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ASSEMBLY BILL NO. 551—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF ASSEMBLYWOMAN CHRIS GIUNCHIGLIANI)

MARCH 26, 2001

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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to practice of cosmetology. (BDR 54-1133)

FISCAL NOTE:   Effect on Local Government: No.  
                      Effect on the State: No.

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

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AN ACT relating to 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:

- 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.** *“Demonstrator of cosmetics” means a person who, without*  
4     *charge and without advertising his services, demonstrates the application*  
5     *of cosmetics in a cosmetological establishment for the sole purpose of*  
6     *selling cosmetics.*  
7     **Sec. 3.** *The board shall admit to examination for a license as a*  
8     *demonstrator of cosmetics any person who has made application to the*  
9     *board in proper form, paid the fee and:*  
10    1. *Is at least 18 years of age;*  
11    2. *Is of good moral character;*  
12    3. *Has completed a course provided by the board relating to*  
13    *sanitation; and*  
14    4. *Has received a score of not less than 75 percent on the*  
15    *examination administered by the board.*  
16    **Sec. 4.** *The examination for a license as a demonstrator of*  
17    *cosmetics:*  
18    1. *Must include a written or oral test relating to sanitation; and*  
19    2. *May include such other demonstrations and tests as the board may*  
20    *require.*



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- 1     **Sec. 5.** *Any food or beverages that are sold for immediate*  
2     *consumption in a cosmetological establishment must be sold in an area*  
3     *of the cosmetological establishment which is sufficiently separated from*  
4     *the area of the cosmetological establishment where cosmetological*  
5     *services are provided.*
- 6     **Sec. 6.** NRS 644.020 is hereby amended to read as follows:  
7     644.020 As used in this chapter, unless the context otherwise requires,  
8     the words and terms defined in NRS 644.0205 to 644.029, inclusive, *and*  
9     *section 2 of this act* have the meanings ascribed to them in those sections.
- 10    **Sec. 7.** NRS 644.0205 is hereby amended to read as follows:  
11    644.0205 “Aesthetician” means any person who engages in the  
12    practices of:  
13    1. Beautifying, massaging, cleansing or stimulating the skin of the  
14    human body, except the scalp, by the use of cosmetic preparations,  
15    antiseptics, tonics, lotions or creams , or any device, electrical or otherwise,  
16    for the care of the skin;  
17    2. Applying ~~make-up~~ *cosmetics* or eyelashes to any person, tinting  
18    eyelashes and eyebrows , and lightening hair on the body except the scalp;  
19    and  
20    3. Removing superfluous hair from the body of any person by the use  
21    of depilatories, waxing or tweezers,  
22    but does not include the branches of cosmetology of a cosmetologist, hair  
23    designer, electrologist or manicurist.
- 24    **Sec. 8.** NRS 644.023 is hereby amended to read as follows:  
25    644.023 “Cosmetologist” means a person who engages in the practices  
26    of:  
27    1. Cleansing, stimulating or massaging the scalp or cleansing or  
28    beautifying the hair by the use of cosmetic preparations, antiseptics, tonics,  
29    lotions or creams.  
30    2. Cutting, trimming or shaping the hair.  
31    3. Arranging, dressing, curling, waving, cleansing, singeing,  
32    bleaching, tinting, coloring or straightening the hair of any person with the  
33    hands, mechanical or electrical apparatus or appliances, or by other means,  
34    or similar work incident to or necessary for the proper carrying on of the  
35    practice or occupation provided by the terms of this chapter.  
36    4. Removing superfluous hair from the *surface of the* body of any  
37    person by the use of electrolysis ~~to remove the hair from the surface of the~~  
38    ~~body~~ where the growth is a blemish, or by the use of depilatories, waxing  
39    or tweezers, except for the permanent removal of hair with needles.  
40    5. Manicuring the nails of any person.  
41    6. Beautifying, massaging, stimulating or cleansing the skin of the  
42    human body by the use of cosmetic preparations, antiseptics, tonics,  
43    lotions, creams or any device, electrical or otherwise, for the care of the  
44    skin.  
45    7. Giving facials or skin care or applying ~~make-up~~ *cosmetics* or  
46    eyelashes to any person.



1     **Sec. 9.** NRS 644.024 is hereby amended to read as follows:  
2     644.024 "Cosmetology" includes the occupations of a cosmetologist,  
3     aesthetician, electrologist, hair designer , *demonstrator of cosmetics* and  
4     manicurist.

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

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

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

18    **Sec. 11.** NRS 644.212 is hereby amended to read as follows:  
19    644.212 An application for the issuance of a license or evidence of  
20    registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and*  
21    *sections 3 and 4 of this act* must include the social security number of the  
22    applicant.

23    **Sec. 12.** NRS 644.214 is hereby amended to read as follows:  
24    644.214 1. An applicant for the issuance or renewal of a license or  
25    evidence of registration issued pursuant to NRS 644.190 to 644.330,  
26    inclusive, *and sections 3 and 4 of this act* shall submit to the board the  
27    statement prescribed by the welfare division of the department of human  
28    resources pursuant to NRS 425.520. The statement must be completed and  
29    signed by the applicant.

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

- 32    (a) The application or any other forms that must be submitted for the  
33    issuance or renewal of the license or evidence of registration; or  
34    (b) A separate form prescribed by the board.

35    3. A license or evidence of registration may not be issued or renewed  
36    by the board pursuant to NRS 644.190 to 644.330, inclusive, *and sections*  
37    *3 and 4 of this act* if the applicant:

- 38    (a) Fails to submit the statement required pursuant to subsection 1; or  
39    (b) Indicates on the statement submitted pursuant to subsection 1 that he  
40    is subject to a court order for the support of a child and is not in  
41    compliance with the order or a plan approved by the district attorney or  
42    other public agency enforcing the order for the repayment of the amount  
43    owed pursuant to the order.

44    4. If an applicant indicates on the statement submitted pursuant to  
45    subsection 1 that he is subject to a court order for the support of a child and  
46    is not in compliance with the order or a plan approved by the district  
47    attorney or other public agency enforcing the order for the repayment of  
48    the amount owed pursuant to the order, the board shall advise the applicant



- 1 to contact the district attorney or other public agency enforcing the order to  
2 determine the actions that the applicant may take to satisfy the arrearage.
- 3 **Sec. 13.** NRS 644.220 is hereby amended to read as follows:  
4 644.220 1. In addition to the fee for an application, the fees for  
5 examination are:  
6 (a) For examination as a cosmetologist, not less than \$40 and not more  
7 than \$75.  
8 (b) For examination as an electrologist, not less than \$40 and not more  
9 than \$75.  
10 (c) For examination as a hair designer, not less than \$40 and not more  
11 than \$75.  
12 (d) For examination as a manicurist, not less than \$40 and not more than  
13 \$75.  
14 (e) For examination as an aesthetician, not less than \$40 and not more  
15 than \$75.  
16 (f) For examination as an instructor of aestheticians or in cosmetology  
17 or manicuring, \$40.  
18 The fee for each reexamination is not less than \$40 and not more than \$75.
- 19 2. *In addition to the fee for an application, the fee for examination*  
20 *or reexamination as a demonstrator of cosmetics is \$40.*
- 21 3. Each applicant referred to in ~~subsection~~ *subsections 1 and 2* shall,  
22 in addition to the fees specified therein, pay the reasonable value of all  
23 supplies necessary to be used in the examination.
- 24 **Sec. 14.** NRS 644.240 is hereby amended to read as follows:  
25 644.240 Examinations for licensure as a cosmetologist may include:  
26 1. Practical demonstrations in shampooing the hair, hairdressing,  
27 styling of hair, finger waving, coloring of hair, manicuring, ~~make-up,~~  
28 *cosmetics*, thermal curling, marcelling, facial massage, massage of the  
29 scalp with the hands, and cutting, trimming or shaping hair;  
30 2. Written or oral tests on:  
31 (a) Antisepsis, sterilization and sanitation;  
32 (b) The use of mechanical apparatus and electricity as applicable to the  
33 practice of a cosmetologist; and  
34 (c) The laws of Nevada and the regulations of the board relating to the  
35 practice of cosmetology; and  
36 3. Such other demonstrations and tests as the board may require.
- 37 **Sec. 15.** NRS 644.247 is hereby amended to read as follows:  
38 644.247 The examinations for an aesthetician may include:  
39 1. Practical demonstrations in facial massage, ~~make-up~~ *cosmetics* or  
40 arching the eyebrow;  
41 2. Written and oral tests on:  
42 (a) Antisepsis, sterilization and sanitation;  
43 (b) The use of mechanical apparatus and electricity in the care of skin;  
44 and  
45 (c) The laws of Nevada and the regulations of the board relating to  
46 cosmetology; and  
47 3. Such other demonstrations and tests as the board requires.



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1     **Sec. 16.** NRS 644.260 is hereby amended to read as follows:  
2     644.260 The board shall issue a license as a cosmetologist,  
3     aesthetician, electrologist, hair designer, manicurist , *demonstrator of*  
4     *cosmetics* or instructor to each applicant who:

- 5     1. Passes a satisfactory examination, conducted by the board to  
6     determine his fitness to practice that occupation of cosmetology; and  
7     2. Complies with such other requirements as are prescribed in this  
8     chapter for the issuance of the license.

9     **Sec. 17.** NRS 644.300 is hereby amended to read as follows:  
10    644.300 Every licensed manicurist, electrologist, aesthetician, hair  
11    designer , *demonstrator of cosmetics* or cosmetologist shall, within 30  
12    days after changing his place of business, as designated in the records of  
13    the board, notify the secretary of the board of his new place of business.  
14    Upon receipt of the notification, the secretary shall make the necessary  
15    change in the records.

16    **Sec. 18.** NRS 644.320 is hereby amended to read as follows:  
17    644.320 1. The license of every cosmetologist, aesthetician,  
18    electrologist, hair designer, manicurist, provisional instructor ,  
19    *demonstrator of cosmetics* and instructor expires on July 1 of the next  
20    succeeding odd-numbered year.

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

23    **Sec. 19.** NRS 644.325 is hereby amended to read as follows:  
24    644.325 1. An application for renewal of any license issued pursuant  
25    to this chapter must be:

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

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

- 30    (c) Accompanied by the fee for renewal.

- 31    2. The fees for renewal are:

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

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

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

- 38    (d) For schools of cosmetology, not less than \$450 and not more than  
39    \$500.

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

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



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1     **Sec. 20.** NRS 644.330 is hereby amended to read as follows:  
2     644.330 1. A manicurist, electrologist, aesthetician, hair designer,  
3     cosmetologist , *demonstrator of cosmetics* or instructor whose license has  
4     expired may have his license renewed only upon submission of the  
5     statement required pursuant to NRS 644.214 and payment of all required  
6     fees.

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

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

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

18    644.360 1. Every holder of a license issued by the board to operate a  
19    cosmetological establishment shall display the license in plain view of  
20    members of the general public in the principal office or place of business  
21    of the holder.

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

26    **Sec. 22.** NRS 644.430 is hereby amended to read as follows:

27    644.430 1. The following are grounds for disciplinary action by the  
28    board:

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

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

36    (c) Gross malpractice.

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

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

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

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

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

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



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

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

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

8 (a) Refuse to issue or renew a license;

9 (b) Revoke or suspend a license;

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

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

12 **Sec. 23.** NRS 644.435 is hereby amended to read as follows:

13 644.435 1. If the board receives a copy of a court order issued  
14 pursuant to NRS 425.540 that provides for the suspension of all  
15 professional, occupational and recreational licenses, certificates and  
16 permits issued to a person who has been issued a license or been registered  
17 pursuant to NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of*  
18 *this act* the board shall deem the license or registration issued to that  
19 person to be suspended at the end of the 30th day after the date on which  
20 the court order was issued unless the board receives a letter issued by the  
21 district attorney or other public agency pursuant to NRS 425.550 to the  
22 holder of the license or registration stating that the holder of the license or  
23 registration has complied with the subpoena or warrant or has satisfied the  
24 arrearage pursuant to NRS 425.560.

25 2. The board shall reinstate a license or registration issued pursuant to  
26 NRS 644.190 to 644.330, inclusive, *and sections 3 and 4 of this act* that  
27 has been suspended by a district court pursuant to NRS 425.540 if the  
28 board receives a letter issued by the district attorney or other public agency  
29 pursuant to NRS 425.550 to the person whose license or registration was  
30 suspended stating that the person whose license or registration was  
31 suspended has complied with the subpoena or warrant or has satisfied the  
32 arrearage pursuant to NRS 425.560.

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

34 644.460 1. The following persons are exempt from the provisions of  
35 this chapter:

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

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

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

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

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



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

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

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

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

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

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

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

