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SENATE BILL NO. 335—COMMITTEE ON COMMERCE AND LABOR

MARCH 24, 2005

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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.

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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 or barber's apprentice 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:

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

7 643.120 ~~[Any]~~ *Except as otherwise provided in NRS 643.130,*  
8 *any* person who has a license or certificate as a barber or an  
9 apprentice from another state, the District of Columbia or a country  
10 which has substantially the same requirements for licensing barbers  
11 and apprentices as are required by the provisions of this chapter  
12 must be admitted to practice as a licensed barber or apprentice  
13 pursuant to the regulations adopted by the Board.

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

15 643.130 *1.* A license as a barber or an apprentice must be  
16 issued by the Board to any applicant who:

17 ~~[1-]~~ *(a)* Passes an examination as provided for in NRS 643.070  
18 and 643.080;

19 ~~[2-]~~ *(b)* Possesses the other qualifications required by the  
20 provisions of this chapter;

21 ~~[3-]~~ *(c)* Submits the statement required pursuant to NRS  
22 643.095; and

23 ~~[4-]~~ *(d)* Complies with the requirements set forth in the  
24 regulations of the Board.

25 *2. A person who has a license or certificate as a barber or an*  
26 *apprentice from another state, the District of Columbia or a*  
27 *country which has substantially the same requirements for*  
28 *licensing barbers and apprentices as are required by the*  
29 *provisions of this chapter, who has applied for an examination*  
30 *before the Board and who meets the qualifications set forth in*  
31 *NRS 643.070, except subsection 5 thereof, is temporarily exempt*  
32 *from licensure and may engage in the practice of barbering*  
33 *during the period of temporary exemption if:*

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

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

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

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



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

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

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

14 643.130 1. A license as a barber or an apprentice ~~[shall]~~ **must**  
15 be issued by the Board to any applicant who ~~[shall]:~~

16 ~~1. Pass]~~

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

19 ~~[2. Possess]~~

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

22 ~~[3. Meet]~~

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

25 2. *A person who has a license or certificate as a barber or an*  
26 *apprentice from another state, the District of Columbia or a*  
27 *country which has substantially the same requirements for*  
28 *licensing barbers and apprentices as are required by the*  
29 *provisions of this chapter, who has applied for an examination*  
30 *before the Board and who meets the qualifications set forth in*  
31 *NRS 643.070, except subsection 5 thereof, is temporarily exempt*  
32 *from licensure and may engage in the practice of barbering*  
33 *during the period of temporary exemption if:*

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

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

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

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



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

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

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

14 643.190 It ~~[shall be]~~ is unlawful:

15 1. For any person ~~[in this State]~~ to engage in the practice of  
16 *barbering* or attempt to *engage in the* practice of barbering without  
17 a license *as a barber or an apprentice* issued by the Board pursuant  
18 to ~~[the provisions of]~~ this chapter.

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

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

26 ~~—4.]~~ For any person to serve as an apprentice under a licensed  
27 barber without a license as an apprentice issued by the Board ~~[~~  
28 ~~—5.]~~ *pursuant to this chapter.*

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

32 ~~[6.]~~ 5. For any person to hire or employ any person to engage  
33 in the practice of barbering *or attempt to engage in the practice of*  
34 *barbering* unless the person holds a license as a barber or an  
35 apprentice issued ~~[under the provisions of]~~ *by the Board pursuant*  
36 *to* this chapter.

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

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

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



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

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

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

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

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

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

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

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

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

37 644.050 1. After the initial terms, members of the Board  
38 serve terms of 4 years, except when appointed to fill unexpired  
39 terms.

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

43 3. *No member of the Board may serve more than two*  
44 *consecutive full terms. A member who serves two consecutive full*  
45 *terms is not thereafter eligible to serve on the Board for a period*



1 *of 1 year. Any time served on the Board in filling the unexpired*  
2 *term of another member does not apply in computing two*  
3 *consecutive full terms.*

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

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

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

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

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

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

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

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

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

29 (c) Is licensed pursuant to this chapter;

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

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

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

34 2. The Board shall establish and collect a fee of not less than  
35 ~~[\$25 nor]~~ *\$40 and not* more than ~~[\$40]~~ *\$75* for the issuance of a  
36 provisional license as an instructor.

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

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



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

2 644.195 1. Each instructor must:

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

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

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

7 (d) Have completed 1,000 hours of training as an instructor or  
8 500 hours of training as a provisional instructor in a school of  
9 cosmetology.

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

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

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

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

24 644.200 ~~[(1)]~~ The Board shall admit to examination for a  
25 license as a cosmetologist, at any meeting of the Board held to  
26 conduct examinations, any person who has made application to the  
27 Board in proper form and paid the fee, and who before or on the  
28 date of the examination:

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

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

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

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

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

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

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

43 ~~[(4)]~~ (d) Completion of at least 3,600 hours of service as a  
44 cosmetologist's apprentice in a licensed cosmetological  
45 establishment in which all of the occupations of cosmetology are





1 practiced. The required hours must have been completed during the  
2 period of validity of the certificate of registration as a  
3 cosmetologist's apprentice issued to the person pursuant to  
4 NRS 644.217.

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

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

11 644.220 1. In addition to the fee for an application, the fees  
12 for examination are:

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

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

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

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

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

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

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

28 2. In addition to the fee for an application, the fee for  
29 examination or reexamination as a demonstrator of cosmetics is  
30 ~~[\$40.]~~ \$75.

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

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

35 644.235 1. The Board:

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

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

43 2. A request for an examination for licensure as a  
44 cosmetologist to be translated into a language other than English or  
45 Spanish must be filed with the Board by the applicant making the



1 request at least ~~[6-months]~~ **90 days** before the scheduled  
2 examination. The Board shall keep all such requests on file.

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

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

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

17 644.295 1. A person licensed pursuant to this chapter shall  
18 obtain a duplicate of that license if the:

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

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

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

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

25 (b) Pay a fee of ~~[\$5-]~~ **\$25.**

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

27 644.310 Upon application to the Board, accompanied by a fee  
28 of ~~[\$100-]~~ **\$200**, a person currently licensed in any branch of  
29 cosmetology under the laws of another state or territory of the  
30 United States or the District of Columbia may, without examination,  
31 unless the Board sees fit to require an examination, be granted a  
32 license to practice the occupation in which the applicant was  
33 previously licensed upon proof satisfactory to the Board that the  
34 applicant:

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

36 2. Is of good moral character.

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

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

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

43 644.320 1. The license of every cosmetologist, aesthetician,  
44 electrologist, hair designer, manicurist, provisional instructor,  
45 demonstrator of cosmetics and instructor expires on July 1 of the



1 next succeeding odd-numbered year ~~[ ]~~ *or such other date in that*  
2 *year as specified by the Board.*

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

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

6 644.325 1. An application for renewal of any license issued  
7 pursuant to this chapter must be:

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

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

13 (c) Accompanied by the statement required pursuant to NRS  
14 644.214; and

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

16 2. The fees for renewal are:

17 (a) For manicurists, electrologists, aestheticians, hair designers,  
18 demonstrators of cosmetics and cosmetologists, not less than ~~[\$30]~~  
19 *\$50* and not more than ~~[\$50.]~~ *\$100.*

20 (b) For instructors, not less than ~~[\$40]~~ *\$60* and not more than  
21 ~~[\$60.]~~ *\$100.*

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

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

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

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

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

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

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

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



1 (c) Accompanied by the fee for renewal.

2 2. The fees for renewal are:

3 (a) For manicurists, electrologists, aestheticians, hair designers,  
4 demonstrators of cosmetics and cosmetologists, not less than ~~[\$30]~~  
5 ~~\$50~~ and not more than ~~[\$50.]~~ \$100.

6 (b) For instructors, not less than ~~[\$40]~~ \$60 and not more than  
7 ~~[\$60.]~~ \$100.

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

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

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

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

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

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

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



1 cosmetological establishment not later than 90 days after the date on  
2 which the license is activated.

3 3. The fee for a license for a cosmetological establishment is  
4 ~~[\$60.]~~ **\$200**. The fee for the initial inspection is \$15. If an additional  
5 inspection is necessary, the fee is \$25.

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

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

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

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

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

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

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

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

44 (b) **"Space" includes, without limitation, a separate room in the**  
45 **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 5.3 and 5.5 of this act  
38 become effective upon passage and approval.

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

41 3. The provisions of sections 5.5 and 18 of this act expire by  
42 limitation on the date on which the provisions of 42 U.S.C. § 666  
43 requiring each state to establish procedures under which the state  
44 has authority to withhold or suspend, or to restrict the use of  
45 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 4. Sections 5.7 and 19 of this act become effective on the date  
8 on 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.

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### TEXT OF REPEALED SECTIONS

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

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

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

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

(a) Applies to the Board for the permit;

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

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

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



4. It is unlawful:

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

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

**644.477 Unlawful to practice 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.





