

Assembly Bill No. 551—Committee on Commerce and Labor

CHAPTER.....

AN ACT relating to cosmetology; requiring the licensing of a demonstrator of cosmetics; authorizing the sale of food or beverages in a cosmetological establishment under certain circumstances; 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:

Section 1. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Demonstrator of cosmetics” means a person who, without charge and without advertising his services, demonstrates the application of cosmetics in a cosmetological establishment for the sole purpose of selling cosmetics.*

Sec. 3. *The board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the board in proper form, paid the fee and:*

- 1. Is at least 18 years of age;*
- 2. Is of good moral character;*
- 3. Has completed a course provided by the board relating to sanitation; and*
- 4. Has received a score of not less than 75 percent on the examination administered by the board.*

Sec. 4. *The examination for a license as a demonstrator of cosmetics:*

- 1. Must include a written or oral test relating to sanitation; and*
- 2. May include such other demonstrations and tests as the board may require.*

Sec. 5. *Any food or beverages that are sold for immediate consumption in a cosmetological establishment must be sold in an area of the cosmetological establishment which is sufficiently separated from the area of the cosmetological establishment where cosmetological services are provided.*

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

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

Sec. 7. NRS 644.0205 is hereby amended to read as follows:

644.0205 “Aesthetician” means any person who engages in the practices of:

1. Beautifying, massaging, cleansing or stimulating the skin of the human body, except the scalp, by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device, electrical or otherwise, for the care of the skin;
2. Applying ~~make-up~~ *cosmetics* or eyelashes to any person, tinting eyelashes and eyebrows, and lightening hair on the body except the scalp; and
3. Removing superfluous hair from the body of any person by the use of depilatories, waxing or tweezers,

but does not include the branches of cosmetology of a cosmetologist, hair designer, electrologist or manicurist.

Sec. 8. NRS 644.023 is hereby amended to read as follows:

644.023 "Cosmetologist" means a person who engages in the practices of:

1. Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.
2. Cutting, trimming or shaping the hair.
3. Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.
4. Removing superfluous hair from the *surface of the* body of any person by the use of electrolysis ~~{to remove the hair from the surface of the body}~~ where the growth is a blemish, or by the use of depilatories, waxing or tweezers, except for the permanent removal of hair with needles.
5. Manicuring the nails of any person.
6. Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device, electrical or otherwise, for the care of the skin.
7. Giving facials or skin care or applying ~~{make-up}~~ *cosmetics* or eyelashes to any person.

Sec. 9. NRS 644.024 is hereby amended to read as follows:

644.024 "Cosmetology" includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer , *demonstrator of cosmetics* and manicurist.

Sec. 10. NRS 644.130 is hereby amended to read as follows:

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

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

- (a) Any other licensing board or agency that is investigating a licensee.
- (b) A member of the general public, except information concerning the address and telephone number of a licensee.

Sec. 11. NRS 644.212 is hereby amended to read as follows:

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

Sec. 12. NRS 644.214 is hereby amended to read as follows:

644.214 1. An applicant for the issuance or renewal of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330,

inclusive, *and sections 3 and 4 of this act* shall submit to the board the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the board.

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

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

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

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

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

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

(a) For examination as a cosmetologist, not less than \$40 and not more than \$75.

(b) For examination as an electrologist, not less than \$40 and not more than \$75.

(c) For examination as a hair designer, not less than \$40 and not more than \$75.

(d) For examination as a manicurist, not less than \$40 and not more than \$75.

(e) For examination as an aesthetician, not less than \$40 and not more than \$75.

(f) For examination as an instructor of aestheticians or in cosmetology or manicuring, \$40.

The fee for each reexamination is not less than \$40 and not more than \$75.

2. *In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is \$40.*

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

Sec. 14. NRS 644.240 is hereby amended to read as follows:

644.240 Examinations for licensure as a cosmetologist may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, manicuring, ~~make-up,~~

cosmetics, thermal curling, marcelling, facial massage, massage of the scalp with the hands, and cutting, trimming or shaping hair;

2. Written or oral tests on:

- (a) Antisepsis, sterilization and sanitation;
- (b) The use of mechanical apparatus and electricity as applicable to the practice of a cosmetologist; and
- (c) The laws of Nevada and the regulations of the board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the board may require.

Sec. 15. NRS 644.247 is hereby amended to read as follows:

644.247 The examinations for an aesthetician may include:

1. Practical demonstrations in facial massage, ~~make-up~~ *cosmetics* or arching the eyebrow;

2. Written and oral tests on:

- (a) Antisepsis, sterilization and sanitation;
- (b) The use of mechanical apparatus and electricity in the care of skin; and
- (c) The laws of Nevada and the regulations of the board relating to cosmetology; and

3. Such other demonstrations and tests as the board requires.

Sec. 16. NRS 644.260 is hereby amended to read as follows:

644.260 The board shall issue a license as a cosmetologist, aesthetician, electrologist, hair designer, manicurist, *demonstrator of cosmetics* or instructor to each applicant who:

1. Passes a satisfactory examination, conducted by the board to determine his fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license.

Sec. 17. NRS 644.300 is hereby amended to read as follows:

644.300 Every licensed manicurist, electrologist, aesthetician, hair designer, *demonstrator of cosmetics* or cosmetologist shall, within 30 days after changing his place of business, as designated in the records of the board, notify the secretary of the board of his new place of business. Upon receipt of the notification, the secretary shall make the necessary change in the records.

Sec. 18. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, manicurist, provisional instructor, *demonstrator of cosmetics* and instructor expires on July 1 of the next succeeding odd-numbered year.

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

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

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

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

(b) Accompanied by the statement required pursuant to NRS 644.214; and

(c) Accompanied by the fee for renewal.

2. The fees for renewal are:

(a) For manicurists, electrologists, aestheticians, hair designers , *demonstrators of cosmetics* and cosmetologists, not less than \$30 and not more than \$50.

(b) For instructors, not less than \$40 and not more than \$60.

(c) For cosmetological establishments, not less than \$60 and not more than \$100.

(d) For schools of cosmetology, not less than \$450 and not more than \$500.

3. For each month or fraction thereof after July 1 in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of \$25 for a school of cosmetology and \$10 for a cosmetological establishment and all persons licensed pursuant to this chapter.

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

Sec. 20. NRS 644.330 is hereby amended to read as follows:

644.330 1. A manicurist, electrologist, aesthetician, hair designer, cosmetologist , *demonstrator of cosmetics* or instructor whose license has expired may have his license renewed only upon submission of the statement required pursuant to NRS 644.214 and payment of all required fees.

2. Any manicurist, electrologist, aesthetician, hair designer, cosmetologist , *demonstrator of cosmetics* or instructor who retires from practice for more than 1 year may have his license restored only upon submission of the statement required pursuant to NRS 644.214 and payment of all required fees.

3. No manicurist, electrologist, aesthetician, hair designer, cosmetologist , *demonstrator of cosmetics* or instructor who has retired from practice for more than 4 years may have his license restored without examination and must comply with any additional requirements established in regulations adopted by the board.

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

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

2. The operator of a cosmetological establishment shall lease space to or employ only licensed manicurists, electrologists, aestheticians, hair designers , *demonstrators of cosmetics* and cosmetologists at his establishment to provide cosmetological services.

Sec. 22. 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 , *demonstrator of cosmetics* 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. 23. 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 professional, occupational and recreational licenses, certificates and permits issued to a person who has been issued a license or been registered pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of this act* the board shall deem the license or registration 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 by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the license or registration stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The board shall reinstate a license or registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of this act* 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 license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 644.460 is hereby amended to read as follows:

644.460 1. The following persons are exempt from the provisions of this chapter:

(a) All persons authorized by the laws of this state to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of ~~make-up~~ cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a cosmetological service except ~~make-up~~ cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his employee does not advertise cosmetological services and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the department of prisons or the Caliente youth center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.