
SENATE BILL NO. 393—COMMITTEE ON COMMERCE AND LABOR

MARCH 23, 2009

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing barber schools.
(BDR 34-1223)

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 postsecondary education; transferring regulation of barber schools from the State Barbers' Health and Sanitation Board to the Commission on Postsecondary Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill transfers the responsibility for the licensing and regulation of barber
2 schools from the State Barbers' Health and Sanitation Board to the Commission on
3 Postsecondary Education.

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

1 **Section 1.** Chapter 394 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Barber school” means a school of barbering, college of*
4 *barbering and any other place or institution of instruction training*
5 *persons to engage in:*

6 *1. Shaving or trimming the beard, cutting or trimming the*
7 *hair, or hair weaving.*

8 *2. Giving massages of the face or scalp or treatments with*
9 *oils, creams, lotions or other preparations, by hand or mechanical*
10 *appliances.*

11 *3. Singeing, shampooing or dyeing the hair, or applying hair*
12 *tonics.*



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1 **4. Applying cosmetic preparations, antiseptics, powders, oils**
2 **or lotions to the scalp, face or neck.**

3 **5. Arranging, fitting, cutting, styling, cleaning, coloring or**
4 **dyeing a hairpiece or wig, whether made of human hair or**
5 **synthetic material.**

6 **Sec. 2.** NRS 394.005 is hereby amended to read as follows:

7 394.005 As used in this chapter, unless the context otherwise
8 requires, the words and terms defined in NRS 394.006 to 394.112,
9 inclusive, **and section 1 of this act** have the meanings ascribed to
10 them in those sections.

11 **Sec. 3.** NRS 394.099 is hereby amended to read as follows:

12 394.099 "Postsecondary educational institution" means an
13 academic, vocational, technical, home study, business, professional
14 or other school, college or university that is privately owned,
15 **including, without limitation, a barber school,** or any person
16 offering postsecondary education if he:

17 1. Is not licensed as a postsecondary educational institution in
18 this state by a federal or another state agency;

19 2. Charges tuition, requires or requests donations or receives
20 any consideration from a student for any portion of the instruction,
21 including written or audiovisual material;

22 3. Educates or trains persons who are not his employees; and

23 4. Educates or trains, or claims or offers to educate or train,
24 students in a program leading toward:

25 (a) Employment at a beginning or advanced level;

26 (b) Educational credentials;

27 (c) Credits that are intended to be applied toward an educational
28 credential awarded in another state which does not require the
29 person to obtain a majority of the credits required in that state; or

30 (d) Preparation for examinations for initial licensing in a
31 profession or vocation.

32 ↪ The term includes a branch or extension of a public or private
33 postsecondary educational institution of another state that is located
34 in this state or which offers educational services or education in this
35 state. The term does not include an institution or person offering
36 only educational services or programs at the introductory level on
37 the use of computer software to persons who have purchased that
38 software from the institution or person.

39 **Sec. 4.** NRS 643.010 is hereby amended to read as follows:

40 643.010 As used in this chapter, unless the context otherwise
41 requires:

42 1. "Barber school" includes a school of barbering, college of
43 barbering and any other place or institution of instruction training
44 persons to engage in the practice of barbering.



1 2. "Barbershop" means any establishment or place of business
2 where the practice of barbering is engaged in or carried on.

3 3. "Board" means the State Barbers' Health and Sanitation
4 Board.

5 4. ~~["Instructor" means any person who is licensed by the Board
6 pursuant to the provisions of this chapter to instruct the practice of
7 barbering in a barber school.]~~

8 ~~—5.]~~ "Licensed apprentice" means a person who is licensed to
9 engage in the practice of barbering as an apprentice pursuant to the
10 provisions of this chapter.

11 ~~[6.]~~ 5. "Licensed barber" means a person who is licensed to
12 engage in the practice of barbering pursuant to the provisions of this
13 chapter.

14 ~~[7.]~~ 6. "Practice of barbering" means any of the following
15 practices for cosmetic purposes:

16 (a) Shaving or trimming the beard, cutting or trimming the hair,
17 or hair weaving.

18 (b) Giving massages of the face or scalp or treatments with oils,
19 creams, lotions or other preparations, by hand or mechanical
20 appliances.

21 (c) Singeing, shampooing or dyeing the hair, or applying hair
22 tonics.

23 (d) Applying cosmetic preparations, antiseptics, powders, oils or
24 lotions to the scalp, face or neck.

25 (e) Arranging, fitting, cutting, styling, cleaning, coloring or
26 dyeing a hairpiece or wig, whether made of human hair or synthetic
27 material. This does not restrict any establishment from setting or
28 styling a hairpiece or wig in preparation for retail sale.

29 ~~[8.—"Student" means a person receiving instruction in a barber
30 school.]~~

31 **Sec. 5.** NRS 643.050 is hereby amended to read as follows:

32 643.050 1. The Board may:

33 (a) Maintain offices in as many locations in this State as it finds
34 necessary to carry out the provisions of this chapter.

35 (b) Employ attorneys, investigators and other professional
36 consultants and clerical personnel necessary to the discharge of its
37 duties.

38 (c) Adopt regulations necessary to carry out the provisions of
39 this chapter.

40 2. The Board shall prescribe, by regulation, sanitary
41 requirements for barbershops. ~~[and barber schools.]~~

42 3. Any member of the Board or its agents or assistants may
43 enter and inspect any barbershop ~~[or barber school]~~ at any time
44 during business hours or at any time when the practice of barbering
45 ~~[or instruction]~~ in that practice is being carried on.



1 4. The Board shall keep a record of its proceedings relating to
2 the issuance, refusal, renewal, suspension and revocation of
3 licenses. The record must contain the name, place of business and
4 residence of each licensed barber ~~[.]~~ and licensed apprentice ~~[and~~
5 ~~instructor.]~~ and the date and number of his license. The record must
6 be open to public inspection at all reasonable times.

7 5. The Board may approve and, by official order, establish the
8 days and hours when barbershops may remain open for business
9 whenever agreements fixing such opening and closing hours have
10 been signed and submitted to the Board by any organized and
11 representative group of licensed barbers of at least 70 percent of the
12 licensed barbers of any county. The Board may investigate the
13 reasonableness and propriety of the hours fixed by such an
14 agreement, as is conferred by the provisions of this chapter, and the
15 Board may fix hours for any portion of a county.

16 ~~[6.—The Board may adopt regulations governing the conduct of~~
17 ~~barber schools and the course of study of barber schools.]~~

18 **Sec. 6.** NRS 643.080 is hereby amended to read as follows:

19 643.080 Any person is qualified to receive a license as an
20 apprentice:

- 21 1. Who is at least 16 1/2 years of age.
- 22 2. Who is of good moral character and temperate habits.
- 23 3. Who has graduated from a school of barbering approved by
24 the ~~[Board.]~~ *Commission on Postsecondary Education.*
- 25 4. Who has passed an examination conducted by the Board to
26 determine his fitness to practice as a licensed apprentice.
- 27 5. Who has had a chest X ray, the results of which indicate he
28 is not tuberculous, and a blood test, the results of which indicate he
29 is not a carrier of communicable diseases.

30 **Sec. 7.** NRS 643.085 is hereby amended to read as follows:

31 643.085 A person who:

- 32 1. Is licensed pursuant to the provisions of chapter 644 of NRS;
33 and
- 34 2. Has completed 400 hours of specialized training at a barber
35 school approved by the ~~[Board.]~~ *Commission on Postsecondary*
36 *Education,*
37 ↪ may take the examination for a license as a barber without being
38 licensed as an apprentice.

39 **Sec. 8.** NRS 643.095 is hereby amended to read as follows:

40 643.095 1. In addition to any other requirements set forth in
41 this chapter:

- 42 (a) An applicant for the issuance of a license as a barber ~~[.]~~ or an
43 apprentice ~~[or an instructor]~~ shall include the social security number
44 of the applicant in the application submitted to the Board.



1 (b) An applicant for the issuance or renewal of a license as a
2 barber ~~[]~~ or an apprentice ~~[for an instructor]~~ must submit to the
3 Board the statement prescribed by the Division of Welfare and
4 Supportive Services of the Department of Health and Human
5 Services pursuant to NRS 425.520. The statement must be
6 completed and signed by the applicant.

7 2. The Board shall include the statement required pursuant to
8 subsection 1 in:

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

11 (b) A separate form prescribed by the Board.

12 3. A license as a barber ~~[]~~ or an apprentice ~~[for an instructor]~~
13 may not be issued or renewed by the Board if the applicant:

14 (a) Fails to submit the statement required pursuant to subsection
15 1; or

16 (b) Indicates on the statement submitted pursuant to subsection
17 1 that he is subject to a court order for the support of a child and is
18 not in compliance with the order or a plan approved by the district
19 attorney or other public agency enforcing the order for the
20 repayment of the amount owed pursuant to the order.

21 4. If an applicant indicates on the statement submitted pursuant
22 to subsection 1 that he is subject to a court order for the support of a
23 child and is not in compliance with the order or a plan approved by
24 the district attorney or other public agency enforcing the order for
25 the repayment of the amount owed pursuant to the order, the Board
26 shall advise the applicant to contact the district attorney or other
27 public agency enforcing the order to determine the actions that the
28 applicant may take to satisfy the arrearage.

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

30 643.110 1. Except as otherwise provided in subsection 2, an
31 applicant for a license as a barber who fails to pass the examination
32 conducted by the Board must continue to practice as a licensed
33 apprentice for an additional 3 months before he may retake the
34 examination for a license as a barber.

35 2. An applicant for a license as a barber who is a cosmetologist
36 licensed pursuant to the provisions of chapter 644 of NRS and who
37 fails to pass the examination conducted by the Board must complete
38 further study as prescribed by the Board, not exceeding 250 hours,
39 in a barber school approved by the ~~[Board]~~ *Commission on*
40 *Postsecondary Education* before he may retake the examination for
41 a license as a barber.

42 3. An applicant for a license as an apprentice who fails to pass
43 the examination provided for in NRS 643.080 must complete further
44 study as prescribed by the Board in a barber school approved by the



1 ~~[Board]~~ *Commission on Postsecondary Education* before he may
2 retake the examination for a license as an apprentice.

3 ~~[4.—An applicant for a license as an instructor who fails to pass
4 the examination provided for in NRS 643.1775 must complete
5 further study prescribed by the Board, not to exceed 250 hours, in a
6 barber school approved by the Board before he may retake the
7 examination for a license as an instructor.]~~

8 **Sec. 10.** NRS 643.150 is hereby amended to read as follows:

9 643.150 1. Each licensed barber and licensed apprentice shall
10 display his license in a conspicuous place adjacent to or near his
11 work chair.

12 2. A copy of the regulations adopted by the Board must be:

13 (a) Provided to the owner or manager of each barbershop ; ~~or~~
14 ~~barber school;~~ and

15 (b) Displayed in a conspicuous place in the barbershop . ~~or~~
16 ~~barber school;~~

17 **Sec. 11.** NRS 643.188 is hereby amended to read as follows:

18 643.188 1. If the Board receives a copy of a court order
19 issued pursuant to NRS 425.540 that provides for the suspension of
20 all professional, occupational and recreational licenses, certificates
21 and permits issued to a person who is licensed as a barber ~~[.]~~ *or*
22 apprentice , ~~[or an instructor,]~~ the Board shall deem the license
23 issued to that person to be suspended at the end of the 30th day after
24 the date on which the court order was issued unless the Board
25 receives a letter issued to the holder of the license by the district
26 attorney or other public agency pursuant to NRS 425.550 stating
27 that the holder of the license has complied with the subpoena or
28 warrant or has satisfied the arrearage pursuant to NRS 425.560.

29 2. The Board shall reinstate a license that has been suspended
30 by a district court pursuant to NRS 425.540 if the Board receives a
31 letter issued by the district attorney or other public agency pursuant
32 to NRS 425.550 to the person whose license was suspended stating
33 that the person whose license was suspended has complied with the
34 subpoena or warrant or has satisfied the arrearage pursuant to
35 NRS 425.560.

36 **Sec. 12.** NRS 643.200 is hereby amended to read as follows:

37 643.200 1. It shall be unlawful for any licensed barber or
38 apprentice:

39 (a) Knowingly to continue the practice of barbering ~~[, or for any
40 student knowingly to continue as a student in any barber school]~~
41 while the person has an infectious, contagious or communicable
42 disease.

43 (b) To use upon one patron a towel that has been used upon
44 another patron unless the towel has been relandered.



1 (c) Not to provide the headrest on each chair with a relaundersed
2 towel or a sheet of clean paper for each patron.

3 (d) Not to place around the patron's neck a strip of cotton, towel
4 or neckband so that the hair cloth does not come in contact with the
5 neck or skin of the patron's body.

6 (e) To use in the practice of barbering any styptic pencils, finger
7 bowls, sponges, lump alum or powder puffs. Possession of a styptic
8 pencil, finger bowl, sponge, lump alum or powder puff in a
9 barbershop is prima facie evidence that the item is being used
10 therein in the practice of barbering.

11 (f) To use on any patron any razors, scissors, tweezers, combs,
12 rubber discs or parts of vibrators used on another patron, unless the
13 items are kept in a closed compartment and immersed in boiling
14 water or in a solution of 2 percent carbolic acid, or its equivalent,
15 before each use.

16 2. It shall be unlawful to own, manage, control or operate any
17 barbershop unless:

18 (a) Continuously hot and cold running water is provided.

19 (b) A recognized sign is displayed at the main entrance to the
20 shop indicating that it is a barbershop.

21 **Sec. 13.** NRS 643.172, 643.173, 643.174, 643.175, 643.176,
22 643.177, 643.1775, 643.179 and 643.205 are hereby repealed.

23 **Sec. 14.** Any license to operate a barber school that was issued
24 by the State Barbers' Health and Sanitation Board pursuant to
25 chapter 643 of NRS before July 1, 2009, shall be deemed to be a
26 license to operate a barber school which was issued by the
27 Commission on Postsecondary Education pursuant to the provisions
28 of chapter 394 of NRS and which expires on the date on which the
29 license to operate a barber school would have expired pursuant to
30 the provisions of NRS 643.175. Such a license may be renewed on
31 or before its expiration in accordance with the provisions of
32 NRS 394.460.

33 **Sec. 15.** This act becomes effective on July 1, 2009.

LEADLINES OF REPEALED SECTIONS

643.172 Operation of barber school without license
unlawful.

643.173 Application for license; fee.

643.174 Personal appearance of applicant before Board;
required information.

643.175 Fees; renewal of license.



643.176 Regulations; continuing education.

643.177 Conditions for operation of barber school: Signs; number of instructors; restrictions; charge for barbering services; waiver.

643.1775 Qualifications for license as instructor.

643.179 Notice and hearing.

643.205 Unlawful to instruct practice of barbering in barber school without license.

