

SENATE BILL NO. 8—SENATOR RAWSON

PREFILED JANUARY 6, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning practice of barbering. (BDR 54-803)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 barbering; prohibiting the refunding of the fee for an examination for licensure by the state barbers' health and sanitation board if the applicant, without good cause, fails to appear for the examination; requiring persons who are required to display their licenses to provide identification upon the request of a representative of the board; exempting prisoners from the provisions regulating the practice of barbering; increasing the bond and salary of the secretary-treasurer of the board; increasing certain fees for licensure; providing a penalty; 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 thereto
- 2
- 3 the provisions set forth as sections 2 and 3 of this act.
- 4 **Sec. 2. 1. *An applicant for a license pursuant to the provisions of***
- 5 ***this chapter who, without good cause, fails to appear for an examination***
- 6 ***of the board after notification by the board of his eligibility to take the***
- 7 ***examination:***
- 8 ***(a) Is not entitled to receive a refund of the fee for that examination;***
- 9 ***and***
- 10 ***(b) Must reapply to take the examination by filing a new application***
- 11 ***and paying the fee for the examination.***
- 12 **2. The board shall, by regulation, define “good cause” for the**
- 13 ***purposes of this section.***
- 14 **Sec. 3. A person who is required to display a license issued pursuant to the**
- 15 ***provisions of this chapter shall, upon the request of an authorized***
- 16 ***representative of the board, provide to that representative identification in***

1 *the form of a driver's license or identification card with a photograph that*
2 *has been issued by a state, the District of Columbia or the United States.*

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

4 643.010 As used in this chapter, unless the context otherwise requires:

5 1. "Barber school" includes **a** school of barbering, college of barbering
6 ~~[, barber college,]~~ and any other place or institution of instruction training
7 persons to engage in the practice of barbering.

8 2. "Barbershop" ~~embraces~~ **means** any establishment or place of
9 business ~~[wherein]~~ **where** the practice of barbering is engaged in or carried
10 on.

11 3. "Board" means the state barbers' health and sanitation board.

12 4. "Instructor" means any person ~~[certified]~~ **who is licensed** by the
13 board **pursuant to the provisions of this chapter** to instruct the practice of
14 barbering in a barber school.

15 5. "**Licensed apprentice**" **means a person who is licensed to engage in**
16 **the practice of barbering as an apprentice pursuant to the provisions of**
17 **this chapter.**

18 6. "**Licensed barber**" **means a person who is licensed to engage in the**
19 **practice of barbering pursuant to the provisions of this chapter.**

20 7. "Practice of barbering" ~~is defined to be any of, or any combination~~
21 ~~of, or all]~~ **means any** of the following practices for cosmetic purposes:

22 (a) Shaving or trimming the beard, cutting or trimming the hair, or hair
23 weaving.

24 (b) Giving massages of the face or scalp or treatments with oils, creams,
25 lotions or other preparations, ~~[either]~~ by hand or mechanical appliances.

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

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

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

33 ~~[6. "Practitioner of barbering" means a person engaged in any of the~~
34 ~~practices designated in subsection 5.~~

35 ~~7.]~~ 8. "Student" means a person receiving instruction in a barber school.

36 **Sec. 4.5.** NRS 643.019 is hereby amended to read as follows:

37 643.019 This chapter does not apply ~~to~~:

38 ~~1. To persons]~~ **to:**

39 1. **Persons** licensed pursuant to chapter 644 of NRS.

40 2. ~~[To embalmers]~~ **Embalmers** or undertakers in cutting the hair or trimming the
41 beard of any deceased person in preparation for burial or
42 cremation.

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

3 **Sec. 5.** NRS 643.020 is hereby amended to read as follows:

4 643.020 1. The state barbers' health and sanitation board, consisting
5 of four members, is hereby created.

6 2. The board consists of the state health officer, or a member of his staff
7 designated by the state health officer, and three members who are
8 ~~registered~~ **licensed** barbers appointed by the governor. Of the barbers, one
9 **barber** must be from Clark County, one **barber must be** from Washoe
10 County and one **barber must be** from any county in the state. Each of the
11 barbers must have been a resident of this state and a practicing ~~registered~~
12 **licensed** barber for at least 5 years immediately before his appointment.

13 3. The governor may remove a member of the board for cause.

14 **Sec. 6.** NRS 643.030 is hereby amended to read as follows:

15 643.030 1. The board shall elect a president. No person may serve as
16 president for more than 4 consecutive years.

17 2. The board shall elect a vice president.

18 3. The board shall elect a secretary-treasurer, who may or may not be a
19 member of the board. The board shall fix the salary of the secretary-
20 treasurer, which must not exceed the sum of ~~[\$2,400]~~ **\$3,600** per year.

21 4. Each officer and member of the board is entitled to receive:

22 (a) A salary of not more than \$80 per day, as fixed by the board, while
23 engaged in the business of the board; and

24 (b) A per diem allowance and travel expenses at a rate fixed by the
25 board, while engaged in the business of the board. The rate must not exceed
26 the rate provided for state officers and employees generally.

27 5. While engaged in the business of the board, each employee of the
28 board is entitled to receive a per diem allowance and travel expenses at a
29 rate fixed by the board. The rate must not exceed the rate provided for state
30 officers and employees generally.

31 6. The secretary-treasurer shall:

32 (a) Keep a record of all proceedings of the board.

33 (b) Give to ~~the~~ **this** state a bond in the sum of ~~[\$2,000,]~~ **\$3,000**, with
34 sufficient sureties, for the faithful performance of his duties. The bond must
35 be approved by the board.

36 **Sec. 7.** NRS 643.050 is hereby amended to read as follows:

37 643.050 1. The board ~~shall have the authority:~~

38 ~~—(a) To maintain~~ **may:**

39 **(a) Maintain** offices in as many ~~localities in the~~ **locations in this** state
40 as it finds necessary to carry out the provisions of this chapter.

41 **(b) ~~To employ~~ Employ** attorneys, investigators and other professional
42 consultants and clerical personnel necessary to the discharge of its duties.

1 (c) ~~{To make reasonable rules and regulations for the administration of}~~
2 **Adopt regulations necessary to carry out** the provisions of this chapter.

3 2. The board shall prescribe , **by regulation**, sanitary requirements for
4 barbershops and barber schools.

5 3. Any member of the board or its agents or assistants ~~{shall have}~~
6 ~~authority to}~~ **may** enter and inspect any barbershop or barber school at any
7 time during business hours or at any time when the practice of barbering or
8 instruction in ~~{such}~~ **that** practice is being carried on.

9 4. The board shall keep a record of its proceedings relating to the
10 issuance, refusal, renewal, suspension and revocation of ~~{certificates of}~~
11 ~~registration. This record shall also}~~ **licenses. The record must** contain the
12 name, place of business and residence of each ~~{registered barber and}~~
13 ~~registered apprentice,}~~ **licensed barber, licensed apprentice and instructor,**
14 and the date and number of his ~~{certificate of registration. This record shall}~~
15 **license. The record must** be open to public inspection at all reasonable
16 times.

17 5. The board ~~{shall have power to}~~ **may** approve and, by official order,
18 ~~{to}~~ establish the days and hours when barbershops may remain open for
19 business whenever agreements fixing such opening and closing hours have
20 been signed and submitted to the board by any organized and representative
21 group of **licensed** barbers of at least 70 percent of the **licensed** barbers of
22 any county. The board ~~{shall have like power to}~~ **may** investigate the
23 reasonableness and propriety of the hours fixed by such **an** agreement, as is
24 conferred by **the provisions of** this chapter, and the board may fix hours for
25 any portion of a county.

26 6. The board ~~{shall have authority to adopt and enforce reasonable rules}~~
27 ~~and}~~ **may adopt** regulations governing the conduct of barber schools ~~{-~~
28 ~~—7. The board shall have authority to prescribe}~~ **and** the course of study
29 of barber schools.

30 **Sec. 8.** NRS 643.070 is hereby amended to read as follows:

31 643.070 Any person is qualified to receive a ~~{certificate of registration}~~
32 **license** as a barber:

33 1. Who is qualified under the provisions of NRS ~~{643.080 or}~~ 643.085.

34 2. Who is at least 18 years of age.

35 3. Who is of good moral character and temperate habits.

36 4. Who has ~~{practiced}~~ :

37 **(a) Practiced** as a ~~{registered}~~ **licensed** apprentice for a period of 18
38 months under the immediate personal supervision of a ~~{registered}~~ **licensed**
39 barber ; or ~~{has satisfied}~~

40 **(b) Complied with** the requirements of NRS 643.085.

41 5. Who has passed an examination conducted by the board to determine
42 his fitness to practice as a ~~{registered}~~ **licensed** barber.

1 6. Who has had a chest X-ray, the results of which indicate he is not
2 tuberculous, and a blood test, the results of which indicate he is not a carrier
3 of communicable diseases.

4 **Sec. 9.** NRS 643.080 is hereby amended to read as follows:

5 643.080 Any person is qualified to receive a ~~{certificate of registration~~
6 ~~as a registered}~~ **license as an** apprentice:

7 1. Who is at least 16 1/2 years of age.

8 2. Who is of good moral character and temperate habits.

9 3. Who has graduated from a school of barbering approved by the
10 board.

11 4. Who has passed an examination conducted by the board to determine
12 his fitness to practice as a ~~{registered}~~ **licensed** apprentice.

13 5. Who has had a chest X-ray, the results of which indicate he is not
14 tuberculous, and a blood test, the results of which indicate he is not a carrier
15 of communicable diseases.

16 **Sec. 10.** NRS 643.085 is hereby amended to read as follows:

17 643.085 ~~{For the purpose of issuing a certificate of registration as a~~
18 ~~barber, a}~~ A person **who**:

19 1. **Is** licensed pursuant to **the provisions of** chapter 644 of NRS ~~{who~~
20 ~~has}~~ ; **and**

21 2. **Has** completed 400 hours of specialized training at a **barber** school
22 ~~{of barbering}~~ approved by the board , ~~{is entitled to}~~
23 **may** take the examination for a license as a ~~{practitioner of barbering}~~
24 **barber** without being ~~{certified}~~ **licensed** as an apprentice.

25 **Sec. 11.** NRS 643.090 is hereby amended to read as follows:

26 643.090 1. Each applicant for a ~~{certificate of registration as a~~
27 ~~practitioner of barbering}~~ **license as a barber or an apprentice** must file an
28 application verified by him for an examination before the board.

29 2. The application must be in a form prescribed by the board and
30 include the social security number of the applicant.

31 3. Each application must be accompanied by the fees ~~{provided}~~
32 **prescribed** by subsection 4.

33 4. The board shall annually fix the examination fees, which must not be
34 more than \$100.

35 5. Each applicant must, at the time of filing the application, file a
36 certificate ~~{of}~~ **signed by** a licensed physician certifying that the applicant is
37 free from tuberculosis and other communicable diseases.

38 **Sec. 12.** NRS 643.095 is hereby amended to read as follows:

39 643.095 1. An applicant for the issuance or renewal of a ~~{certificate of~~
40 ~~registration}~~ **license** as a barber ~~{or registered apprentice shall}~~ , **an**
41 **apprentice or an instructor must** submit to the board the statement

1 prescribed by the welfare division of the department of human resources
2 pursuant to NRS 425.520. The statement must be completed and signed by
3 the applicant.

4 2. The board shall include the statement required pursuant to subsection
5 1 in:

6 (a) The application or any other forms that must be submitted for the
7 issuance or renewal of the ~~{certificate of registration;}~~ **license;** or

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

9 3. A ~~{certificate of registration}~~ **license** as a barber ~~{or registered}~~, **an**
10 apprentice **or an instructor** may not be issued or renewed by the board if
11 the applicant:

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

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

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

25 **Sec. 13.** NRS 643.100 is hereby amended to read as follows:

26 643.100 1. Not less than three times each year, at such times and
27 places as it determines, the board shall conduct examinations to determine
28 the fitness of each of the following:

29 (a) Applicants for ~~{certificates of registration to practice as registered}~~
30 **licenses as** barbers.

31 (b) Applicants for ~~{certificates of registration to practice as registered}~~
32 **licenses as** apprentices.

33 (c) Applicants to enter barber schools.

34 2. The examination of applicants for ~~{certificates of registration as}~~
35 ~~registered}~~ **licenses as** barbers and ~~{as registered apprentices shall include}~~
36 ~~both}~~ **apprentices must include** a practical demonstration and a written and
37 oral test ~~{, and shall embrace}~~ **that must include** the subjects usually taught
38 in **barber** schools ~~{of barbering}~~ approved by the board.

39 **Sec. 14.** NRS 643.110 is hereby amended to read as follows:

40 643.110 1. Except as otherwise provided in subsection 2, an applicant for a
41 license as a ~~{practitioner of barbering}~~ **barber** who fails to pass ~~{a}~~
42 ~~satisfactory}~~ **the** examination conducted by the board must continue to

1 practice as ~~[an]~~ **a licensed** apprentice for an additional 3 months before he
2 ~~[is again entitled to take]~~ **may retake** the examination for ~~[registration]~~ **a**
3 **license** as a barber.

4 2. An applicant for a license as a ~~[practitioner of barbering]~~ **barber** who
5 is a cosmetologist licensed pursuant to **the provisions of** chapter 644 of
6 NRS and who fails to pass ~~[a satisfactory]~~ **the** examination conducted by the
7 board must complete further study as prescribed by the board, not exceeding
8 250 hours, in a **barber** school ~~[of barbering]~~ approved by the board before
9 he ~~[is again entitled to take]~~ **may retake** the examination ~~[.]~~ **for a license as**
10 **a barber.**

11 3. An applicant for a ~~[certificate of registration to practice]~~ **license** as
12 an apprentice who fails to pass the examination provided for in NRS
13 643.080 must complete further study as prescribed by the board in a barber
14 school approved by the board ~~[.]~~ **before he may retake the examination for**
15 **a license as an apprentice.**

16 4. **An applicant for a license as an instructor who fails to pass the**
17 **examination provided for in NRS 643.1775 must complete further study**
18 **prescribed by the board, not to exceed 250 hours, in a barber school**
19 **approved by the board before he may retake the examination for a license**
20 **as an instructor.**

21 **Sec. 15.** NRS 643.120 is hereby amended to read as follows:

22 643.120 Any person who has a license or certificate ~~[of registration as a~~
23 ~~practicing]~~ **as a** barber or **an** apprentice from another state, **the District of**
24 **Columbia** or **a** country which has substantially the same requirements for
25 licensing ~~[or registering]~~ barbers **and apprentices** as **are** required by **the**
26 **provisions of** this chapter ~~[shall]~~ **must** be admitted to practice ~~[under such~~
27 ~~rules and regulations as the board shall prescribe under the terms of this~~
28 ~~chapter.]~~ **as a licensed barber or apprentice pursuant to the regulations**
29 **adopted by the board.**

30 **Sec. 16.** NRS 643.130 is hereby amended to read as follows:

31 643.130 A ~~[certificate of registered]~~ **license as a** barber or ~~[of~~
32 ~~registered]~~ **an** apprentice must be issued by the board to any applicant who:

33 1. Passes an examination as provided for in NRS 643.070 and 643.080;

34 2. Possesses the other qualifications required by the provisions of this
35 chapter;

36 3. Submits the statement required pursuant to NRS 643.095; **and**

37 4. Complies with the requirements set forth in the ~~[rules and]~~
38 **regulations of the board.**

39 **Sec. 17.** NRS 643.140 is hereby amended to read as follows:

40 643.140 1. ~~[Every registered]~~ **Each licensed** barber and ~~[every~~
41 ~~registered]~~ **each licensed** apprentice who continues in active practice or service shall
42 biennially, on or before April 1 of each even-numbered year,
43 renew his ~~[certificate of registration]~~ **license** and pay the required fee. The

1 board shall fix the fee for renewal of a ~~{certificate of registration,}~~ **license**,
2 which must not be more than \$60. The statement required pursuant to NRS
3 643.095 must be submitted with the fee. Every ~~{certificate of registration}~~
4 **license** which has not been renewed before May 1 of an even-numbered
5 year expires on that date.

6 2. A ~~{registered}~~ **licensed** barber or a ~~{registered}~~ **licensed** apprentice
7 whose ~~{certificate of registration}~~ **license** has expired may have his
8 ~~{certificate}~~ **license** restored immediately upon submission of the statement
9 required pursuant to NRS 643.095 and payment of the required restoration
10 fee at any time within 2 years after the expiration of his ~~{certificate of}~~
11 ~~registration.}~~ **license**. The board shall fix the restoration fee, which must not
12 be more than \$120.

13 **Sec. 18.** NRS 643.150 is hereby amended to read as follows:

14 643.150 1. ~~{Every holder of a certificate of registration}~~ **Each**
15 **licensed barber and licensed apprentice** shall display ~~{it}~~ **his license** in a
16 conspicuous place adjacent to or near his work chair.

17 2. A copy of the ~~{rules and regulations and sanitary requirements}~~
18 **regulations** adopted by the board ~~{shall be furnished}~~ **must be:**

19 (a) **Provided** to the owner or manager of each barbershop or barber
20 school ~~{, and such copy shall be posted}~~ ; **and**

21 (b) **Displayed** in a conspicuous place in ~~{such}~~ **the** barbershop or barber
22 school.

23 **Sec. 19.** NRS 643.170 is hereby amended to read as follows:

24 643.170 1. The board shall not suspend or revoke ~~{any certificate of}~~
25 ~~registration}~~ **the license** of any person, or refuse to issue or renew any
26 ~~{certificate of registration,}~~ **license**, unless:

27 (a) Before taking that action the board gives written notice thereof to the
28 accused stating the specific reason for its adverse action; and

29 (b) The accused is granted the opportunity to appear before the board for
30 a hearing within 20 days after the date of the notice.

31 2. The board may:

32 (a) Summon witnesses.

33 (b) Require the production of books, records and papers for ~~{the purpose}~~
34 ~~of}~~ the hearing.

35 3. Subpoenas must be issued by the secretary-treasurer of the board
36 directed to the sheriff of the proper county to be served and returned in the
37 same manner as subpoenas in criminal cases. The fees and mileage of the
38 sheriff and witnesses must be the same as is allowed in criminal cases and
39 must be paid from the money of the board as other expenses of the board are
40 paid.

41 4. If the accused prevails at the hearing, the board shall grant him the
42 proper relief without delay.

1 5. Any investigation, inquiry or hearing thus authorized may be
2 entertained or held by or before a member or members of the board, and the
3 finding or order of the member or members, when approved and confirmed
4 by the board, shall be deemed the finding or order of the board.

5 **Sec. 20.** NRS 643.171 is hereby amended to read as follows:

6 643.171 No person ~~[, firm or corporation]~~ may operate a barbershop
7 unless the board has issued a license to operate ~~[such shop to such person,~~
8 ~~firm or corporation.]~~ **a barbershop to that person.**

9 **Sec. 21.** NRS 643.1714 is hereby amended to read as follows:

10 643.1714 1. The board shall establish the fee for an inspection, which
11 must not be more than ~~[\$50.]~~ \$75. The fee for a license to operate a
12 barbershop or for the renewal of the license must not be more than ~~[\$50.]~~
13 \$75.

14 2. Each license to operate a barbershop must be renewed biennially,
15 during April of each odd-numbered year. Each licensee shall pay the
16 biennial fee for registration which must be prorated for the period from the
17 date the license is issued to the end of the biennium. Each such license
18 which has not been renewed in April of an odd-numbered year expires on
19 May 1 of that year. An expired license may be restored upon payment of:

20 (a) The license fee; and

21 (b) A restoration fee established by the board, which must not be more
22 than ~~[\$50.]~~ \$75.

23 **Sec. 22.** NRS 643.1715 is hereby amended to read as follows:

24 643.1715 ~~[No]~~ A license to operate a barbershop ~~[may be assigned]~~
25 **may not be:**

26 1. **Assigned** from one person ~~[, firm or corporation]~~ to any other person
27 ~~[, firm or corporation, nor may such license be transferred]; or~~

28 2. **Transferred** from one location to another.

29 **Sec. 23.** NRS 643.1716 is hereby amended to read as follows:

30 643.1716 ~~[No person, firm or corporation may]~~ **A person may not**
31 **operate any barbershop unless** ~~[such person, firm or corporation and such~~
32 ~~barbershop respectively comply]~~ **he complies** with all **the** applicable
33 requirements of NRS 643.200 and ~~[with]~~ the regulations adopted by the
34 board.

35 **Sec. 24.** NRS 643.172 is hereby amended to read as follows:

36 643.172 It is unlawful for any person ~~[, firm or corporation]~~ to operate
37 a barber school unless the board has issued ~~[to such person, firm or~~
38 ~~corporation]~~ a license ~~[which is current and in good standing.]~~ **to the person**
39 **to operate the barber school.**

40 **Sec. 25.** NRS 643.174 is hereby amended to read as follows:

41 643.174 Upon receipt of an application to operate a barber school, the board shall
42 require the applicant, if ~~[an individual,]~~ **the applicant is a sole**
43 **proprietor**, or a member, partner or officer, if the applicant is a firm,

1 partnership or corporation, to appear personally before the board and submit
2 information in such form as the board may by regulation prescribe showing:

3 1. The location of the proposed ~~{college}~~ **barber school** and its physical
4 facilities and equipment;

5 2. The proposed maximum number of students to be trained at any one
6 time and the number of instructors to be provided;

7 3. The nature and terms of the applicant's right of possession of the
8 proposed premises, whether by lease, ownership or otherwise;

9 4. The financial ability of the applicant to operate the ~~{college}~~ **barber**
10 **school** in accordance with the requirements of this chapter and the
11 regulations of the board; and

12 5. Such other information as the board considers necessary.

13 **Sec. 26.** NRS 643.175 is hereby amended to read as follows:

14 643.175 1. The fee ~~{to be paid by an applicant}~~ for a license to
15 operate a barber school, as provided in NRS 643.173, ~~{shall be \$250, which~~
16 ~~fee will}~~ **is \$500. The fee must** be returned if the application is rejected.

17 2. The fee ~~{to be paid by an applicant}~~ for the renewal of a license to
18 operate a barber school ~~{shall be}~~ **is \$100.**

19 3. ~~{Every}~~ **Each** license to operate a barber school which has not been
20 renewed during the month of April in any year ~~{shall expire}~~ **expires** on
21 May 1 of that year.

22 **Sec. 27.** NRS 643.176 is hereby amended to read as follows:

23 643.176 1. The board may adopt and enforce reasonable regulations
24 governing:

25 (a) The conduct of barber schools;

26 (b) The course of study of barber schools;

27 (c) The examination of instructors;

28 (d) The fee for the examination of instructors, which may not exceed
29 ~~{ \$75;}~~ **\$300; and**

30 (e) The fee for the issuance and renewal of an instructor's ~~{certificate.}~~
31 **license.**

32 2. The board shall require, as a prerequisite for the renewal of an
33 instructor's ~~{certification,}~~ **license**, continuing education in the form of
34 seminars or other training.

35 **Sec. 28.** NRS 643.177 is hereby amended to read as follows:

36 643.177 Any person who owns, manages, operates or controls any
37 barber school, or part ~~{or portion}~~ thereof, shall:

38 1. Display a sign at every entrance to the barber school indicating that
39 barbering is performed by students exclusively;

40 2. Have at least two instructors ~~{available}~~ **on the premises of the**
41 **barber school** at all times ~~{when}~~ **if** the active enrollment of the school is 20 or more
42 students and at least ~~{one instructor when the active enrollment is~~
43 ~~less;}~~ **two instructors available to provide instruction at all times; and**

3. Comply with all other provisions of this chapter relating to barber schools.

Sec. 29. NRS 643.1775 is hereby amended to read as follows:

643.1775 The board shall ~~certify~~ **license** any person as an instructor who:

1. Has applied to the board in writing on the form prescribed by the board;

2. Holds a high school diploma or its equivalent;

3. Has paid the applicable fees;

4. Holds a ~~certificate of registered~~ **license as a** barber issued by the board;

5. ***Submits the statement required pursuant to NRS 643.095;***

6. Has practiced ***not less than 5 years*** as a full-time **licensed** barber in this state, ***the District of Columbia*** or in any other state or country whose requirements for licensing barbers are substantially equivalent to those in this state;

~~6.]~~ 7. Has successfully completed a training program for instructors conducted by a licensed barber school which consists of ~~a minimum of 400~~ **not less than 600** hours of instruction within a 6-month period; and

~~7. — Successfully passes]~~

8. ***Has passed*** an examination for instructors administered by the board.

Sec. 30. NRS 643.1775 is hereby amended to read as follows:

643.1775 The board shall license any person as an instructor who:

1. Has applied to the board in writing on the form prescribed by the board;

2. Holds a high school diploma or its equivalent;

3. Has paid the applicable fees;

4. Holds a license as a barber issued by the board;

5. ~~Submits the statement required pursuant to NRS 643.095;~~

~~6.]~~ Has practiced not less than 5 years as a full-time licensed barber in this state, the District of Columbia or in any other state or country whose requirements for licensing barbers are substantially equivalent to those in this state;

~~7.]~~ 6. Has successfully completed a training program for instructors conducted by a licensed barber school which consists of not less than 600 hours of instruction within a 6-month period; and

~~8.]~~ 7. Has passed an examination for instructors administered by the board.

Sec. 31. NRS 643.182 is hereby amended to read as follows:

643.182 1. The board may by regulation require a **licensed** barber to maintain a barbershop licensed by the board as his primary base of operation for the performance of barbering services.

2. ~~[Nothing in this section prevents]~~ ***The provisions of this section do not prevent a licensed*** barber who complies with regulations adopted pursuant to subsection 1 from providing barbering services to customers away from his shop as a matter of convenience to those customers.

Sec. 32. NRS 643.185 is hereby amended to read as follows:

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

(a) Violation by any person ~~[holding a certificate or license issued]~~ ***licensed*** pursuant to ***the provisions of*** this chapter of any provision of this chapter or the regulations adopted by the board.

(b) Conviction of a felony.

(c) Malpractice or incompetency.

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

(e) Advertising, practicing or attempting to practice under another's name or trade name.

(f) Drunkenness or addiction to a controlled substance.

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

(a) Refuse to issue or renew a ~~[certificate or]~~ license;

(b) Revoke or suspend a ~~[certificate or]~~ license;

(c) Impose a fine of not more than \$1,000; ~~[or]~~ ***and***

(d) Require the person to pay all costs incurred by the board relating to the discipline of the person.

Sec. 33. NRS 643.188 is hereby amended to read as follows:

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

2. The board shall reinstate a ~~[certificate of registration as a barber or registered apprentice]~~ ***license*** that has been suspended by a district court pursuant to NRS 425.540 if the board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose ~~[certificate of registration]~~ ***license*** was suspended stating that the

1 person whose ~~{certificate of registration}~~ **license** was suspended has
2 complied with the subpoena or warrant or has satisfied the arrearage
3 pursuant to NRS 425.560.

4 **Sec. 34.** NRS 643.190 is hereby amended to read as follows:
5 643.190 It shall be unlawful:

6 1. For any person in this state to engage in the practice or attempt to
7 practice barbering without a ~~{certificate of registration, health and~~
8 ~~sanitation}~~ **license** issued by the board pursuant to the provisions of this
9 chapter.

10 2. For any owner or manager of any barbershop to employ a barber who
11 does not have a ~~{certificate of registration, health and sanitation}~~ **license**
12 issued by the board or whose ~~{shop}~~ **barbershop** does not meet the sanitary
13 requirements of the board.

14 3. For any person to engage in the practice of barbering without a
15 ~~{certificate of registration as a registered}~~ **license as a** barber issued
16 pursuant to the provisions of this chapter by the board.

17 4. For any person to serve as an apprentice under a ~~{registered}~~ **licensed**
18 barber without a ~~{certificate of registration as a registered}~~ **license as an**
19 apprentice issued by the board.

20 5. For any person ~~{, firm or corporation}~~ to operate a barbershop unless
21 ~~{such shop shall}~~ **the barbershop is** at all times ~~{be}~~ under the direct
22 supervision and management of a ~~{registered}~~ **licensed** barber.

23 6. For any person ~~{, firm or corporation}~~ to hire or employ any person
24 to engage in the practice of barbering unless ~~{such person then holds a valid,~~
25 ~~unexpired and unrevoked certificate of registration to practice barbering or~~
26 ~~a certificate of registration as a registered}~~ **the person holds a license as a**
27 **barber or an** apprentice issued under the provisions of this chapter.

28 **7. For any person to place a barber pole in a location that would**
29 **create or tend to create the impression to members of the general public**
30 **that a business located near the barber pole is a barbershop unless the**
31 **business employs licensed barbers. As used in this subsection, "barber**
32 **pole" means a red and white striped vertical cylinder with a ball located**
33 **on top of the cylinder.**

34 **Sec. 35.** NRS 643.200 is hereby amended to read as follows:

35 643.200 1. It shall be unlawful for any **licensed** barber or apprentice:

36 (a) Knowingly to continue the practice of barbering, or for any student
37 knowingly to continue as a student in any ~~{school or college of barbering~~
38 ~~while such}~~ **barber school while the** person has an infectious, contagious or
39 communicable disease.

40 (b) To use upon one patron a towel that has been used upon another
41 patron unless ~~{and until}~~ the towel has been relaundered.

42 (c) Not to provide the headrest on each chair with a relaundered towel or
43 a sheet of clean paper for each patron.

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

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

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

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

16 (a) Continuously hot and cold running water ~~{be provided for, if~~
17 ~~possible.}~~ **is provided.**

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

20 ~~{3.—The board shall have power to make other rules and regulations and~~
21 ~~prescribe other sanitary requirements in addition to the provisions of~~
22 ~~subsections 1 and 2 in aid or furtherance of the provisions of this chapter.}~~

23 **Sec. 36.** NRS 643.205 is hereby amended to read as follows:

24 643.205 It is unlawful for any person to instruct the practice of
25 barbering in a barber school unless he is ~~{certified}~~ **licensed** by the board to
26 do so.

27 **Sec. 37.** The amendatory provisions of this act do not apply to offenses
28 that are committed before October 1, 1999.

29 **Sec. 38.** 1. This section and sections 1 to 29, inclusive, and sections
30 31 to 37, inclusive, of this act become effective on October 1, 1999.

31 2. Section 30 of this act becomes effective on the date on which the
32 provisions of 42 U.S.C. § 666 requiring each state to establish procedures
33 under which the state has authority to withhold or suspend, or to restrict the
34 use of professional, occupational and recreational licenses of persons who:

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

38 (b) Are in arrears in the payment for the support of one or more children,
39 are repealed by the Congress of the United States.