

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; 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;*

7 2. *Removes foils or rollers from and rinses the hair of a*
8 *customer; or*

9 3. *Combs the hair of a customer.*

10 **Sec. 3.** *The Board shall admit to examination for a license as*
11 *a shampoo assistant any person who has applied to the Board in*
12 *proper form and paid the fee and:*

13 1. *Is at least 18 years of age;*

14 2. *Is of good moral character;*

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



* A B 2 5 8 R 1 *

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

5 **Sec. 4.** *The examination for a license as a shampoo assistant*
6 *may include:*

7 1. *Practical demonstrations of the conditioning and*
8 *shampooing of the scalp; and*

9 2. *Written and oral tests on:*

10 (a) *The cleansing of the scalp and infestations and diseases of*
11 *the scalp; and*

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

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

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

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

28 4. *As used in this section:*

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

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

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

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

36 644.020 As used in this chapter, unless the context otherwise
37 requires, the words and terms defined in NRS 644.0205 to 644.029,
38 inclusive, *and section 2 of this act* have the meanings ascribed to
39 them in those sections.

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

41 644.024 “Cosmetology” includes the occupations of a
42 cosmetologist, aesthetician, electrologist, hair designer,
43 demonstrator of cosmetics ~~[and—manicurist.]~~ , *manicurist and*
44 *shampoo assistant.*



1 **Sec. 8.** NRS 644.130 is hereby amended to read as follows:
2 644.130 1. The Board shall keep a record containing the
3 name, known place of business, and the date and number of the
4 license of every manicurist, *shampoo assistant*, electrologist,
5 aesthetician, hair designer, demonstrator of cosmetics and
6 cosmetologist, together with the names and addresses of all
7 cosmetological establishments and schools of cosmetology licensed
8 pursuant to this chapter. The record must also contain the facts
9 which the applicants claimed in their applications to justify their
10 licensure.

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

13 (a) Any other licensing board or agency that is investigating a
14 licensee.

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

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

18 644.193 1. The Board may grant a provisional license as an
19 instructor to a person who:

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

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

26 (c) Is licensed pursuant to this chapter;

27 (d) Applies for a provisional license on a form supplied by the
28 Board;

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

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

31 2. The Board shall establish and collect a fee of not less than
32 \$25 nor more than \$40 for the issuance of a provisional license as an
33 instructor.

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

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

43 **Sec. 10.** NRS 644.220 is hereby amended to read as follows:

44 644.220 1. In addition to the fee for an application, the fees
45 for examination are:



- 1 (a) For examination as a cosmetologist, not less than \$40 and
- 2 not more than \$75.
- 3 (b) For examination as an electrologist, not less than \$40 and not
- 4 more than \$75.
- 5 (c) For examination as a hair designer, not less than \$40 and not
- 6 more than \$75.
- 7 (d) For examination as a manicurist, not less than \$40 and not
- 8 more than \$75.
- 9 (e) For examination as an aesthetician, not less than \$40 and not
- 10 more than \$75.

11 (f) *For examination as a shampoo assistant, not less than \$40*

12 *and not more than \$75.*

13 (g) For examination as an instructor of aestheticians or in

14 cosmetology or manicuring, \$40.

15 The fee for each reexamination is not less than \$40 and not more

16 than \$75.

17 2. In addition to the fee for an application, the fee for

18 examination or reexamination as a demonstrator of cosmetics is \$40.

19 3. Each applicant referred to in subsections 1 and 2 shall, in

20 addition to the fees specified therein, pay the reasonable value of all

21 supplies necessary to be used in the examination.

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

23 644.260 The Board shall issue a license as a cosmetologist,

24 aesthetician, electrologist, hair designer, manicurist, *shampoo*

25 *assistant*, demonstrator of cosmetics or instructor to each applicant

26 who:

27 1. Passes a satisfactory examination, conducted by the Board to

28 determine his fitness to practice that occupation of cosmetology; and

29 2. Complies with such other requirements as are prescribed in

30 this chapter for the issuance of the license.

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

32 644.260 The Board shall issue a license as a cosmetologist,

33 aesthetician, electrologist, hair designer, manicurist, *shampoo*

34 *assistant*, demonstrator of cosmetics or instructor to each applicant

35 who passes a satisfactory examination, conducted by the Board to

36 determine his fitness to practice that occupation of cosmetology.

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

38 644.300 Every licensed manicurist, *shampoo assistant*,

39 electrologist, aesthetician, hair designer, demonstrator of cosmetics

40 or cosmetologist shall, within 30 days after changing his place of

41 business, as designated in the records of the Board, notify the

42 Secretary of the Board of his new place of business. Upon receipt of

43 the notification, the Secretary shall make the necessary change in

44 the records.



1 **Sec. 14.** NRS 644.320 is hereby amended to read as follows:
2 644.320 1. The license of every cosmetologist, aesthetician,
3 electrologist, hair designer, manicurist, *shampoo assistant*,
4 provisional instructor, demonstrator of cosmetics and instructor
5 expires on July 1 of the next succeeding odd-numbered year.

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

8 **Sec. 15.** NRS 644.325 is hereby amended to read as follows:
9 644.325 1. An application for renewal of any license issued
10 pursuant to this chapter must be:

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

14 (b) Accompanied by the statement required pursuant to NRS
15 644.214; and

16 (c) Accompanied by the fee for renewal.

17 2. The fees for renewal are:

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

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

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

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

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

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

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

38 644.325 1. An application for renewal of any license issued
39 pursuant to this chapter must be:

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

43 (b) Accompanied by the fee for renewal.

44 2. The fees for renewal are:



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

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

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

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

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

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

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

21 644.330 1. A manicurist, *shampoo assistant*, electrologist,
22 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics
23 or instructor whose license has expired may have his license
24 renewed only upon submission of the statement required pursuant to
25 NRS 644.214 and payment of all required fees.

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

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

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

38 644.330 1. A manicurist, *shampoo assistant*, electrologist,
39 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics
40 or instructor whose license has expired may have his license
41 renewed only upon payment of all required fees.

42 2. Any manicurist, *shampoo assistant*, electrologist,
43 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics
44 or instructor who retires from practice for more than 1 year may
45 have his license restored only upon payment of all required fees.



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

7 **Sec. 19.** NRS 644.360 is hereby amended to read as follows:
8 644.360 1. Every holder of a license issued by the Board to
9 operate a cosmetological establishment shall display the license in
10 plain view of members of the general public in the principal office
11 or place of business of the holder.

12 2. The operator of a cosmetological establishment shall lease
13 space to or employ only licensed manicurists, *shampoo assistants*,
14 electrologists, aestheticians, hair designers, demonstrators of
15 cosmetics and cosmetologists at his establishment to provide
16 cosmetological services. *This subsection does not prohibit an
17 operator of a cosmetological establishment from leasing space to
18 or employing a barber.*

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~~ *36* months, and maintain a course of practical training and
36 technical instruction equal to the requirements for examination for a
37 license as 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 644.477 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.



TEXT OF REPEALED SECTIONS

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.

