

SENATE BILL NO. 120—SENATORS BUCK; AND STONE

FEBRUARY 8, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to esthetics and advanced esthetics. (BDR 54-23)

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; revising the procedures that constitute advanced esthetic procedures; revising the definition of esthetics to include certain procedures; revising certain requirements for a curriculum for a course of study in advanced esthetics and the examination for licensure as an advanced esthetician; imposing certain requirements for the performance of an advanced esthetic procedure; removing the prohibition against the use of corrosive substances for the purposes of peeling skin; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation by the State Board of Cosmetology of persons engaged in the practice of: (1) esthetics, which existing law defines, in general, to include certain practices involving the care of the skin, the application of cosmetics and the removal of superfluous hair from the body; and (2) advanced esthetics, which existing law defines to mean the practice of advanced esthetic procedures in addition to the practice of esthetics. (NRS 644A.014, 644A.075) Existing law designates a person engaged in the practice of esthetics as an esthetician and a person engaged in the practice of advanced esthetics as an advanced esthetician. (NRS 644A.013, 644A.065)

Section 3 of this bill revises the list of procedures that constitute advanced esthetic procedures to include only: (1) a deep chemical peel; (2) any esthetic preparations or procedures performed with the use of a laser; and (3) any esthetic preparations and procedures involving the use of platelet-rich plasma. **Section 1** of this bill defines “deep chemical peel” to mean, in general, the removal of certain layers of skin using chemicals applied directly to the skin. **Section 8** of this bill removes a prohibition set forth under existing law on the application of any corrosive substance for the purpose of peeling skin to account for the inclusion of a deep chemical peel among the procedures that constitute advanced esthetic



19 procedures in **section 3**. (NRS 644A.925) **Section 2** of this bill makes a conforming
20 change to indicate the proper placement of **section 1** in the Nevada Revised
21 Statutes.

22 **Sections 5 and 6** of this bill revise requirements for a curriculum for a course
23 of study in advanced esthetics and for an examination for licensure as an advanced
24 esthetician to reflect the changes to the list of procedures that constitute advanced
25 esthetic procedures in **section 3**. **Section 9** of this bill repeals various definitions
26 relating to advanced esthetics to also reflect such changes.

27 Existing law requires an advanced esthetician to be under the supervision of a
28 health care professional to perform a nonablative esthetic medical procedure. (NRS
29 644A.545) **Section 7** of this bill instead requires an advanced esthetician to be
30 under the supervision of a health care professional to perform any advanced
31 esthetic procedure.

32 **Section 4** of this bill revises the definition of “esthetics” for the purpose of
33 authorizing an esthetician to perform certain procedures that are designated as
34 advanced esthetic procedures under existing law and that are removed from the list
35 of advanced esthetic procedures by **section 3**.

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

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

3 *“Deep chemical peel” means the removal of skin from the*
4 *epidermis, papillary dermis and reticular dermis layers using*
5 *chemicals applied directly to the skin.*

6 **Sec. 2.** NRS 644A.010 is hereby amended to read as follows:
7 644A.010 As used in this chapter, unless the context otherwise
8 requires, the words and terms defined in NRS ~~[644A.011]~~ **644A.012**
9 to 644A.140, inclusive, *and section 1 of this act* have the meanings
10 ascribed to them in those sections.

11 **Sec. 3.** NRS 644A.012 is hereby amended to read as follows:
12 644A.012 “Advanced esthetic procedure” means any of the
13 following procedures performed for esthetic purposes and not for
14 the treatment of a medical, physical or mental ailment:

- 15 1. ~~[Exfoliation;]~~ *A deep chemical peel;*
- 16 2. ~~[Microdermabrasion and related services;~~
- 17 ~~—3. Microneedling;~~
- 18 ~~—4. Dermaplaning;~~
- 19 ~~—5. Extraction;~~
- 20 ~~—6. Hydrotherapy;~~
- 21 ~~—7. A nonablative esthetic medical procedure; or~~
- 22 ~~—8. Other similar]~~ *Any esthetic preparations or procedures*
23 *performed with the use of [the hands or a mechanical or electronic*
24 *apparatus.] a laser; or*

25 *3. Any esthetic preparations or procedures involving the use*
26 *of platelet-rich plasma.*



1 **Sec. 4.** NRS 644A.075 is hereby amended to read as follows:

2 644A.075 1. "Esthetics" means the practices of:

3 (a) Beautifying, massaging, cleansing or stimulating the skin of
4 the human body by the use of cosmetic preparations, antiseptics,
5 tonics, lotions or creams, or any device, electrical or otherwise, for
6 the care of the skin;

7 (b) Applying cosmetics, eyelash extensions or eyelashes to any
8 person, tinting eyelashes and eyebrows, eyelash perming and
9 lightening hair on the body; and

10 (c) Removing superfluous hair from the body of any person by
11 the use of depilatories, waxing, tweezers or sugaring,

12 ↪ but does not include the branches of cosmetology of a
13 cosmetologist, hair designer, shampoo technologist, hair braider,
14 electrologist or nail technologist.

15 2. *"Esthetics" includes, without limitation, any of the*
16 *following procedures performed for esthetic purposes and not for*
17 *the treatment of a medical, physical or mental ailment:*

18 (a) *Exfoliation;*

19 (b) *Microdermabrasion and related services;*

20 (c) *Microneedling;*

21 (d) *Dermaplaning;*

22 (e) *Extraction;*

23 (f) *Hydrotherapy; or*

24 (g) *Other similar esthetic preparations or procedures*
25 *performed with the use of the hands or a mechanical or electronic*
26 *apparatus.*

27 3. As used in this section, "depilatories" does not include the
28 practice of threading.

29 **Sec. 5.** NRS 644A.277 is hereby amended to read as follows:

30 644A.277 1. The Board shall adopt regulations prescribing a
31 curriculum for a course of study in advanced esthetics to be used by
32 a licensed school of cosmetology that wishes to offer such a course
33 of study.

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

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

38 (b) Professional ethical standards for advanced estheticians;

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

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



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

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

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

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

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

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

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

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

26 **Sec. 6.** NRS 644A.329 is hereby amended to read as follows:

27 644A.329 The examination for a license as an advanced
28 esthetician may include:

29 1. Practical demonstrations in advanced esthetics;

30 2. Written and oral tests on:

31 (a) Antisepsis, sterilization and sanitation;

32 (b) The use of electricity and mechanical apparatuses, including,
33 without limitation, ~~esthetic medical devices,~~ *lasers*, as applicable
34 to the practice of advanced esthetics; and

35 (c) The laws of Nevada and the regulations of the Board relating
36 to cosmetology; and

37 3. Such other demonstrations and tests as the Board requires.

38 **Sec. 7.** NRS 644A.545 is hereby amended to read as follows:

39 644A.545 1. An advanced esthetician may perform ~~an~~
40 ~~nonablative~~ *an advanced* esthetic ~~esthetic~~ procedure only under
41 the supervision of a health care professional. For the purposes of
42 this subsection, an *advanced* esthetic ~~esthetic~~ procedure is
43 performed under the supervision of a health care professional if, at
44 all times during the performance of the procedure, the health care
45 professional:



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

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

8 2. ~~[An advanced esthetician shall not perform any ablative
9 esthetic medical procedure.~~

10 ~~—3.]~~ As used in this section, “health care professional” has the
11 meaning ascribed to it in NRS 453C.030.

12 **Sec. 8.** NRS 644A.925 is hereby amended to read as follows:

13 644A.925 Nothing in this chapter:

14 1. Authorizes the use of any X-ray machine in the treatment of
15 the scalp or in the removal of superfluous hair; or

16 2. Permits ~~[the local application of carbolic acid or corrosive
17 sublimes or their derivatives or compounds, salicylic acid,
18 resorcinol, or any other corrosive substance for the purpose of
19 peeling skin. Any] any~~ implantation of permanent pigment into the
20 skin. ~~[is prohibited.]~~

21 ↪ A violation of the provisions of this section constitutes a
22 misdemeanor.

23 **Sec. 9.** NRS 644A.011, 644A.062, 644A.063 and 644A.127
24 are hereby repealed.

25 **Sec. 10.** 1. This section becomes effective upon passage and
26 approval.

27 2. Sections 1 to 9, inclusive, of this act become effective:

28 (a) Upon passage and approval for the purpose of adopting
29 regulations and performing any preliminary administrative tasks that
30 are necessary to carry out the provisions of this act; and

31 (b) On October 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

644A.011 “Ablative esthetic medical procedure” defined.
644A.062 “Esthetic medical device” defined.
644A.063 “Esthetic medical procedure” defined.
644A.127 “Nonablative esthetic medical procedure”
defined.



