

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; 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; authorizing operators of cosmetological establishments to lease space to other professionals; revising the requirements for a surety bond for certain schools of cosmetology; authorizing schools of cosmetology to offer courses or programs relating to massage therapy and 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 644.193 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) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself; and

(f) 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 ~~[-]~~ *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. 3. 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. Except as otherwise provided in this section, the operator of a cosmetological establishment ~~shall~~ *may* lease space to or employ only licensed manicurists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists at his establishment to provide cosmetological services. This subsection does not prohibit an operator of a cosmetological establishment from ~~leasing~~ :

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

(b) *Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3.*



Each such professional remains under the jurisdiction of the regulatory body which governs his business or profession and remains subject to the laws and regulations of this State applicable to his business or profession.

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

4. As used in this section ~~[, “provider”]~~ :

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

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

Sec. 4. NRS 644.383 is hereby amended to read as follows:

644.383 1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety in the amount ~~[of \$10,000.]~~ *determined by the Board pursuant to this section.*

2. *The amount of the bond required for a school of cosmetology is the total of the amounts of the bonds for all of the programs offered by the school, except that:*

(a) *The total amount determined pursuant to subsections 3 to 5, inclusive, must be rounded down to the nearest \$5,000; and*

(b) *The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.*

3. *Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.*

4. *If the length of a program at a school of cosmetology is less than one year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.*

5. *Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology must be reduced*



1 *to 12 percent of the total of the amounts calculated pursuant to*
2 *subsections 3 and 4 if the school participates in:*

3 *(a) Any program of student assistance pursuant to Title IV of*
4 *the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070*
5 *et. seq.; or*

6 *(b) Any other program administered by the United States*
7 *Department of Education through which students at the school*
8 *receive loans.*

9 **6.** The bond must be in the form approved by the Board and
10 must be conditioned upon compliance with the provisions of this
11 chapter and upon faithful compliance with the terms and conditions
12 of any contracts, verbal or written, made by the school to furnish
13 instruction to any person. The bond must be to the State of Nevada
14 in favor of every person who pays or deposits money with the
15 school as payment for instruction. A bond continues in effect until
16 notice of termination is given by registered or certified mail to the
17 Board and every bond must set forth this fact.

18 ~~§ 7.~~ **7.** A person claiming to be injured or damaged by an act of
19 the school may maintain an action in any court of competent
20 jurisdiction on the bond against the school and the surety named
21 therein, or either of them, for refund of tuition paid. Any judgment
22 against the principal or surety in any such action must include the
23 costs thereof and those incident to the bringing of the action,
24 including a reasonable attorney's fee. The aggregate liability of the
25 surety to all such persons may not exceed the sum of the bond.

26 **Sec. 5.** NRS 644.400 is hereby amended to read as follows:

27 644.400 1. A school of cosmetology must at all times be
28 under the immediate supervision of a licensed instructor who has
29 had practical experience of at least 1 year in the practice of a
30 majority of the branches of cosmetology in an established place of
31 business.

32 2. A school of cosmetology shall:

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

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

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

43 (d) Include in its curriculum a course of deportment consisting
44 of instruction in courtesy, neatness and professional attitude in
45 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 if:

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

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

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. 6. NRS 644.408 is hereby amended to read as follows:

644.408 A student must receive the following *minimum* 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.



- 1 3. A student enrolled as a manicurist must receive ~~80~~ *at least*
2 *100* hours.
- 3 4. A student enrolled as an electrologist's apprentice must
4 receive *at least* 150 hours.
- 5 5. A student enrolled as an aesthetician must receive ~~100~~ *at*
6 *least 120* hours.
- 7 **Sec. 7.** NRS 644.425 and 644.477 are hereby repealed.
- 8 **Sec. 8.** 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.



