

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.

~

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

AN ACT relating to professions; revising and repealing various provisions governing the regulation of cosmetological establishments and schools of cosmetology; authorizing operators of cosmetological establishments to lease space to other professionals; increasing the number of instructors required in a school of cosmetology; authorizing schools of cosmetology to offer courses or programs relating to massage therapy; 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 644.360 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



1 does not prohibit an operator of a cosmetological establishment
2 from ~~leasing~~ :

3 (a) **Leasing** space to or employing a barber. Such a barber
4 remains under the jurisdiction of the State Barbers' Health and
5 Sanitation Board ~~H~~ **and remains subject to the laws and**
6 **regulations of this State applicable to his business or profession.**

7 (b) **Leasing space to any other professional, including, without**
8 **limitation, a provider of health care pursuant to subsection 3.**
9 **Each such professional remains under the jurisdiction of the**
10 **regulatory body which governs his business or profession and**
11 **remains subject to the laws and regulations of this State applicable**
12 **to his business or profession.**

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

24 4. As used in this section ~~H~~ **“provider”** :

25 (a) **“Provider** of health care” means a person who is licensed,
26 certified or otherwise authorized by the law of this State to
27 administer health care in the ordinary course of business or practice
28 of a profession.

29 (b) **“Space” includes, without limitation, a separate room in**
30 **the cosmetological establishment.**

31 **Sec. 2.** NRS 644.395 is hereby amended to read as follows:

32 644.395 Each school of cosmetology shall maintain a staff of
33 at least ~~two~~ **three** licensed instructors and one additional licensed
34 instructor for each 25 enrolled students, or major portion thereof,
35 over 50 students. A school of cosmetology must have at least ~~two~~
36 **three** licensed instructors present and teaching at any time while the
37 school is open. Persons instructing pursuant to provisional licenses
38 issued pursuant to NRS 644.193 are considered instructors for the
39 purposes of this section.

40 **Sec. 3.** NRS 644.400 is hereby amended to read as follows:

41 644.400 1. A school of cosmetology must at all times be
42 under the immediate supervision of a licensed instructor who has
43 had practical experience of at least 1 year in the practice of a
44 majority of the branches of cosmetology in an established place of
45 business.



1 2. A school of cosmetology shall:

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

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

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

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

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

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

20 (g) Conduct at least 5 hours of instruction in theory in each
21 40-hour week or 6 hours of instruction in theory in each 48-hour
22 week, which must be attended by all registered students.

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

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

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

33 (a) *The school of cosmetology has obtained all licenses,*
34 *authorizations and approvals required by state and local law to*
35 *offer such a course or program; and*

36 (b) *With regard to that portion of the premises where the*
37 *school of cosmetology offers courses included in the*
38 *cosmetological curriculum, the school of cosmetology continues to*
39 *comply with the provisions of this chapter and any regulations*
40 *adopted pursuant thereto.*

41 Sec. 4. NRS 644.408 is hereby amended to read as follows:

42 644.408 A student must receive the following *minimum*
43 amount of instruction in the classroom before commencing work on
44 members of the public:



- 1 1. A student enrolled as a cosmetologist must receive ~~{250}~~ *at*
2 *least 300* hours.
- 3 2. A student enrolled as a hair designer must receive ~~{250}~~ *at*
4 *least 300* hours.
- 5 3. A student enrolled as a manicurist must receive ~~{80}~~ *at least*
6 *100* hours.
- 7 4. A student enrolled as an electrologist's apprentice must
8 receive *at least* 150 hours.
- 9 5. A student enrolled as an aesthetician must receive ~~{100}~~ *at*
10 *least 120* hours.
- 11 **Sec. 5.** NRS 644.425 and 644.477 are hereby repealed.
- 12 **Sec. 6.** This act becomes effective on July 1, 2005.

TEXT OF REPEALED SECTIONS

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.

644.477 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.



