

ASSEMBLY BILL NO. 409—ASSEMBLYMEN SEAMAN,
SHELTON, FIORE; HICKEY, MOORE AND NELSON

MARCH 17, 2015

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to cosmetology.
(BDR 54-1050)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to cosmetology; exempting makeup artists from the licensing and regulation provisions governing cosmetology; deleting the requirement for certain applicants for a license to complete a nationally recognized written examination; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from engaging in the practice of cosmetology or any branch of cosmetology unless the person is licensed by the State Board of Cosmetology. (NRS 644.190)

Sections 2-6 and 8 of this bill exempt makeup artists from the licensing and regulation provisions governing cosmetology. **Section 7** of this bill eliminates passing a nationally recognized written examination as a requirement for certain applicants who are licensed in a branch of cosmetology in another state or jurisdiction to obtain a license to practice that branch of cosmetology in this State. Existing law authorizes the Board to issue a limited license to practice cosmetology in a resort hotel and in other types of locations designated by the Board. (NRS 644.315) **Section 9** of this bill repeals that provision authorizing the limited license.

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

Section 1. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. “Makeup artist” means a natural person who:

1. Engages in the practice of makeup artistry; or



1 **2. Instructs other persons in the practice of makeup artistry,**
2 **↪ regardless of whether the person is licensed by the Board in any**
3 **branch of cosmetology.**

4 **Sec. 3. 1. "Makeup artistry" means the practice of applying**
5 **makeup and prosthetics for:**

6 **(a) Theatrical, television, film and other similar productions;**

7 **(b) All aspects of the modeling and fashion industry,**
8 **including, without limitation photography for magazines; and**

9 **(c) Weddings.**

10 **2. The term includes the practice of applying makeup and**
11 **prosthetics at licensed cosmetological establishments and retail**
12 **establishments.**

13 **Sec. 4.** NRS 644.020 is hereby amended to read as follows:

14 644.020 As used in this chapter, unless the context otherwise
15 requires, the words and terms defined in NRS 644.0205 to
16 644.0295, inclusive, **and sections 2 and 3 of this act** have the
17 meanings ascribed to them in those sections.

18 **Sec. 5.** NRS 644.024 is hereby amended to read as follows:

19 644.024 "Cosmetology" includes the occupations of a
20 cosmetologist, aesthetician, electrologist, hair designer, hair braider,
21 demonstrator of cosmetics and nail technologist. **The term does not**
22 **include the occupation of a makeup artist.**

23 **Sec. 6.** NRS 644.190 is hereby amended to read as follows:

24 644.190 1. It is unlawful for any person to conduct or operate
25 a cosmetological establishment, an establishment for hair braiding, a
26 school of cosmetology or any other place of business in which any
27 one or any combination of the occupations of cosmetology are
28 taught or practiced unless the person is licensed in accordance with
29 the provisions of this chapter.

30 2. Except as otherwise provided in subsections 4 and 5, it is
31 unlawful for any person to engage in, or attempt to engage in, the
32 practice of cosmetology or any branch thereof, whether for
33 compensation or otherwise, unless the person is licensed in
34 accordance with the provisions of this chapter.

35 3. This chapter does not prohibit:

36 (a) Any student in any school of cosmetology established
37 pursuant to the provisions of this chapter from engaging, in the
38 school and as a student, in work connected with any branch or any
39 combination of branches of cosmetology in the school.

40 (b) An electrologist's apprentice from participating in a course
41 of practical training and study.

42 (c) A person issued a provisional license as an instructor
43 pursuant to NRS 644.193 from acting as an instructor and accepting
44 compensation therefor while accumulating the hours of training as a
45 teacher required for an instructor's license.



1 (d) The rendering of cosmetological services by a person who is
2 licensed in accordance with the provisions of this chapter, if those
3 services are rendered in connection with photographic services
4 provided by a photographer.

5 (e) A registered cosmetologist's apprentice from engaging in the
6 practice of cosmetology under the immediate supervision of a
7 licensed cosmetologist.

8 *(f) A makeup artist from engaging in the practice of makeup*
9 *artistry for compensation or otherwise in a licensed cosmetological*
10 *establishment.*

11 4. A person employed to render cosmetological services in the
12 course of and incidental to the production of a motion picture,
13 television program, commercial or advertisement is exempt from the
14 licensing requirements of this chapter if he or she renders
15 cosmetological services only to persons who will appear in that
16 motion picture, television program, commercial or advertisement.

17 5. A person practicing hair braiding is exempt from the
18 licensing requirements of this chapter applicable to hair braiding if
19 the hair braiding is practiced on a person who is related within the
20 sixth degree of consanguinity and the person does not accept
21 compensation for the hair braiding.

22 **Sec. 7.** NRS 644.310 is hereby amended to read as follows:

23 644.310 Except as otherwise provided in NRS 644.209, upon
24 application to the Board, accompanied by a fee of \$200, a person
25 currently licensed in any branch of cosmetology under the laws of
26 another state or territory of the United States or the District of
27 Columbia may, without examination, unless the Board sees fit to
28 require an examination, be granted a license to practice the
29 occupation in which the applicant was previously licensed upon
30 proof satisfactory to the Board that the applicant:

- 31 1. Is not less than 18 years of age.
- 32 2. Is of good moral character.
- 33 3. Is a citizen of the United States or is lawfully entitled to
34 remain and work in the United States.
- 35 4. ~~Has successfully completed a nationally recognized written~~
36 ~~examination in this State or in the state or territory or the District of~~
37 ~~Columbia in which he or she is licensed.~~

38 ~~—5.‡~~ Is currently licensed in another state or territory or the
39 District of Columbia.

40 **Sec. 8.** NRS 644.460 is hereby amended to read as follows:

41 644.460 1. The following persons are exempt from the
42 provisions of this chapter:

43 (a) All persons authorized by the laws of this State to practice
44 medicine, dentistry, osteopathic medicine, chiropractic or podiatry.



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

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

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

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

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

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

18 (2) The retailer does not advertise or provide a
19 cosmetological service except cosmetics and fragrances.

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

25 *(f) Makeup artists.*

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

29 (a) Is exempt from the requirements of paragraph (c) of
30 subsection 2 of NRS 644.400.

31 (b) Notwithstanding the provisions of NRS 644.395, shall
32 maintain a staff of at least one licensed instructor.

33 **Sec. 9.** NRS 644.315 is hereby repealed.

34 **Sec. 10.** This act becomes effective upon passage and
35 approval.



TEXT OF REPEALED SECTION

644.315 Requirements for issuance and renewal of limited license for person licensed in another state or territory or District of Columbia.

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

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

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

(b) For 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 pursuant to this section, an applicant must submit to the Board:

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

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

(c) An application fee of \$100.

4. 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.

5. 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.

6. 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 in writing of the holder's intention to practice cosmetology in this State. The notice must specify:

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

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



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

7. 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.

8. The Board:

(a) Shall designate by regulation the types of 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.

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

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

