

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.

~

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

AN ACT relating to cosmetology; requiring a makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment in this State to register with the State Board of Cosmetology; exempting certain other 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:**

1 Existing law prohibits a person from engaging in the practice of cosmetology or  
2 any branch of cosmetology unless the person is licensed by the State Board of  
3 Cosmetology. (NRS 644.190) Existing law requires the Board to determine the  
4 qualifications of applicants for various licenses and to adopt regulations governing  
5 the sanitary conditions in cosmetological establishments. (NRS 644.090, 644.120)  
6 **Section 3.3** of this bill requires a makeup artist who engages in the practice of  
7 makeup artistry in a licensed cosmetological establishment to register with the  
8 Board and sets forth the requirements that must be met before the Board is  
9 authorized to issue a certificate of registration to such a makeup artist. **Section 3.7**  
10 of this bill requires the Board to prepare and administer a written examination on  
11 sanitation to makeup artists who are required to register with the Board. **Section 7.3**  
12 of this bill authorizes the Board to take certain disciplinary action against a  
13 registered makeup artist. **Section 8** of this bill exempts those makeup artists who  
14 are not required to register with the Board from the licensing and regulation  
15 provisions governing cosmetology.  
16 **Section 7** of this bill eliminates passing a nationally recognized written  
17 examination as a requirement for certain applicants who are licensed in a branch of



\* A B 4 0 9 R 1 \*

18 cosmetology in another state or jurisdiction to obtain a license to practice that  
19 branch of cosmetology in this State.

---

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

1     **Section 1.** Chapter 644 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 3.7, inclusive, of this  
3 act.

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

5         1. *Engages in the practice of makeup artistry; or*

6         2. *Instructs other persons in the practice of makeup artistry,*  
7         ↳ *regardless of whether the person is licensed by the Board in any*  
8         *branch of cosmetology.*

9     **Sec. 3.** 1. *“Makeup artistry” means the practice of applying*  
10 *makeup and prosthetics for:*

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

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

14         (c) *Weddings.*

15         2. *The term includes the practice of applying makeup and*  
16 *prosthetics at licensed cosmetological establishments and retail*  
17 *establishments.*

18     **Sec. 3.3.** 1. *Each makeup artist who engages in the practice*  
19 *of makeup artistry in a licensed cosmetological establishment*  
20 *shall, on or before January 1 of each year, register with the Board*  
21 *on a form prescribed by the Board. The registration must:*

22         (a) *Include:*

23                 (1) *The name, address, electronic mail address and*  
24 *telephone number of the makeup artist; and*

25                 (2) *The name and license number of each cosmetological*  
26 *establishment in which the makeup artist will be practicing*  
27 *makeup artistry.*

28         (b) *Be accompanied by:*

29                 (1) *A notarized statement indicating that the makeup artist*  
30 *is:*

31                         (I) *Not less than 18 years of age;*

32                         (II) *Of good moral character; and*

33                         (III) *A citizen of the United States or is lawfully entitled*  
34 *to remain and work in the United States;*

35                 (2) *Proof that the makeup artist has received a score of not*  
36 *less than 75 percent on the written examination administered by*  
37 *the Board pursuant to section 3.7 of this act; and*

38                 (3) *Two current photographs of the makeup artist which*  
39 *are 2 by 2 inches.*



1       **2. The Board shall not charge a fee for registering a makeup**  
2 **artist pursuant to this section.**

3       **3. A makeup artist shall not practice makeup artistry in a**  
4 **licensed cosmetological establishment without first obtaining a**  
5 **certificate of registration.**

6       **Sec. 3.7. 1. The Board shall prepare and administer a**  
7 **written examination on sanitation for makeup artists who are**  
8 **required to register with the Board pursuant to section 3.3 of this**  
9 **act.**

10       **2. The Board shall not charge a makeup artist a fee for**  
11 **administering or scoring the examination described in**  
12 **subsection 1.**

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. 5.3.** NRS 644.090 is hereby amended to read as follows:

24       644.090 The Board shall:

25       1. Hold examinations to determine the qualifications of all  
26 applicants for a license, except as otherwise provided in this chapter,  
27 whose applications have been submitted to it in proper form.

28       2. Issue licenses to such applicants as may be entitled thereto.

29       3. **Issue certificates of registration to such applicants as may**  
30 **be entitled thereto.**

31       4. License establishments for hair braiding, cosmetological  
32 establishments and schools of cosmetology.

33       ~~4.~~ **5.** Report to the proper prosecuting officer or law  
34 enforcement agency each violation of this chapter coming within its  
35 knowledge.

36       ~~5.~~ **6.** Inspect schools of cosmetology, establishments for hair  
37 braiding and cosmetological establishments to ensure compliance  
38 with the statutory requirements and adopted regulations of the  
39 Board. This authority extends to any member of the Board or its  
40 authorized employees.

41       **Sec. 5.7.** NRS 644.130 is hereby amended to read as follows:

42       644.130 1. The Board shall keep a record containing the  
43 name, known place of business, and the date and number of the  
44 license **or certificate of registration** of every nail technologist,  
45 electrologist, aesthetician, hair designer, hair braider, demonstrator



1 of cosmetics , *makeup artist registered pursuant to section 3.3 of*  
2 *this act* and cosmetologist, together with the names and addresses of  
3 all establishments for hair braiding, cosmetological establishments  
4 and schools of cosmetology licensed pursuant to this chapter. The  
5 record must also contain the facts which the applicants claimed in  
6 their applications to justify their licensure **†† or registration.**

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

9 (a) Any other licensing board or agency that is investigating a  
10 licensee **†† or registrant.**

11 (b) A member of the general public, except information  
12 concerning the home and work address and telephone number of a  
13 licensee **†† or registrant.**

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

15 644.190 1. It is unlawful for any person to conduct or operate  
16 a cosmetological establishment, an establishment for hair braiding, a  
17 school of cosmetology or any other place of business in which any  
18 one or any combination of the occupations of cosmetology are  
19 taught or practiced unless the person is licensed in accordance with  
20 the provisions of this chapter.

21 2. Except as otherwise provided in subsections 4 and 5, it is  
22 unlawful for any person to engage in, or attempt to engage in, the  
23 practice of cosmetology or any branch thereof, whether for  
24 compensation or otherwise, unless the person is licensed in  
25 accordance with the provisions of this chapter.

26 3. This chapter does not prohibit:

27 (a) Any student in any school of cosmetology established  
28 pursuant to the provisions of this chapter from engaging, in the  
29 school and as a student, in work connected with any branch or any  
30 combination of branches of cosmetology in the school.

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

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

37 (d) The rendering of cosmetological services by a person who is  
38 licensed in accordance with the provisions of this chapter, if those  
39 services are rendered in connection with photographic services  
40 provided by a photographer.

41 (e) A registered cosmetologist's apprentice from engaging in the  
42 practice of cosmetology under the immediate supervision of a  
43 licensed cosmetologist.

44 *(f) A makeup artist registered pursuant to section 3.3 of this*  
45 *act from engaging in the practice of makeup artistry for*



1 *compensation or otherwise in a licensed cosmetological*  
2 *establishment.*

3 4. A person employed to render cosmetological services in the  
4 course of and incidental to the production of a motion picture,  
5 television program, commercial or advertisement is exempt from the  
6 licensing requirements of this chapter if he or she renders  
7 cosmetological services only to persons who will appear in that  
8 motion picture, television program, commercial or advertisement.

9 5. A person practicing hair braiding is exempt from the  
10 licensing requirements of this chapter applicable to hair braiding if  
11 the hair braiding is practiced on a person who is related within the  
12 sixth degree of consanguinity and the person does not accept  
13 compensation for the hair braiding.

14 **Sec. 6.5.** NRS 644.214 is hereby amended to read as follows:

15 644.214 1. In addition to any other requirements set forth in  
16 this chapter:

17 (a) An applicant for the issuance of a license or evidence of  
18 registration issued pursuant to NRS 644.190 to 644.330, inclusive,  
19 *and sections 3.3 and 3.7 of this act* shall include the social security  
20 number of the applicant in the application submitted to the Board.

21 (b) An applicant for the issuance or renewal of a license or  
22 evidence of registration issued pursuant to NRS 644.190 to 644.330,  
23 inclusive, *and sections 3.3 and 3.7 of this act* shall submit to the  
24 Board the statement prescribed by the Division of Welfare and  
25 Supportive Services of the Department of Health and Human  
26 Services pursuant to NRS 425.520. The statement must be  
27 completed and signed by the applicant.

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

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

33 (b) A separate form prescribed by the Board.

34 3. A license or evidence of registration may not be issued or  
35 renewed by the Board pursuant to NRS 644.190 to 644.330,  
36 inclusive, *and sections 3.3 and 3.7 of this act* if the applicant:

37 (a) Fails to submit the statement required pursuant to subsection  
38 1; or

39 (b) Indicates on the statement submitted pursuant to subsection  
40 1 that the applicant is subject to a court order for the support of a  
41 child and is not in compliance with the order or a plan approved by  
42 the district attorney or other public agency enforcing the order for  
43 the repayment of the amount owed pursuant to the order.

44 4. If an applicant indicates on the statement submitted pursuant  
45 to subsection 1 that the applicant is subject to a court order for the



1 support of a child and is not in compliance with the order or a plan  
2 approved by the district attorney or other public agency enforcing  
3 the order for the repayment of the amount owed pursuant to the  
4 order, the Board shall advise the applicant to contact the district  
5 attorney or other public agency enforcing the order to determine the  
6 actions that the applicant may take to satisfy the arrearage.

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

8 644.310 Except as otherwise provided in NRS 644.209, upon  
9 application to the Board, accompanied by a fee of \$200, a person  
10 currently licensed in any branch of cosmetology under the laws of  
11 another state or territory of the United States or the District of  
12 Columbia may, without examination, unless the Board sees fit to  
13 require an examination, be granted a license to practice the  
14 occupation in which the applicant was previously licensed upon  
15 proof satisfactory to the Board that the applicant:

- 16 1. Is not less than 18 years of age.
- 17 2. Is of good moral character.
- 18 3. Is a citizen of the United States or is lawfully entitled to  
19 remain and work in the United States.

20 4. ~~Has successfully completed a nationally recognized written  
21 examination in this State or in the state or territory or the District of  
22 Columbia in which he or she is licensed.~~

23 ~~—5.1~~ Is currently licensed in another state or territory or the  
24 District of Columbia.

25 **Sec. 7.3.** NRS 644.430 is hereby amended to read as follows:

26 644.430 1. The following are grounds for disciplinary action  
27 by the Board:

28 (a) Failure of an owner of an establishment for hair braiding, a  
29 cosmetological establishment, a licensed aesthetician,  
30 cosmetologist, hair designer, hair braider, electrologist, instructor,  
31 nail technologist, demonstrator of cosmetics or school of  
32 cosmetology, or *a registered makeup artist or* a cosmetologist's  
33 apprentice to comply with the requirements of this chapter or the  
34 applicable regulations adopted by the Board.

35 (b) Obtaining practice in cosmetology or any branch thereof, for  
36 money or any thing of value, by fraudulent misrepresentation.

37 (c) Gross malpractice.

38 (d) Continued practice by a person knowingly having an  
39 infectious or contagious disease.

40 (e) Drunkenness or the use or possession, or both, of a  
41 controlled substance or dangerous drug without a prescription, while  
42 engaged in the practice of cosmetology.

43 (f) Advertisement by means of knowingly false or deceptive  
44 statements.



1 (g) Permitting a license to be used where the holder thereof is  
2 not personally, actively and continuously engaged in business.

3 (h) Failure to display the license or a duplicate of the license as  
4 provided in NRS 644.290, 644.360, 644.3774 and 644.410.

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

7 (j) Continued practice of cosmetology or operation of a  
8 cosmetological establishment or school of cosmetology after the  
9 license therefor has expired.

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

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

14 (a) Refuse to issue or renew a license ~~§~~ *or certificate of*  
15 *registration;*

16 (b) Revoke or suspend a license ~~§~~ *or certificate of registration;*

17 (c) Place the licensee *or registrant* on probation for a specified  
18 period;

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

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

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

24 **Sec. 7.7.** NRS 644.435 is hereby amended to read as follows:

25 644.435 1. If the Board receives a copy of a court order  
26 issued pursuant to NRS 425.540 that provides for the suspension of  
27 all professional, occupational and recreational licenses, certificates  
28 and permits issued to a person who has been issued a license or been  
29 registered pursuant to NRS 644.190 to 644.330, inclusive, *and*  
30 *sections 3.3 and 3.7 of this act*, the Board shall deem the license or  
31 registration issued to that person to be suspended at the end of the  
32 30th day after the date on which the court order was issued unless  
33 the Board receives a letter issued by the district attorney or other  
34 public agency pursuant to NRS 425.550 to the holder of the license  
35 or registration stating that the holder of the license or registration  
36 has complied with the subpoena or warrant or has satisfied the  
37 arrearage pursuant to NRS 425.560.

38 2. The Board shall reinstate a license or registration issued  
39 pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3.3*  
40 *and 3.7 of this act*, that has been suspended by a district court  
41 pursuant to NRS 425.540 if the Board receives a letter issued by the  
42 district attorney or other public agency pursuant to NRS 425.550 to  
43 the person whose license or registration was suspended stating that  
44 the person whose license or registration was suspended has





1 complied with the subpoena or warrant or has satisfied the arrearage  
2 pursuant to NRS 425.560.

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

4 644.460 1. The following persons are exempt from the  
5 provisions of this chapter:

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

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

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

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

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

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

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

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

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

32 *(f) Makeup artists other than makeup artists who are required*  
33 *to register pursuant to section 3.3 of this act.*

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

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

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

41 **Sec. 9.** (Deleted by amendment.)

42 **Sec. 10.** This act becomes effective upon passage and  
43 approval.

