

The meeting was called to order at 1:30 p.m. in Room 213. Senator Thomas R. C. Wilson was in the chair.

PRESENT: Senator Thomas R.C. Wilson, Chairman (absent for voting)
Senator Richard E. Blakemore, Vice Chairman
Senator Don Ashworth
Senator Clifford E. McCorkle
Senator Melvin D. Close
Senator C. Clifton Young
Senator William H. Hernstadt

ABSENT: None

OTHERS See attached guest list (Exhibit A).
PRESENT:

SB 172 Revises laws regulating dispensing opticians.

For previous testimony and discussion on SB 172, see minutes of meetings dated February 12 ~~and 14~~, 1979.

Harold Myers, representing the Nevada Association of Dispensing Opticians, explained that Senate Bill 172 brings the present statute into accordance with the Federal Trade Commission, upgrades the qualifications of dispensing opticians and increases fees.

Mr. Myers explained that there has not been an increase since 1952. Last session the board was increased from three to five members; so the cost of maintaining the board has risen.

Chairman Wilson stated that of most concern is the definition of "ophthalmic dispenser". He compared the language of the old statute with that of the proposed legislation. Chairman Wilson referred specifically to line 21, page 1, : "Prescription analysis and interpretation;"

Mr. Myers clarified that the optician in no way changes the prescription of the doctor, and the language of the amendment has been advised by Frank Daykin, Legislative Counsel. He continued that opticians' intpretation of "analysis" does not mean that the prescription could be changed, but if this language is unclear, the opticians would not object to change.

Mr. Myers agreed to Senator McCorkle's suggestion that the old language replace the new in the definition, and that line 21, page 1 should be deleted.

Senator Close referred to line 40, page 7. He stated that this section stands by itself, and is not modified by any previous section.

Mr. Myers explained that the reason for this section was to assure that, after two years, an applicant would have to reapply if his training were not completed.

Senator Close stated that the language is very confusing because it permits someone to be a contact lens fitter without requiring the technical training.

Mr. Myers agreed that lines 40 through 42, page 7, should be deleted.

Marvin O. Sedway, O.D., Secretary Treasurer, Nevada State Board of Optometry, presented a position paper in opposition to SB 172 which included sixteen objections (see Exhibit B).

Dr. Sedway stated that the wording "best suited to the wearer's needs" is too broad and could be interpreted that the optician could use some judgement in interpreting prescriptions. He continued, in response to Mr. Myers' statement that patients always check back with the doctor after having the prescription filled, that this is not always the case.

Chairman Wilson called for comment on Dr. Sedway's proposed amendments.

Mr. Myers referred to the first suggestion, which would not allow dispensing opticians to use the "O.D." initials, and explained that the use of these initials is used nationally by certified dispensers in those states which have licensure.

Dr. Sedway responded that there would be confusion, because "O.D." is the initials used by Doctors of Optometry.

Don Hill, representing the State Opticians, stated that "ophthalmic dispenser" is the language of the existing law.

Robert Myers, President, Nevada State Board of Optometry, stated that the use of the initials "O.D." would be confusing, because there would be no way to differentiate between Doctors of Optometry and ophthalmic dispensers.

Mr. Harold Myers stated that in those cases when the prescription does not specify, the dispenser must decide the type or design of lens or frame.

Frank Higdon, representing the Nevada State Board of Ophthalmic Dispensers, stated that there are times when a dispenser must interpret prescriptions, but they always consult with the doctor.

Don Hill clarified that the statute states it is a misdemeanor to change a prescription.

Mr. Harold Myers responded to the changes numbered 4 and 4 in Dr. Sedway's proposed amendments and explained that previously the requirement has been four years as an apprentice and once year as a dispensing optician, and this is thought to be too restrictive by the opticians. He stated the requirement should be a total of four years.

Dr. Sedway withdrew his objection.

Discussion followed regarding "supervision", "direct supervision" and "immediate direct supervision".

F. Harvey Wittemore, representing the National Association of Optometrists and Opticians, suggested that the phrase "direct supervision" should be defined.

Dr. Sedway withdrew objection number six regarding the waiver of examination of an applicant for licensure as an ophthalmic dispenser.

Dr. Sedway withdrew objection number seven regarding the length of time examination papers must be kept.

Dr. Sedway withdrew objection number eight regarding the employment of apprentices.

Dr. Sedway strongly objected to unlicensed people making optical repairs. He explained that the replacing of a screw is not objectionable, but the question is where the line should be drawn.

Discussion followed during which time it was decided that the exemptions referred to on lines 37 through 40, page 4, of SB 172, be removed.

Chairman Wilson announced that he was due at another hearing and that Vice Chairman Blakemore would take the Chair.

Dr. Sedway withdrew objection number eleven regarding the maximum amount of time for required continuing education.

Harvey Wittemore suggested that the following additional language be added line 34, page 4: "The board may approve programs to be held within or without the State of Nevada. The board shall approve only such educational programs as are available to all persons practicing ophthalmic dispensing in the State on a reasonable non-discriminatory fee basis. In no instance may the board require a greater number of hours of study than are available at approved courses held within the State of Nevada during the calendar year."

Mr. Harold Myers stated that the previous language is in the by-laws of the optician's regulations.

Discussion followed regarding "forfeiture" and "revocation" which are used interchangeably in the bill. It was decided that clarification of this language should be made.

Discussion followed as to the distinction between "certificate" and "license".

Dr. Sedway withdrew objection number fourteen regarding advertising.

It was agreed to leave in the language on page 6, line 48, as follows: "3. Making use of any advertising statement of a character

Date: March 5, 1979

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tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment. 4. Furnishing or advertising the furnishing of the services of a refractonist, optometrist, or physician or surgeon. 5. Changing the prescription of a lens without an order from a person licensed to issue such prescription." This would conform with federal law.

Ed Bostic, Vice President, Nevada Association of Dispensing Opticians, presented a letter from Steven P. Shearing (see Exhibit C) and another from Dr. Maurice D. Pearlman (see Exhibit D).

Dr. Sedway clarified that there is no objection to dispensing opticians fitting contact lenses; but that those fitting contact lenses under the jurisdiction of the Dispensing Optician Board be made to show the technical proficiency necessary to insure protection of the public.

George F. Hamilton, representing the Nevada Association of Dispensing Opticians, stated that SB 172 does not give dispensing opticians authority to do anything that they are not already doing; but that licensing would upgrade the profession.

F. Harvey Wittemore presented prepared proposed amendments to SB172 (see Exhibit E).

Vice Chairman Blakemore closed the public hearing on SB 172.

AB 194 Changes certain fees and provisions relating to discipline of barbers.

D. R. Shaddy, Secretary, Nevada State Barbers' Health and Sanitation Board, presented background information for the record (see Exhibit F). Mr. Shaddy explained that since 1977, the costs of examinations and maintenance of the board have increased by \$2,242. He continued that the licensing fee would be raised to \$10 now, with a provision to go to \$15 in the future; that there was legislation last session for cost increases; and that there is no objection to the cost increases.

In response to Senator McCorkle's question about the deletion of "sanitary regulations", Mr. Shaddy stated that this was the work of the bill drafter; but that he would have no objection to its inclusion.

Eddie L. Cipriani, President, Nevada State Barbers' Health and Sanitation Board, concurred with the previous testimony.

James L. Carpenter, member, Nevada State Barbers' Health and Sanitation Board, concurred with the previous testimony.

Vice Chairman Blakemore closed the public hearing on AB 194.

SB 90 Provides for registration of trade-marks, trade names and service marks.

For previous testimony, discussion and action on SB 90 see the minutes of meetings dated January 29 and 31 of 1979.

Peter J. Smith, Assistant, Director of the Department of Commerce, stated that Jim Barnes, Director, D.O.C., asked that Section 21 of Senate Bill 90 be deleted.

Discussion followed regarding the "injunctive relief" phrase in Section 21.

Senator Ashworth pointed out that Section 21 is drawn from the Model Act.

Bill Cozart, representing the Nevada Association of Realtors, stated that the statutes regarding real estate in Nevada are predicated on the basis that the individual and the public know with whom they are dealing.

Discussion followed regarding a court case involving "Century 21" a real estate franchise which is before the United States Supreme Court (see Exhibits G and H), letters from the Attorney General's Office.

Mr. Smith explained that the Attorney General's concern is with its power to enforce regulations and the statutes that are its responsibilities. He continued that this power would be hampered if Section 21, which reads: "The likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered in this state or a mark valid at common law, is a ground for injunctive relief even in the absence of competition between the parties or the absence of confusion as to the source of goods or services." were to be included in the bill. He stated that injunctive relief cannot be obtained without proof of injury or irreparable harm. He explained that the Real Estate Division requires that the broker's name must occupy 50 percent of the sign when a franchise is involved, but that "Century 21" takes 80 percent.

Gene Milligan, representing the Nevada Association of Realtors, responded to Senator Hernstadt's comments on advertising. He stated that in cases such as "Century 21" where the sign is so prominent, consumers believe that they are dealing directly with "Century 21", when, in fact, they are dealing with the franchisee.

Mr. Smith clarified that the Attorney General's Office is not just concerned with the "Century 21" law suit, but with the future power of states and professional organizations to regulate advertising.

Following further discussion regarding Section 21 of Senate Bill 90, Mr. Smith agreed to report back to the Committee upon completion of further investigation and research.

Vice Chairman Blakemore closed the public hearing on SB 90.

SB 137 Requires substitution of less expensive drugs under certain circumstances.

(SB 137 Continued)

For previous testimony, discussion and action on SB 137, see minutes from meetings dated February 12 and 26, 1979.

Vice Chairman Blakemore referred to Amendment Number 205 (see Exhibit I).

Senator Ashworth moved that SB 137 be passed out of Committee as amended, and re-referred to Committee.

Seconded by Senator Young.

Motion carried.

Senator Wilson absent.

SB 10 Narrows definition of unethical conduct in profession of optometry.

For previous testimony, discussion and action on SB 10, see minutes from meetings dated February 5 and 14, 1979.

Vice Chairman Blakemore referred to Amendment Number 221 (see Exhibit J). Discussion followed regarding the interpretation of a solid partition.

Senator Young moved that SB 10 be passed out of Committee as amended.

Seconded by Senator Ashworth.

Senator Hernstadt dissented.

Motion carried.

Senator Wilson absent.

SB 173 Establishes the manufactured housing division.

For previous testimony and discussion on SB 173, see minutes of meetings dated February 14 and 21, 1979.

Vice Chairman Blakemore referred to Amendment Number 204 (see Exhibit K).

Senator Young moved that SB 173 be amended and re-referred to Committee.

Seconded by Senator Hernstadt.

Motion carried.

Senator Wilson absent.

BDR 54-1263* Requires inactive real estate brokers and salesmen to meet certain continuing education requirements as prerequisite to real estate active status.

Senator McCorkle moved for Committee introduction.

Seconded by Senator Young.

Senator Ashworth dissented.

Motion carried.

Senator Wilson absent.

BDR 1781** Requests Congress and the President of the United States to allow operators of gas stations flexibility in any legislation requiring closure of their stations.

Senator Hernstadt moved for Committee introduction.

Seconded by Senator Blakemore.

Motion carried.

Senator Wilson absent.

BDR 1782 Urges Congress to extend emergency power of President of the United States to allocate petroleum products.

Senator Young moved for Committee introduction.

Motion failed for lack of a second.

AB 194 Changes certain fees and provisions relating to discipline of barbers.

Senator Hernstadt moved that AB 194 be passed out of Committee with a "Do Pass" recommendation.

Seconded by Senator Young.

Motion carried.

Senator Wilson absent.

There being no further business, the meeting adjourned at 5:30 p.m.

Respectfully submitted,

APPROVED:

Betty Kalicki, Secretary

Thomas R. C. Wilson, Chairman

*SB 310
**SJR 16

(Committee Minutes)

SENATE Commerce and Labor COMMITTEE

GUEST LIST

DATE: Monday, March 5, 1979

NAME	AGENCY OR ORGANIZATION
Frank Hyde	State Board of Ophthalmologists
Geo. F. Smitton	Nevada Assoc. of Dispensing Opticians
Hold Myers	Nev. Board of Ophthalmic Dispensing
Al Barker	Nevada Executive Pharmacists & Chemists
Nancy Hill	STATE OPTICIANS
Harvey Whittemore	Nat. Assoc. of Optometrists and Opticians
Tom Susselkum	Sec of State
Edie J. Lippman	Barber Board
James D. Campbell	BARBER BOARD
Kenneth R. Shady	Barber Board
Bill Cozart	Nev. Assoc. of REALTORS
Marian Seday	Sec-Nev. State Board of Optometry
Robert Myers	Pres. Nev. State Board of Optometry
Nancy Myers	
Anne Pershing	Political Science Student
Robert Herman	Deputy Attorney General (2nd Rate)
Peter J. Smith	Dept of Commerce & Director's Office

GUEST LIST - EXHIBIT A

Harold Myers, Nevada State Board of Ophthalmic Dispensers

Marvin Sedway, O.D., Secretary Treasurer, Nevada State Board
of Optometry

Don Hill, Attorney, State Opticians

Robert Myers, President, Nevada State Board of Optometry

Frank Higdon, Nevada State Board of Ophthalmic Dispensers

F. Harvey Wittemore, Attorney, National Association of
Dispensing Opticians

Ed Bosdick, Vice President, Nevada Association of Dispensing
Opticians

George F. Hamilton, member, Nevada Association of Dispensing
Opticians

Dr. R. Shaddy, Secretary, Nevada State Barbers Health and
Sanitation Board

Eddie L. Cipriani, President, Nevada State Barbers Health
and Sanitation Board

James L. Carpenter, member, Nevada State Barbers Health
and Sanitation Board

Peter J. Smith, Assistant Director of the Department of
Commerce

Bill Cozart, member, Nevada Association of Realtors

Gene Milligan, member, Nevada Association of Realtors

Anne Pershing, Political Science Student

Robert Herman, Deputy Attorney General

William Swackhamer, Secretary of State



NEVADA STATE BOARD OF OPTOMETRY

3101 MARYLAND PARKWAY LAS VEGAS, NEVADA 89109

ROBERT T. MYERS, O.D.
PRESIDENT

JOEL G. ADLER, O.D.
VICE PRESIDENT

MARVIN M. SEDWAY, O.D.
SECRETARY-TREASURER

MYRNA J. SPAULDING
PUBLIC MEMBER

March 5, 1979

POSITION PAPER OF
NEVADA STATE BOARD OF EXAMINERS IN OPTOMETRY
ON
SENATE BILL 172

The Nevada State Board of Examiners in Optometry is in opposition to proposed revisions of the dispensing opticians law (NRS 637 et seq.)

The State of Nevada is one of twenty (20) states which regulates the trade of dispensing opticianry. The law in its present form is an adequate one with a few minor exceptions and we feel that any wholesale changes in the law would tend to lessen the protection for the public.

Specifically, the Board of Examiners in Optometry find sixteen (16) separate objections in the proposed law. With your indulgence, we would like to outline our concerns.

1. On page 1, line 7, the change of designation of "dispensing optician" to "ophthalmic dispenser" is unnecessary. The use of the initials "O.D." which might be used to describe ophthalmic dispenser would be confused with the degree of Doctor of Optometry, which also uses the designation "O.D."; hence a problem of identification between a dispensing optician and an "O.D." would exist. We respectfully request that all references made to "Ophthalmic Dispenser" or "Certified Ophthalmic Dispenser" be deleted throughout the law and the designation "Dispensing Optician" be retained.

2. On page 1, line 12, (designated Section 1, Subsection 3) which defines "ophthalmic dispensing" and continued through page 2, lines 1 through 11-- this is, in the opinion of the Board of Examiners in Optometry, entirely uncalled for, misleading, and not in the best interest of the public. Specifically, we call your attention to line 18, (page 1) through line 21, in which the definition calls for "prescription analysis and interpretation,"

(designated as subsection a) at line 21. There is no analysis and/or interpretation of an ophthalmic prescription. The prescription as written by the prescribing doctor leaves no room for interpretation. The ophthalmic prescription is no different than a prescription written by a licensed physician. Any interpretation or analysis is done prior to the writing of the prescription by the doctor and not by any technician.

3. On page 2, lines 1-3, (designated as subsection b) the wording "or lens forms best suited to the wearer's needs,"-- there is once again allowance for the person filling the prescriptions to change the prescription in some manner as opposed to the intent of the prescriber. The same reasoning holds true as in the previous objection.

4. On page 3, lines 19 through 50, the subject of licensure, (designated as Section 6, subsection 5 (a) -- we see no reason to change the wording deleting "4 calendar" years and inserting the words "3 years' full-time employment in an optical establishment where prescriptions for (optical glasses) spectacles or contact lenses" are filled. The 4 year period should be the minimum amount of time required to fulfill apprenticeship requirements.

5. On page 3, line 31, we ask that the wording be changed from "under the direct supervision of a licensed ophthalmic dispenser" to "under the immediate direct personal supervision of a ..."

6. On page 3, lines 37 through 50 -- we object to the waiver of examination of an applicant for licensure as an ophthalmic dispenser. There is no reason for anyone licensed to perform any duties under the jurisdiction of the state to be allowed not to be tested to see if his technical proficiency

meets the standards necessary to protect the public.

7. On page 3, line 42 (designated as Section 7, subsection 3) -- we ask that the board be required to keep all examination papers of all applicants for a period of five (5) years, not just those who failed to obtain a grade of less than 75% on any examination.

8. On page 4, lines 7 through 12, (designated as Section 9, subsection 1) -- this again concerns the employment of persons designated as an "apprentice". It is the opinion of the Board of Examiners in Optometry that the wording is not specific nor does it cover the duties and responsibilities of the "apprentice" or his supervisor.

9. On page 4, lines 27, 28 and 29, (designated as Section 9, subsection 5) -- The Board of Examiners in Optometry is definitely opposed to this entire section, which allows an optical dispenser to employ persons who are not licensed by the Opticians Board or who are registered with the same board as apprentices in performing work as indicated on line 28 "in making optical repairs." This type of work is included under the definition of optician; therefore, we strongly object to nonlicensed and nonregistered personnel performing in such capacity.

10. On page 4, line 31, (designated Section 10, subsections 2 and 3) and specifically lines 35 through 45, the Board of Examiners in Optometry objects to the waiving of the requirements of continuing education for those persons who are over the age of 60 or who "have been continuously engaged in full-time ophthalmic dispensing for a minimum of 15 years..."

It is the Board of Examiners in Optometry's opinion that no one should be "grandfathered" under a waiver of this important requirement. All Boards or Commissions which require continuing education, specifically--Medical, Dental, Optometric, Chiropractic, do not waiver any practitioner because of age or time in practice.

11. On page 4, line 45, (designated as subsection 3(b) -- change the word "maximum" to "minimum".

12. On page 5, line 6, (designated as Section 11, subsection 20, there is no allowance for a grace period for renewal of licensure. We respectfully submit that a licensee should be allowed the privilege of fulfilling requirements for relicensure within a grace period as is the practice with almost all licensing boards and commissions.

13. On page 5, lines 9 to 13, (designated as Section 12) -- we see no reason to change the word "license" to "certificate" as used in this paragraph. The State, through its powers given to the Board, licenses persons to perform certain work under its jurisdiction, and does not certify; hence, the retention of the word "license" is desirable.

14. On page 6, lines 42 through 50, (designated as Section 16, subsections 2 and 3) -- the recommendation of this section is contrary to the newly accepted FTC rulings on advertising. The FTC rulings on advertising concerning truth in advertising are very specific, and this section, if removed, would be contrary to the FTC's intent.

15. On page 7, lines 1 and 2, (designated as Section 16, subsection 4) -- we object to the removal of the prohibition against "furnishing or advertising the furnishing of the services of a refractonist, optometrist, or physician or surgeon." Nowhere is the optician charged with responsibility or allowed to advertise the services of someone other than himself. We strongly object to the removal of this section.

16. On page 7, lines 8 through 50 and page 8, lines 1 through 4, (designated as Sections 18 and 19) -- This is an entirely new section added to this Chapter concerning the fitting of contact lenses. The Board of Examiners in Optometry objects to the intent of this full section, specifically, line 13 to the end of this section. We strongly object to the following wording " who fitted contact lenses before January 1, 1978, and submits an appropriate application with affidavits for certification by the opticians board to fit contact lenses without examination."

Over a period of the last 20 years, the approximate time that the trade of Dispensing Opticianry has been regulated by the State of Nevada, very little conflict has arisen through the even-handed regulation by the appropriate board. It seems rather transparent that the revisions requested are to upgrade the trade of Opticianry to some sort of semi-professional status.

Professions or Learned Professions are defined by the Nevada Revised Statutes. By no stretch of the imagination can we assume that Opticianry -- a trade-- is a profession. By no stretch of the imagination can you, as members of the legislature by legislative action, upgrade a trade to professional status. It is our opinion that this is not your intent. We ask that you give consideration to our objections to SB172 and amend the requested Bill accordingly.

Respectfully Submitted,



Marvin M. Sedway, O. D.

Secretary-Treasurer

Nevada State Board of Examiners in Optometry

(By and For the Entire Board of Examiners in Optometry)

MS:tj

STEVEN P. SHEARING, M.D., LTD.
OPHTHALMOLOGYRANCHO-SAHARA MEDICAL CENTER
2320 SOUTH RANCHO DRIVE
SUITE 103
LAS VEGAS, NEVADA 89102

TELEPHONE 384-4740

March 2, 1979

Nevada Legislature 1979

I have been in the practice of Ophthalmology in Las Vegas since January of 1969. It has been my experience during that period of time that contact lens fittings by local Las Vegas Opticians have been quiet satisfactory and that the rate of complications have not been significantly different from that of contact lens fittings by other practioners including Optometrists and Ophthalmologists. It has been my impression that local Opticians have been very cautious about the medical status of the eye and has always referred their contact lens customers for evaluation by a qualified Ophthalmologist both prio to and after having fitted the individual with a contact lens. I see no reason why Opticians should not continue to fit and dispense contact lenses provided that they do so under the supervision of a qualified Ophthalmologist as has been general practice in the Las Vegas community area.

Sincerely,



Steven P. Shearing, M.D.

SPS:jc

LAS VEGAS OPHTHALMOLOGICAL SOCIETY
P.O. Box 4727
LAS VEGAS, NEVADA 89106

March 2, 1979

Dear Ed,

The Las Vegas Ophthalmological Society supports the concept of trained and qualified opticians or contact lens technicians fitting contact lenses on prescription and supervision of an eye physician (ophthalmologist).

We favor this stand because of the long, close, satisfactory and meaningful relationship between we physicians and opticians whom we consider trustworthy ancillary personnel in our work, particularly in the field of contact lens fitting. It is also based on our mutual desire to do what is best for our patients.

The dispensing optician may be defined as an ancillary medical worker who supplies and fits such glasses, appliances and devices as the physician prescribes for a given patient. The prescribing physician makes the final determination of the acceptability of such glasses (thus the physicians relation with the optician differs from his relation with the druggist whose finished product can not easily be inspected).

The view that only optometrists or ophthalmologists can properly fit contact lenses is erroneous and irresponsible, especially when reviewed in historical perspective. For example--

- In 1827 the first contact lens was suggested and constructed of glass by Sir John Herschel, an English physicist, for a physician friend with diseased eyelids.
- In 1887 an expert glass blower constructed a protective glass shell for an eye physician (Dr. Saemisch) in Germany whose patient had the lid surgically removed because of malignancy.
- In 1888 hand blown corneal lenses were made and fitted by expert glass blowers in Switzerland working together with eye physicians.
- Between 1888 and 1938 investigations and trials with glass contact lenses were carried on by technicians in Germany and the U.S.A., again in cooperation with eye physicians.

- In 1938 Obrig and Muller, both non-eye professionals, first molded plastic scleral lenses and had a modest degree of success in certain eye conditions.
- The fore-runner of today's successful so-called hard contact lens was perfected and patented by Mr. Kevin Touhy, an optician and contact lens technician.
- In the past 25 years many of the refinements in contact lens design have been made possible by non-professional personnel doing research in the manufacture of contact lenses and technics of fitting.

In light of the above, it is ironic that the dedicated and qualified optician is confronted with legislative and legal challenges to his work by the optometric lobby which seems bent on exercising authority over ancillary ophthalmic personnel serving the medical profession.

We are aware that a contact lens, when placed on the eye, may alter tissue and the changes may be permanent. We feel strongly that the physician must exercise direction and supervision of the (technician) optician consistent with the qualifications of the optician and the needs of the patient.

It is not the duty or responsibility of the contact lens technician to advise or recommend therapy concerning pain, redness, use of medications, etc. The patient should be referred back immediately and emphatically to the ophthalmologist for any necessary recommendations. This duty, incidentally, even applies to the optometrist.

Optometry is continually questioning the right of the ophthalmologist to delegate to a contact lens technician what they claim medicine would deny the optometrist. Their argument may appeal to the uninformed but has no merit in fact. What must be clearly understood, is that the qualified optician or contact lens technician is not fitting contact lenses independently but is working under the direction and supervision of the ophthalmologist, thereby insuring a maximum of safety in the fitting and wearing of these lenses.

The technical fitting of the contact lens, (including K readings), the grinding of the intermediate and peripheral curves and their blending, the polishing of the lens, the instruction of the patient in the care of, and in the inserting and removing the lens, the necessary adjustments for lens centering, smoothing and rounding of edges are the technical, time consuming, but important functions that qualified opticians and contact lens technicians can do for us. The final phase of contact lens fitting, however, is the medical examination and approval of the contact lens fitting by the prescribing ophthalmologist and this is a continuing process periodically, as long as the patient wears contact lenses.

In conclusion, it is our recommendation that the medical eye profession and its technical colleagues - the opticians - be kept free to continue their close and useful relationship in their respective fields unfettered by restrictive, restraining rules that only raise costs to the public without any compensatory health-safety factors.

Sincerely,



Maurice D. Pearlman, M.D.

President, Las Vegas Ophthalmological Society

MY NAME IS HARVEY WHITTENORE AND I AM APPEARING ON BEHALF OF THE NATIONAL ASSOCIATION OF OPTOMETRISTS AND OPTICIANS. THERE ARE A NUMBER OF MEMBERS OF THIS ASSOCIATION IN THE STATE OF NEVADA AND THESE ARE THEIR CONCERNS. AS A HOUSEKEEPING MATTER, THE COMMITTEE MIGHT WANT TO DIRECT THAT THE LETTER D IN THE WORD DESIGN BE CHANGED FROM THE UPPER-CASE TO THE LOWER-CASE.

ON PAGE 1, LINE 13.

THE ASSOCIATION WOULD HOPE THAT THE COMMITTEE:

1. DELETE THE WORD "DIRECT" IN LINE 25, PAGE 3, AND LINE 31, PAGE 5.

THE REASON IS THAT NO DEFINITION PRESENTLY EXISTS FOR THE TERM "DIRECT SUPERVISION". THE ONLY DEFINITION IN THIS AREA IS IN LINES 17-19 ON PAGE 2 WHEREIN "SUPERVISION" IS DEFINED. WE DON'T WANT TO OPEN THE DOOR OR FOSTER PROBLEMS BY LEAVING IN WORDS WHICH WILL ALLOW THE BOARD TOO MUCH LEeway IN DETERMINING WHAT DIRECT IS OR ISN'T. IF YOU WANT TO LEAVE IN THE WORD DIRECT, LETS DEFINE IT SO THAT EVERYONE KNOWS WHAT CONDUCT IS EXPECTED.

2. INSERT THE WORDS "OR PHYSICIAN" FOLLOWING THE WORD OPTOMETRIST ON LINES 28 AND 32 ON PAGE 3.

THE JUSTIFICATION FOR THIS MODIFICATION IS THAT PHYSICIANS IN NEVADA ARE ENGAGED, AS ARE OPTOMETRISTS, IN THE PRESCRIBING AND DISPENSING OF OPHTHALMIC APPLIANCES. ACCORDINGLY, THOSE EMPLOYEES OF PHYSICIANS SHOULD BE GIVEN THE SAME OPPORTUNITY FOR LICENSURE AS ARE THE EMPLOYEES OF OPTOMETRISTS IN SECTION 637.100, (5), (A), AND (B).

3. INSERT THE FOLLOWING AS A NEW SUBSECTION C OF SECTION 637.125 AS FOLLOWS:

"C. A FIRM OR CORPORATION MAY ENGAGE IN THE PRACTICE OF OPHTHALMIC DISPENSING BY EMPLOYING A CERTIFIED OPHTHALMIC DISPENSER IN ITS BUSINESS ESTABLISHMENT."

THE JUSTIFICATION FOR THIS PROPOSED AMENDMENT IS THIS LANGUAGE AFFIRMS THE RIGHT OF EXISTING OPTICAL COMPANIES TO STAY IN BUSINESS BY EMPLOYING LICENSEES UNDER THIS CHAPTER. THIS AFFIRMATIVE LANGUAGE IS NECESSARY SO THAT EXISTING COMPANIES CAN CONTINUE TO PROVIDE SERVICES AND EMPLOY LICENSED INDIVIDUALS.

4. INSERT THE FOLLOWING IN LINES 34 ON PAGE 4 AS FOLLOWS:

THE BOARD MAY APPROVE PROGRAMS TO BE HELD WITHIN OR WITHOUT THE STATE OF NEVADA. THE BOARD SHALL APPROVE ONLY SUCH EDUCATIONAL PROGRAMS AS ARE AVAILABLE TO ALL PERSONS PRACTICING OPHTHALMIC DISPENSING IN THE STATE ON A REASONABLE NON-DISCRIMINATORY FEE BASIS. IN NO INSTANCE MAY THE BOARD REQUIRE A GREATER NUMBER OF HOURS OF STUDY THAN ARE AVAILABLE AT APPROVED COURSES HELD WITHIN THE STATE OF NEVADA DURING THE CALENDAR YEAR.

THE JUSTIFICATION FOR THIS LANGUAGE IS TO ASSURE THAT ALL LICENSEES HAVE ACCESS TO CONTINUING EDUCATION PROGRAMS WHICH ARE A PREREQUISITE TO THEIR LIVELIHOOD.

5. ADD "OR OPTOMETRISTS" AFTER THE WORD "PHYSICIAN" IN LINE 14 ON PAGE 7.

THE JUSTIFICATION FOR THIS AMENDMENT IS THAT OPTOMETRISTS AS WELL AS PHYSICIANS ARE LICENSED TO FIT CONTACT LENSES IN NEVADA. THEREFORE, THE OPHTHALMIC DISPENSER WHO HAS FITTED FOR EITHER PHYSICIANS OR OPTOMETRISTS SHOULD NOT BE SUBJECTED TO DISCRIMINATION IN CERTIFYING HIS COMPETENCE IN THIS AREA.

6. DELETE "OR IS ABOUT TO ENGAGE" IN LINE 43 PAGE 7, AND DELETE "OR WILL CONSTITUTE" IN LINE 49 PAGE 7.

WE REALLY QUESTION THE ABILITY OF ANYONE TO ^{SEE}PRECIEVE THE FUTURE WHICH IS WHAT THE PROPOSED LANGUAGE APPEARS TO DO. WE ALSO QUESTION THE DESITABILITY OF AFFORDING THE BOARD THE OPPORTUNITY TO AGAIN DETERMINE OR GET INVOLVED IN THIS ~~AREA~~ AREA WHICH REQUIRES CONTINUOUS EXERCISE AND INTERPRETATION OF



JIM CARPENTER, Vice-President
60 E. Ninth Street
Reno, Nevada 89501

EDDIE L. CIPRIANI, President
1957 Idaho Street
Carson City, Nevada 89701

K. R. SHADDY, Secretary
612 South Decatur Blvd.
Las Vegas, Nevada 89107

NEVADA STATE BARBERS HEALTH AND SANITATION BOARD

EXAMINATION EXPENCES

1. 1977-----\$ 2,766.00
2. 1978-----\$ 3,808.00 (+ \$ 1,042.00) ACTUAL
3. SECRETARY SALARY
4. 1977-----\$ 1,200.00
5. 1978-----\$ 2,400.00 PROJESTED COST INCREASE \$2,242.00

INCOME

6. REGISTERED BARBER &
APPRENTICE BARBER LICENSES
7. 1978----614 @ \$ 10.00 \$ 6,140.00
8. BARBER SHOPS
9. 1978----199 @ \$ 5.00 995.00
\$ 7,135.00
10. 1979 (PROJECTED) 614 @ \$ 15.00 \$ 9,210.00
199 @ \$ 10.00 \$ 1,990.00
\$11,200.00 INCREASE \$ 4,065.00
- 11.
12. SUBTRACT SET COSTS OF \$ 2,242.00 BALANCE OF \$1,823.00
13. ACTUAL BANK BALANCE AS OF FEBRUARY 1, 19
14. 1976--\$2,850.33 1977--\$2,837.38 1978--\$2,937.91
15. 1979--\$1,615.36
16. RESERVE ACCOUNT IN BANK \$3,521.28
17. APPLICANTS FOR EXAMINATION BY YEAR:
18. 1975--61 1976--84 1977--78 1978--62



STATE OF NEVADA
 OFFICE OF THE ATTORNEY GENERAL
 COMMERCE DIVISION
 201 SOUTH FALL STREET
 CARSON CITY 89710

RICHARD H. BRYAN
 ATTORNEY GENERAL

February 8, 1979

JAMES I. BARNES
 CHIEF DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Senator Thomas R.C. Wilson
 FROM: James I. Barnes, Chief Deputy Attorney General *JIB*
 RE: Senate Bill No. 90

Bill Cozart asked me to contact you regarding Senate Bill No. 90, particularly Section 21 as it may relate to Century 21 Real Estate Corporation's lawsuit against the Nevada Real Estate Advisory Commission.

There appears to be some inherent problems with Section 21, particularly in light of Century 21's lawsuit against us. This section makes "the likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered in this State or a mark valid at common law" grounds for obtaining injunctive relief. This section might be interpreted as abrogating the common law grounds for obtaining injunctive relief, i.e. irreparable harm, a balancing of the hardships, a likelihood of success on the merits, the interest of the general public, and maintenance of the status quo. In effect, Section 21 would only require a showing of the "likelihood of injury" in order to obtain injunctive relief. For this reason, I would be opposed to Section 21's enactment.

Also, Century 21 may point to Section 13, subsection 2, in their lawsuit against us and say in effect that they have registered with the Secretary of State as required by law and thus should be free of interference from other State agencies, i.e. the Real Estate Advisory Commission might be estopped from further regulation as the Legislature has preempted the field.

Senator Thomas R.C. Wilson
February 8, 1979
Page Two

I would hope that at least Section 21 would be deleted from the bill. If you wish to speak with me regarding this, I may be reached tomorrow (February 9th) at 851-1282. Next Monday through Wednesday (February 12-14) I can be reached at (415) 398-1234.

JIB:rms



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
COMMERCE DIVISION
201 SOUTH FALL STREET
CARSON CITY 89710

RICHARD H. BRYAN
ATTORNEY GENERAL

February 28, 1979

JAMES I. BARNES
CHIEF DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Senator Thomas R.C. Wilson
FROM: James I. Barnes, Chief Deputy Attorney General *JIB*
RE: First Reprint of S.B. 90

I wish to thank the Commerce Committee for attempting to deal with the problems which this office pointed out in S.B. 90.

However, unfortunately, I fear that the Commerce Committee's addition to S.B. 90 (Section 27) is an inadequate response to those problems. I can see no reason that a person or entity could not file an action for injunctive relief under Section 21 of S.B. 90 on July 2, 1979 to enjoin the Real Estate Commission's 50/50 regulation. Therefore, the problems which have been pointed out earlier will still exist and I urge the Committee to take additional affirmative action to eliminate such problems.

JIB:rms

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Senate	AMENDMENT BLANK
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to	Senate
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Joint
Date:		Date:		Bill No.	137 Resolution No.
Initial:		Initial:		BDR	54-145
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by	Committee on Commerce
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		and Labor
Date:		Date:			
Initial:		Initial:			

Amendment N^o 205

Amend section 1, page 1, line 2, by deleting "12," and inserting "13,".

Amend the bill as a whole by deleting sections 2 through 12, and inserting:

"Sec. 2. "Practitioner" means a dentist, podiatrist or veterinarian licensed to practice his profession in this state or a physician.

Sec. 3. If a practitioner has prescribed a drug by brand name and has indicated that a substitution may be made, a pharmacist may fill the prescription with another drug which is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage and is of the same generic type as the drug prescribed.

Sec. 4. 1. Before he makes a substitution, a pharmacist shall advise the person who presents the prescription of:

To: E & E
LCB File
Journal
Engrossment
Bill

Date 3-2-79 Drafted by DS:sl

Amendment No. 205 to Senate Bill No. 137 (BDR 54-145) Page 2

- (a) The generic drug which he proposes to substitute; and
- (b) The price difference between the drug under the brand name prescribed and the drug which the pharmacist proposes to substitute.

2. A pharmacist shall not make any substitution of drugs if the drug to be substituted is higher in cost than the drug prescribed by brand name.

3. The person presenting the prescription may refuse to accept the proposed substitution.

Sec. 5. When a substitution is made pursuant to sections 2 to 13, inclusive, of this act, the pharmacist shall note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription.

Sec. 6. 1. Each prescription form used in this state must contain two lines for the signature of the prescriber. The line on the right must be printed above the words "substitution permitted", and the line on the left must be printed above the words "dispense as written".

2. The pharmacist shall note the prescriber's instructions on the label of the drug dispensed pursuant to the prescription.

3. Substitutions may not be made in filling prescriptions written by practitioners outside the State of Nevada or in

prescriptions filled outside the state and mailed into Nevada.

Sec. 7. No employer of a pharmacist may require the pharmacist to dispense any specific generic drug if:

1. Substitution is not permitted by the prescription as signed by a practitioner; or

2. Substitution would be against the professional judgment of the pharmacist.

Sec. 8. A pharmacist may not make a substitution pursuant to sections 2 to 13, inclusive, of this act unless the manufacturer of the drug which he proposes to substitute is licensed in Nevada and:

1. All products are dated with an expiration date on the original package.

2. All tablets and capsules have the manufacturer's product identification code imprinted on them.

3. The manufacturer is capable of recalling unsafe or defective drugs, and has filed a statement describing its capability with the board.

4. The manufacturer has filed a liability statement relative to its drugs with the board.

Sec. 9. The board shall furnish each pharmacy in Nevada with a list of all manufacturers who are qualified pursuant to section 8

Amendment No. 205 to Senate Bill No. 137 (BDR 54-145) Page 4

of this act. The board shall publish addenda or revised lists at least quarterly.

Sec. 10. A pharmacist who selects a drug for substitution assumes no greater civil liability than he assumes by filling the prescription with the drug under its brand name.

Sec. 11. A pharmacist who proposes to make any substitution must have made use of a list of biologically equivalent drugs which is published by the United States Food and Drug Administration.

Sec. 12. Each pharmacy shall prominently display at or near the place where prescriptions are dispensed the following information in block letters not less than 1 inch in height:

STATE LAW ALLOWS A LESS EXPENSIVE GENERICALLY EQUIVALENT DRUG TO BE SUBSTITUTED FOR A DRUG DESIGNATED BY A TRADE OR BRAND NAME IF IT IS AVAILABLE AND UNLESS YOUR PHYSICIAN REQUESTS OTHERWISE. CONSULT YOUR PHARMACIST CONCERNING THE AVAILABILITY OF THE LEAST EXPENSIVE DRUG FOR YOUR USE.

Sec. 13. The board shall survey pharmacies to determine the effect of sections 2 to 12, inclusive, of this act, including which drugs are used to fill prescriptions for generic drugs and for drugs designated by a trade or brand name, and the prices being charged for those drugs. The board shall adopt regulations enabling it to determine the savings to purchasers of prescription drugs

Amendment No. 205 to Senate _____ Bill No. 137 (BDR 54-145) Page 5

because of substitutions permitted by section 3 of this act.
The board shall report its findings to the legislature during
each regular session."

Amend the title of the act to read as follows:

"AN ACT relating to pharmacists and pharmacy; permitting the
substitution of less expensive drugs under certain cir-
cumstances when drugs are prescribed by trade or brand
name; and providing other matters properly relating thereto."

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Senate</u>	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Lost <input type="checkbox"/>		<u>Joint</u>
Date: _____	Date: _____	Date: _____	Date: _____	Bill No. <u>10</u>	Resolution No.
Initial: _____	Initial: _____	Initial: _____	Initial: _____	BDR <u>54-653</u>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Committee on Commerce and</u>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	<u>Labor</u>	
Date: _____	Date: _____	Date: _____	Date: _____		
Initial: _____	Initial: _____	Initial: _____	Initial: _____		

Amendment No 221

Replaces Amendment No. 169

Amend the bill as a whole, by inserting a new section, to be designated as section 1, preceding section 1, to read:

"Section 1. Chapter 636 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. It is the policy of this state, with respect to a licensee who practices as a lessee or sublessee in a mercantile establishment, to maintain the licensee's complete independence from the lessor or sublessor in all matters relating to the licensee's practice of his profession.

2. The carrying out of the policy expressed in subsection 1 includes, without limitation, the following restrictions:

(a) A licensee shall not practice as a lessee or sublessee in a mercantile establishment unless the space utilized is separated from other parts of the establishment by solid partitions from floor to ceiling, except that the entrance may be

To: E & E
LCB File
Journal
Engrossment
Bill

Date 3-4-79 Drafted by JW:sl

Amendment No. 221 to Senate Bill No. 10 (BDR 54-653) Page 2

either from the mercantile establishment or directly from the outside.

(b) A licensee shall not enter into any lease or sublease pursuant to which all or any portion of the rental price is computed on the basis of the licensee's gross or net receipts.

(c) A licensee shall not agree to refer customers to any seller of optical goods who does business in or is affiliated with the mercantile establishment.

(d) A licensee shall not accept any rebate, portion of the price charged to a customer, or other inducement from any seller of optical goods who does business in or is affiliated with the mercantile establishment.

(e) A licensee shall not agree with any lessor or sublessor, or with any other lessee, to purchase or sell any particular brand or kind of optical goods."

Amend the bill as a whole by renumbering section 1, as section 2.

Amend section 1, page 2, line 14, by deleting "establishment where" and inserting "establishment, subject to the restrictions set forth in section 1 of this act and any regulations adopted by the board to carry out the policy declared in that section.".

Amend section 1, page 2, by deleting lines 15 and 16.

Amendment No. 221 to Senate Bill No. 10 (BDR 54-653) Page 3

Amend the title of the bill, 1st line, after "conduct;" and
inserting:

"setting forth policies for and imposing restrictions
upon practice in mercantile establishments;".

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Senate _____ AMENDMENT BLANK	
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to _____ Senate _____	
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Bill No. _____ ^{Joint} Resolution No. _____	
Date:		Date:		BDR 43-304 _____	
Initial:		Initial:		Proposed by _____ Committee on Commerce and _____	
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Labor _____	
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		
Date:		Date:			
Initial:		Initial:			

Amendment N^o 204



Amend section 11, page 2, lines 42 and 43 by deleting:

" , except those collected pursuant to section 27 of this act, ".

Amend section 14, page 3, by deleting line 35 and inserting:

"(d) Any proof which the division requires that the applicant has a qualified service department or has contracted for service.

(e) If the application is for a license as a manufacturer, dealer or rebuilder, a good and sufficient bond in the amount of \$10,000, the surety for which is a corporation licensed to do business as a surety in this state, which has been approved as to form by the attorney general. The bond must be conditioned on the conduct of business by the applicant without fraud or fraudulent misrepresentation and without violation of any provision of this chapter, including fraud or violation by salesmen of dealers and rebuilders acting within the scope of employment, and must provide

o: E & E
 LCB File
 Journal ✓
 Engrossment
 Bill

Date 3-1-79 Drafted by DGS:ml

that any person injured by an action of the dealer, rebuilder, manufacturer or salesman may bring an action on the bond.

(f) In lieu of a bond, an applicant or licensee may deposit with the state treasurer, under terms prescribed by the division:

(1) A like amount of lawful money of the United States or bonds of the United States or the State of Nevada of an actual market value of not less than the amount fixed by the division;

or

(2) A savings certificate of a bank, building and loan association or savings and loan association situated in Nevada which indicates an account of an amount equal to the amount of the required bond, and which indicates that the amount cannot be withdrawn except upon order of the division. Interest earned on the account accrues to the applicant or licensee.

(g) A reasonable fee fixed by regulation."

Amend section 14, page 3, line 36, by deleting "(e)" and inserting "(h)".

Amend section 15, page 3, line 49, by deleting "vehicle" and inserting "mobile home".

Amend the bill as a whole by deleting sections 27 through 36 and inserting:

"Secs. 27-36. (Deleted by amendment.)".

Amendment No. 204 to Senate Bill No. 173 (BDR 43-304) Page 3

Amend section 46, page 12, line 36, by deleting "Except as provided in subsection 2, upon" and inserting "Upon".

Amend section 46, page 12, by deleting lines 39 through 50 and on page 13, by deleting lines 1 through 3.

Amend section 46, page 13, line 4, by deleting "4." and inserting "2.".

Amend section 46, page 13, line 6, by deleting "5." and inserting "3.".

Amend section 47, page 13, line 8, by deleting:

"1. Except as provided in subsection 2, upon" and inserting "Upon".

Amend section 47, page 13, by deleting lines 16 through 20.

Amend section 59, page 16, by deleting lines 23 through 27.

Amend section 59, page 16, line 28, by deleting "3." and inserting "2.".

Amend section 61, page 17, line 6, by inserting "or commercial coach" after "mobile home".

Amend section 72, page 19, by deleting line 23 and inserting:
"body length. Neither the width nor the length includes bay windows, porches, drawbars, couplings, hitches, wall or roof extensions or other attachments."

Amend section 72, page 19, lines 25 and 26, by removing the brackets.

Amendment No. 204 to Senate Bill No. 173 (BDR 43-304) Page 4

Amend section 74, page 19, by deleting lines 37 through 43 and inserting:

"489.150 1. "Travel trailer" means a [vehicular] portable [unit,] structure mounted on wheels, [of a size and weight so as not to require special highway movement permits when drawn by a motor vehicle,] consisting of a vehicular chassis primarily designed as temporary living quarters for recreational, camping or travel use and designed to be drawn by another vehicle [.] , and designated by the manufacturer as a travel trailer.

2. A vehicle is not a travel trailer if, when equipped for highway use, it is [greater] more than 8 feet wide . [or 40 feet long.]".

Amend the bill as a whole by adding a new section designated section 94.5, following section 94, to read as follows:

"Sec. 94.5. NRS 482.127 is hereby amended to read as follows:

482.127 "Travel trailer" means a portable structure mounted on wheels, constructed on a vehicular-type chassis primarily designed as temporary living quarters for recreational, camping or travel use and designed to be drawn by another vehicle [. When equipped for highway use, the structure may not exceed 8 feet in width nor 40 feet in body length.] and designated by the manufacturer as a travel trailer. A vehicle is not a travel trailer if, when equipped for highway use, it is more than 8 feet wide.".

Amend the bill as a whole by deleting section 117.

ASSEMBLY BILL NO. 194—ASSEMBLYMEN BENNETT AND
CHANNEY

JANUARY 24, 1979

Referred to Committee on Health and Welfare

SUMMARY—Changes certain fees and provisions relating to
discipline of barbers. (BDR 54-131)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to barbers and barbering; raising the limit on the salary of the
secretary-treasurer of the state barbers' health and sanitation board; increas-
ing certain fees; changing provisions relating to the discipline of barbers; and
providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 643.030 is hereby amended to read as follows:
2 643.030 1. The board shall elect a president. No person [shall] may
3 serve as president for more than 4 consecutive years.
4 2. The board shall elect a vice president.
5 3. The board shall elect a secretary-treasurer, who may or may not
6 be a member of the board. The board shall fix the salary of the secretary-
7 treasurer, which shall not exceed the sum of [~~\$1,200~~] \$2,400 per year.
8 4. Each officer and member of the board [shall be] is entitled to
9 receive:
10 (a) A salary of not more than \$40 per day, as fixed by the board,
11 while engaged in the business of the board.
12 (b) Actual expenses for subsistence and lodging, not to exceed \$25
13 per day, and actual expenses for transportation, while traveling on busi-
14 ness of the board.
15 5. The secretary-treasurer shall:
16 (a) Keep a record of all proceedings of the board.
17 (b) Give to the state a bond in the sum of \$2,000, with sufficient sure-
18 ties, for the faithful performance of his duties. The bond shall be
19 approved by the board.
20 SEC. 2. NRS 643.140 is hereby amended to read as follows:
21 643.140 1. Every registered barber and every registered apprentice
22 who continues in active practice or service shall annually, on or before