetology, why do we have to charge an additional fee when they are already under supervision? I do not see what is different. They are already being supervised and controlled; the Board has the ability to regulate them. Why the additional fee?

Senator Lange:

If you look in the bill in section 19, subsection 4, paragraph (a), it states "The person has completed at least 900 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board" Then in section 19, subsection 4, paragraph (b), it states, "The person is a licensed esthetician and has additionally completed at least 300 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board" I am going to let Mr. Landry speak to the cost and the oversight.

Gary Landry:

To let everyone know, as Senator Lange identified, you can go in and get an advanced esthetician degree first off for 900 hours. If you are already an esthetician and you are not sure that you want to get an advanced esthetician, then you go back for an additional 300 hours and that is what you would do. The cost is going to be relative to the number of hours. The 900-hour program will probably be in the order of \$12,000 to \$15,000. The 600-hour course is probably in the range of \$8,000 to \$10,000.

Assemblyman O'Neill:

The person who wants to be a master or advanced esthetician, they do not have to get an esthetician license. Is that what I hear you saying?

Gary Landry:

Correct. They do not have to get an esthetician license; they can just get the master esthetician or advanced esthetician license right off the bat.

Assemblyman O'Neill:

Is the fee for the master esthetician, for that licensing, the same as the esthetician's?

Gary Landry:

No. The esthetician license would be 600 hours, and advanced esthetician is 900 hours.

Assemblyman O'Neill:

No, the fee, sir, not the hours of training—the fee to get the license.

Gary Landry:

It is the same exact fee, \$35 per year.

Assemblyman O'Neill:

If I am already an esthetician and I want to become a master, do I have to get a new license?

Gary Landry:

You would have to get an additional license and an additional 300 hours of training. You would have to do that in order to get your advanced esthetician degree.

Assemblyman O'Neill:

I understand the hours and the training; I am just looking at the licensing fee. If I am already licensed, why do I need to license again?

Gary Landry:

You would have to because you are getting a new license. You would not have to get an esthetician license renewed; you would just get a new license as an advanced esthetician.

Chair Jauregui:

Are there any other questions from members? [There were none.] I do have a couple of questions. Senator Lange, during your testimony you touched on endorsements. I believe you had sent over an amendment that you then pulled and said we were going to work off the third reprint. However, you mentioned the endorsement section, which was included in the amendment but not in this third reprint. Are you bringing forth an amendment?

Senator Lange:

No, we are not. I am hoping I did not misspeak, because the new license is like an endorsement on their current license. This is it. If you look in the bill in section 20, it states, "The examination for a license as an advanced esthetician may include." I think that is what I was talking about. When you have taken your test, you get an endorsement to move on to your new license. I am told I have the wrong copy of the bill. I apologize. The endorsement is not in there any longer.

Assemblywoman Considine:

I am just wondering how many estheticians there are currently practicing in Nevada. If this goes into law, how many schools are there in Nevada for all of these folks who need to get their license? What is the availability for this?

Senator Lange:

There is availability. Currently, places that are offering esthetician licenses are looking at expanding, should this bill pass. I think there are several. Mr. Landry, could you speak to the specifics?

Gary Landry:

There are currently 14 schools in the state of Nevada teaching cosmetology and all the different subcategories, esthetics being one of them. Those schools would then be going forward to learn the advanced esthetician courses to be able to teach them. We think there are probably going to be anywhere from 7 to 12 schools that will teach advanced estheticians. Right now, I do not know the exact number of licensed estheticians. I think it is around 5,000, but I will check and see and get the revised number out to the Committee.

Chair Jauregui:

Members, this is the last call for questions. At this time, I would like to move into the support portion of the testimony. Is there anyone here in support in Carson City? [There was no one.] Is there anyone on Zoom? [There was no one.] Could we check the telephone line?

Matt Brinton, CEO, National Institute of Modern Aesthetics:

We want to thank Senator Lange for bringing this bill forward and the State Board of Cosmetology for working with us on it. The National Institute of Modern Aesthetics is in full support of S.B. 291 (R3) and the creation of an advanced esthetic license. We know that estheticians in Nevada also support this legislation and there are lengthy waitlists at the schools waiting for this legislation to pass. There is a lot to say, but my time is short, so I will be brief and highlight the two biggest benefits of this legislation: consumer safety and

the creation of new and higher-paying jobs. This legislation addresses consumer safety because it will finally require education and training for the providers of advanced esthetic services. Surprisingly, these services are currently unregulated in Nevada. Trained practitioners will provide consumers safer and more effective treatment. Second, this bill will create more stable and higher-paying jobs, particularly for women who make up the vast majority of cosmetology and esthetic services providers. Consumer safety and jobs creation are two benefits I know we want for Nevada, so please support S.B. 291 (R3).

Chair Jauregui:

Can I have the next caller? [There was no one.] Is there anyone in Carson City wishing to testify in opposition? [There was no one.] Seeing no one on Zoom, can we go to the telephone line please? [There was no one.] Is there anyone in Carson City for neutral? [There was no one.] Seeing no one on Zoom, could we check the phone lines? [There was no one.]

I know we have lost Senator Lange but, Mr. Landry, we do have a question for you during closing remarks from Vice Chair Carlton.

Assemblywoman Carlton:

Mr. Landry, it is nice to see you again. I am trying to remember the scope of practice with the original esthetician license, and now we are talking about a masters. I would really like to understand what types of procedures we are talking about. I know there have been concerns that some of these come pretty close to medical procedures, and you and I had this conversation years ago. We worked on a number of different issues in the past. We have had all different types of conversations. A decade ago, we even had an interim committee on some of these issues. I am concerned about where the actual scope of practice lies when you become the master. What types of things will they be able to do?

Gary Landry:

The things that you would be able to do once you got the advanced esthetician license would be exfoliation, which is using a scalpel to remove hair particles; microdermabrasion, which is an aggressive abrasion of the skin; microneedling, taking small needles and scraping across the skin—I do not know why these things come up but these are things that they are wanting to do; dermaplaning, that is taking a scalpel and running it against the skin; extraction, using needles and tools to extract filaments and different things beneath the skin; and hydrotherapy, using water to make the skin look nicer and fresher. Also doing nonablative, esthetic medical procedures. That is using lasers and other high-energy machines to eliminate hair particles. Those are the things that they would be allowed to do. They would not be allowed to do them until they receive the training. Once they receive the training, we are very confident that they would be safe and secure in doing these treatments. But until they receive this advanced training, they should not be doing any of these procedures.

Assemblywoman Carlton:

Mr. Landry, the one that piqued my interest was being able to break the skin with a needle. That has seemed to be the line in the sand a number of times. The needling, whether it is dry needling or the microdermabrasion, is one thing. When they break the skin with a needle, will they be extracting anything? I understand the scalpel part and the exfoliation, but when we start allowing folks at this level of education—and nothing against that—when they start putting needles into people, that is where the "one needle, one patient, one use" rule comes in. We have had issues with that in the state before; we start crossing over into medical procedures, and that is where the line in the sand has been crossed in the past. I just want to make sure I understand: If they are inserting a needle into a patient, what are they inserting it for?

Gary Landry:

They are typically inserting it in order to remove hair follicles. It is only to go just beneath the surface of the skin; it is not to go below the surface. It is just at the surface of the skin to remove it. They are not actually puncturing the surface of the skin, they just use the needle to go in and lift the hair follicle out.

Assemblywoman Carlton:

Is any blood drawn at all? Are there any blood-borne pathogens involved in any of these procedures?

Gary Landry:

There are not. If the processes are done correctly, there are no blood-borne pathogens that would be in the procedures.

Assemblywoman Carlton:

I think that makes the record a little clearer. I still have some concerns. When my dermatologist comes at me to take the little nooks and crannies off my nose and ears and chin, he uses a scalpel. I am a little concerned about that, but hearing that there is actually no blood extraction involved in this makes me a little more comfortable.

Chair Jauregui:

I just want to follow up on Vice Chair Carlton's question. I am sorry we did not ask this earlier, Mr. Landry, during the presentation portion: Are they not already licensed to do hydrotherapy, dermaplaning, or vampire facials?

Gary Landry:

They are not. That is not part of their curriculum and training now. The six different techniques that we are talking about would be in addition to the basic training that they get. Most of the training that they get now is based on using tools to put eyelashes and eyebrows on, and also doing things to work the skin, face, and the body. Those things are all being taught, but these advanced techniques that we are talking about—the dermaplaning, the microneedling, the lasers to remove hair—those are not being taught now and they should not be used by any esthetician now. The problem is there are some estheticians doing that

because they received training from an equipment manufacturer. They should not be doing those techniques in the salons now because they do not have the certification from us that they know how to do the procedures.

Chair Jauregui:

Currently, you do not have to have a license to perform those procedures. Is that correct?

Gary Landry:

Correct. They are not regulated by us. This would put them as a regulated practice under esthetics.

Chair Jauregui:

Okay, that answered my question. Do you have any closing remarks, Mr. Landry?

Gary Landry:

I just want to tell you that the Board is fully supportive of this bill and would like to see it go through because we run into an increasing number of problems with people practicing advanced esthetics who do not have the proper training to do that.

Chair Jauregui:

With that, I will close the hearing on Senate Bill 291 (3rd Reprint). Members, the next bill on our agenda is Senate Bill 453. We have Ms. Sandy O'Laughlin here to present the bill. I will now open the hearing on Senate Bill 453, which revises provisions relating to certain persons licensed or certified by the Division of Financial Institutions.

Senate Bill 453: Revises provisions relating to certain persons licensed or certified by the Division of Financial Institutions of the Department of Business and Industry or the Commissioner of Financial Institutions. (BDR 55-1095)

Sandy O'Laughlin, Commissioner, Division of Financial Institutions, Department of Business and Industry:

I am here today to walk you through Senate Bill 453, which revises various provisions of existing law concerning the issuance and renewal of licenses and certificates by the Division of Financial Institutions, Department of Business and Industry. Senate Bill 453 authorizes such licenses and certificates to be used and renewed through the Nationwide Multistate Licensing System and Registry (NMLS). This system is currently being utilized by participating state agencies across the nation, created and operated by the Conference of State Bank Supervisors.

The Division of Financial Institutions (FID) is currently operating on an outdated licensing system that we have used since February 2010, and it needs to be replaced soon. Nationwide Multistate Licensing System and Registry is an updated system that will replace the current system and streamline the initial and renewal license process for applicants, licensees, and FID. There is similar language throughout the bill as it amends the language of eight different chapters of the *Nevada Revised Statutes* (NRS) under FID's jurisdiction.

Sections 2 through 9 cover NRS Chapter 671, Issuers of Instruments for Transmission or Payment of Money, better known as money transmitters. Sections 10 through 19 cover NRS Chapter 675, the Nevada Installment Loans and Finance Act. Sections 20 through 32 cover NRS Chapter 676A, the Uniform Debt-Management Services Act. Sections 33 through 51 cover NRS Chapter 604A, Deferred Deposit Loans, High-Interest Loans, Title Loans and Check-Cashing Services. Deferred deposit loans are better known as payday loans. Sections 52 through 61 cover NRS Chapter 604C, Consumer Litigation Funding. Sections 62 through 65 cover NRS Chapter 628B, Private Professional Guardians. Sections 66 through 77 cover NRS Chapter 645G, Exchange Facilitators. Sections 78 through 90 cover NRS Chapter 649, Collection Agencies. Sections 91 and 92 outline the effective timelines upon passage of the bill.

The sections in the bill provide for the same requirements and authorization for each different chapter, which includes, in summary: authorizes FID to participate in NMLS; provides for certain actions FID may take concerning participation in NMLS; authorizes FID and NMLS to collect certain information and fees through the system, authorizes FID to continue its current practices of obtaining fingerprint cards to submit to the Federal Bureau of Investigation for purposes of background checks by way of NMLS instead of submitting directly to FID; requires certain persons to submit fingerprint cards; provides that FID may share information with other states through the NMLS system and authorizes FID to enter into agreements with other governmental agencies and the Conference of State Bank Supervisors. The bill requires each licensee to register and maintain a unique identifier with NMLS; revises the renewal dates to align with the NMLS system, which will benefit a licensee who is licensed in multiple states because they will now have the option to renew in all states they hold licenses in at the same time; provides for the renewal and reinstatement periods; and provides the annual report to the commissioner to be submitted through NMLS instead of directly to FID.

This concludes my testimony. I thank you for your time, and I am open to answer any questions the Committee members may have.

Chair Jauregui:

Committee members, are there any questions for our presenter?

Assemblywoman Kasama:

Can you help me with a big overview? It sounds like you are trying to move from one system to the other, is that correct? Is that the main gist of this, to move from the FID system to the NMLS?

Sandy O'Laughlin:

Yes. We currently use VERSA Regulation software, and we need to move away from VERSA; we want to use the NMLS.

Assemblywoman Kasama:

What is the short answer for why you need to move from one system to the other? Is it just upgraded technology?

Sandy O'Laughlin:

We have a very old application right now through VERSA. It is outdated and we need to have an updated system.

Assemblywoman Kasama:

The requirements for licensing are not changing. It is really just changing the systems and then conforming language in the various sections. Would that be correct?

Sandy O'Laughlin:

That is correct. We are not changing anything in licensing other than the system and the time period. Right now, it goes through June and I think there are some different dates, but this will all be on the same date at this point if this bill goes through.

Chair Jauregui:

Members, are there any other questions? [There were none.] At this time, I am going to move into the testimony portion of the bill hearing. Is there anyone in Carson City for support? [There was no one.] Seeing no one on Zoom, can we check the telephone line? [There was no one.] Seeing no one here in Carson City in opposition and no one on Zoom, can we go to the telephone line? [There was no one.] Seeing no one here in Carson City in neutral and no one on Zoom, can we go to the phone line? [There was no one.]

Ms. O'Laughlin, did you want to give closing remarks?

Sandy O'Laughlin:

I do not have any closing remarks.

[[Exhibit G](#) was submitted but not discussed and will become part of the record.]

Chair Jauregui:

Okay, I will now close the hearing on Senate Bill 453. Members, I am going to move us into the work session portion of our bill hearing. We have three bills agendized for work session, but we might consider other matters previously discussed as well. I am going to hand it over to Ms. Paslov-Thomas. Members, you should have received the work session document earlier today. It is also available on the Nevada Electronic Legislative Information System for you. Ms. Paslov-Thomas, do you want to start us off with Senate Bill 55 (1st Reprint)?

Senate Bill 55 (1st Reprint): Revises provisions governing the licensing and regulation of employee leasing companies. (BDR 53-317)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Senate Bill 55 (1st Reprint) revises provisions governing the licensing and regulation of employee leasing companies [Ms. Paslov-Thomas read from [Exhibit H](#)]. It was sponsored by the Senate Committee on Commerce and Labor on behalf of the Division of Industrial Relations of the Department of Business and Industry, and it was heard on May 24, 2021. Senate Bill 55 (1st Reprint) transfers the duties of the licensure and certain regulation of employee leasing companies from the administrator of the Division of Industrial Relations of the Department of Business and Industry to the Labor Commissioner. The bill also replaces the defined term "employee leasing company" with the term "professional employer organization" and includes within the definition of "professional employer organization" and "client company" certain labor compliance services which a professional organization may provide. The bill authorizes the Labor Commissioner to adopt regulations governing professional employer organizations and to impose an administrative fine on a licensee for a violation of certain statutory provisions. There are no proposed amendments.

Chair Jauregui:

Members, are there any questions on Senate Bill 55 (1st Reprint) that is before you? [There were none.] With that, I will entertain a motion to do pass on Senate Bill 55 (1st Reprint).

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
SENATE BILL 55 (1ST REPRINT).

ASSEMBLYMAN FLORES SECONDED THE MOTION.

Is that any discussion on the motion before you? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DICKMAN VOTED NO.
ASSEMBLYMAN FRIERSON WAS ABSENT FOR THE VOTE.)

I will assign that floor statement to Assemblywoman Tolles. Next, I will ask Ms. Paslov-Thomas to walk us through Senate Bill 325 (1st Reprint). I see that our bill sponsor is here for members who have questions.

Senate Bill 325 (1st Reprint): Establishes provisions relating to preventing the acquisition of human immunodeficiency virus. (BDR 54-632)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Senate Bill 325 (1st Reprint) establishes provisions relating to preventing the acquisition of human immunodeficiency virus [Ms. Paslov-Thomas read from [Exhibit I](#)]. It is sponsored by Senator Settlemeyer and was heard on May 27, 2021. Senate Bill 325 (1st Reprint) requires the State Board of Pharmacy to prescribe a protocol to allow a pharmacist to:

1. Order laboratory tests necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus (HIV);
2. Conduct tests necessary for such therapy; and
3. Prescribe and dispense such drugs without a prescription from a health care practitioner.

Pharmacists who are covered by sufficient liability coverage, as defined by regulations adopted by the Board, are authorized to take the actions authorized by the protocol.

In addition, the bill requires public and private health insurance plans to cover HIV prevention drugs and related laboratory and diagnostic procedures and to reimburse pharmacists for these services at a rate equal to similar services provided by physicians, physician assistants, or advanced practice registered nurses. Health insurers may not require prior authorization or step therapy for a prescription drug to prevent HIV, and the Commissioner of Insurance of the Division of Insurance of the Department of Business and Industry may take certain action, including suspending or revoking the certificate of health insurers who fail to comply with the requirements of the bill.

Elizabeth MacMenamin, Vice President of Government Affairs, Retail Association of Nevada, proposes the following amendments:

1. Amend section 1 of the bill to authorize a pharmacist who meets the requirements prescribed by the Board pursuant to subsection 2 to administer, as well as prescribe and dispense, a drug described in subsection 1(a).
2. Amend section 2 of the bill to add the administration of drugs for preventing the acquisition of HIV to the actions including within the definition of "practice of pharmacy" specified in subsection 1(j).
3. Amend subsection 1(a) of section 10 to specify that the coverage that is required to be provided in a policy of health insurance for drugs approved by the United States Food and Drug Administration for preventing the acquisition of HIV may be subject to reasonable medical management techniques. Amend sections 12, 13, 15, 16, 17, and 20 of the bill to make similar changes to the coverage required to be provided by those sections.
4. Delete the provisions of sections 8, 10, 12, 13, 15, 16, 17, and 20 of the bill, which prohibit an insurer from requiring an insured to undergo step therapy or receive prior authorization for the benefits relating to drugs for preventing the acquisition of HIV.

Chair Jauregui:

Members, are there any questions on the bill or the amendments in front of you? [There were none.] I would look for a motion to amend and do pass Senate Bill 325 (1st Reprint).

ASSEMBLYWOMAN CARLTON MADE A MOTION TO AMEND AND
DO PASS SENATE BILL 325 (1ST REPRINT).

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

Is there any discussion on the motion before you? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT
FOR THE VOTE.)

I will take that floor statement. Members, next we have Senate Bill 340 (2nd Reprint) and I do see that our bill sponsor has joined us. If you have questions, they are here as well. Ms. Paslov-Thomas, would you walk us through Senate Bill 340 (2nd Reprint)?

Senate Bill 340 (2nd Reprint): Revises provision relating to the wages and working conditions of certain employees. (BDR 53-573)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Senate Bill 340 (2nd Reprint) revises provision relating to the wages and working conditions of certain employees [Ms. Paslov-Thomas read from Exhibit J]. It is sponsored by Senators Neal and Donate and was heard on May 27, 2021. Senate Bill 340 (2nd Reprint), as amended, authorizes the Director of the Department of Health and Human Services to establish a home care employment standards board to investigate and develop recommendations regarding certain matters related to the wages and working conditions of home care employees. The Director must establish such a board upon the petition of 50 or more home care employees. If such a board is established, the Director and the Labor Commissioner of the Department of Business and Industry must conduct a preliminary investigation into certain matters relating to the employment of home care employees and present their findings at the first meeting of the board.

The bill requires a home care employment standards board to conduct an investigation into matters relating to the wages and working conditions of home care employees and to develop recommendations regarding the minimum wage that may be paid to a home care employee or recommendations regarding safe and healthful working conditions for home care employees. If the Director approves a recommendation, the Director is required to adopt regulations necessary to establish the minimum wage that may be paid to a home care employee or to provide for safe and healthful working conditions for home care employees. The bill provides for the administration and enforcement of the provisions governing the minimum wage for home care employees in the same manner as the minimum wage for employees established under existing law. Finally, the bill requires a home care standards

board or the Labor Commissioner to develop recommendations concerning certain matters relating to the coronavirus disease of 2019 and report such recommendations to the Governor and the Legislature. There are no proposed amendments.

Chair Jauregui:

Members, are there any questions on the bill before you? [There were none.] I would look for a motion to do pass Senate Bill 340 (2nd Reprint).

ASSEMBLYWOMAN CONSIDINE MADE A MOTION TO DO PASS
SENATE BILL 340 (2ND REPRINT).

ASSEMBLYWOMAN DURAN SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN DICKMAN, HARDY,
KASAMA, O'NEILL, AND TOLLES VOTED NO. ASSEMBLYMAN
FRIERSON WAS ABSENT FOR THE VOTE.)

I will assign that floor statement to Assemblywoman Considine. At this time, I would like to consider the two bills we heard today. I would like to start by considering Senate Bill 291 (3rd Reprint).

Senate Bill 291 (3rd Reprint): **Revises provisions relating to cosmetology.**
(BDR 54-997)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Senate Bill 291 (3rd Reprint) revises provisions relating to cosmetology. It is sponsored by Senator Lange and was heard today, May 28, 2021. There are no proposed amendments.

Chair Jauregui:

Assembly members, are there any questions on the bill before you?

Assemblywoman Carlton:

I think having some of the questions answered and understanding that this might be a practice that is out there right now and someone could possibly get harmed by it, and being able to allow the State Board of Cosmetology to make sure that people are thoroughly trained and licensed, and if there is an incident, there is someone they can go to in case it happens. We heard there are people who are doing it now, so I think it is a good idea to make sure that if a client has an issue, they have someone they can go to in the future. If someone is practicing outside the scope of their license, there needs to be some accountability. When we start scraping things off our skin and piercing the skin for things, I think we want to be very careful to make sure that the sanitation is taken care of and that they are thoroughly trained. I had some questions at the beginning, but I would be in support of the bill.

Assemblywoman Tolles:

Along the lines of Vice Chair Carlton's statement, this is more of a comment. I, too, had a lot of initial questions. I feel more comfortable knowing there was a grandfather clause, that was really important to me, and that there is not another license fee, it just replaces the fee for a standard esthetician and that the exam fee is also standard. I will be a yes out of Committee, but I did have some concerns going in.

Chair Jauregui:

Seeing no other questions, I would look for a motion to do pass Senate Bill 291 (3rd Reprint).

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
SENATE BILL 291 (3RD REPRINT).

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman O'Neill:

I am going to be a no on this. Maybe I misunderstood and I may change, but the way I understand things is they are already licensed, they are just paying for an additional license after paying for all of the training and testing, et cetera. I equated it to when I had my motorcycle: I had a driver's license; I got a motorcycle endorsement and I did not have to pay any additional fee to get that on my driver's license. It is an increased ability in driving on the streets. I will talk with Senator Lange some more about it.

Chair Jauregui:

Assemblyman O'Neill, I do not know if we have Mr. Landry on here. If he is, maybe he wants to step in, but it was my understanding of the bill that it is not an additional license. You have either an esthetician license or an advanced esthetician license. You do not have to have both. It is just one fee.

Assemblyman O'Neill:

That is what I thought, but I was texting someone—

Chair Jauregui:

Maybe we can have our legal counsel, Mr. Quast, clarify. Reading through Senate Bill 291 (3rd Reprint), the language states that it is either an esthetician license or an advanced esthetician license. It is not the requirement to have both.

Sam Quast, Committee Counsel:

That is correct. If you have an advanced esthetician license under this bill, that allows you to practice regular esthetics or advanced esthetics. You would only need one license if you want to do both as an advanced esthetician.

Assemblyman O'Neill:

If you already have the first level, do you also have to pay for the second-level license? That is how I am understanding it.

Sam Quast:

In section 19, there are a number of different ways to go about getting this license. If you are a licensed esthetician, you can get 300 additional hours of training in this advanced esthetician curriculum. That would be one way to go about it. If you were not a licensed esthetician, section 19, subsection 4, sets forth the other requirements so you could complete 900 hours of training. If you were a licensed esthetician and you got the 300 hours of additional training, you would then get a new license as an advanced esthetician and your old license as an esthetician would go away.

Assemblyman O'Neill:

So there would be no additional fee for that second license, correct? Okay, then if I may, I will rescind my statements. Thank you for the education.

Chair Jauregui:

You are welcome, Assemblyman O'Neill. I know we were in the portion of questions on the motion, not questions on the bill. However, I wanted to clear that up for you.

Assemblyman O'Neill:

I have to admit, I really do not understand any of this in the first place. I do not want to go there, so can I just say yes?

Assemblywoman Kasama:

I will be a yes out of Committee. If I have any other concerns, I will just reserve my right.

Chair Jauregui:

Members, is there any other discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DICKMAN VOTED NO.
ASSEMBLYMAN FRIERSON WAS ABSENT FOR THE VOTE.)

I will assign that floor statement to Assemblywoman Martinez. Members, our last item on work session for today is Senate Bill 453.

Senate Bill 453: Revises provisions relating to certain persons licensed or certified by the Division of Financial Institutions of the Department of Business and Industry or the Commissioner of Financial Institutions. (BDR 55-1095)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Senate Bill 453 revises provisions relating to certain persons licensed or certified by the Division of Financial Institutions of the Department of Business and Industry or

the Commissioner of Financial Institutions. The bill was sponsored on behalf of the Office of Finance in the Office of the Governor. It was heard today, May 28, 2021. There are no proposed amendments.

Chair Jauregui:

Members, are there any questions on the bill? [There were none.]

ASSEMBLYMAN O'NEILL MOVED TO DO PASS SENATE BILL 453.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

Are there any questions on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT FOR THE VOTE.)

I will assign that floor statement to Assemblyman O'Neill. Members, it looks like that is our Committee business for today. I do not want to say for session because we do not know if we will be getting any other bills coming from the Senate. Do we have any other comments from the members?

I am sorry, members. Before we do this, we have to go to public comment. Is there anyone in Carson City wishing to give public comment? [There was no one.] Seeing no one on Zoom, can we go to the phone line? [There was no one.] Now I will go to members for comments.

Assemblywoman Carlton:

Because we do not know if we are going to be back in this room again, I have served on the Committee on Commerce and Labor since 1999. I have worked with a lot of really great people, but I have to say that Chair Jauregui has done a fantastic job of stepping in and managing very complicated, very difficult issues across the spectrum from scope of practice, to financial, to real estate, to all of the turf battles that are out there in this building. They all end up in Commerce and Labor. She has done a wonderful job of managing them, and I could not have done that good of a job when I did Commerce and Labor the first time. Believe me, my first time as Chair of Commerce and Labor was a bit of a mess, but it was in the Senate—I hope they are not listening. With that, I just wanted to congratulate her on having a very successful session.

Chair Jauregui:

Thank you, Vice Chair Carlton. I just want to take this point of privilege as the Chair to say thank you to all of the Committee members. I think you all asked fabulous questions during the session. It really helped me from having to ask questions, because most of you asked all of my questions. I appreciated your involvement. I want to thank you all for being such active members of Commerce and Labor. I really want to thank our Committee staff, our Broadcast and Production Services, and Legislative Counsel Bureau (LCB) staff because

although we are the ones on the little screen, they are really the superstars behind the screen who make us look good on the TV and make things look easy. I really want to say thank you again to LCB staff, to Broadcast, to Information Technology Services, and to the amazing staff of Commerce and Labor. Thank you all for a wonderful session.

Vice Chair Carlton stole my thunder because I wanted to talk about how long she had served on this Committee. It was really easy to do my job when I had a Vice Chair who has served on Commerce and Labor for 24 years. Whenever I had a question, I could really lean on her to help me navigate the Commerce and Labor process. If I did a good job and made it look easy, it was because of the people, the staff, and the Vice Chair who helped me through it. Thank you, Assemblywoman Carlton, for your service to this Committee and your service to this state.

With that, Committee members, we are adjourned for today [at 7:37 p.m.].

RESPECTFULLY SUBMITTED:

Paris Smallwood
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated May 26, 2021, submitted by Eric Truskoski, Senior Director of Government and Regulatory Affairs, Bradford White Corporation, in support of Senate Bill 205 (2nd Reprint).

[Exhibit D](#) is a letter dated May 25, 2021, submitted by Allison Maginot, Senior Director, Government Affairs, Air-Conditioning, Heating, and Refrigeration Institute, in support of Senate Bill 205 (2nd Reprint).

[Exhibit E](#) is written testimony dated May 26, 2021, signed by Victoria Carreón, Administrator, Division of Industrial Relations, Department of Business and Industry, regarding Senate Bill 205 (2nd Reprint).

[Exhibit F](#) is a document titled "SB291 Third Reprint - Section by Section Summary," submitted by Senator Roberta Lange, Senate District No. 7, regarding Senate Bill 291 (3rd Reprint).

[Exhibit G](#) is a letter submitted by Receivables Management Association International in support of Senate Bill 453.

[Exhibit H](#) is the Work Session Document for Senate Bill 55 (1st Reprint), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for Senate Bill 325 (1st Reprint), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for Senate Bill 340 (2nd Reprint), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.