
SENATE BILL NO. 335—COMMITTEE ON COMMERCE AND LABOR

MARCH 24, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing practice of barbering, cosmetology and related professions. (BDR 54-1356)

FISCAL NOTE: Effect on Local Government: No.
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 professions; authorizing the State Barbers' Health and Sanitation Board to seek injunctive relief and issue citations for certain violations; 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:

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

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

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

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

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

20 **(b)** *Upon finding that a person has engaged in any act or*
21 *practice which constitutes a violation of any provision of NRS*
22 *643.190, the Board shall assess an administrative fine of:*

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

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

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

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

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

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

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

39 643.019 This chapter does not apply to:

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



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

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

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

7 643.190 It ~~{shall be}~~ **is** unlawful:

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

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

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

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

21 ~~—5.}~~ *pursuant to this chapter.*

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

25 ~~{6.}~~ 5. For any person to hire or employ any person to engage
26 in the practice of barbering *or attempt to engage in the practice of*
27 *barbering* unless the person holds a license as a barber or an
28 apprentice issued ~~{under the provisions of}~~ *by the Board pursuant*
29 *to* this chapter.

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

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

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

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

42 *↪ unless the person holds, as appropriate, a license as a barber or*
43 *a license to operate a barbershop issued by the Board pursuant to*
44 *this chapter or the person is operating a licensed cosmetological*



1 *establishment that is leasing space to or employing a licensed*
2 *barber pursuant to NRS 644.360.*

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

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

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

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

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

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

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

30 644.050 1. After the initial terms, members of the Board
31 serve terms of 4 years, except when appointed to fill unexpired
32 terms.

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

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

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

43 644.130 1. The Board shall keep a record containing the
44 name, known place of business, and the date and number of the
45 license of every manicurist, electrologist, aesthetician, hair designer,



1 demonstrator of cosmetics and cosmetologist, together with the
2 names and addresses of all cosmetological establishments and
3 schools of cosmetology licensed pursuant to this chapter. The record
4 must also contain the facts which the applicants claimed in their
5 applications to justify their licensure.

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

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

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

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

14 644.193 1. The Board may grant a provisional license as an
15 instructor to a person who:

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

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

22 (c) Is licensed pursuant to this chapter;

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

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

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

27 2. The Board shall establish and collect a fee of not less than
28 ~~[\$25 nor]~~ *\$40 and not* more than ~~[\$40]~~ *\$75* for the issuance of a
29 provisional license as an instructor.

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

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

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

40 644.195 1. Each instructor must:

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

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

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



1 (d) Have completed 1,000 hours of training as an instructor or
2 500 hours of training as a provisional instructor in a school of
3 cosmetology.

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

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

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

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

18 644.200 ~~[(1)]~~ The Board shall admit to examination for a
19 license as a cosmetologist, at any meeting of the Board held to
20 conduct examinations, any person who has made application to the
21 Board in proper form and paid the fee, and who before or on the
22 date of the examination:

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

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

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

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

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

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

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

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

44 ~~[(2).—A registered barber who fails the examination for a license~~
45 ~~as a cosmetologist must complete further study as prescribed by the~~



1 ~~Board, not exceeding 250 hours, in a school of cosmetology~~
2 ~~approved by the Board before he is again entitled to take the~~
3 ~~examination.]~~

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

5 644.220 1. In addition to the fee for an application, the fees
6 for examination are:

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

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

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

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

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

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

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

22 2. In addition to the fee for an application, the fee for
23 examination or reexamination as a demonstrator of cosmetics is
24 ~~[\$40.]~~ \$75.

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

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

29 644.235 1. The Board:

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

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

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

42 3. The Board shall impose a fee upon the applicants who file
43 requests for an examination for licensure as a cosmetologist to be
44 translated into a language other than English or Spanish. The fee
45 must be sufficient to ensure that the applicants bear the full cost for



1 the development, preparation, administration, grading and
2 evaluation of the translated examination. The fee is in addition to all
3 other fees that must be paid by applicants for the examination for
4 licensure as a cosmetologist.

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

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

11 644.295 1. A person licensed pursuant to this chapter shall
12 obtain a duplicate of that license if the:

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

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

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

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

19 (b) Pay a fee of ~~15~~ \$25.

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

21 644.310 Upon application to the Board, accompanied by a fee
22 of ~~100~~ \$200, a person currently licensed in any branch of
23 cosmetology under the laws of another state or territory of the
24 United States or the District of Columbia may, without examination,
25 unless the Board sees fit to require an examination, be granted a
26 license to practice the occupation in which the applicant was
27 previously licensed upon proof satisfactory to the Board that the
28 applicant:

29 1. Is not less than 18 years of age.

30 2. Is of good moral character.

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

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

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

37 644.320 1. The license of every cosmetologist, aesthetician,
38 electrologist, hair designer, manicurist, provisional instructor,
39 demonstrator of cosmetics and instructor expires on July 1 of the
40 next succeeding odd-numbered year ~~1~~ *or such other date in that*
41 *year as specified by the Board.*

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



1 **Sec. 18.** NRS 644.325 is hereby amended to read as follows:
2 644.325 1. An application for renewal of any license issued
3 pursuant to this chapter must be:

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

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

9 (c) Accompanied by the statement required pursuant to NRS
10 644.214; and

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

12 2. The fees for renewal are:

13 (a) For manicurists, electrologists, aestheticians, hair designers,
14 demonstrators of cosmetics and cosmetologists, not less than ~~[\$30]~~
15 ~~\$50~~ and not more than ~~[\$50.]~~ ~~\$100.~~

16 (b) For instructors, not less than ~~[\$40]~~ ~~\$60~~ and not more than
17 ~~[\$60.]~~ ~~\$100.~~

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

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

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

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

34 **Sec. 19.** 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 must be:

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

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

42 (c) Accompanied by the fee for renewal.

43 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 ~~\$50~~ and not more than ~~[\$50.]~~ ~~\$100.~~

4 (b) For instructors, not less than ~~[\$40]~~ ~~\$60~~ and not more than
5 ~~[\$60.]~~ ~~\$100.~~

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

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

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

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

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

23 644.340 1. Any person wishing to operate a cosmetological
24 establishment in which any one or a combination of the occupations
25 of cosmetology are practiced must apply to the Board for a license,
26 through the owner, manager or person in charge, upon forms
27 prepared and furnished by the Board. Each application must contain
28 a detailed floor plan of the proposed cosmetological establishment
29 and proof of the particular requisites for a license provided for in
30 this chapter, and must be verified by the oath of the maker.

31 2. The applicant must submit the application accompanied by
32 the required fees for inspection and licensing. After the applicant
33 has submitted the application, the applicant must contact the Board
34 and request a verbal review concerning the application to determine
35 if the cosmetological establishment complies with the requirements
36 of this chapter and the regulations adopted by the Board. If, based
37 on the verbal review, the Board determines that the cosmetological
38 establishment meets those requirements, the Board shall issue to
39 the applicant the required license. Upon receipt of the license, the
40 applicant must contact the Board to request the activation of the
41 license. A license issued pursuant to this subsection is not valid until
42 it is activated. The Board shall conduct an on-site inspection of the
43 cosmetological establishment not later than 90 days after the date on
44 which the license is activated.



1 3. The fee for a license for a cosmetological establishment is
2 ~~[\$60.]~~ **\$200**. The fee for the initial inspection is \$15. If an additional
3 inspection is necessary, the fee is \$25.

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

5 644.360 1. Every holder of a license issued by the Board to
6 operate a cosmetological establishment shall display the license in
7 plain view of members of the general public in the principal office
8 or place of business of the holder.

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

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

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

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

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

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

42 (b) **"Space" includes, without limitation, a separate room in the**
43 **cosmetological establishment.**



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

2 644.380 1. Any person desiring to conduct a school of
3 cosmetology in which any one or any combination of the
4 occupations of cosmetology are taught must apply to the Board for a
5 license, through the owner, manager or person in charge, upon
6 forms prepared and furnished by the Board. Each application must
7 contain proof of the particular requisites for a license provided for in
8 this chapter, and must be verified by the oath of the maker. The
9 forms must be accompanied by:

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

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

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

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

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

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

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

24 (a) Is suitably located.

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

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

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

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

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

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

38 644.393 Every school of cosmetology shall pay to the Board a
39 fee of ~~[\$5]~~ **\$10** for each student within 30 days after the student is
40 enrolled or reenrolled.

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

42 644.408 A student must receive the following *minimum*
43 amount of instruction in the classroom before commencing work on
44 members of the public:



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

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

5 3. A student enrolled as a manicurist must receive ~~[80]~~ *at least*
6 *100* hours.

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

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

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

12 644.430 1. The following are grounds for disciplinary action
13 by the Board:

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

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

22 (c) Gross malpractice.

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

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

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

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

32 (h) Failure to display the license as provided in NRS 644.290,
33 644.360 and 644.410.

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

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

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

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

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

44 (b) Revoke or suspend a license;

45 (c) Place the licensee on probation for a specified period; ~~[or]~~



1 (d) Impose a fine not to exceed ~~[\$1,000.]~~ \$2,000; or

2 (e) *Take any combination of the actions authorized by*
3 *paragraphs (a) to (d), inclusive.*

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

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

7 644.473 It is unlawful for ~~any~~ :

8 1. *Any* licensed cosmetological establishment ~~;~~

9 ~~—1. To engage primarily in the business of cutting men's hair; or~~

10 ~~—2. To~~ *to* represent itself to the public as primarily engaged in
11 the business of cutting men's hair ~~;~~ *;* or

12 2. *Any person licensed pursuant to this chapter to engage in*
13 *any act or practice which constitutes a violation of subsection 6 or*
14 *7 of NRS 643.190.*

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

16 644.490 1. In addition to any other penalty:

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

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

26 (1) For the first violation, ~~[\$500.]~~ \$1,000.

27 (2) For the second violation, ~~[\$1,000.]~~ \$1,500.

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

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

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

33 **Sec. 29.** Notwithstanding the amendatory provisions of section
34 8 of this act, a member of the State Board of Cosmetology who is
35 serving a term on the effective date of this act is entitled to serve out
36 the remainder of the term to which he was appointed.

37 **Sec. 30.** 1. This section and sections 1 to 18, inclusive, and
38 20 to 29, inclusive, of this act become effective on July 1, 2005.

39 2. The provisions of section 18 of this act expire by limitation
40 on the date on which the provisions of 42 U.S.C. § 666 requiring
41 each state to establish procedures under which the state has
42 authority to withhold or suspend, or to restrict the use of
43 professional, occupational and recreational licenses of persons who:



- 1 (a) Have failed to comply with a subpoena or warrant relating to
2 a proceeding to determine the paternity of a child or to establish or
3 enforce an obligation for the support of a child; or
4 (b) Are in arrears in the payment for the support of one or more
5 children,
6 ➤ are repealed by the Congress of the United States.
- 7 3. Section 19 of this act becomes effective on the date on
8 which the provisions of 42 U.S.C. § 666 requiring each state to
9 establish procedures under which the state has authority to withhold
10 or suspend, or to restrict the use of professional, occupational and
11 recreational licenses of persons who:
12 (a) Have failed to comply with a subpoena or warrant relating to
13 a procedure to determine the paternity of a child or to establish or
14 enforce an obligation for the support of a child; or
15 (b) Are in arrears in the payment for the support of one or more
16 children,
17 ➤ 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 other professions in cosmetological establishment; exceptions. Except as otherwise provided in NRS 644.360, 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.

