

CHAPTER.....

AN ACT relating to professions; authorizing the State Barbers' Health and Sanitation Board to seek injunctive relief and issue citations for certain violations; providing for a temporary exemption from licensure as a barber under certain circumstances; prohibiting certain unlawful acts relating to the practice of barbering; giving the State Barbers' Health and Sanitation Board jurisdiction over cosmetologists who commit certain unlawful acts relating to the practice of barbering; limiting the number of consecutive terms a member of the State Board of Cosmetology may serve in a given period; revising provisions governing the disclosure of information by the State Board of Cosmetology; revising provisions governing the examination, training and licensure of persons who practice cosmetology and related professions; revising various provisions governing the regulation of cosmetological establishments and schools of cosmetology; revising provisions governing disciplinary action taken by the State Board of Cosmetology; increasing certain fees and fines; providing remedies and penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 643 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1.** *In addition to any other remedy or penalty, if a person has engaged in any act or practice which constitutes a violation of any provision of this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the act or practice, without a showing of actual harm.*

*2. A proceeding under this section is governed by Rule 65 of the Nevada Rules of Civil Procedure.*

**Sec. 3. 1.** *In addition to any other remedy or penalty:*

*(a) The Board may issue a citation to a person who has engaged in any act or practice which constitutes a violation of any provision of NRS 643.190. A citation issued pursuant to this paragraph must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 2. A separate citation must be issued for each violation. If appropriate, the citation may contain an order to cease and desist.*

*(b) Upon finding that a person has engaged in any act or practice which constitutes a violation of any provision of NRS 643.190, the Board shall assess an administrative fine of:*

*(1) For the first violation, \$1,000.*

*(2) For the second violation, \$1,500.*

*(3) For the third or subsequent violation, \$2,000.*

*2. To appeal a finding of a violation pursuant to this section, the person must request a hearing by written notice of appeal to the Board within 30 days after the date on which the citation is issued.*

**Sec. 4. 1.** *The actions and remedies authorized by this chapter are cumulative.*

*2. When an agency or officer elects to take a particular action or pursue a particular remedy authorized by this chapter or another specific statute, that election is not exclusive and does not preclude the agency or officer or another agency or officer from taking any other actions or pursuing any other remedies authorized by this chapter or another specific statute.*

**Sec. 5.** NRS 643.019 is hereby amended to read as follows:

643.019 This chapter does not apply to:

1. ~~Persons~~ *A person* licensed pursuant to chapter 644 of NRS ~~§~~, *unless the person has engaged in any act or practice which constitutes a violation of subsection 6 or 7 of NRS 643.190.*

2. Embalmers or undertakers in cutting the hair or trimming the beard of any deceased person in preparation for burial or cremation.

3. A prisoner who cuts hair in the city or county jail, state prison, or other detention or correctional facility in which he is incarcerated.

**Sec. 5.3.** NRS 643.120 is hereby amended to read as follows:

643.120 ~~Any~~ *Except as otherwise provided in NRS 643.130, any* person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter must be admitted to practice as a licensed barber or apprentice pursuant to the regulations adopted by the Board.

**Sec. 5.5.** NRS 643.130 is hereby amended to read as follows:

643.130 *1.* A license as a barber or an apprentice must be issued by the Board to any applicant who:

~~1-~~ *(a)* Passes an examination as provided for in NRS 643.070 and 643.080;

~~2-~~ *(b)* Possesses the other qualifications required by the provisions of this chapter;

~~3-~~ *(c)* Submits the statement required pursuant to NRS 643.095; and

~~[4.]~~ (d) Complies with the requirements set forth in the regulations of the Board.

*2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:*

*(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;*

*(b) The Board has approved the person to sit for the examination required pursuant to NRS 643.100;*

*(c) The person has not previously failed an examination for licensure as a barber;*

*(d) The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter and in accordance with the provisions of this chapter and the regulations of the Board; and*

*(e) The person complies with any other requirements of the Board to engage in the practice of barbering during the period of the temporary exemption.*

*3. The temporary exemption authorized pursuant to subsection 2 begins on the date on which the Board notifies the person that he may engage in the practice of barbering under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed barber.*

**Sec. 5.7.** NRS 643.130 is hereby amended to read as follows:

643.130 *1.* A license as a barber or an apprentice ~~[shall]~~ **must** be issued by the Board to any applicant who ~~[shall]:~~

~~—1.— Pass]~~

*(a) Passes* an examination as provided for in NRS 643.070 and 643.080.

~~[2.— Possess]~~

*(b) Possesses* the other qualifications required by the provisions of this chapter.

~~[3.— Meet]~~

*(c) Meets* the requirements as set forth in the rules and regulations of the Board.

*2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the Board and who meets the qualifications*

*set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:*

*(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;*

*(b) The Board has approved the person to sit for the examination required pursuant to NRS 643.100;*

*(c) The person has not previously failed an examination for licensure as a barber;*

*(d) The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter and in accordance with the provisions of this chapter and the regulations of the Board; and*

*(e) The person complies with any other requirements of the Board to engage in the practice of barbering during the period of the temporary exemption.*

*3. The temporary exemption authorized pursuant to subsection 2 begins on the date on which the Board notifies the person that he may engage in the practice of barbering under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed barber.*

**Sec. 6.** NRS 643.190 is hereby amended to read as follows:

643.190 It ~~{shall be}~~ is unlawful:

1. For any person ~~{in this State}~~ to engage in the practice of *barbering* or attempt to *engage in the* practice of barbering without a license *as a barber or an apprentice* issued by the Board pursuant to ~~{the provisions of}~~ this chapter.

2. For any owner or manager of any barbershop to *hire or* employ a barber *or an apprentice* who does not have a license issued by the Board *pursuant to this chapter* or whose barbershop does not meet the sanitary requirements of the Board.

3. ~~{For any person to engage in the practice of barbering without a license as a barber issued pursuant to the provisions of this chapter by the Board.~~

~~—4.} For any person to serve as an apprentice under a licensed barber without a license as an apprentice issued by the Board {~~

~~—5.} pursuant to this chapter.~~

4. For any person to operate a barbershop unless the barbershop is at all times under the direct supervision and management of a licensed barber.

~~[6.]~~ 5. For any person to hire or employ any person to engage in the practice of barbering *or attempt to engage in the practice of barbering* unless the person holds a license as a barber or an apprentice issued ~~[under the provisions of]~~ *by the Board pursuant to this chapter.*

6. *For any person licensed pursuant to chapter 644 of NRS or any other person to:*

(a) *Hold himself out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop;*

(b) *Use the title or designation “barber” or “barbershop” under circumstances which would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop; or*

(c) *Engage in any other act or practice which would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop,*

*↪ unless the person holds, as appropriate, a license as a barber or a license to operate a barbershop issued by the Board pursuant to this chapter or the person is operating a licensed cosmetological establishment that is leasing space to or employing a licensed barber pursuant to NRS 644.360.*

7. For any person *licensed pursuant to chapter 644 of NRS or any other person* to place a barber pole in a location ~~[that]~~ *which would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop unless the operator of the business ~~[employs licensed barbers.]~~ holds a license to operate a barbershop issued by the Board pursuant to this chapter or the business is a licensed cosmetological establishment that is leasing space to or employing a licensed barber pursuant to NRS 644.360.* As used in this subsection, “barber pole” means ~~[a]~~ :

(a) *A red and white striped vertical cylinder with a ball located on top of the cylinder ~~[.]~~; or*

(b) *Any object of a similar nature, regardless of its actual shape or coloring, which would create or tend to create the impression to members of the general public that a business located near the object is a barbershop.*

**Sec. 7.** Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The actions and remedies authorized by this chapter are cumulative.*

2. *When an agency or officer elects to take a particular action or pursue a particular remedy authorized by this chapter or another specific statute, that election is not exclusive and does not preclude the agency or officer or another agency or officer from*

*taking any other actions or pursuing any other remedies authorized by this chapter or another specific statute.*

**Sec. 8.** NRS 644.050 is hereby amended to read as follows:

644.050 1. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

2. Before entering upon the discharge of his duties, each member shall make and file with the Secretary of State the constitutional oath of office.

*3. No member of the Board may serve more than two consecutive full terms. A member who serves two consecutive full terms is not thereafter eligible to serve on the Board for a period of 1 year. Any time served on the Board in filling the unexpired term of another member does not apply in computing two consecutive full terms.*

**Sec. 9.** NRS 644.130 is hereby amended to read as follows:

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

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

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

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

**Sec. 10.** NRS 644.193 is hereby amended to read as follows:

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

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

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

(c) Is licensed pursuant to this chapter;

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

(e) Submits two current photographs of himself; and

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

2. The Board shall establish and collect a fee of not less than ~~[\$25 nor]~~ **\$40 and not** more than ~~[\$40]~~ **\$75** for the issuance of a provisional license as an instructor.

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

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

**Sec. 11.** NRS 644.195 is hereby amended to read as follows:

644.195 1. Each instructor must:

(a) Be licensed as a cosmetologist pursuant to this chapter.

(b) Have successfully completed the 12th grade in school or its equivalent.

(c) Have 1 year of experience as a cosmetologist.

(d) Have completed 1,000 hours of training as an instructor or 500 hours of training as a provisional instructor in a school of cosmetology.

(e) Except as otherwise provided in subsection 2, take one or more courses in advanced techniques for teaching or training, approved by the Board, whose combined duration is at least 30 hours during each 2-year period.

2. The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in paragraph (e) whose combined duration is at least 15 hours during each 2-year period.

3. Each instructor shall pay an initial fee for a license of not less than ~~[\$40]~~ **\$60** and not more than ~~[\$60.]~~ **\$90**.

**Sec. 12.** NRS 644.200 is hereby amended to read as follows:

644.200 ~~[(1)]~~ The Board shall admit to examination for a license as a cosmetologist, at any meeting of the Board held to conduct examinations, any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

~~[(a)]~~ **1.** Is not less than 18 years of age.

~~[(b)]~~ **2.** Is of good moral character.

~~[(c)]~~ **3.** Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

~~[(d)]~~ **4.** Has had any one of the following:

~~[(1)]~~ (a) Training of at least 1,800 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

~~[(2)]~~ (b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

~~[(3)]~~ (c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

~~[(4)]~~ (d) Completion of at least 3,600 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

~~[2.—A registered barber who fails the examination for a license as a cosmetologist must complete further study as prescribed by the Board, not exceeding 250 hours, in a school of cosmetology approved by the Board before he is again entitled to take the examination.]~~

**Sec. 13.** NRS 644.220 is hereby amended to read as follows:

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

(a) For examination as a cosmetologist, not less than ~~[\$40]~~ \$75 and not more than ~~[\$75.]~~ \$200.

(b) For examination as an electrologist, not less than ~~[\$40]~~ \$75 and not more than ~~[\$75.]~~ \$200.

(c) For examination as a hair designer, not less than ~~[\$40]~~ \$75 and not more than ~~[\$75.]~~ \$200.

(d) For examination as a manicurist, not less than ~~[\$40]~~ \$75 and not more than ~~[\$75.]~~ \$200.

(e) For examination as an aesthetician, not less than ~~[\$40]~~ \$75 and not more than ~~[\$75.]~~ \$200.

(f) For examination as an instructor of aestheticians ~~[or in]~~, *hair designers*, cosmetology or manicuring, ~~[\$40.]~~ *not less than \$75 and not more than \$200.*

↳ The fee for each reexamination is not less than ~~[\$40]~~ \$75 and not more than ~~[\$75.]~~ \$200.

2. In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is ~~[\$40.]~~ \$75.

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

**Sec. 14.** NRS 644.235 is hereby amended to read as follows:

644.235 1. The Board:



(a) Shall provide examinations for licensure as a cosmetologist in English and, upon the request of an applicant for licensure as a cosmetologist, in Spanish; and

(b) May provide examinations for licensure as a cosmetologist in any other language upon the request of an applicant, if the Board determines that providing the examination in that language is in the best interests of the public.

2. A request for an examination for licensure as a cosmetologist to be translated into a language other than English or Spanish must be filed with the Board by the applicant making the request at least ~~6 months~~ **90 days** before the scheduled examination. The Board shall keep all such requests on file.

3. The Board shall impose a fee upon the applicants who file requests for an examination for licensure as a cosmetologist to be translated into a language other than English or Spanish. The fee must be sufficient to ensure that the applicants bear the full cost for the development, preparation, administration, grading and evaluation of the translated examination. The fee is in addition to all other fees that must be paid by applicants for the examination for licensure as a cosmetologist.

4. In determining whether it is in the best interests of the public to translate an examination for licensure as a cosmetologist into a language other than English or Spanish, the Board shall consider the percentage of the population within this State whose native language is the language for which the translated examination is sought.

**Sec. 15.** NRS 644.295 is hereby amended to read as follows:

644.295 1. A person licensed pursuant to this chapter shall obtain a duplicate of that license if the:

- (a) Original was destroyed, misplaced or mutilated; or
- (b) Name or address of the licensee has changed.

2. To obtain a duplicate license a person must:

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

- (b) Pay a fee of ~~[\$15.]~~ **\$25.**

**Sec. 16.** NRS 644.310 is hereby amended to read as follows:

644.310 Upon application to the Board, accompanied by a fee of ~~[\$100.]~~ **\$200**, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.
2. Is of good moral character.

3. Has successfully completed a nationally recognized written examination in this State or in the state or territory or the District of Columbia in which he is licensed.

4. Is currently licensed in another state or territory or the District of Columbia.

**Sec. 17.** NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, manicurist, provisional instructor, demonstrator of cosmetics and instructor expires on July 1 of the next succeeding odd-numbered year ~~;~~ *or such other date in that year as specified by the Board.*

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

**Sec. 18.** NRS 644.325 is hereby amended to read as follows:

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

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

(b) *Made on or before the date for renewal specified by the Board;*

(c) Accompanied by the statement required pursuant to NRS 644.214; and

~~(e)~~ (d) Accompanied by the fee for renewal.

2. The fees for renewal are:

(a) For manicurists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than ~~[\$30]~~ *\$50* and not more than ~~[\$50.]~~ *\$100.*

(b) For instructors, not less than ~~[\$40]~~ *\$60* and not more than ~~[\$60.]~~ *\$100.*

(c) For cosmetological establishments, not less than ~~[\$60]~~ *\$100* and not more than ~~[\$100.]~~ *\$200.*

(d) For schools of cosmetology, not less than ~~[\$450]~~ *\$500* and not more than ~~[\$500.]~~ *\$800.*

3. For each month or fraction thereof after ~~July 1]~~ *the date for renewal specified by the Board* in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of ~~[\$25]~~ *\$50* for a school of cosmetology and ~~[\$10]~~ *\$20* for a cosmetological establishment and all persons licensed pursuant to this chapter.

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

**Sec. 19.** NRS 644.325 is hereby amended to read as follows:

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

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

(b) *Made on or before the date for renewal specified by the Board; and*

(c) Accompanied by the fee for renewal.

2. The fees for renewal are:

(a) For manicurists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than ~~[\$30]~~ \$50 and not more than ~~[\$50]~~ \$100.

(b) For instructors, not less than ~~[\$40]~~ \$60 and not more than ~~[\$60]~~ \$100.

(c) For cosmetological establishments, not less than ~~[\$60]~~ \$100 and not more than ~~[\$100]~~ \$200.

(d) For schools of cosmetology, not less than ~~[\$450]~~ \$500 and not more than ~~[\$500]~~ \$800.

3. For each month or fraction thereof after ~~July 1]~~ *the date for renewal specified by the Board* in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of ~~[\$25]~~ \$50 for a school of cosmetology and ~~[\$10]~~ \$20 for a cosmetological establishment and all persons licensed pursuant to this chapter.

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

**Sec. 20.** NRS 644.340 is hereby amended to read as follows:

644.340 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment and proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker.

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the cosmetological establishment complies with the requirements of this chapter and the regulations adopted by the Board. If, based

on the verbal review, the Board determines that the cosmetological establishment meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the cosmetological establishment not later than 90 days after the date on which the license is activated.

3. The fee for a license for a cosmetological establishment is ~~[\$60.]~~ **\$200**. The fee for the initial inspection is \$15. If an additional inspection is necessary, the fee is \$25.

**Sec. 21.** NRS 644.360 is hereby amended to read as follows:

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

2. Except as otherwise provided in this section, the operator of a cosmetological establishment ~~[shall]~~ **may** lease space to or employ only licensed manicurists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists at his establishment to provide cosmetological services. This subsection does not prohibit an operator of a cosmetological establishment from ~~[leasing]~~ :

***(a) Leasing*** space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board ~~[ ]~~ ***and remains subject to the laws and regulations of this State applicable to his business or profession.***

***(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his business or profession and remains subject to the laws and regulations of this State applicable to his business or profession.***

3. The operator of a cosmetological establishment may lease space at his cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his practice. The provider of health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology. A provider of health care who leases space at a cosmetological establishment pursuant to this subsection ***remains under the jurisdiction of the regulatory body which governs his business or profession and*** remains subject to the laws and regulations of this State applicable to his business or profession.

4. As used in this section ~~[, "provider"]~~ :

(a) ***“Provider*** of health care” means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

(b) ***“Space” includes, without limitation, a separate room in the cosmetological establishment.***

**Sec. 22.** NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

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

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

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

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

(e) The annual fee for a license; and

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

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

(a) Is suitably located.

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

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

3. The annual fee for a license for a school of cosmetology is not less than ~~[\$450]~~ **\$500** and not more than ~~[\$500-]~~ **\$800**.

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

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

**Sec. 23.** NRS 644.393 is hereby amended to read as follows:

644.393 Every school of cosmetology shall pay to the Board a fee of ~~[\$5]~~ **\$10** for each student within 30 days after the student is enrolled or reenrolled.

**Sec. 24.** NRS 644.408 is hereby amended to read as follows:

644.408 A student must receive the following *minimum* amount of instruction in the classroom before commencing work on members of the public:

1. A student enrolled as a cosmetologist must receive ~~[250]~~ *at least 300* hours.

2. A student enrolled as a hair designer must receive ~~[250]~~ *at least 300* hours.

3. A student enrolled as a manicurist must receive ~~[80]~~ *at least 100* hours.

4. A student enrolled as an electrologist's apprentice must receive *at least* 150 hours.

5. A student enrolled as an aesthetician must receive ~~[100]~~ *at least 120* hours.

**Sec. 25.** NRS 644.430 is hereby amended to read as follows:

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

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

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

(c) Gross malpractice.

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

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

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

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

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

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

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

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

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

- (a) Refuse to issue or renew a license;
- (b) Revoke or suspend a license;
- (c) Place the licensee on probation for a specified period; ~~{or}~~
- (d) Impose a fine not to exceed ~~[\$1,000.]~~ \$2,000; or
- (e) *Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.*

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

**Sec. 26.** NRS 644.473 is hereby amended to read as follows:

644.473 It is unlawful for ~~{any}~~ :

- 1. *Any* licensed cosmetological establishment ~~{:~~
  - ~~—1. To engage primarily in the business of cutting men's hair; or~~
  - ~~—2. To} to~~ represent itself to the public as primarily engaged in the business of cutting men's hair ~~{:}~~; or
- 2. *Any person licensed pursuant to this chapter to engage in any act or practice which constitutes a violation of subsection 6 or 7 of NRS 643.190.*

**Sec. 27.** NRS 644.490 is hereby amended to read as follows:

644.490 1. In addition to any other penalty:

(a) The Board may issue a citation to a person who violates the provisions of NRS 644.190. A citation issued pursuant to this paragraph must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 2. A separate citation must be issued for each violation. If appropriate, the citation may contain an order to cease and desist.

(b) Upon finding that a person has violated the provisions of NRS 644.190, the Board shall assess an administrative fine of:

- (1) For the first violation, ~~[\$500.]~~ \$1,000.
- (2) For the second violation, ~~[\$1,000.]~~ \$1,500.
- (3) For the third or subsequent violation, ~~[\$1,500.]~~ \$2,000.

2. To appeal a finding of a violation of NRS 644.190, the person must request a hearing by written notice of appeal to the Board within 30 days after the date on which the citation is issued.

**Sec. 28.** NRS 644.425 and 644.477 are hereby repealed.

**Sec. 29.** Notwithstanding the amendatory provisions of section 8 of this act, a member of the State Board of Cosmetology who is serving a term on the effective date of this act is entitled to serve out the remainder of the term to which he was appointed.

**Sec. 30.** 1. This section and sections 5.3 and 5.5 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 6 to 18, inclusive, and 20 to 29, inclusive, of this act become effective on July 1, 2005.

3. The provisions of sections 5.5 and 18 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state

has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.

4. Sections 5.7 and 19 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.