

SENATE BILL NO. 333—COMMITTEE ON COMMERCE AND LABOR

MARCH 24, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing practice of cosmetology and related professions. (BDR 54-764)

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

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

AN ACT relating to professions; revising provisions governing demonstrators of cosmetics; removing certain restrictions governing the membership of the State Board of Cosmetology; revising provisions governing licensure of certain instructors regulated by the Board; revising and repealing various provisions governing the regulation of cosmetological establishments and schools of cosmetology; increasing the surety bond required of certain schools of cosmetology; authorizing schools of cosmetology to offer courses or programs relating to massage therapy; providing for the regulation of such courses or programs by the Board; revising the number of classroom hours required of certain cosmetological students; 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.** NRS 644.0245 is hereby amended to read as  
2 follows:  
3     644.0245 “Demonstrator of cosmetics” means a person who ~~is~~  
4 ~~without charge and without advertising his services,~~ demonstrates  
5 the application of cosmetics in a cosmetological establishment for  
6 the sole purpose of selling cosmetics.



**Sec. 2.** NRS 644.040 is hereby amended to read as follows:

644.040 1. No person is eligible for appointment as a member of the Board:

(a) Who is not licensed as a manicurist, electrologist, aesthetician or cosmetologist under the provisions of this chapter.

(b) Who is not, at the time of appointment, actually engaged in the practice of his respective branch of cosmetology.

(c) Who is not at least 25 years of age.

(d) Who has not been a resident of this State for at least 3 years immediately before his appointment.

2. The requirements of paragraphs (a) and (b) of subsection 1 do not apply to a person appointed to represent customers of cosmetology.

~~[3. Not more than one member of the Board may be connected, directly or indirectly, with any school of cosmetology, or have been so connected while previously serving as a member of the Board.]~~

**Sec. 3.** NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;

~~(b) [Has practiced as a full-time licensed cosmetologist, aesthetician or manicurist for 1 year and submits written verification of his experience;~~

~~—(c)]~~ Is licensed pursuant to this chapter;

~~[(d)]~~ (c) Applies for a provisional license on a form supplied by the Board;

~~[(e)]~~ (d) Submits two current photographs of himself; and

~~[(f)]~~ (e) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$25 nor more than \$40 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license ~~[1]~~ *or 1 year from the date of issuance, whichever occurs first.* The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

**Sec. 4.** NRS 644.195 is hereby amended to read as follows:

644.195 1. Each instructor must:



1 (a) Be licensed as a cosmetologist pursuant to this chapter.  
2 (b) Have successfully completed the 12th grade in school or its  
3 equivalent.

4 (c) ~~Have 1 year of experience as a cosmetologist.~~  
5 ~~(d)~~ Have completed 1,000 hours of training as an instructor or  
6 500 hours of training as a provisional instructor in a school of  
7 cosmetology.

8 ~~(e)~~ (d) Except as otherwise provided in subsection 2, take one  
9 or more courses in advanced techniques for teaching or training,  
10 approved by the Board, whose combined duration is at least 30  
11 hours during each 2-year period.

12 2. The provisions of paragraph ~~(e)~~ (d) of subsection 1 do not  
13 apply to an instructor who is initially licensed not more than 6  
14 months before the renewal date of the license. An instructor who is  
15 initially licensed more than 6 months but less than 1 year before the  
16 renewal date of the license must take one or more courses specified  
17 in paragraph ~~(e)~~ (d) whose combined duration is at least 15 hours  
18 during each 2-year period.

19 3. Each instructor shall pay an initial fee for a license of not  
20 less than \$40 and not more than \$60.

21 **Sec. 5.** NRS 644.197 is hereby amended to read as follows:

22 644.197 1. The Board shall admit to examination for a  
23 license as an instructor in manicuring any person who has applied to  
24 the Board in proper form, paid the fee and:

25 (a) Is at least 18 years of age;  
26 (b) Is of good moral character;  
27 (c) Has successfully completed the 12th grade in school or its  
28 equivalent;

29 (d) Has received a minimum of 500 hours of training as an  
30 instructor or 250 hours of training as a provisional instructor in a  
31 licensed school of cosmetology; *and*

32 (e) Is licensed as a manicurist pursuant to this chapter. ~~and~~  
33 ~~(f) Has practiced as a full-time licensed manicurist for 1 year.~~

34 2. Except as otherwise provided in subsection 3, an instructor  
35 in manicuring shall complete at least 30 hours of advanced training  
36 in a course approved by the Board during each 2-year period of his  
37 license.

38 3. The provisions of subsection 2 do not apply to an instructor  
39 in manicuring who is initially licensed not more than 6 months  
40 before the renewal date of the license. An instructor in manicuring  
41 who is initially licensed more than 6 months but less than 1 year  
42 before the renewal date of the license must take one or more courses  
43 specified in subsection 2 whose combined duration is at least 15  
44 hours during each 2-year period.



1       **Sec. 6.** NRS 644.360 is hereby amended to read as follows:

2       644.360 1. Every holder of a license issued by the Board to  
3 operate a cosmetological establishment shall display the license in  
4 plain view of members of the general public in the principal office  
5 or place of business of the holder.

6       2. Except as otherwise provided in this section, the operator of  
7 a cosmetological establishment ~~shall~~ *may* lease space to or employ  
8 only licensed manicurists, electrologists, aestheticians, hair  
9 designers, demonstrators of cosmetics and cosmetologists at his  
10 establishment to provide cosmetological services. This subsection  
11 does not prohibit an operator of a cosmetological establishment  
12 from leasing space to ~~for employing a barber. Such a barber remains~~  
13 ~~under the jurisdiction of the State Barbers' Health and Sanitation~~  
14 ~~Board.]~~ *other professionals.*

15       3. The operator of a cosmetological establishment may lease  
16 space at his cosmetological establishment to a provider of health  
17 care for the purpose of providing health care within the scope of his  
18 practice. The provider of health care shall not use the leased space to  
19 provide such health care at the same time a cosmetologist uses that  
20 space to engage in the practice of cosmetology. A provider of health  
21 care who leases space at a cosmetological establishment pursuant to  
22 this subsection remains subject to the laws and regulations of this  
23 State applicable to his business or profession.

24       4. As used in this section, "provider of health care" means a  
25 person who is licensed, certified or otherwise authorized by the law  
26 of this State to administer health care in the ordinary course of  
27 business or practice of a profession.

28       **Sec. 7.** NRS 644.383 is hereby amended to read as follows:

29       644.383 1. The owner of each school of cosmetology shall  
30 post with the Board a surety bond executed by the applicant as  
31 principal and by a surety company as surety . *If the license for the*  
32 *school was issued:*

33       (a) *On or before June 30, 2005, the bond must be* in the  
34 amount of \$10,000.

35       (b) *On or after July 1, 2005, the bond must be in the amount of*  
36 *\$750,000.*

37       2. The bond must be in the form approved by the Board and  
38 must be conditioned upon compliance with the provisions of this  
39 chapter and upon faithful compliance with the terms and conditions  
40 of any contracts, verbal or written, made by the school to furnish  
41 instruction to any person. The bond must be to the State of Nevada  
42 in favor of every person who pays or deposits money with the  
43 school as payment for instruction. A bond continues in effect until  
44 notice of termination is given by registered or certified mail to the  
45 Board and every bond must set forth this fact.



3. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.

**Sec. 8.** NRS 644.395 is hereby amended to read as follows:

644.395 Each school of cosmetology shall maintain a staff of at least ~~two~~ **three** licensed instructors and one additional licensed instructor for each 25 enrolled students, or major portion thereof, over 50 students. A school of cosmetology must have at least ~~two~~ **three** licensed instructors present and teaching at any time while the school is open. Persons instructing pursuant to provisional licenses issued pursuant to NRS 644.193 are considered instructors for the purposes of this section.

**Sec. 9.** NRS 644.400 is hereby amended to read as follows:

644.400 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor. ~~[who has had practical experience of at least 1 year in the practice of a majority of the branches of cosmetology in an established place of business.]~~

2. A school of cosmetology shall:

(a) Maintain a school term of not less than 1,800 hours extending over a period of not more than 36 months, and maintain a course of practical training and technical instruction equal to the requirements for examination for a license as a cosmetologist.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) Conduct at least 5 hours of instruction in theory in each 40-hour week or 6 hours of instruction in theory in each 48-hour week, which must be attended by all registered students.



(h) Require that all work by students be done on the basis of rotation.

3. ~~[The]~~ *Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure as a cosmetologist, any other course.*

4. *The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy.*

5. *Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy:*

(a) *The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and*

(b) *The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.*

**Sec. 10.** NRS 644.408 is hereby amended to read as follows:

644.408 A student must receive the following amount of instruction in the classroom before commencing work on members of the public:

1. A student enrolled as a cosmetologist must receive ~~[250]~~ *at least 300* hours.

2. A student enrolled as a hair designer must receive ~~[250]~~ *at least 300* hours.

3. A student enrolled as a manicurist must receive ~~[80]~~ *at least 100* hours.

4. A student enrolled as an electrologist's apprentice must receive *at least* 150 hours.

5. A student enrolled as an aesthetician must receive ~~[100]~~ *at least 120* hours.

**Sec. 11.** NRS 644.425, 644.473 and 644.477 are hereby repealed.

**Sec. 12.** This act becomes effective on July 1, 2005.



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## TEXT OF REPEALED SECTIONS

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### **644.425 Temporary educational permit; unlawful acts.**

1. The Board may grant a temporary educational permit authorizing a current licensee within the scope of his license to conduct demonstrations and exhibitions, temporarily and primarily for educational purposes, of techniques for the benefit and instruction of 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.

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

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

(a) Applies to the Board for the permit;

(b) Demonstrates to the satisfaction of the Board that the permit is sought primarily for educational purposes; and

(c) Pays a fee of not less than \$10 and not more than \$25.

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

4. It is unlawful:

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

**644.473 Unlawful acts relating to cutting of men's hair.** It is unlawful for any licensed cosmetological establishment:

1. To engage primarily in the business of cutting men's hair; or

2. To represent itself to the public as primarily engaged in the business of cutting men's hair.



**644.477 Unlawful to practice other professions in cosmetological establishment; exceptions.** Except as otherwise provided in NRS 644.360, it is unlawful for the operator of a cosmetological establishment to practice or allow the practice of any profession other than cosmetology in that establishment.

