

SENATE BILL NO. 13—COMMITTEE ON COMMERCE AND LABOR

PREFILED JANUARY 8, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises various provisions governing practice of cosmetology. (BDR 54-95)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to cosmetology; establishing a program for the training of cosmetologists' apprentices; providing a fee for the registration of such apprentices; authorizing the issuance of a citation and providing an administrative penalty for the unauthorized practice of cosmetology; providing a fee for an application for a license to practice cosmetology; revising the requirements relating to reciprocity for licensure in any branch of cosmetology; revising provisions governing the licensure of a cosmetological establishment; 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 644 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 to 5, inclusive, of this act.
- 3 **Sec. 2. “Cosmetologist’s apprentice” means a person who is engaged**
- 4 ***in learning the occupation of a cosmetologist in a cosmetological***
- 5 ***establishment and who is registered with the board to practice***
- 6 ***cosmetology as a cosmetologist’s apprentice.***
- 7 **Sec. 3. 1. The board may issue a certificate of registration as a**
- 8 ***cosmetologist’s apprentice to a person if:***
- 9 ***(a) The person is a resident of a county whose population is less than***
- 10 ***35,000; and***
- 11 ***(b) The training of the person as a cosmetologist’s apprentice will be***
- 12 ***conducted at a licensed cosmetological establishment that is located in***
- 13 ***such a county.***
- 14 **2. An applicant for a certificate of registration as a cosmetologist’s**
- 15 ***apprentice must submit an application to the board on a form prescribed***

1 *by the board. The application must be accompanied by a fee of \$100 and*
2 *must include:*

3 *(a) A statement signed by the licensed cosmetologist who will be*
4 *supervising and training the cosmetologist's apprentice which states that*
5 *the licensed cosmetologist has been licensed by the board to practice*
6 *cosmetology in this state for not less than 5 years immediately preceding*
7 *the date of the application and that his license has been in good standing*
8 *during that period;*

9 *(b) A statement signed by the owner of the licensed cosmetological*
10 *establishment where the applicant will be trained which states that the*
11 *owner will permit the applicant to be trained as a cosmetologist's*
12 *apprentice at the cosmetological establishment; and*

13 *(c) Such other information as the board may require by regulation.*

14 *3. A certificate of registration as a cosmetologist's apprentice is valid*
15 *for 2 years after the date on which it is issued and may be renewed by the*
16 *board upon good cause shown.*

17 *Sec. 4. 1. A cosmetologist's apprentice shall display the certificate*
18 *of registration issued to him by the board in plain view of the public at the*
19 *position where he is being trained. The cosmetologist's apprentice, the*
20 *licensed cosmetologist supervising and training the cosmetologist's*
21 *apprentice, and the owner of the cosmetological establishment where the*
22 *cosmetologist's apprentice is being trained shall not advertise or hold the*
23 *cosmetologist's apprentice out as being a licensed cosmetologist, or use*
24 *any title or abbreviation that would indicate that the cosmetologist's*
25 *apprentice is a licensed cosmetologist.*

26 *2. To receive credit for his apprenticeship, a cosmetologist's*
27 *apprentice must be regularly employed during his training by:*

28 *(a) The cosmetological establishment where he is being trained; or*

29 *(b) If the cosmetologist's apprentice is being supervised and trained by*
30 *a licensed cosmetologist who is leasing space in a cosmetological*
31 *establishment, the licensed cosmetologist.*

32 *3. Not more than one cosmetologist's apprentice may be employed at*
33 *any time at a licensed cosmetological establishment.*

34 *4. A licensed cosmetologist who is supervising and training a*
35 *cosmetologist's apprentice shall:*

36 *(a) Supervise all work done by the cosmetologist's apprentice; and*

37 *(b) Be in attendance at all times that the cosmetologist's apprentice is*
38 *engaged in the practice of cosmetology.*

39 *5. A licensed cosmetologist who is supervising and training a*
40 *cosmetologist's apprentice shall keep a daily record of the training that is*
41 *provided to the cosmetologist's apprentice. The licensed cosmetologist*
42 *shall:*

1 ***(a) Keep the daily records at the cosmetological establishment where***
2 ***the cosmetologist's apprentice is being trained and, upon the request of***
3 ***the board, make the daily records available to the board; and***

4 ***(b) Submit a copy of the records to the board at such regular intervals***
5 ***as the board may require by regulation.***

6 ***6. For the purposes of this chapter:***

7 ***(a) A licensed cosmetologist is not required to obtain a license from the***
8 ***board as an instructor to train a cosmetologist's apprentice pursuant to***
9 ***this section and section 3 of this act, and the licensed cosmetologist is not***
10 ***subject to regulation as an instructor because he provides such training.***

11 ***(b) A licensed cosmetological establishment which employs a***
12 ***cosmetologist's apprentice or at which a cosmetologist's apprentice is***
13 ***being trained is not subject to regulation as a school of cosmetology***
14 ***because the cosmetologist's apprentice is being trained at the***
15 ***cosmetological establishment.***

16 ***7. The board may adopt:***

17 ***(a) Regulations relating to the qualifications of a licensed***
18 ***cosmetologist to supervise and train a cosmetologist's apprentice;***

19 ***(b) Regulations relating to the procedures and subject matter that must***
20 ***be included in the training of a cosmetologist's apprentice;***

21 ***(c) Regulations relating to the training of a cosmetologist's apprentice***
22 ***to verify the number of hours of training received by the cosmetologist's***
23 ***apprentice; and***

24 ***(d) Such other regulations as the board determines necessary to carry***
25 ***out the provisions of this section and section 3 of this act.***

26 ***Sec. 5. 1. In addition to any other penalty:***

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

33 ***(b) Upon finding that a person has violated the provisions of NRS***
34 ***644.190, the board shall assess an administrative fine of:***

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

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

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

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

1 **Sec. 6.** NRS 644.020 is hereby amended to read as follows:

2 644.020 As used in this chapter, unless the context otherwise requires,
3 the words and terms defined in NRS 644.0205 to 644.029, inclusive, **and**
4 **section 2 of this act** have the meanings ascribed to them in those sections.

5 **Sec. 7.** NRS 644.190 is hereby amended to read as follows:

6 644.190 1. It is unlawful for any person to conduct or operate a
7 cosmetological establishment, school of cosmetology or any other place of
8 business in which any one or any combination of the occupations of
9 cosmetology are taught or practiced unless he is licensed in accordance with
10 the provisions of this chapter.

11 2. Except as otherwise provided in subsection 4, it is unlawful for any
12 person to engage in, or attempt to engage in, the practice of cosmetology or
13 any branch thereof, whether for compensation or otherwise, unless he is
14 licensed in accordance with the provisions of this chapter.

15 3. This chapter does not prohibit:

16 (a) Any student in any school of cosmetology ~~that~~ established pursuant to
17 the provisions of this chapter ~~that~~ from engaging, in the school and as a
18 student, in work connected with any branch or any combination of branches
19 of cosmetology in the school.

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

22 (c) A person issued a provisional license as an instructor pursuant to
23 NRS 644.193 from acting as an instructor and accepting compensation
24 therefor ~~that~~ while accumulating the hours of training as a teacher required
25 for an instructor's license.

26 (d) The rendering of cosmetological services by a person who is licensed
27 in accordance with the provisions of this chapter, if those services are
28 rendered in connection with photographic services provided by a
29 photographer.

30 **(e) A registered cosmetologist's apprentice from engaging in the**
31 **practice of cosmetology under the immediate supervision of a licensed**
32 **cosmetologist.**

33 4. A person employed to render cosmetological services in the course
34 of and incidental to the production of a motion picture, television program,
35 commercial or advertisement is exempt from the licensing requirements of
36 this chapter if he renders cosmetological services only to persons who will
37 appear in that motion picture, television program, commercial or
38 advertisement.

39 **Sec. 8.** NRS 644.200 is hereby amended to read as follows:

40 644.200 1. The board shall admit to examination for a license as a
41 cosmetologist, at any meeting of the board held to conduct examinations,
42 any person who has made application to the board in proper form and paid
43 the fee, and who before or on the date of the examination:

- 1 (a) Is not less than 18 years of age.
2 (b) Is of good moral character.
3 (c) Has successfully completed the 10th grade in school or its equivalent.
4 Testing for equivalency must be pursuant to applicable state or federal
5 requirements.

6 (d) Has had any one of the following:

7 (1) Training of at least 1,800 hours, extending over a school term of
8 10 months, in a school of cosmetology approved by the board.

9 (2) Practice of the occupation of a cosmetologist for a period of 4
10 years outside this state.

11 (3) If the applicant is a barber registered pursuant to chapter 643 of
12 NRS, 400 hours of specialized training approved by the board.

13 **(4) Completion of at least 3,600 hours of service as a cosmetologist's**
14 **apprentice in a licensed cosmetological establishment in which all of the**
15 **occupations of cosmetology are practiced. The required hours must have**
16 **been completed during the period of validity of the certificate of**
17 **registration as a cosmetologist's apprentice issued to the person pursuant**
18 **to section 3 of this act.**

19 2. A registered barber who fails the examination for a license as a
20 cosmetologist must complete further study as prescribed by the board, not
21 exceeding 250 hours, in a school of cosmetology approved by the board
22 before he is again entitled to take the examination.

23 **Sec. 9.** NRS 644.210 is hereby amended to read as follows:

24 644.210 1. An application for admission to examination or for a
25 license in any branch of cosmetology, **or for a certificate of registration as**
26 **a cosmetologist's apprentice**, must be **made** in writing on forms furnished
27 by the board and must be submitted within the period designated by the
28 board. **The board shall charge a fee of \$15 for furnishing the forms.**

29 2. An application must ~~be accompanied by a fee of \$15 and~~ contain
30 proof of the qualifications of the applicant for examination or licensure. The
31 application must be verified by the oath of the applicant.

32 **Sec. 10.** NRS 644.212 is hereby amended to read as follows:

33 644.212 An application for the issuance of a license or evidence of
34 registration issued pursuant to NRS 644.190 to 644.330, inclusive, **and**
35 **sections 3 and 4 of this act**, must include the social security number of the
36 applicant.

37 **Sec. 11.** NRS 644.214 is hereby amended to read as follows:

38 644.214 1. An applicant for the issuance or renewal of a license or
39 evidence of registration issued pursuant to NRS 644.190 to 644.330,
40 inclusive, **and sections 3 and 4 of this act**, shall submit to the board the
41 statement prescribed by the welfare division of the department of human
42 resources pursuant to NRS 425.520. The statement must be completed and
43 signed by the applicant.

1 2. The board shall include the statement required pursuant to subsection
2 1 in:

3 (a) The application or any other forms that must be submitted for the
4 issuance or renewal of the license or evidence of registration; or

5 (b) A separate form prescribed by the board.

6 3. A license or evidence of registration may not be issued or renewed
7 by the board pursuant to NRS 644.190 to 644.330, inclusive, **and sections 3**
8 **and 4 of this act**, if the applicant:

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

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

15 4. If an applicant indicates on the statement submitted pursuant to
16 subsection 1 that he is subject to a court order for the support of a child and
17 is not in compliance with the order or a plan approved by the district
18 attorney or other public agency enforcing the order for the repayment of the
19 amount owed pursuant to the order, the board shall advise the applicant to
20 contact the district attorney or other public agency enforcing the order to
21 determine the actions that the applicant may take to satisfy the arrearage.

22 **Sec. 12.** NRS 644.310 is hereby amended to read as follows:

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

29 ~~1. That he is~~ **proof satisfactory to the board that the applicant:**

30 **1. Is** not less than 18 years of age.

31 ~~2. That he is~~ **Is** of good moral character.

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

35 ~~4. That he can verify that he is~~ **Is** currently licensed in another state or
36 territory or the District of Columbia.

37 **Sec. 13.** NRS 644.340 is hereby amended to read as follows:

38 644.340 1. Any person wishing to operate a cosmetological
39 establishment in which any one or a combination of the occupations of
40 cosmetology are practiced must apply to the board for a license, through the
41 owner, manager or person in charge, upon forms prepared and furnished by
42 the board. Each application must contain a detailed floor plan of the
43 proposed cosmetological establishment and proof of the particular requisites

1 for a license provided for in this chapter, and must be verified by the oath of
2 the maker.

3 2. ~~{Upon receipt by the board of}~~ **The applicant must submit** the
4 application accompanied by the required fees for inspection and licensing .
5 ~~{, the board shall inspect the establishment to ensure that it}~~ **After the**
6 **applicant has submitted the application, the applicant must contact the**
7 **board and request a verbal review concerning the application to**
8 **determine if the cosmetological establishment** complies with the
9 requirements of this chapter and the regulations adopted by the board. If ,
10 **based on the verbal review, the board determines that** the **cosmetological**
11 establishment meets those requirements, the board shall issue to the
12 applicant the required license. **Upon receipt of the license, the applicant**
13 **must contact the board to request the activation of the license. A license**
14 **issued pursuant to this subsection is not valid until it is activated. The**
15 **board shall conduct an on-site inspection of the cosmetological**
16 **establishment not later than 90 days after the date on which the license is**
17 **activated.**

18 3. The fee for a license for a cosmetological establishment is \$60. The
19 fee for the initial inspection is \$15. If an additional inspection is necessary,
20 the fee is \$25.

21 **Sec. 14.** NRS 644.425 is hereby amended to read as follows:

22 644.425 1. The board may grant a temporary educational permit
23 authorizing a current licensee within the scope of his license to conduct
24 demonstrations and exhibitions, temporarily and primarily for educational
25 purposes, of techniques for the benefit and instruction of cosmetologists,
26 hair designers, aestheticians, electrologists and manicurists licensed
27 pursuant to this chapter, and electrologists' apprentices , **cosmetologists'**
28 **apprentices** and students enrolled in licensed schools of cosmetology.

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

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

- 34 (a) Applies to the board for the permit;
35 (b) Demonstrates to the satisfaction of the board that the permit is sought
36 primarily for educational purposes; and
37 (c) Pays a fee of not less than \$10 and not more than \$25.

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

41 4. It is unlawful:

- 42 (a) For any person to conduct a demonstration or exhibition without a
43 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.

Sec. 15. NRS 644.430 is hereby amended to read as follows:

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

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

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

(c) Gross malpractice.

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

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

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

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

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

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

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

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

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

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

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

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

Sec. 16. NRS 644.435 is hereby amended to read as follows:

644.435 1. If the board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all

1 professional, occupational and recreational licenses, certificates and permits
2 issued to a person who has been issued a license or been registered pursuant
3 to NRS 644.190 to 644.330, inclusive, **and sections 3 and 4 of this act**, the
4 board shall deem the license or registration issued to that person to be
5 suspended at the end of the 30th day after the date on which the court order
6 was issued unless the board receives a letter issued by the district attorney
7 or other public agency pursuant to NRS 425.550 to the holder of the license
8 or registration stating that the holder of the license or registration has
9 complied with the subpoena or warrant or has satisfied the arrearage
10 pursuant to NRS 425.560.

11 2. The board shall reinstate a license or registration issued pursuant to
12 NRS 644.190 to 644.330, inclusive, **and sections 3 and 4 of this act**, that
13 has been suspended by a district court pursuant to NRS 425.540 if the board
14 receives a letter issued by the district attorney or other public agency
15 pursuant to NRS 425.550 to the person whose license or registration was
16 suspended stating that the person whose license or registration was
17 suspended has complied with the subpoena or warrant or has satisfied the
18 arrearage pursuant to NRS 425.560.

19 **Sec. 17.** The registration of a person as a cosmetologist's apprentice
20 does not expire solely because of a determination by the Bureau of the
21 Census of the United States Department of Commerce that the population of
22 the county in which the cosmetologist's apprentice resides or is receiving
23 training is 35,000 or more.

24 **Sec. 18.** The amendatory provisions of sections 10, 11 and 16 of this
25 act expire by limitation on the date on which the provisions of 42 U.S.C. §
26 666 requiring each state to establish procedures under which the state has
27 authority to withhold or suspend, or to restrict the use of professional,
28 occupational or recreational licenses of persons who:

29 1. Have failed to comply with a subpoena or warrant relating to a
30 proceeding to determine the paternity of a child or to establish or enforce an
31 obligation for the support of a child; or

32 2. Are in arrears in the payment for the support of one or more
33 children,
34 are repealed by the Congress of the United States.

35 **Sec. 19.** 1. This section and sections 1, 5, 9, 12 and 13 of this act
36 become effective on October 1, 1999.

37 2. Section 4 of this act becomes effective:

38 (a) On October 1, 1999, for the purpose of adopting regulations; and

39 (b) On January 1, 2000, for all other purposes.

40 3. Sections 2, 3, 6, 7, 8, 10, 11 and 14 to 18, inclusive, of this act
41 become effective on January 1, 2000.