
ASSEMBLY BILL NO. 360—ASSEMBLYWOMAN WEBER

MARCH 22, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Provides for regulation and licensing of permanent cosmetics technicians. (BDR 54-925)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 permanent cosmetics; providing for the regulation and licensing of permanent cosmetics technicians by the Health Division of the Department of Human Resources; making it unlawful to practice permanent cosmetics without a license; providing a fee for the issuance and renewal of such a license; requiring the Health Division to adopt certain regulations relating to the licensing of permanent cosmetics technicians; providing penalties; 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 643.019 is hereby amended to read as follows:
2 643.019 This chapter does not apply to:
3 1. Persons licensed pursuant to ~~chapter 644 of NRS.~~ *the*
4 *provisions of NRS 644.020 to 644.490, inclusive.*
5 2. Embalmers or undertakers in cutting the hair or trimming the
6 beard of any deceased person in preparation for burial or cremation.
7 3. A prisoner who cuts hair in the city or county jail, state
8 prison, or other detention or correctional facility in which he is
9 incarcerated.



1 **Sec. 2.** NRS 643.085 is hereby amended to read as follows:
2 643.085 A person who:

3 1. Is licensed pursuant to the provisions of ~~chapter 644 of~~
4 ~~NRS;~~ **NRS 644.020 to 644.490, inclusive;** and

5 2. Has completed 400 hours of specialized training at a barber
6 school approved by the Board,
7 ↳ may take the examination for a license as a barber without being
8 licensed as an apprentice.

9 **Sec. 3.** NRS 643.110 is hereby amended to read as follows:

10 643.110 1. Except as otherwise provided in subsection 2, an
11 applicant for a license as a barber who fails to pass the examination
12 conducted by the Board must continue to practice as a licensed
13 apprentice for an additional 3 months before he may retake the
14 examination for a license as a barber.

15 2. An applicant for a license as a barber who is a cosmetologist
16 licensed pursuant to the provisions of ~~chapter 644 of~~ **NRS 644.020**
17 **to 644.490, inclusive,** and who fails to pass the examination
18 conducted by the Board must complete further study as prescribed
19 by the Board, not exceeding 250 hours, in a barber school approved
20 by the Board before he may retake the examination for a license as a
21 barber.

22 3. An applicant for a license as an apprentice who fails to pass
23 the examination provided for in NRS 643.080 must complete further
24 study as prescribed by the Board in a barber school approved by the
25 Board before he may retake the examination for a license as an
26 apprentice.

27 4. An applicant for a license as an instructor who fails to pass
28 the examination provided for in NRS 643.1775 must complete
29 further study prescribed by the Board, not to exceed 250 hours, in a
30 barber school approved by the Board before he may retake the
31 examination for a license as an instructor.

32 **Sec. 4.** Chapter 644 of NRS is hereby amended by adding
33 thereto the provisions set forth as sections 5 to 22, inclusive, of this
34 act.

35 **Sec. 5.** *As used in sections 5 to 22, inclusive, of this act,*
36 *unless the context otherwise requires, the words and terms defined*
37 *in sections 6, 7 and 8 of this act have the meanings ascribed to*
38 *them in those sections.*

39 **Sec. 6.** *“Health Division” means the Health Division of the*
40 *Department of Human Resources.*

41 **Sec. 7.** *“Permanent cosmetics” means cosmetic tattooing that*
42 *includes applications of pigments to or under the skin of a human*
43 *being for the purpose of permanently changing the color or other*
44 *appearance of the skin, including, without limitation, permanent*
45 *eyeliner, eye shadow and lip color. The term includes, without*



1 *limitation, micropigmentation, implantation of micropigments and*
2 *dermagraphics.*

3 **Sec. 8.** *“Permanent cosmetics technician” means a person*
4 *who performs permanent cosmetics.*

5 **Sec. 9.** *It is unlawful for any person to engage in, or attempt*
6 *to engage in, the practice of permanent cosmetics, whether for*
7 *compensation or otherwise, unless he is licensed in accordance*
8 *with the provisions of sections 5 to 22, inclusive, of this act.*

9 **Sec. 10.** *The Health Division shall admit to examination for*
10 *a license as a permanent cosmetics technician any person who has*
11 *made application to the Health Division in proper form, paid the*
12 *fee and:*

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

14 2. *Is of good moral character; and*

15 3. *Meets the requirements established by the Health Division*
16 *by regulation pursuant to section 13 of this act.*

17 **Sec. 11.** *The examination for a license as a permanent*
18 *cosmetics technician:*

19 1. *Must include a written or oral test relating to sanitation;*
20 *and*

21 2. *May include such other demonstrations and tests as the*
22 *Health Division may require.*

23 **Sec. 12.** 1. *A permanent cosmetics technician to whom a*
24 *license has been issued by the Health Division to practice*
25 *permanent cosmetics shall display his current license in plain view*
26 *of the public at the position where he performs his work.*

27 2. *If a permanent cosmetics technician practices permanent*
28 *cosmetics in more than one place, he shall carry his license with*
29 *him and display it wherever he is actually working.*

30 **Sec. 13.** *The Health Division shall adopt regulations to carry*
31 *out the provisions of sections 5 to 22, inclusive, of this act,*
32 *including, without limitation, regulations:*

33 1. *Specifying the training, education and experience required*
34 *for examination and licensure as a permanent cosmetics*
35 *technician.*

36 2. *Specifying the scope of the examination for licensure as a*
37 *permanent cosmetics technician.*

38 3. *Establishing the authorized scope of practice of a*
39 *permanent cosmetics technician.*

40 4. *Governing sanitary conditions in which the practice of*
41 *permanent cosmetics must be practiced, with particular reference*
42 *to the precautions to be employed to prevent the creating or*
43 *spreading of infections and contagious diseases.*

44 5. *Establishing reasonable fees for application, examination*
45 *and licensure as a permanent cosmetics technician.*



1 6. *Establishing the grounds for initiating disciplinary action*
2 *against a person to whom a license as a permanent cosmetics*
3 *technician has been issued, including, without limitation, the*
4 *grounds for placing conditions, limitations or restrictions on a*
5 *license and for the suspension or revocation of a license.*

6 7. *Establishing rules of practice and procedure for*
7 *conducting disciplinary hearings.*

8 **Sec. 14.** *1. The Health Division shall keep a record*
9 *containing the name, known place of business, and the date and*
10 *number of the license of every permanent cosmetics technician*
11 *licensed pursuant to sections 5 to 22, inclusive, of this act. The*
12 *record must also contain the facts which the applicants claimed in*
13 *their applications to justify their licensure.*

14 2. *The Health Division may disclose the information*
15 *contained in the record kept pursuant to subsection 1 to:*

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

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

20 **Sec. 15.** *An application for the issuance or renewal of a*
21 *license as a permanent cosmetics technician pursuant to sections 5*
22 *to 22, inclusive, of this act must include:*

23 1. *The social security number of the applicant; and*

24 2. *The statement required by section 16 of this act.*

25 **Sec. 16.** *1. An applicant for the issuance or renewal of a*
26 *license as a permanent cosmetics technician pursuant to sections 5*
27 *to 22, inclusive, of this act shall submit to the Health Division the*
28 *statement prescribed by the Welfare Division of the Department of*
29 *Human Resources pursuant to NRS 425.520. The statement must*
30 *be completed and signed by the applicant.*

31 2. *The Health Division shall include the statement required*
32 *pursuant to subsection 1 in:*

33 (a) *The application or any other forms that must be submitted*
34 *for the issuance or renewal of the license; or*

35 (b) *A separate form prescribed by the Health Division.*

36 3. *A license or evidence of registration may not be issued or*
37 *renewed by the Health Division pursuant to sections 5 to 22,*
38 *inclusive, of this act if the applicant:*

39 (a) *Fails to submit the statement required pursuant to*
40 *subsection 1; or*

41 (b) *Indicates on the statement submitted pursuant to*
42 *subsection 1 that he is subject to a court order for the support of a*
43 *child and is not in compliance with the order or a plan approved*
44 *by the district attorney or other public agency enforcing the order*
45 *for the repayment of the amount owed pursuant to the order.*



1 4. *If an applicant indicates on the statement submitted*
2 *pursuant to subsection 1 that he is subject to a court order for the*
3 *support of a child and is not in compliance with the order or a*
4 *plan approved by the district attorney or other public agency*
5 *enforcing the order for the repayment of the amount owed*
6 *pursuant to the order, the Health Division shall advise the*
7 *applicant to contact the district attorney or other public agency*
8 *enforcing the order to determine the actions that the applicant*
9 *may take to satisfy the arrearage.*

10 **Sec. 17.** *Every licensed permanent cosmetics technician*
11 *shall, within 30 days after changing his place of business, as*
12 *designated in the records of the Health Division, notify the Health*
13 *Division of his new place of business.*

14 **Sec. 18.** 1. *The license of every permanent cosmetics*
15 *technician expires on July 1 of the next succeeding odd-numbered*
16 *year.*

17 2. *The Health Division shall adopt regulations governing the*
18 *proration of the fee required for initial licenses issued for less*
19 *than 1 1/2 years.*

20 **Sec. 19.** 1. *If the Health Division receives a copy of a court*
21 *order issued pursuant to NRS 425.540 that provides for the*
22 *suspension of all professional, occupational and recreational*
23 *licenses, certificates and permits issued to a person who has been*
24 *issued a license as a permanent cosmetics technician pursuant to*
25 *sections 5 to 22, inclusive, of this act, the Health Division shall*
26 *deem the license as a permanent cosmetics technician issued to*
27 *that person to be suspended at the end of the 30th day after the*
28 *date on which the court order was issued unless the Health*
29 *Division receives a letter issued by the district attorney or other*
30 *public agency pursuant to NRS 425.550 to the holder of the*
31 *license stating that the holder of the license has complied with the*
32 *subpoena or warrant or has satisfied the arrearage pursuant to*
33 *NRS 425.560.*

34 2. *The Health Division shall reinstate a license as a*
35 *permanent cosmetics technician issued pursuant to sections 5 to*
36 *22, inclusive, of this act that has been suspended by a district court*
37 *pursuant to NRS 425.540 if the Health Division receives a letter*
38 *issued by the district attorney or other public agency pursuant to*
39 *NRS 425.550 to the person whose license as a permanent*
40 *cosmetics technician was suspended stating that the person has*
41 *complied with the subpoena or warrant or has satisfied the*
42 *arrears pursuant to NRS 425.560.*

43 **Sec. 20.** *Notwithstanding any provision of sections 5 to 22,*
44 *inclusive, of this act to the contrary, the provisions of sections 5 to*



1 *22, inclusive, of this act do not apply to persons engaged in the art*
2 *of tattooing other than permanent cosmetics.*

3 **Sec. 21.** 1. *Every person violating any of the provisions of*
4 *sections 5 to 22, inclusive, of this act is guilty of a misdemeanor.*

5 2. *Every person required by the provisions of sections 5 to 22,*
6 *inclusive, of this act to perform any act or duty who fails, refuses,*
7 *or neglects to perform the duty in the manner directed by the*
8 *provisions of sections 5 to 22, inclusive, of this act is guilty of a*
9 *misdemeanor.*

10 3. *Every person required by the provisions of sections 5 to 22,*
11 *inclusive, of this act to perform any duty at a specified time or in a*
12 *specified manner who fails, refuses or neglects to perform the duty*
13 *at the time and in the manner provided by the terms of sections 5*
14 *to 22, inclusive, of this act is guilty of a misdemeanor.*

15 **Sec. 22.** 1. *In addition to any other penalty:*

16 (a) *The Health Division may issue a citation to a person who*
17 *violates the provisions of section 9 of this act. A citation issued*
18 *pursuant to this paragraph must be in writing and describe with*
19 *particularity the nature of the violation. The citation also must*
20 *inform the person of the provisions of subsection 2. A separate*
21 *citation must be issued for each violation. If appropriate, the*
22 *citation may contain an order to cease and desist.*

23 (b) *Upon finding that a person has violated the provisions of*
24 *section 9 of this act, the Health Division shall assess an*
25 *administrative fine of:*

26 (1) *For the first violation, \$500.*

27 (2) *For the second violation, \$1,000.*

28 (3) *For the third or subsequent violation, \$1,500.*

29 2. *To appeal a finding of a violation of section 9 of this act,*
30 *the person must request a hearing by submitting a written notice*
31 *of appeal to the Health Division within 30 days after the date on*
32 *which the citation is issued.*

33 **Sec. 23.** NRS 644.020 is hereby amended to read as follows:

34 644.020 As used in ~~[this chapter.]~~ *NRS 644.020 to 644.490,*
35 *inclusive, the words and terms defined in NRS 644.0205 to 644.029,*
36 *inclusive, have the meanings ascribed to them in those sections.*

37 **Sec. 24.** NRS 644.023 is hereby amended to read as follows:

38 644.023 "Cosmetologist" means a person who engages in the
39 practices of:

40 1. *Cleansing, stimulating or massaging the scalp or cleansing*
41 *or beautifying the hair by the use of cosmetic preparations,*
42 *antiseptics, tonics, lotions or creams.*

43 2. *Cutting, trimming or shaping the hair.*

44 3. *Arranging, dressing, curling, waving, cleansing, singeing,*
45 *bleaching, tinting, coloring or straightening the hair of any person*



1 with the hands, mechanical or electrical apparatus or appliances, or
2 by other means, or similar work incident to or necessary for the
3 proper carrying on of the practice or occupation provided by the
4 terms of ~~[this chapter.]~~ **NRS 644.020 to 644.490, inclusive.**

5 4. Removing superfluous hair from the surface of the body of
6 any person by the use of electrolysis where the growth is a blemish,
7 or by the use of depilatories, waxing or tweezers, except for the
8 permanent removal of hair with needles.

9 5. Manicuring the nails of any person.

10 6. Beautifying, massaging, stimulating or cleansing the skin of
11 the human body by the use of cosmetic preparations, antiseptics,
12 tonics, lotions, creams or any device, electrical or otherwise, for the
13 care of the skin.

14 7. Giving facials or skin care or applying cosmetics or
15 eyelashes to any person.

16 ↪ ***The term does not include any person who engages in the
17 practice of permanent cosmetics.***

18 **Sec. 25.** NRS 644.024 is hereby amended to read as follows:

19 644.024 “Cosmetology” includes the occupations of a
20 cosmetologist, aesthetician, electrologist, hair designer,
21 demonstrator of cosmetics and manicurist. ***The term does not
22 include the occupation of permanent cosmetics.***

23 **Sec. 26.** NRS 644.0277 is hereby amended to read as follows:

24 644.0277 “Hair designer” means any person who engages in
25 the practices of:

26 1. Cleansing, stimulating or massaging the scalp, or cleansing
27 or beautifying the hair by the use of cosmetic preparations,
28 antiseptics, tonics, lotions or creams.

29 2. Cutting, trimming or shaping the hair.

30 3. Arranging, dressing, curling, waving, cleansing, singeing,
31 bleaching, tinting, coloring or straightening the hair of any person
32 with the hands or mechanical or electrical apparatus or appliances,
33 or by other means or similar work incident to or necessary for the
34 proper carrying on of the practice or occupation provided by the
35 terms of ~~[this chapter.]~~ **NRS 644.020 to 644.490, inclusive.**

36 **Sec. 27.** NRS 644.080 is hereby amended to read as follows:

37 644.080 The Board:

38 1. Shall prescribe the duties of its officers, examiners and
39 employees, and fix the compensation of those employees.

40 2. May establish offices in as many localities in the State as it
41 finds necessary to carry out the provisions of ~~[this chapter.]~~ **NRS
42 644.020 to 644.490, inclusive.** All records and files of the Board
43 must be kept at the main office of the Board and, except as
44 otherwise provided in NRS 644.446, be open to public inspection at
45 all reasonable hours.



- 1 3. May adopt a seal.
- 2 4. May issue subpoenas to compel the attendance of witnesses
- 3 and the production of books and papers.

4 **Sec. 28.** NRS 644.090 is hereby amended to read as follows:

5 644.090 The Board shall:

- 6 1. Hold examinations to determine the qualifications of all
- 7 applicants for a license, except as otherwise provided in ~~this~~
- 8 ~~chapter.] NRS 644.020 to 644.490, inclusive,~~ whose applications
- 9 have been submitted to it in proper form.
- 10 2. Issue licenses to such applicants as may be entitled thereto.
- 11 3. License cosmetological establishments and schools of
- 12 cosmetology.
- 13 4. Report to the proper prosecuting officers all violations of
- 14 ~~this chapter.] NRS 644.020 to 644.490, inclusive,~~ coming within its
- 15 knowledge.
- 16 5. Inspect schools of cosmetology and cosmetological
- 17 establishments to ensure compliance with the statutory requirements
- 18 and adopted regulations of the Board. This authority extends to any
- 19 member of the Board or its authorized employees.

20 **Sec. 29.** NRS 644.110 is hereby amended to read as follows:

21 644.110 The Board shall adopt reasonable regulations:

- 22 1. For carrying out the provisions of ~~this chapter.] NRS~~
- 23 ~~644.020 to 644.490, inclusive.~~
- 24 2. For conducting examinations of applicants for licenses.
- 25 3. For governing the recognition of, and the credits to be given
- 26 to, the study of cosmetology under a licensed electrologist or in a
- 27 school of cosmetology licensed pursuant to the laws of another state
- 28 or territory of the United States or the District of Columbia.
- 29 4. For governing the conduct of schools of cosmetology. The
- 30 regulations must include but need not be limited to, provisions:
- 31 (a) Prohibiting schools from requiring that students purchase
- 32 beauty supplies for use in the course of study;
- 33 (b) Prohibiting schools from deducting earned hours of school
- 34 credit or any other compensation earned by a student as a
- 35 punishment for misbehavior of the student;
- 36 (c) Providing for lunch and coffee recesses for students during
- 37 school hours; and
- 38 (d) Allowing a member or an authorized employee of the Board
- 39 to review the records of a student's training and attendance.
- 40 5. Governing the courses of study and practical training
- 41 required of persons for treating the skin of the human body, except
- 42 the scalp.
- 43 6. For governing the conduct of cosmetological establishments.



1 **Sec. 30.** NRS 644.140 is hereby amended to read as follows:
2 644.140 The Board shall:

- 3 1. Keep a record of its proceedings.
- 4 2. Do all other things necessary to carry out the provisions of
5 ~~[this chapter.]~~ *NRS 644.020 to 644.490, inclusive.*

6 **Sec. 31.** NRS 644.160 is hereby amended to read as follows:

7 644.160 The Board shall make a written report to the Governor
8 before September 1 of each even-numbered year for the biennium
9 ending June 30 of such year concerning the condition, in this State,
10 of cosmetology and the branches thereof. The report shall contain a
11 brief reference to the proceedings had by or before the Board in
12 carrying out the provisions of ~~[this chapter.]~~ *NRS 644.020 to*
13 *644.490, inclusive*, for the period last past.

14 **Sec. 32.** NRS 644.170 is hereby amended to read as follows:

15 644.170 1. All fees collected on behalf of the Board and all
16 receipts of every kind and nature must be reported at the beginning
17 of each month, for the month preceding, to the Board. At the same
18 time, the entire amount of collections, except as otherwise provided
19 in subsection 5, must be paid to the Treasurer of the Board, who
20 shall deposit them in banks, credit unions or savings and loan
21 associations in the State of Nevada.

22 2. The receipts must be for the uses of the Board and out of
23 them must be paid all salaries and all other expenses necessarily
24 incurred in carrying into effect the provisions of ~~[this chapter.]~~ *NRS*
25 *644.020 to 644.490, inclusive.*

26 3. All orders for payment of money must be drawn on the
27 Treasurer of the Board and countersigned by the President and the
28 Secretary of the Board.

29 4. The Board may delegate to a hearing officer or panel its
30 authority to take any disciplinary action pursuant to ~~[this chapter,]~~
31 *NRS 644.020 to 644.490, inclusive*, impose and collect fines
32 therefor and deposit the money therefrom in banks, credit unions or
33 savings and loan associations in this State.

34 5. If a hearing officer or panel is not authorized to take
35 disciplinary action pursuant to subsection 4 and the Board deposits
36 the money collected from the imposition of fines with the State
37 Treasurer for credit to the State General Fund, it may present a
38 claim to the State Board of Examiners for recommendation to the
39 Interim Finance Committee if money is needed to pay attorney's
40 fees or the costs of an investigation, or both.

41 **Sec. 33.** NRS 644.190 is hereby amended to read as follows:

42 644.190 1. It is unlawful for any person to conduct or operate
43 a cosmetological establishment, school of cosmetology or any other
44 place of business in which any one or any combination of the
45 occupations of cosmetology are taught or practiced unless he is



1 licensed in accordance with the provisions of ~~[this chapter.]~~ **NRS**
2 **644.020 to 644.490, inclusive.**

3 2. Except as otherwise provided in subsection 4, it is unlawful
4 for any person to engage in, or attempt to engage in, the practice of
5 cosmetology or any branch thereof, whether for compensation or
6 otherwise, unless he is licensed in accordance with the provisions of
7 ~~[this chapter.]~~ **NRS 644.020 to 644.490, inclusive.**

8 3. ~~[This chapter does]~~ **The provisions of NRS 644.020 to**
9 **644.490, inclusive, do** not prohibit:

10 (a) Any student in any school of cosmetology established
11 pursuant to ~~[the provisions of this chapter]~~ **those provisions** from
12 engaging, in the school and as a student, in work connected with any
13 branch or any combination of branches of cosmetology in the
14 school.

15 (b) An electrologist's apprentice from participating in a course
16 of practical training and study.

17 (c) A person issued a provisional license as an instructor
18 pursuant to NRS 644.193 from acting as an instructor and accepting
19 compensation therefor while accumulating the hours of training as a
20 teacher required for an instructor's license.

21 (d) The rendering of cosmetological services by a person who is
22 licensed in accordance with ~~[the provisions of this chapter.]~~ **those**
23 **provisions**, if those services are rendered in connection with
24 photographic services provided by a photographer.

25 (e) A registered cosmetologist's apprentice from engaging in the
26 practice of cosmetology under the immediate supervision of a
27 licensed cosmetologist.

28 4. A person employed to render cosmetological services in the
29 course of and incidental to the production of a motion picture,
30 television program, commercial or advertisement is exempt from the
31 licensing requirements of ~~[this chapter]~~ **NRS 644.020 to 644.490,**
32 **inclusive**, if he renders cosmetological services only to persons who
33 will appear in that motion picture, television program, commercial
34 or advertisement.

35 **Sec. 34.** NRS 644.193 is hereby amended to read as follows:

36 644.193 1. The Board may grant a provisional license as an
37 instructor to a person who:

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

41 (b) Has practiced as a full-time licensed cosmetologist,
42 aesthetician or manicurist for 1 year and submits written verification
43 of his experience;

44 (c) Is licensed pursuant to ~~[this chapter.]~~ **NRS 644.020 to**
45 **644.490, inclusive;**



1 (d) Applies for a provisional license on a form supplied by the
2 Board;

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

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

5 2. The Board shall establish and collect a fee of not less than
6 \$25 nor more than \$40 for the issuance of a provisional license as an
7 instructor.

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

11 4. A provisional license as an instructor expires upon
12 accumulation by the licensee of the number of hours of training
13 required for an instructor's license. The Board may grant an
14 extension of not more than 45 days to those provisional licensees
15 who have applied to the Board for examination as instructors and
16 are awaiting examination.

17 **Sec. 35.** NRS 644.270 is hereby amended to read as follows:

18 644.270 Every license issued by the Board must specify the
19 occupation which the license entitles the holder thereof to practice.
20 No person may practice any other occupation designated in ~~this~~
21 ~~chapter~~ *NRS 644.020 to 644.490, inclusive*, than that for which the
22 license is issued.

23 **Sec. 36.** NRS 644.295 is hereby amended to read as follows:

24 644.295 1. A person licensed pursuant to ~~this chapter~~ *NRS*
25 *644.020 to 644.490, inclusive*, shall obtain a duplicate of that
26 license if the:

27 (a) Original was destroyed, misplaced or mutilated; or

28 (b) Name or address of the licensee has changed.

29 2. To obtain a duplicate license a person must:

30 (a) File an affidavit with the Board, on the form prescribed by
31 the Board, which states that the original license was destroyed,
32 misplaced or mutilated or that his name or address has changed; and

33 (b) Pay a fee of \$15.

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

35 644.325 1. An application for renewal of any license issued
36 pursuant to ~~this chapter~~ *NRS 644.020 to 644.490, inclusive*, must
37 be:

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

41 (b) Accompanied by the statement required pursuant to NRS
42 644.214; and

43 (c) Accompanied by the fee for renewal.

44 2. The fees for renewal are:



1 (a) For manicurists, electrologists, aestheticians, hair designers,
2 demonstrators of cosmetics and cosmetologists, not less than \$30
3 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.]~~ *NRS 644.020 to 644.490, inclusive.*

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

20 **Sec. 38.** NRS 644.325 is hereby amended to read as follows:

21 644.325 1. An application for renewal of any license issued
22 pursuant to ~~[this chapter.]~~ *NRS 644.020 to 644.490, inclusive*, must
23 be:

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

27 (b) Accompanied by the fee for renewal.

28 2. The fees for renewal are:

29 (a) For manicurists, electrologists, aestheticians, hair designers,
30 demonstrators of cosmetics and cosmetologists, not less than \$30
31 and not more than \$50.

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

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

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

37 3. For each month or fraction thereof after July 1 in which a
38 license is not renewed, there must be assessed and collected at the
39 time of renewal a penalty of \$25 for a school of cosmetology and
40 \$10 for a cosmetological establishment and all persons licensed
41 pursuant to ~~[this chapter.]~~ *NRS 644.020 to 644.490, inclusive.*

42 4. An application for renewal of a license as a cosmetologist,
43 hair designer, aesthetician, electrologist, manicurist, demonstrator of
44 cosmetics or instructor must be accompanied by two current
45 photographs of the applicant which are 1 1/2 by 1 1/2 inches. The



1 name and address of the applicant must be written on the back of
2 each photograph.

3 **Sec. 39.** NRS 644.340 is hereby amended to read as follows:

4 644.340 1. Any person wishing to operate a cosmetological
5 establishment in which any one or a combination of the occupations
6 of cosmetology are practiced must apply to the Board for a license,
7 through the owner, manager or person in charge, upon forms
8 prepared and furnished by the Board. Each application must contain
9 a detailed floor plan of the proposed cosmetological establishment
10 and proof of the particular requisites for a license provided for in
11 ~~[this chapter,]~~ *NRS 644.020 to 644.490, inclusive*, and must be
12 verified by the oath of the maker.

13 2. The applicant must submit the application accompanied by
14 the required fees for inspection and licensing. After the applicant
15 has submitted the application, the applicant must contact the Board
16 and request a verbal review concerning the application to determine
17 if the cosmetological establishment complies with the requirements
18 of ~~[this chapter]~~ *NRS 644.020 to 644.490, inclusive*, and the
19 regulations adopted by the Board. If, based on the verbal review, the
20 Board determines that the cosmetological establishment meets those
21 requirements, the Board shall issue to the applicant the required
22 license. Upon receipt of the license, the applicant must contact the
23 Board to request the activation of the license. A license issued
24 pursuant to this subsection is not valid until it is activated. The
25 Board shall conduct an on-site inspection of the cosmetological
26 establishment not later than 90 days after the date on which the
27 license is activated.

28 3. The fee for a license for a cosmetological establishment is
29 \$60. The fee for the initial inspection is \$15. If an additional
30 inspection is necessary, the fee is \$25.

31 **Sec. 40.** NRS 644.380 is hereby amended to read as follows:

32 644.380 1. Any person desiring to conduct a school of
33 cosmetology in which any one or any combination of the
34 occupations of cosmetology are taught must apply to the Board for a
35 license, through the owner, manager or person in charge, upon
36 forms prepared and furnished by the Board. Each application must
37 contain proof of the particular requisites for a license provided for in
38 ~~[this chapter,]~~ *NRS 644.020 to 644.490, inclusive*, and must be
39 verified by the oath of the maker. The forms must be accompanied
40 by:

41 (a) A detailed floor plan of the proposed school;

42 (b) The name, address and number of the license of the manager
43 or person in charge and of each instructor;



1 (c) Evidence of financial ability to provide the facilities and
2 equipment required by regulations of the Board and to maintain the
3 operation of the proposed school for 1 year;

4 (d) Proof that the proposed school will commence operation
5 with an enrollment of not less than 25 bona fide students;

6 (e) The annual fee for a license; and

7 (f) The name and address of the person designated to accept
8 service of process.

9 2. Upon receipt by the Board of the application, the Board
10 shall, before issuing a license, determine whether the proposed
11 school:

12 (a) Is suitably located.

13 (b) Contains at least 5,000 square feet of floor space and
14 adequate equipment.

15 (c) Meets all requirements established by regulations of the
16 Board.

17 3. The annual fee for a license for a school of cosmetology is
18 not less than \$450 and not more than \$500.

19 4. If the ownership of the school changes or the school moves
20 to a new location, the school may not be operated until a new
21 license is issued by the Board.

22 5. After a license has been issued for the operation of a school
23 of cosmetology, the licensee must obtain the approval of the Board
24 before making any changes in the physical structure of the school.

25 **Sec. 41.** NRS 644.383 is hereby amended to read as follows:

26 644.383 1. The owner of each school of cosmetology shall
27 post with the Board a surety bond executed by the applicant as
28 principal and by a surety company as surety in the amount of
29 \$10,000.

30 2. The bond must be in the form approved by the Board and
31 must be conditioned upon compliance with the provisions of ~~this~~
32 ~~chapter~~ *NRS 644.020 to 644.490, inclusive*, and upon faithful
33 compliance with the terms and conditions of any contracts, verbal or
34 written, made by the school to furnish instruction to any person. The
35 bond must be to the State of Nevada in favor of every person who
36 pays or deposits money with the school as payment for instruction.
37 A bond continues in effect until notice of termination is given by
38 registered or certified mail to the Board and every bond must set
39 forth this fact.

40 3. A person claiming to be injured or damaged by an act of the
41 school may maintain an action in any court of competent
42 jurisdiction on the bond against the school and the surety named
43 therein, or either of them, for refund of tuition paid. Any judgment
44 against the principal or surety in any such action must include the
45 costs thereof and those incident to the bringing of the action,



1 including a reasonable attorney's fee. The aggregate liability of the
2 surety to all such persons may not exceed the sum of the bond.

3 **Sec. 42.** NRS 644.430 is hereby amended to read as follows:

4 644.430 1. The following are grounds for disciplinary action
5 by the Board:

6 (a) Failure of an owner of a cosmetological establishment, a
7 licensed aesthetician, cosmetologist, hair designer, electrologist,
8 instructor, manicurist, demonstrator of cosmetics or school of
9 cosmetology, or a cosmetologist's apprentice to comply with the
10 requirements of ~~[this chapter]~~ *NRS 644.020 to 644.490, inclusive*,
11 or the applicable regulations adopted by the Board.

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

14 (c) Gross malpractice.

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

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

20 (f) Advertisement by means of knowingly false or deceptive
21 statements.

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

24 (h) Failure to display the license as provided in NRS 644.290,
25 644.360 and 644.410.

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

28 (j) Continued practice of cosmetology or operation of a
29 cosmetological establishment or school of cosmetology after the
30 license therefor has expired.

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

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

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

36 (b) Revoke or suspend a license;

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

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

39 3. An order that imposes discipline and the findings of fact and
40 conclusions of law supporting that order are public records.

41 **Sec. 43.** NRS 644.447 is hereby amended to read as follows:

42 644.447 When any person has engaged in any act or practice
43 which constitutes an offense under ~~[this chapter,]~~ *NRS 644.020 to*
44 *644.490, inclusive*, the district court of any county, on application of
45 the Board, may issue an injunction or other appropriate order



1 restraining the act or practice, without a showing of actual harm. A
2 proceeding under this section is governed by Rule 65 of the Nevada
3 Rules of Civil Procedure.

4 **Sec. 44.** NRS 644.460 is hereby amended to read as follows:

5 644.460 1. The following persons are exempt from the
6 provisions of ~~[this chapter:]~~ **NRS 644.020 to 644.490, inclusive:**

7 (a) All persons authorized by the laws of this State to practice
8 medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

9 (b) Commissioned medical officers of the United States Army,
10 Navy, or Marine Hospital Service when engaged in the actual
11 performance of their official duties, and attendants attached to those
12 services.

13 (c) Barbers, insofar as their usual and ordinary vocation and
14 profession is concerned, when engaged in any of the following
15 practices:

16 (1) Cleansing or singeing the hair of any person.

17 (2) Massaging, cleansing, stimulating, exercising or similar
18 work upon the scalp, face or neck of any person, with the hands or
19 with mechanical or electrical apparatus or appliances, or by the use
20 of cosmetic preparations, antiseptics, tonics, lotions or creams.

21 (d) Retailers, at a retail establishment, insofar as their usual and
22 ordinary vocation and profession is concerned, when engaged in the
23 demonstration of cosmetics if:

24 (1) The demonstration is without charge to the person to
25 whom the demonstration is given; and

26 (2) The retailer does not advertise or provide a
27 cosmetological service except cosmetics and fragrances.

28 (e) Photographers or their employees, insofar as their usual and
29 ordinary vocation and profession is concerned, if the photographer
30 or his employee does not advertise cosmetological services and
31 provides cosmetics without charge to the customer.

32 2. Any school of cosmetology conducted as part of the
33 vocational rehabilitation training program of the Department of
34 Corrections or the Caliente Youth Center:

35 (a) Is exempt from the requirements of paragraph (c) of
36 subsection 2 of NRS 644.400.

37 (b) Notwithstanding the provisions of NRS 644.395, shall
38 maintain a staff of at least one licensed instructor.

39 **Sec. 45.** NRS 644.470 is hereby amended to read as follows:

40 644.470 Nothing in ~~[this chapter:]~~ **NRS 644.020 to 644.490,**
41 **inclusive:**

42 1. Authorizes the use of any X-ray machine in the treatment of
43 the scalp or in the removal of superfluous hair; or

44 2. Permits the local application of carbolic acid or corrosive
45 sublimes or their derivatives or compounds, salicylic acid,



1 resorcinol, or any other corrosive substance for the purpose of
2 peeling skin. Any implantation of permanent pigment into the skin
3 is prohibited.

4 ↪ A violation of the provisions of this section constitutes a
5 misdemeanor.

6 **Sec. 46.** NRS 644.476 is hereby amended to read as follows:

7 644.476 It is unlawful for a person to reproduce mechanically
8 or otherwise copy or alter a license issued pursuant to ~~[this chapter.]~~
9 *NRS 644.020 to 644.490, inclusive.*

10 **Sec. 47.** NRS 644.480 is hereby amended to read as follows:

11 644.480 1. Every person violating any of the provisions of
12 ~~[this chapter shall be]~~ *NRS 644.020 to 644.490, inclusive, is* guilty
13 of a misdemeanor.

14 2. Every person required by the provisions of ~~[this chapter]~~
15 *NRS 644.020 to 644.490, inclusive,* to perform any act or duty who
16 ~~[shall fail, refuse or neglect]~~ *fails, refuses or neglects* to perform the
17 duty in the manner directed by the provisions of ~~[this chapter shall~~
18 ~~be]~~ *NRS 644.020 to 644.490, inclusive, is* guilty of a misdemeanor.

19 3. Every person required by the provisions of ~~[this chapter]~~
20 *NRS 644.020 to 644.490, inclusive,* to perform any duty at a
21 specified time or in a specified manner who ~~[shall fail, refuse or~~
22 ~~neglect]~~ *fails, refuses or neglects* to perform the duty at the time
23 and in the manner provided by the terms of ~~[this chapter shall be]~~
24 *NRS 644.020 to 644.490, inclusive, is* guilty of a misdemeanor.

25 **Sec. 48.** Notwithstanding the amendatory provisions of this
26 act, a person who engages in practice as a permanent cosmetics
27 technician is not required to be licensed as such pursuant to the
28 provisions of this act before January 1, 2006.

29 **Sec. 49.** 1. This section and sections 1 to 37, inclusive, and
30 39 to 48, inclusive, of this act become effective upon passage and
31 approval for the purpose of adopting regulations and performing any
32 other preparatory administrative tasks that are required to carry out
33 the provisions of this act and on January 1, 2006, for all other
34 purposes.

35 2. Sections 15, 16, 19 and 37 of this act expire by limitation on
36 the date on which the provisions of 42 U.S.C. § 666 requiring each
37 state 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 proceeding 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.



1 3. Section 38 of this act becomes effective on the date on
2 which the provisions of 42 U.S.C. § 666 requiring each state to
3 establish procedures under which the state has authority to withhold
4 or suspend, or to restrict the use of professional, occupational and
5 recreational licenses of persons who:
6 (a) Have failed to comply with a subpoena or warrant relating to
7 a procedure to determine the paternity of a child or to establish or
8 enforce an obligation for the support of a child; or
9 (b) Are in arrears in the payment for the support of one or more
10 children,
11 ↪ are repealed by the Congress of the United States.



