

SENATE BILL NO. 413—SENATORS HARDY AND SPEARMAN

MARCH 21, 2019

Referred to Committee on Judiciary

SUMMARY—Prohibits prostitution in the State of Nevada. (BDR 20-110)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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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 prostitution; prohibiting the granting of a license for a house of prostitution; eliminating an exemption from criminal liability for prostitution committed in a licensed house of prostitution; eliminating exemptions from certain laws for licensed houses of prostitution; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires any natural person or entity that wishes to engage in
2 certain businesses, including the operation of a house of prostitution, in an area of
3 the state which is outside of an incorporated city to obtain a license from the
4 licensing board of the county. Existing law also prohibits the licensing board of a
5 county whose population is 700,000 or more (currently Clark County) from
6 granting a license for the purpose of operating a house of prostitution or any other
7 business that employs any person for the purpose of prostitution. (NRS 244.345)
8 **Section 1** of this bill eliminates the population cap, which has the effect of
9 prohibiting a licensing board in any county from granting a license for a business to
10 operate in the unincorporated portion of the county. **Section 7** of this bill prohibits
11 the city council or other governing body of each incorporated city from granting a
12 license for the purpose of operating a house of prostitution or any other business
13 that employs any person for the purpose of prostitution in the incorporated
14 portion of the county. **Section 8** of this bill also eliminates the authority of the
15 boards of county commissioners, under existing law, to license, tax or regulate
16 houses of prostitution in unincorporated towns within their respective counties.
17 (NRS 269.175)
18 Existing law makes it unlawful for any person to engage in prostitution or
19 solicitation for prostitution, except in a licensed house of prostitution. (NRS
20 201.354) **Section 2** of this bill eliminates the reference to licensed houses of
21 prostitution, which has the effect of rendering prostitution and solicitation for
22 prostitution a criminal offense throughout the State.



23 Existing law establishes various exemptions from otherwise general laws to
24 take into account the presence of licensed houses of prostitution. (NRS 201.358,
25 201.430, 201.440, 202.2483, 640C.100) **Sections 3-6 and 9** of this bill eliminate
26 those exemptions.

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

1 **Section 1.** NRS 244.345 is hereby amended to read as follows:
2 244.345 1. Every natural person wishing to be employed as
3 an entertainer for an entertainment by referral service and every
4 natural person, firm, association of persons or corporation wishing
5 to engage in the business of conducting a dancing hall, escort
6 service, entertainment by referral service or gambling game or
7 device permitted by law, outside of an incorporated city, must:
8 (a) Make application to the license board of the county in which
9 the employment or business is to be engaged in, for a county license
10 of the kind desired. The application must be in a form prescribed by
11 the regulations of the license board.
12 (b) File the application with the required license fee with the
13 county license collector, as provided in chapter 364 of NRS, who
14 shall present the application to the license board at its next regular
15 meeting.
16 ↪ The board, in counties whose population is less than 700,000,
17 may refer the petition to the sheriff, who shall report upon it at the
18 following regular meeting of the board. In counties whose
19 population is 700,000 or more, the board shall refer the petition to
20 the metropolitan police department. The department shall conduct
21 an investigation relating to the petition and report its findings to the
22 board at the next regular meeting of the board. The board shall at
23 that meeting grant or refuse the license prayed for or enter any other
24 order consistent with its regulations. Except in the case of an
25 application for a license to conduct a gambling game or device, the
26 county license collector may grant a temporary permit to an
27 applicant, valid only until the next regular meeting of the board. In
28 unincorporated towns and cities governed pursuant to the provisions
29 of chapter 269 of NRS, the license board has the exclusive power to
30 license and regulate the employment and businesses mentioned in
31 this subsection.
32 2. The board of county commissioners, and in a county whose
33 population is less than 700,000, the sheriff of that county constitute
34 the license board, and the county clerk or other person designated by
35 the license board is the clerk thereof, in the respective counties of
36 this state.



1 3. The license board may, without further compensation to the
2 board or its clerk:

3 (a) Fix, impose and collect license fees upon the employment
4 and businesses mentioned in this section.

5 (b) Grant or deny applications for licenses and impose
6 conditions, limitations and restrictions upon the licensee.

7 (c) Adopt, amend and repeal regulations relating to licenses and
8 licensees.

9 (d) Restrict, revoke or suspend licenses for cause after hearing.
10 In an emergency the board may issue an order for immediate
11 suspension or limitation of a license, but the order must state the
12 reason for suspension or limitation and afford the licensee a hearing.

13 4. The license board shall hold a hearing before adopting
14 proposed regulations, before adopting amendments to regulations,
15 and before repealing regulations relating to the control or the
16 licensing of the employment or businesses mentioned in this section.
17 Notice of the hearing must be published in a newspaper published
18 and having general circulation in the county at least once a week for
19 2 weeks before the hearing.

20 5. Upon adoption of new regulations the board shall designate
21 their effective date, which may not be earlier than 15 days after their
22 adoption. Immediately after adoption a copy of any new regulations
23 must be available for public inspection during regular business
24 hours at the office of the county clerk.

25 6. Except as otherwise provided in NRS 241.0355, a majority
26 of the members constitutes a quorum for the transaction of business.

27 7. Any natural person, firm, association of persons or
28 corporation who engages in the employment of any of the
29 businesses mentioned in this section without first having obtained
30 the license and paid the license fee as provided in this section is
31 guilty of a misdemeanor.

32 8. ~~In a county whose population is 700,000 or more, the~~ A
33 license board shall not grant any license to a petitioner for the
34 purpose of operating a house of ill fame or repute or any other
35 business employing any person for the purpose of prostitution.

36 9. As used in this section:

37 (a) "Entertainer for an entertainment by referral service" means
38 a natural person who is sent or referred for a fee to a hotel or motel
39 room, home or other accommodation by an entertainment by referral
40 service for the purpose of entertaining the person located in the hotel
41 or motel room, home or other accommodation.

42 (b) "Entertainment by referral service" means a person or group
43 of persons who send or refer another person to a hotel or motel
44 room, home or other accommodation for a fee in response to a



1 telephone or other request for the purpose of entertaining the person
2 located in the hotel or motel room, home or other accommodation.

3 **Sec. 2.** NRS 201.354 is hereby amended to read as follows:

4 201.354 1. It is unlawful for any person to engage in
5 prostitution or solicitation therefor . [~~except in a licensed house of~~
6 ~~prostitution.~~]

7 2. A prostitute who violates subsection 1 is guilty of a
8 misdemeanor.

9 3. Except as otherwise provided in subsection 5, a customer
10 who violates subsection 1:

11 (a) For a first offense, is guilty of a misdemeanor and shall be
12 punished as provided in NRS 193.150, and by a fine of not less than
13 \$400.

14 (b) For a second offense, is guilty of a gross misdemeanor and
15 shall be punished as provided in NRS 193.140, and by a fine of not
16 less than \$800.

17 (c) For a third or subsequent offense, is guilty of a gross
18 misdemeanor and shall be punished as provided in NRS 193.140,
19 and by a fine of not less than \$1,300.

20 4. In addition to any other penalty imposed, the court shall
21 order a person who violates subsection 3 to pay a civil penalty of not
22 less than \$200 per offense. The civil penalty must be paid to the
23 district attorney or city attorney of the jurisdiction in which the
24 violation occurred. If the civil penalty imposed pursuant to this
25 subsection:

26 (a) Is not within the person's present ability to pay, in lieu of
27 paying the penalty, the court may allow the person to perform
28 community service for a reasonable number of hours, the value of
29 which would be commensurate with the civil penalty.

30 (b) Is not entirely within the person's present ability to pay, in
31 lieu of paying the entire civil penalty, the court may allow the
32 person to perform community service for a reasonable number of
33 hours, the value of which would be commensurate with the amount
34 of the reduction of the civil penalty.

35 5. A customer who violates subsection 1 by soliciting a child
36 for prostitution:

37 (a) For a first offense, is guilty of a category E felony and shall
38 be punished as provided in NRS 193.130, and by a fine of not more
39 than \$5,000.

40 (b) For a second offense, is guilty of a category D felony and
41 shall be punished as provided in NRS 193.130.

42 (c) For a third or subsequent offense, is guilty of a category C
43 felony and shall be punished as provided in NRS 193.130. The court
44 shall not grant probation to or suspend the sentence of a person
45 punished pursuant to this paragraph.



1 6. Any civil penalty collected by a district attorney or city
2 attorney pursuant to subsection 4 must be deposited in the county or
3 city treasury, as applicable, to be used for:

4 (a) The enforcement of this section; and

5 (b) Programs of treatment for persons who solicit prostitution
6 which are certified by the Division of Public and Behavioral Health
7 of the Department of Health and Human Services.

8 ↪ Not less than 50 percent of the money deposited in the county or
9 city treasury, as applicable, pursuant to this subsection must be used
10 for the enforcement of this section.

11 7. If a person who violates subsection 1 is ordered pursuant to
12 NRS 4.373 or 5.055 to participate in a program for the treatment of
13 persons who solicit prostitution, upon fulfillment of the terms and
14 conditions of the program, the court may discharge the person and
15 dismiss the proceedings against the person. If the court discharges
16 the person and dismisses the proceedings against the person, a
17 nonpublic record of the discharge and dismissal must be transmitted
18 to and retained by the Division of Parole and Probation of the
19 Department of Public Safety solely for the use of the courts in
20 determining whether, in later proceedings, the person qualifies
21 under this section for participation in a program of treatment for
22 persons who solicit prostitution. Except as otherwise provided in
23 this subsection, discharge and dismissal under this subsection is
24 without adjudication of guilt and is not a conviction for purposes of
25 employment, civil rights or any statute or regulation or license or
26 questionnaire or for any other public or private purpose, but is a
27 conviction for the purpose of additional penalties imposed for a
28 second or subsequent conviction or the setting of bail. Discharge
29 and dismissal restores the person discharged, in the contemplation
30 of the law, to the status occupied before the proceedings. The person
31 may not be held thereafter under any law to be guilty of perjury or
32 otherwise giving a false statement by reason of failure to recite or
33 acknowledge the proceedings in response to an inquiry made of the
34 person for any purpose. Discharge and dismissal under this
35 subsection may occur only once with respect to any person. A
36 professional licensing board may consider a proceeding under this
37 subsection in determining suitability for a license or liability to
38 discipline for misconduct. Such a board is entitled for those
39 purposes to a truthful answer from the applicant or licensee
40 concerning any such proceeding with respect to the applicant or
41 licensee.

42 8. Except as limited by subsection 9, if a person is discharged
43 and the proceedings against the person are dismissed pursuant to
44 subsection 7, the court shall, without a hearing, order sealed all
45 documents, papers and exhibits in that person's record, minute book



1 entries and entries on dockets, and other documents relating to the
2 case in the custody of such other agencies and officers as are named
3 in the court's order. The court shall cause a copy of the order to be
4 sent to each agency or officer named in the order. Each such agency
5 or officer shall notify the court in writing of its compliance with the
6 order.

7 9. A professional licensing board is entitled, for the purpose of
8 determining suitability for a license or liability to discipline for
9 misconduct, to inspect and to copy from a record sealed pursuant to
10 this section.

11 **Sec. 3.** NRS 201.358 is hereby amended to read as follows:

12 201.358 1. A person who ~~is~~

13 ~~—(a) Violates]~~ **violates** NRS 201.354 ~~;~~ ~~or~~

14 ~~—(b) Works as a prostitute in a licensed house of prostitution;~~

15 ~~→]~~ after testing positive in a test approved by the State Board of
16 Health for exposure to the human immunodeficiency virus and
17 receiving notice of that fact is guilty of a category B felony and shall
18 be punished by imprisonment in the state prison for a minimum
19 term of not less than 2 years and a maximum term of not more than
20 10 years, or by a fine of not more than \$10,000, or by both fine and
21 imprisonment.

22 2. As used in this section, "notice" means:

23 (a) Actual notice; or

24 (b) Notice received pursuant to NRS 201.356.

25 **Sec. 4.** NRS 201.430 is hereby amended to read as follows:

26 201.430 1. It is unlawful for any person engaged in conduct
27 which is unlawful pursuant to paragraph (b) of subsection 1 of NRS
28 207.030, or any owner, operator, agent or employee of a house of
29 prostitution, or anyone acting on behalf of any such person, to
30 advertise the unlawful conduct or any house of prostitution. ~~;~~

31 ~~—(a) In any public theater, on the public streets of any city or~~
32 ~~town, or on any public highway; or~~

33 ~~—(b) In any county, city or town where prostitution is prohibited~~
34 ~~by local ordinance or where the licensing of a house of prostitution~~
35 ~~is prohibited by state statute.]~~

36 2. It is unlawful for any person knowingly to prepare or print
37 an advertisement concerning a house of prostitution ~~[not licensed for~~
38 ~~that purpose pursuant to NRS 244.345,]~~ or conduct which is
39 unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030
40 ~~. [; in any county, city or town where prostitution is prohibited by~~
41 ~~local ordinance or where the licensing of a house of prostitution is~~
42 ~~prohibited by state statute.]~~

43 3. Inclusion in any display, handbill or publication of the
44 address, location or telephone number of a house of prostitution or
45 of identification of a means of transportation to such a house, or of



1 directions telling how to obtain any such information, constitutes
2 prima facie evidence of advertising for the purposes of this section.

3 4. Any person, company, association or corporation violating
4 the provisions of this section shall be punished:

5 (a) For the first violation within a 3-year period, by
6 imprisonment in the county jail for not more than 6 months, or by a
7 fine of not more than \$1,000, or by both fine and imprisonment.

8 (b) For a second violation within a 3-year period, by
9 imprisonment in the county jail for not less than 30 days nor more
10 than 6 months, and by a fine of not less than \$250 nor more than
11 \$1,000.

12 (c) For a third or subsequent violation within a 3-year period, by
13 imprisonment in the county jail for 6 months and by a fine of not
14 less than \$250 nor more than \$1,000.

15 **Sec. 5.** NRS 201.440 is hereby amended to read as follows:

16 201.440 1. ~~In any county, city or town where prostitution is~~
17 ~~prohibited by local ordinance or where the licensing of a house of~~
18 ~~prostitution is prohibited by state statute, it] It is unlawful for any~~
19 person, company, association or corporation knowingly to allow any
20 person engaged in conduct which is unlawful pursuant to paragraph
21 (b) of subsection 1 of NRS 207.030, or any owner, operator, agent
22 or employee of a house of prostitution, or anyone acting on behalf of
23 any such person, to advertise a house of prostitution in his or her
24 place of business.

25 2. Any person, company, association or corporation that
26 violates the provisions of this section shall be punished:

27 (a) For the first violation within a 3-year period, by
28 imprisonment in the county jail for not more than 6 months, or by a
29 fine of not more than \$1,000, or by both fine and imprisonment.

30 (b) For a second violation within a 3-year period, by
31 imprisonment in the county jail for not less than 30 days nor more
32 than 6 months, and by a fine of not less than \$250 nor more than
33 \$1,000.

34 (c) For a third or subsequent violation within a 3-year period, by
35 imprisonment in the county jail for 6 months and by a fine of not
36 less than \$250 nor more than \$1,000.

37 **Sec. 6.** NRS 202.2483 is hereby amended to read as follows:

38 202.2483 1. Except as otherwise provided in subsection 3,
39 smoking tobacco in any form is prohibited within indoor places of
40 employment including, but not limited to, the following:

- 41 (a) Child care facilities;
- 42 (b) Movie theatres;
- 43 (c) Video arcades;
- 44 (d) Government buildings and public places;
- 45 (e) Malls and retail establishments;



- 1 (f) All areas of grocery stores; and
2 (g) All indoor areas within restaurants.
- 3 2. Without exception, smoking tobacco in any form is
4 prohibited within school buildings and on school property.
- 5 3. Smoking tobacco is not prohibited in:
- 6 (a) Areas within casinos where loitering by minors is already
7 prohibited by state law pursuant to NRS 463.350;
- 8 (b) Completely enclosed areas with stand-alone bars, taverns
9 and saloons in which patrons under 21 years of age are prohibited
10 from entering;
- 11 (c) Age-restricted stand-alone bars, taverns and saloons;
- 12 (d) Strip clubs ; ~~for brothels;~~
- 13 (e) Retail tobacco stores;
- 14 (f) The area of a convention facility in which a meeting or trade
15 show is being held, during the time the meeting or trade show is
16 occurring, if the meeting or trade show:
- 17 (1) Is not open to the public;
- 18 (2) Is being produced or organized by a business relating to
19 tobacco or a professional association for convenience stores; and
- 20 (3) Involves the display of tobacco products; and
- 21 (g) Private residences, including private residences which may
22 serve as an office workplace, except if used as a child care, an adult
23 day care or a health care facility.
- 24 4. A supervisor on duty or employee of an age-restricted stand-
25 alone bar, tavern or saloon or a stand-alone bar, tavern or saloon
26 shall not allow a person who is under 21 years of age to loiter in an
27 age-restricted stand-alone bar, tavern or saloon or an area of a stand-
28 alone bar, tavern or saloon where smoking is allowed pursuant to
29 this section. A person who violates the provisions of this subsection
30 is guilty of a misdemeanor.
- 31 5. If a supervisor on duty or employee of an age-restricted
32 stand-alone bar, tavern or saloon or a stand-alone bar, tavern or
33 saloon violates the provisions of subsection 4, the age-restricted
34 stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon
35 is liable for a civil penalty of:
- 36 (a) For the first offense, \$1,000.
- 37 (b) For a second or subsequent offense, \$2,000.
- 38 6. In any prosecution or other proceeding for a violation of the
39 provisions of subsection 4 or 5, it is no excuse for a supervisor,
40 employee, age-restricted bar, tavern or saloon, or stand-alone bar,
41 tavern or saloon alleged to have committed the violation to plead
42 that a supervisor or employee believed that the person who was
43 permitted to loiter was 21 years of age or older.
- 44 7. In areas or establishments where smoking is not prohibited
45 by this section, nothing in state law shall be construed to prohibit



1 the owners of said establishments from voluntarily creating
2 nonsmoking sections or designating the entire establishment as
3 smoke free.

4 8. Nothing in state law shall be construed to restrict local
5 control or otherwise prohibit a county, city or town from adopting
6 and enforcing local tobacco control measures that meet or exceed
7 the minimum applicable standards set forth in this section.

8 9. "No Smoking" signs or the international "No Smoking"
9 symbol shall be clearly and conspicuously posted in every public
10 place and place of employment where smoking is prohibited by this
11 section. Each public place and place of employment where smoking
12 is prohibited shall post, at every entrance, a conspicuous sign clearly
13 stating that smoking is prohibited. All ashtrays and other smoking
14 paraphernalia shall be removed from any area where smoking is
15 prohibited.

16 10. Health authorities, police officers of cities or towns,
17 sheriffs and their deputies shall, within their respective jurisdictions,
18 enforce the provisions of this section and shall issue citations for
19 violations of this section pursuant to NRS 202.2492 and 202.24925.

20 11. No person or employer shall retaliate against an employee,
21 applicant or customer for exercising any rights afforded by, or
22 attempts to prosecute a violation of, this section.

23 12. For the purposes of this section, the following terms have
24 the following definitions:

25 (a) "Age-restricted stand-alone bar, tavern or saloon" means an
26 establishment:

27 (1) Devoted primarily to the sale of alcoholic beverages to be
28 consumed on the premises;

29 (2) In which food service or sales may or may not be
30 incidental food service or sales, in the discretion of the operator of
31 the establishment;

32 (3) In which patrons under 21 years of age are prohibited at
33 all times from entering the premises; and

34 (4) That must be located within:

35 (I) A physically independent building that does not share
36 a common entryway or indoor area with a restaurant, public place or
37 any other indoor workplace where smoking is prohibited by this
38 section; or

39 (II) A completely enclosed area of a larger structure,
40 which may include, without limitation, a strip mall or an airport,
41 provided that indoor windows must remain closed at all times and
42 doors must remain closed when not actively in use.

43 (b) "Casino" means an entity that contains a building or large
44 room devoted to gambling games or wagering on a variety of
45 events. A casino must possess a nonrestricted gaming license as



1 described in NRS 463.0177 and typically uses the word ‘casino’ as
2 part of its proper name.

3 (c) “Child care facility” has the meaning ascribed to it in
4 NRS 441A.030.

5 (d) “Completely enclosed area” means an area that is enclosed
6 on all sides by any combination of solid walls, windows or doors
7 that extend from the floor to the ceiling.

8 (e) “Government building” means any building or office space
9 owned or occupied by:

10 (1) Any component of the Nevada System of Higher
11 Education and used for any purpose related to the System;

12 (2) The State of Nevada and used for any public purpose; or

13 (3) Any county, city, school district or other political
14 subdivision of the State and used for any public purpose.

15 (f) “Health authority” has the meaning ascribed to it in
16 NRS 202.2485.

17 (g) “Incidental food service or sales” means the service of
18 prepackaged food items including, but not limited to, peanuts,
19 popcorn, chips, pretzels or any other incidental food items that are
20 exempt from food licensing requirements pursuant to subsection 2
21 of NRS 446.870.

22 (h) “Place of employment” means any enclosed area under the
23 control of a public or private employer which employees frequent
24 during the course of employment including, but not limited to, work
25 areas, restrooms, hallways, employee lounges, cafeterias, conference
26 and meeting rooms, lobbies and reception areas.

27 (i) “Public places” means any enclosed areas to which the public
28 is invited or in which the public is permitted.

29 (j) “Restaurant” means a business which gives or offers for sale
30 food, with or without alcoholic beverages, to the public, guests or
31 employees, as well as kitchens and catering facilities in which food
32 is prepared on the premises for serving elsewhere.

33 (k) “Retail tobacco store” means a retail store utilized primarily
34 for the sale of tobacco products and accessories and in which the
35 sale of other products is merely incidental.

36 (l) “School building” means all buildings on the grounds of any
37 public school described in NRS 388.020 and any private school as
38 defined in NRS 394.103.

39 (m) “School property” means the grounds of any public school
40 described in NRS 388.020 and any private school as defined in
41 NRS 394.103.

42 (n) “Stand-alone bar, tavern or saloon” means an establishment:

43 (1) Devoted primarily to the sale of alcoholic beverages to be
44 consumed on the premises;



1 (2) In which food service or sales may or may not be
2 incidental food service or sales, in the discretion of the operator of
3 the establishment;

4 (3) In which smoke from such establishments does not
5 infiltrate into areas where smoking is prohibited under the
6 provisions of this section; and

7 (4) That must be housed in either:

8 (I) A physically independent building that does not share
9 a common entryway or indoor area with a restaurant, public place or
10 any other indoor workplaces where smoking is prohibited by this
11 section; or

12 (II) A completely enclosed area of a larger structure, such
13 as a strip mall or an airport, provided that indoor windows must
14 remain shut at all times and doors must remain closed when not
15 actively in use.

16 (o) "Video arcade" has the meaning ascribed to it in paragraph
17 (d) of subsection 3 of NRS 453.3345.

18 13. Any statute or regulation inconsistent with this section is
19 null and void.

20 14. The provisions of this section are severable. If any
21 provision of this section or the application thereof is declared by a
22 court of competent jurisdiction to be invalid or unconstitutional,
23 such declaration shall not affect the validity of the section as a
24 whole or any provision thereof other than the part declared to be
25 invalid or unconstitutional.

26 **Sec. 7.** Chapter 268 of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 *A city council or other governing body of an incorporated city*
29 *in this State, whether organized under general law or special*
30 *charter, shall not grant a license to any person for the purpose of*
31 *operating a house of ill fame or repute or any other business*
32 *employing any person for the purpose of prostitution.*

33 **Sec. 8.** NRS 269.175 is hereby amended to read as follows:

34 269.175 Except as otherwise provided in NRS 576.128, the
35 boards of county commissioners may in any unincorporated town in
36 their respective counties license, tax, regulate, prohibit and suppress
37 all tipling houses, dramshops, public card tables, raffles, hawkers,
38 peddlers, pawnbrokers, *and* gambling houses . ~~[-, disorderly houses~~
39 ~~and houses of ill fame.]~~

40 **Sec. 9.** NRS 640C.100 is hereby amended to read as follows:

41 640C.100 1. The provisions of this chapter do not apply to:

42 (a) A person licensed pursuant to chapter 630, 630A, 631, 632,
43 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage
44 therapy, reflexology or structural integration is performed in the
45 course of the practice for which the person is licensed.



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

5 (c) A person licensed or registered as an esthetician,
6 esthetician's apprentice, hair designer, hair designer's apprentice,
7 hair braider, shampoo technologist, cosmetologist or
8 cosmetologist's apprentice pursuant to chapter 644A of NRS if the
9 person is massaging, cleansing or stimulating the scalp, face, neck
10 or skin within the permissible scope of practice for an esthetician,
11 esthetician's apprentice, hair designer, hair designer's apprentice,
12 hair braider, shampoo technologist, cosmetologist or
13 cosmetologist's apprentice pursuant to that chapter.

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

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

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

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

28 ~~[(h) A person who performs any activity in a licensed brothel.]~~

29 2. Except as otherwise provided in subsection 3 and NRS
30 640C.330, the provisions of this chapter preempt the licensure and
31 regulation of a massage therapist, reflexologist or structural
32 integration practitioner by a county, city or town, including, without
33 limitation, conducting a criminal background investigation and
34 examination of a massage therapist, reflexologist or structural
35 integration practitioner or applicant for a license to practice massage
36 therapy, reflexology or structural integration.

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



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

4 **Sec. 10.** This act becomes effective:

5 1. Upon passage and approval for the purpose of adopting any
6 regulations, enacting, revising or repealing any local ordinance and
7 performing any other preparatory administrative tasks that are
8 necessary to carry out the provisions of this act; and

9 2. On January 1, 2020, for all other purposes.



