

ASSEMBLY BILL NO. 258—COMMITTEE ON  
COMMERCE AND LABOR

MARCH 6, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to cosmetology.  
(BDR 54-912)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: No.

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

AN ACT relating to cosmetology; requiring a shampoo assistant to be licensed by the State Board of Cosmetology; authorizing an operator of a cosmetological establishment to employ or lease space to persons other than cosmetologists; imposing a fee for the issuance or renewal of a license as a shampoo assistant; providing a penalty; 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.** Chapter 644 of NRS is hereby amended by adding
- 2     thereto the provisions set forth as sections 2 to 5, inclusive, of this
- 3     act.
- 4     **Sec. 2.** *“Shampoo assistant” means a person who:*
- 5         1. *Cleanses, stimulates or massages the scalp with shampoo,*
- 6         *conditioner or lotion; or*
- 7         2. *Removes foils or rollers from and rinses the hair of a*
- 8         *customer.*
- 9     **Sec. 3.** *The Board shall admit to examination for a license as*
- 10    *a shampoo assistant any person who has applied to the Board in*
- 11    *proper form and paid the fee and:*
- 12         1. *Is at least 18 years of age;*
- 13         2. *Is of good moral character;*



1       3. *Has successfully completed the 10th grade in school or its*  
2 *equivalent; and*

3       4. *Has completed at least 300 hours of training in a school of*  
4 *cosmetology licensed by the Board, including training relating to*  
5 *the theory of the scalp and the shampooing and conditioning of*  
6 *hair.*

7       **Sec. 4.** *The examination for a license as a shampoo assistant*  
8 *may include:*

9       1. *Practical demonstrations of the conditioning and*  
10 *shampooing of the scalp; and*

11       2. *Written and oral tests on:*

12       (a) *The cleansing of the scalp and infestations and diseases of*  
13 *the scalp; and*

14       (b) *The laws of the State of Nevada and regulations of the*  
15 *Board relating to cosmetology.*

16       **Sec. 5.** 1. *An operator of a cosmetological establishment*  
17 *who employs or leases space in the cosmetological establishment*  
18 *to a barber who is licensed pursuant to chapter 643 of NRS shall*  
19 *not place a barber pole in or near the cosmetological*  
20 *establishment or create the impression to members of the general*  
21 *public that a business located near the barber pole is a*  
22 *barbershop.*

23       2. *A barber who engages in the practice of barbering in a*  
24 *cosmetological establishment shall display his license in plain view*  
25 *of the public at the position where he performs his work.*

26       3. *The provisions of chapter 643 of NRS, except the*  
27 *provisions relating to the licensing of a barber, do not apply to a*  
28 *cosmetological establishment in which a barber engages in the*  
29 *practice of barbering pursuant to this section.*

30       4. *As used in this section:*

31       (a) *“Barber pole” means a red and white striped vertical*  
32 *cylinder with a ball located on top of the cylinder.*

33       (b) *“Barbershop” has the meaning ascribed to it in*  
34 *NRS 643.010.*

35       (c) *“Practice of barbering” has the meaning ascribed to it in*  
36 *NRS 643.010.*

37       **Sec. 6.** NRS 644.020 is hereby amended to read as follows:

38       644.020 As used in this chapter, unless the context otherwise  
39 requires, the words and terms defined in NRS 644.0205 to 644.029,  
40 inclusive, *and section 2 of this act* have the meanings ascribed to  
41 them in those sections.

42       **Sec. 7.** NRS 644.024 is hereby amended to read as follows:

43       644.024 “Cosmetology” includes the occupations of a  
44 cosmetologist, aesthetician, electrologist, hair designer,



1 demonstrator of cosmetics ~~[and manicurist.]~~ , *manicurist and*  
2 *shampoo assistant.*

3 **Sec. 8.** NRS 644.130 is hereby amended to read as follows:

4 644.130 1. The Board shall keep a record containing the  
5 name, known place of business, and the date and number of the  
6 license of every manicurist, *shampoo assistant*, electrologist,  
7 aesthetician, hair designer, demonstrator of cosmetics and  
8 cosmetologist, together with the names and addresses of all  
9 cosmetological establishments and schools of cosmetology licensed  
10 pursuant to this chapter. The record must also contain the facts  
11 which the applicants claimed in their applications to justify their  
12 licensure.

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

15 (a) Any other licensing board or agency that is investigating a  
16 licensee.

17 (b) A member of the general public, except information  
18 concerning the address and telephone number of a licensee.

19 **Sec. 9.** NRS 644.193 is hereby amended to read as follows:

20 644.193 1. The Board may grant a provisional license as an  
21 instructor to a person who:

22 (a) Has successfully completed the 12th grade in school or its  
23 equivalent and submits written verification of the completion of his  
24 education;

25 (b) Has practiced as a full-time licensed cosmetologist,  
26 aesthetician or manicurist for ~~[3-years]~~ *1 year* and submits written  
27 verification of his experience;

28 (c) Is licensed pursuant to this chapter;

29 (d) Applies for a provisional license on a form supplied by the  
30 Board;

31 (e) Submits two current photographs of himself; and

32 (f) Has paid the fee established pursuant to subsection 2.

33 2. The Board shall establish and collect a fee of not less than  
34 \$25 nor more than \$40 for the issuance of a provisional license as an  
35 instructor.

36 3. A person issued a provisional license pursuant to this section  
37 may act as an instructor for compensation while accumulating the  
38 number of hours of training required for an instructor's license.

39 4. A provisional license as an instructor expires upon  
40 accumulation by the licensee of the number of hours of training  
41 required for an instructor's license. The Board may grant an  
42 extension of not more than 45 days to those provisional licensees  
43 who have applied to the Board for examination as instructors and  
44 are awaiting examination.



1       **Sec. 10.** NRS 644.220 is hereby amended to read as follows:  
2       644.220 1. In addition to the fee for an application, the fees  
3 for examination are:

4       (a) For examination as a cosmetologist, not less than \$40 and  
5 not more than \$75.

6       (b) For examination as an electrologist, not less than \$40 and not  
7 more than \$75.

8       (c) For examination as a hair designer, not less than \$40 and  
9 not more than \$75.

10       (d) For examination as a manicurist, not less than \$40 and not  
11 more than \$75.

12       (e) For examination as an aesthetician, not less than \$40 and not  
13 more than \$75.

14       (f) *For examination as a shampoo assistant, not less than \$40*  
15 *and not more than \$75.*

16       (g) For examination as an instructor of aestheticians or in  
17 cosmetology or manicuring, \$40.

18 The fee for each reexamination is not less than \$40 and not more  
19 than \$75.

20       2. In addition to the fee for an application, the fee for  
21 examination or reexamination as a demonstrator of cosmetics is \$40.

22       3. Each applicant referred to in subsections 1 and 2 shall, in  
23 addition to the fees specified therein, pay the reasonable value of all  
24 supplies necessary to be used in the examination.

25       **Sec. 11.** NRS 644.260 is hereby amended to read as follows:

26       644.260 The Board shall issue a license as a cosmetologist,  
27 aesthetician, electrologist, hair designer, manicurist, *shampoo*  
28 *assistant*, demonstrator of cosmetics or instructor to each applicant  
29 who:

30       1. Passes a satisfactory examination, conducted by the Board to  
31 determine his fitness to practice that occupation of cosmetology; and

32       2. Complies with such other requirements as are prescribed in  
33 this chapter for the issuance of the license.

34       **Sec. 12.** NRS 644.260 is hereby amended to read as follows:

35       644.260 The Board shall issue a license as a cosmetologist,  
36 aesthetician, electrologist, hair designer, manicurist, *shampoo*  
37 *assistant*, demonstrator of cosmetics or instructor to each applicant  
38 who passes a satisfactory examination, conducted by the Board to  
39 determine his fitness to practice that occupation of cosmetology.

40       **Sec. 13.** NRS 644.300 is hereby amended to read as follows:

41       644.300 Every licensed manicurist, *shampoo assistant*,  
42 electrologist, aesthetician, hair designer, demonstrator of cosmetics  
43 or cosmetologist shall, within 30 days after changing his place of  
44 business, as designated in the records of the Board, notify the  
45 Secretary of the Board of his new place of business. Upon receipt of



1 the notification, the Secretary shall make the necessary change in  
2 the records.

3 **Sec. 14.** NRS 644.320 is hereby amended to read as follows:

4 644.320 1. The license of every cosmetologist, aesthetician,  
5 electrologist, hair designer, manicurist, *shampoo assistant*,  
6 provisional instructor, demonstrator of cosmetics and instructor  
7 expires on July 1 of the next succeeding odd-numbered year.

8 2. The Board shall adopt regulations governing the proration of  
9 the fee required for initial licenses issued for less than 1 1/2 years.

10 **Sec. 15.** NRS 644.325 is hereby amended to read as follows:

11 644.325 1. An application for renewal of any license issued  
12 pursuant to this chapter must be:

13 (a) Made on a form prescribed and furnished by the Board at  
14 any time during the month of June of the year in which the license  
15 expires;

16 (b) Accompanied by the statement required pursuant to NRS  
17 644.214; and

18 (c) Accompanied by the fee for renewal.

19 2. The fees for renewal are:

20 (a) For manicurists, *shampoo assistants*, electrologists,  
21 aestheticians, hair designers, demonstrators of cosmetics and  
22 cosmetologists, not less than \$30 and not more than \$50.

23 (b) For instructors, not less than \$40 and not more than \$60.

24 (c) For cosmetological establishments, not less than \$60 and not  
25 more than \$100.

26 (d) For schools of cosmetology, not less than \$450 and not more  
27 than \$500.

28 3. For each month or fraction thereof after July 1 in which a  
29 license is not renewed, there must be assessed and collected at the  
30 time of renewal a penalty of \$25 for a school of cosmetology and  
31 \$10 for a cosmetological establishment and all persons licensed  
32 pursuant to this chapter.

33 4. An application for the renewal of a license as a  
34 cosmetologist, hair designer, aesthetician, electrologist, manicurist,  
35 *shampoo assistant*, demonstrator of cosmetics or instructor must be  
36 accompanied by two current photographs of the applicant which are  
37 1 1/2 by 1 1/2 inches. The name and address of the applicant must  
38 be written on the back of each photograph.

39 **Sec. 16.** NRS 644.325 is hereby amended to read as follows:

40 644.325 1. An application for renewal of any license issued  
41 pursuant to this chapter must be:

42 (a) Made on a form prescribed and furnished by the Board at  
43 any time during the month of June of the year in which the license  
44 expires; and

45 (b) Accompanied by the fee for renewal.



- 1 2. The fees for renewal are:  
2 (a) For manicurists, *shampoo assistants*, electrologists,  
3 aestheticians, hair designers, demonstrators of cosmetics and  
4 cosmetologists, not less than \$30 and not more than \$50.  
5 (b) For instructors, not less than \$40 and not more than \$60.  
6 (c) For cosmetological establishments, not less than \$60 and not  
7 more than \$100.  
8 (d) For schools of cosmetology, not less than \$450 and not more  
9 than \$500.

10 3. For each month or fraction thereof after July 1 in which a  
11 license is not renewed, there must be assessed and collected at the  
12 time of renewal a penalty of \$25 for a school of cosmetology and  
13 \$10 for a cosmetological establishment and all persons licensed  
14 pursuant to this chapter.

15 4. An application for renewal of a license as a cosmetologist,  
16 hair designer, aesthetician, electrologist, manicurist, *shampoo*  
17 *assistant*, demonstrator of cosmetics or instructor must be  
18 accompanied by two current photographs of the applicant which are  
19 1 1/2 by 1 1/2 inches. The name and address of the applicant must  
20 be written on the back of each photograph.

21 **Sec. 17.** NRS 644.330 is hereby amended to read as follows:

22 644.330 1. A manicurist, *shampoo assistant*, electrologist,  
23 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics  
24 or instructor whose license has expired may have his license  
25 renewed only upon submission of the statement required pursuant to  
26 NRS 644.214 and payment of all required fees.

27 2. Any manicurist, *shampoo assistant*, electrologist,  
28 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics  
29 or instructor who retires from practice for more than 1 year may  
30 have his license restored only upon submission of the statement  
31 required pursuant to NRS 644.214 and payment of all required fees.

32 3. No manicurist, *shampoo assistant*, electrologist,  
33 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics  
34 or instructor who has retired from practice for more than 4 years  
35 may have his license restored without examination and must comply  
36 with any additional requirements established in regulations adopted  
37 by the Board.

38 **Sec. 18.** NRS 644.330 is hereby amended to read as follows:

39 644.330 1. A manicurist, *shampoo assistant*, electrologist,  
40 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics  
41 or instructor whose license has expired may have his license  
42 renewed only upon payment of all required fees.

43 2. Any manicurist, *shampoo assistant*, electrologist,  
44 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics



1 or instructor who retires from practice for more than 1 year may  
2 have his license restored only upon payment of all required fees.

3 3. No manicurist, *shampoo assistant*, electrologist,  
4 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics  
5 or instructor who has retired from practice for more than 4 years  
6 may have his license restored without examination and must comply  
7 with any additional requirements established in regulations adopted  
8 by the Board.

9 **Sec. 19.** NRS 644.360 is hereby amended to read as follows:

10 644.360 1. Every holder of a license issued by the Board to  
11 operate a cosmetological establishment shall display the license in  
12 plain view of members of the general public in the principal office  
13 or place of business of the holder.

14 2. The operator of a cosmetological establishment ~~{shall}~~ *may*  
15 lease space to or employ ~~{only}~~ *persons other than* licensed  
16 manicurists, *shampoo assistants*, electrologists, aestheticians, hair  
17 designers, demonstrators of cosmetics and cosmetologists at his  
18 establishment. ~~{to provide cosmetological services.}~~

19 **Sec. 20.** NRS 644.375 is hereby amended to read as follows:

20 644.375 ~~{Any food}~~ *Food* or beverages ~~{that are sold}~~ for  
21 immediate consumption *may be sold* in a cosmetological  
22 establishment. ~~{must be sold in an area of the cosmetological~~  
23 ~~establishment which is sufficiently separated from the area of the~~  
24 ~~cosmetological establishment where cosmetological services are~~  
25 ~~provided.}~~

26 **Sec. 21.** NRS 644.400 is hereby amended to read as follows:

27 644.400 1. A school of cosmetology must at all times be  
28 under the immediate supervision of a licensed instructor who has  
29 had practical experience of at least 1 year in the practice of a  
30 majority of the branches of cosmetology in an established place of  
31 business.

32 2. A school of cosmetology shall:

33 (a) Maintain a school term of not less than 1,800 hours  
34 ~~{extending over a period of not less than 10 months nor more than~~  
35 ~~24 months.}~~ and maintain a course of practical training and technical  
36 instruction equal to the requirements for examination for a license as  
37 a cosmetologist.

38 (b) Maintain apparatus and equipment sufficient to teach all the  
39 subjects of its curriculum.

40 (c) Keep a daily record of the attendance of each student, a  
41 record devoted to the different practices, establish grades and hold  
42 examinations before issuing diplomas. These records must be  
43 submitted to the Board pursuant to its regulations.



1 (d) Include in its curriculum a course of deportment consisting  
2 of instruction in courtesy, neatness and professional attitude in  
3 meeting the public.

4 (e) Arrange the courses devoted to each branch or practice of  
5 cosmetology as the Board may from time to time adopt as the course  
6 to be followed by the schools.

7 (f) Not allow any student to perform services on the public for  
8 more than 7 hours in any day . ~~nor for more than 5 days out of~~  
9 ~~every 7.]~~

10 (g) Conduct at least 5 hours of instruction in theory in each  
11 40-hour week or 6 hours of instruction in theory in each 48-hour  
12 week, which must be attended by all registered students.

13 (h) Require that all work by students be done on the basis of  
14 rotation.

15 **Sec. 22.** NRS 644.408 is hereby amended to read as follows:

16 644.408 A student must receive the following amount of  
17 instruction in the classroom before commencing work on members  
18 of the public:

19 1. A student enrolled as a cosmetologist must receive 250  
20 hours.

21 2. A student enrolled as a hair designer must receive 250 hours.

22 3. A student enrolled as a manicurist must receive 80 hours.

23 4. A student enrolled as an electrologist's apprentice must  
24 receive 150 hours.

25 5. A student enrolled as an aesthetician must receive 100 hours.

26 **6. A student enrolled as a shampoo assistant must receive 50**  
27 **hours.**

28 **Sec. 23.** NRS 644.430 is hereby amended to read as follows:

29 644.430 1. The following are grounds for disciplinary action  
30 by the Board:

31 (a) Failure of an owner of a cosmetological establishment, a  
32 licensed aesthetician, cosmetologist, hair designer, electrologist,  
33 instructor, manicurist, *shampoo assistant*, demonstrator of  
34 cosmetics or school of cosmetology, or a cosmetologist's apprentice  
35 to comply with the requirements of this chapter or the applicable  
36 regulations adopted by the Board.

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

39 (c) Gross malpractice.

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

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





1 (f) Advertisement by means of knowingly false or deceptive  
2 statements.

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

5 (h) Failure to display the license as provided in NRS 644.290,  
6 644.360 and 644.410.

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

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

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

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

16 (a) Refuse to issue or renew a license;

17 (b) Revoke or suspend a license;

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

19 (d) Impose a fine not to exceed \$1,000.

20 **Sec. 24.** NRS 644.425 and 644.427 are hereby repealed.

21 **Sec. 25.** 1. This section and sections 1 to 11, inclusive, 13,  
22 14, 15, 17 and 19 to 25, inclusive, of this act become effective on  
23 October 1, 2003.

24 2. Sections 11, 15 and 17 of this act expire by limitation on the  
25 date on which the provisions of 42 U.S.C. § 666 requiring each state  
26 to establish procedures under which the state has authority to  
27 withhold or suspend, or to restrict the use of professional,  
28 occupational and recreational licenses of persons who:

29 (a) Have failed to comply with a subpoena or warrant relating to  
30 a proceeding to determine the paternity of a child or to establish or  
31 enforce an obligation for the support of a child; or

32 (b) Are in arrears in the payment for the support of one or more  
33 children,

34 are repealed by the Congress of the United States.

35 3. Sections 12, 16 and 18 of this act become effective on the  
36 date on which the provisions of 42 U.S.C. § 666 requiring each state  
37 to establish procedures under which the state has authority to  
38 withhold or suspend, or to restrict the use of professional,  
39 occupational and recreational licenses of persons who:

40 (a) Have failed to comply with a subpoena or warrant relating to  
41 a procedure to determine the paternity of a child or to establish or  
42 enforce an obligation for the support of a child; or

43 (b) Are in arrears in the payment for the support of one or more  
44 children,

45 are repealed by the Congress of the United States.



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**TEXT OF REPEALED SECTIONS**

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**644.425 Temporary educational permit; unlawful acts.**

1. The Board may grant a temporary educational permit authorizing a current licensee within the scope of his license to conduct demonstrations and exhibitions, temporarily and primarily for educational purposes, of techniques for the benefit and instruction of cosmetologists, hair designers, aestheticians, electrologists and manicurists licensed pursuant to this chapter, and electrologists' apprentices, cosmetologists' apprentices and students enrolled in licensed schools of cosmetology.

2. The permit must specify the purpose for which it is granted, the period during which the person is permitted to conduct the demonstrations and exhibitions, which may not exceed 10 days, and the time and place of exercising the privilege granted by the permit.

3. A person may be granted a temporary educational permit only if he:

(a) Applies to the Board for the permit;

(b) Demonstrates to the satisfaction of the Board that the permit is sought primarily for educational purposes; and

(c) Pays a fee of not less than \$10 and not more than \$25.

Except for schools licensed pursuant to this chapter, an application for a permit must be submitted at least 10 days before the date of the demonstration or exhibit.

4. It is unlawful:

(a) For any person to conduct a demonstration or exhibition without a permit.

(b) For any person who is granted a permit to allow persons other than cosmetologists, hair designers, aestheticians, electrologists and manicurists licensed pursuant to this chapter, and electrologists' apprentices, cosmetologists' apprentices and students enrolled in licensed schools of cosmetology to attend any demonstration or exhibition made or given by him.

**644.477 Unlawful to practice any other profession in cosmetological establishment.** It is unlawful for the operator of a cosmetological establishment to practice or allow the practice of any profession other than cosmetology in that establishment.

