

Assembly

MINUTES OF MEETING - HEALTH AND WELFARE - 55TH NEVADA
ASSEMBLY SESSION - Chairman Woodrow Wilson March 18, 1969

Committee Members present: Frazzini, May, Swallow, Foote, Hafen, Brookman, Homer, Espinoza, Wilson.

Absent: None

The meeting was called to order by the Chairman at 3:30 P.M. The following guests were introduced: John D. White, Sierra Beauty College; John S. Kaslar, Vice President, Reno-Sparks Affiliate No. 1; Charles Aguari, Ponce College of Beauty; Mary A. Davis, Prater Way College of Beauty, Sparks, Nevada; Mrs. Bernice Randall, Carson City, Nevada; Louis M. McLane, Reno, Nevada; Gary Price, Henderson, Nevada; James V. Threet, Las Vegas, Nevada; B. Hardy Smith, North Las Vegas, Nevada; Howard Demille, Reno, Nevada; Jack Naughton, Las Vegas, Nevada; Bill Secrest, Las Vegas, Nevada; Dan Gray, Las Vegas, Nevada; Flora Dungan, Las Vegas, Nevada; Kenneth R. Shaddy, Las Vegas, Nevada; Elmo H. Martinelli, Reno, Nevada; C. E. "Bus" Brown, Reno, Nevada; Rev. Jesse Wesler, Las Vegas, Nevada.

SB 297-Dan Gray, Legislative Representative, from the Nevada State Board of Barbers. He said in their last convention, a Resolution was presented. He said since their State Board has been in existence, they have had a very hard time operating within their budget, because of the \$50 limit on assessment fees. They now feel that \$60 would be adequate to carry on their work, and if not, they would like to have the \$75 maximum figure in the bill. He said they had to forego some shop inspections in the past because of lack of money. He said he had two other board members with him, Mr. Pecetti and Mr. Martinelli who would be glad to speak if called upon.

Mrs. Frazzini asked if he didn't feel that this extra \$25 would cause hardships on anyone taking the examination. He replied that it would only be an additional \$10 increase at the present time. He said the reason for the \$25 maximum was so that they wouldn't have to come back and legislate again in 2 years for additional money.

A.B. 592- Amends laws relating to cosmetology licenses, schools and establishments.

Mrs. Randall said she didn't have too much to say, except Line 18, Sec. 1, Sub Par (b) "Cutting, trimming or shaping the hair of any person." She said she thought the "women and children" should be put back in there, and delete Line 19 "any person". She said Mr. Fry agreed with this.

Flora Dungan said Mr. Naughton had asked her to present what the cosmetologists had decided at their convention.

They neither agree or disagree with A.B. 592. For example, line 8, Page 2, sub par (h) there is a regulation pertaining to wigs, wiglets, or hairpieces made of human or synthetic hair. There is another bill that has been introduced by your committee, A.B. 688, which spells out the type of wigs and wiglets, etc. that the State Board would like to see. It would cover anyone styling, dressing or selling. Once the wig has been worn, for sanitary reasons, it must be cleaned before it is styled, preferably by a cosmetologist to protect the public. Only used wigs, and it does not prohibit any licensed barber from dealing with hair pieces. In A.B. 592, they would be prevented from doing this.

We do not object to the increase in fee from \$10 plus \$5 for each operator. the Cosmetology Association would prefer if it is indicated that an increase is needed by the board. A flat increase of \$10 to \$25 or whatever is necessary would be preferable, rather than on the number of operators.

She said they felt the duties of the secretary-treasurer of the board would require that he or she be a member of the board.

She referred to the Section which deletes any board member or employee going in and filing if any person observes another doing something wrong. She said our laws already read that any person who observes another committing a misdemeanor has the right to file a complaint against them.

Chairman Wilson said that for the benefit of the Committee, he would like to identify both groups that are in the Cosmetology Association. He said Mrs. Randall is a member of the State Board of Cosmetologists, which is the licensing and policing board, and Mr. Naughton is the President of the State Association, and also a member of the State Board of Cosmetology. Mrs. Randall replied that she is appointed by the Governor, and that Mr. Naughton and Mrs. Dungan were representing the industry.

Mr. John Kaslar said "this lady (Mrs. Dungan) does not represent our group". (Reno-Sparks Affiliate No. 1).

Mr. Espinoza referred to Sec. 15, Page 7. "Any member or employee of the board may file an affidavit with a justice of the peace alleging that a person licensed under the provisions of this chapter has committed a violation of a provision of this section or a rule adopted by the board."

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"That person would first have a hearing?"

Mrs. Dungan said that was correct. That was the feeling of the people in the industry. "If you went into a beauty shop which you thought was in violation of the cosmetology bill, you could on your own go and file a complaint."

Mr. Howard Demille said any person could walk in and file a complaint for violation.

Mr. Dan Gray referred to Page 2, Sub. Par. (h), Lines 8 through 11, and said this was in accord with the barbers relating to hair goods. "It is agreeable that barbers would most definitely be exempted from this section. That we would have the same privileges regarding cleaning and setting hair pieces. We would like to see the barbers exempted because we do clean and set men's hair pieces, and in some cases, men wear full wigs".

Mr. Espinoza said that the committee had had considerable experience before with cosmetologists and barbers where they agreed here in the hearing room and later disagreed. He requested Mr. Gray to put in writing the sections he agreed with and disagreed with and to please submit them to the Committee.

Mr. Gray said that he would do that.

Mrs. Randall, referring to Page 2, Line 8, Par (h), said she preferred to delete that wording and substitute in its place the wording from A.B. 688. (Line 8, Par. 3).

Mr. Harvey Smith, President of the Barbers Union, Las Vegas, said they preferred that paragraph from A.B. 688, and they had a Resolution to that effect.

A.B. 462 - Mrs. Dungan said the Cosmetology Association would go on record that they had no objection to having some more of its rules and regulations spelled out in the law. She said at this point, the cosmetologists do not object to the bill and the proposed changes.

A.B. 688 - Provides restriction on styling hairpieces. Mrs. Dungan said that if this passes, the hair pieces can only be set by a licensed cosmetologist.

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A.B. 686 - Increases educational requirement for cosmetology license.

Chairman Wilson said part of this bill was in A.B. 592. He said it was the concensus of the cosmetology Association that a 10th grade education is not enough in order to qualify to attend Beauty College.

Mrs. Dungan said one reason for upgrading is for the benefit of the student. If a candidate should ever decide to do something other than in the field of cosmetology, he would not be equipped for it.

Mr. Gray said that the barbers had upped their requirements to 12th grade and graduation from highschool. He said it takes at least that much education to keep books and otherwise run your own business, and most barbers and beauticians aspire to this end.

Mr. May asked if A.B. 688 would not require a grandfather clause for those already licensed. Mrs. Dungan replied "no, because it only applied to the Board."

Regarding operators training apprentices in their own shops, Mrs. Dungan said that in small towns, if the student were too poor to go to Las Vegas or the Reno-Sparks area where the only Beauty Colleges are in the State, apprenticing in a shop would be her only way of every becoming a licensed operator.

Mr. John White of the Sierra Beauty College, Reno, said he had no objection to a student apprenticing in a shop if the purpose was to complete a course of study and become a licensed beautician, but he knew of cases where a girl was kept for years as a shampoo girl or cleanup girl and was never given the opportunity of becoming a licensed beautician. In other cases, the girl worked alongside a licensed operator, did the same things she did, for a meanial wage without every having the opportunity to obtain her license.

Mr. Demille said it took 1800 hours and a 2-year limit. He said anyone who would stay for 8 years in a shop must have a very low I.Q. to stay that long. He felt it was up to the Board to police all areas in which there is a junior operator.

Dr. Homer said he wished to thank the barbers and cosmetologists for doing their "homework", and getting their differences settled before coming to this hearing. He said it was certainly different from the last hearing, where everyone argued and tried to talk at once.

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A.B. 687 - Specifically includes hairpieces as cosmetics in Nevada Food, Drug and Cosmetic Act.

Mrs. Dungan said she had specifically asked to have this bill prepared, because in the discussion of hair pieces and wigs made them aware that all hair pieces are not made of human hair. This bill provides for fair labor practices before a Board if things start happening with products that aren't really hair goods. She said if you should be allergic to some certain synthetic product, these things should be labeled, for your protection.

A.B. 462 - Authorizes adoption of rules governing schools of cosmetology and prohibiting unconscionable contracts.

Chairman Wilson introduced Mr. Howard McKissick, Speaker of the Assembly, who introduced this bill.

Mr. McKissick said his wife is a cosmetologist, and whenever she goes into the Sierra Beauty College, she gets angry all over again. He said that his wife had indicated that the girls were docked two hours of school hours as punishment.

He said he had received a letter from the Better Business Bureau in Las Vegas regarding malpractices of that school, as witnessed by another lady. The letter is attached to these minutes as "Exhibit A".

Mr. John White, Sierra Beauty College (After Mr. Speaker had left the hearing room) said he wished to state that they did not dock their girls hours.

Senator White, re S.B. 298 - NRS 644, the cosmetology section of the law. He has talked to Attorney General Dickerson who has given new language to the proposed amendment. However, in talking to Frank Daykin, the new language cannot comply with the definition of the law. "What we are suggesting to do in this particular case is to take S.B. 299, delete the second section, and add new language which would be Sec. 2, Chapter (?) NRS 644.

Chairman Wilson: "This is agreeable with the barbers and cosmetologists here, and we will probably concur with your recommendations."

Dungan: "For your information, before both groups came into the meeting, it was my suggestion that a new bill be presented that would be in 644 rather than 643."

Mr. Wilson suggested that Miss Dungan get together with Senators Christiansen and White. Mr. Wilson told Senator White this bill was not before his committee, but he had given Mr. Gray permission to discuss it, because they were here from Las Vegas, and he hated to see them turn around and come back again.

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Senator Christiansen said there was no sense in having two bills, if you can put one in the other.

A.B. 689 - Limits terms of cosmetology board members
Mrs. Dungan said this was recommended by the Cosmetology Association at their board meeting. "This limits to two successive terms the appointment of board members". This session has even limited the Governor to two terms.

Mr. Wilson asked if it was retro-active. Miss Dungan said it did apply to persons presently on the board, but was not retro-active.

Mr. May asked her if she would then object going back to A.B. 592. Through an enactment of that bill, do you still object to this particular section?

Miss Dungan replied that under the Administrative Procedures Act, any Board can hire any one to do work for it. "However, the secretary-treasurer should be a member of the Board."

Mr. Demille asked for proper representation between the north and south.

Dungan: "Since the Governor does the appointing, you would have to elect a Governor willing to represent the whole State".

S.B. 168 - "Removes practice of naturopathy as exemption from provisions regulating profession of cosmetology."

Swallow: "Did I understand someone to say that there are no naturopathists in the State of Nevada?"

Randall: "A naturopathists gives massage with medicated drugs. I don't think the cosmetologists and hair dressers could take in naturopathy."

Swallow: "What I had in mind are these people who do skin peeling".

Dungan: "The law now specifically exempts these people from the Board. It gives the Public much more protection."

Mr. John White said he would like to go back to A.B. 592. He said "we hurried over a thing or two I would like to mention. The part of the 3-years experience as a hair dresser in order to be an instructor should be deleted, Page 6, Sec. 5(d). At the present time, the law states that to open our school doors, we must have 3 instructors. If we have 25, we can get by with 2, if we have 26, we must have 3."

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He said if they have an exceptional student, and she is highly successful as a beautician, at the end of 3 years, they can't get her back. He said at this time, there is not a cosmetology teacher in the State of Nevada that he can employ. He said he can't bring them in from California or Utah, because we have a 3 months residency requirement. He said it is their proposal, when they have an outstanding individual who doesn't run with the crowd, who is a high-school graduate and an expert stylist, he said they feel they should be able to put this person into training.

"Were this person employed immediately, we could build up a backlog of cosmetology teachers and improve the quality of our teachers. With improvement of quality of teachers, we will improve our students as well.

A.B. 541 - Brookman moved DO PASS and re-refer to Ways and Means. Frazzini seconded. Unanimously carried.

Chairman Wilson called for adjournment as it was 5:30 P.M. and announced there would be a short meeting on Thursday, March 19th to vote on the bills discussed today.

30 January 1969
1729 Stanford
No. Las Vegas Nevada 89030

Better Business Bureau
318 E. Charleston
Las Vegas Nevada

Dear Mrs. Nixon:

I should like to advise the Better Business Bureau about the illegal operations of the Las Vegas Beauty College in Las Vegas.

At the Home Show in May 1968, my wife registered for a free scholarship at the Las Vegas Beauty College. Later in May she was contacted that she had been selected to receive a free scholarship and that she should make an appointment to finalize the details. She went in and agreed to receive 1800 hours of instruction and supervised practice. About 17 June 1968 she began classes.

It was soon obvious that adequate instruction was not being given. Frequently there was only one instructor present within the school. Nevada state law requires that a minimum of two instructors be present at all times when students are practicing on patrons. Theory instruction classes were often neglected. Instead of theory instruction, students were sometimes required to perform janitorial duties. One inspection by the State Board of Cosmetology verified that students were cleaning trash cans, mopping floors, scrubbing sinks and cleaning bathrooms in lieu of receiving instructions.

Inaccurate and sketchy information was given about the purpose of the State Board of Cosmetology and the requirements for obtaining a beautician's license.

Other malpractices of the school as witnessed by my wife are listed below:

1. A registration fee of \$85.00 was charged for a Free scholarship.
2. Fines were assessed for any one of the six days per week missed.
3. Profits were made on sale of student services. Supposedly prices to patrons are to cover necessary supplies only. However, \$2.00 is charged for a comb-out for which the student himself provides all the supplies necessary (i.e., comb and hair spray).
4. Patron purchases are recorded on the cash register as a charge to student supplies to avoid paying tax.
5. Regular prices are charged for substituted lower value merchandise. For example, a \$5.00 permanent wave solution was sold for \$3.50.

We feel that the teenage students attending this school are being exploited. We request that you investigate the practices of the Las Vegas Beauty College so that others do not fall victim to these flagrant violations of Nevada State Law.

Frederick E. Bellinger
FREDERICK E. BELLINGER, Capt, USAF

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