

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; providing for the licensure of student instructors; 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:

Section 1. Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall grant a license as a student instructor to a person who:



* S B 3 3 3 R 3 *

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

4 (b) *Is enrolled in a program to prepare student instructors in a*
5 *school of cosmetology if:*

6 (1) *The program is certified by the Board; and*

7 (2) *The program requires that the student instructor is*
8 *supervised by an instructor who is licensed;*

9 (c) *Is licensed pursuant to this chapter;*

10 (d) *Applies for a license as a student instructor on a form*
11 *provided by the Board;*

12 (e) *Submits two current photographs of himself; and*

13 (f) *Has paid the fee established pursuant to subsection 2.*

14 2. *The Board shall establish and collect a fee of not less than*
15 *\$25 or more than \$40 for the issuance of a license as a student*
16 *instructor.*

17 3. *A person issued a license as a student instructor pursuant*
18 *to this section:*

19 (a) *Must be supervised by an instructor who is licensed; and*

20 (b) *May act as an instructor for compensation and work*
21 *experience credit while accumulating the number of hours of*
22 *training required for an instructor's license.*

23 4. *A license as a student instructor expires upon*
24 *accumulation by the licensee of the number of hours of training*
25 *required for an instructor's license or after full-time employment*
26 *as a student instructor for 1 year, whichever occurs later. The*
27 *Board may grant an extension of not more than 45 days to those*
28 *student instructor licensees who have applied to the Board for*
29 *examination as instructors and are awaiting examination.*

30 **Sec. 2.** NRS 644.0245 is hereby amended to read as follows:

31 644.0245 "Demonstrator of cosmetics" means a person who ~~is~~
32 ~~without charge and without advertising his services;~~ demonstrates
33 the application of cosmetics in a cosmetological establishment for
34 the sole purpose of selling cosmetics.

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

36 644.193 1. The Board may grant a provisional license as an
37 instructor to a person who:

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

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

44 (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~~ *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:

(a) Be licensed as a cosmetologist pursuant to this chapter.

(b) Have successfully completed the 12th grade in school or its equivalent.

(c) Have 1 year of experience as a cosmetologist ~~or~~ *or as a licensed student instructor.*

(d) Have completed 1,000 hours of training as an instructor or 500 hours of training as a provisional instructor in a school of cosmetology.

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

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

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

Sec. 5. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;



- 1 (b) Is of good moral character;
- 2 (c) Has successfully completed the 12th grade in school or its
- 3 equivalent;
- 4 (d) Has received a minimum of 800 hours of training as an
- 5 instructor or 400 hours of training as a provisional instructor in a
- 6 licensed school of cosmetology;
- 7 (e) Is licensed as an aesthetician pursuant to this chapter; and
- 8 (f) Has practiced as a full-time licensed aesthetician *or as a*
- 9 *licensed student instructor* for 1 year.

10 2. Except as otherwise provided in subsection 3, an instructor

11 of aestheticians shall complete at least 30 hours of advanced training

12 in a course approved by the Board during each 2-year period of his

13 license.

14 3. The provisions of subsection 2 do not apply to an instructor

15 of aestheticians who is initially licensed not more than 6 months

16 before the renewal date of the license. An instructor of aestheticians

17 who is initially licensed more than 6 months but less than 1 year

18 before the renewal date of the license must take one or more courses

19 specified in subsection 2 whose combined duration is at least 15

20 hours during each 2-year period.

21 **Sec. 6.** 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;
- 32 (e) Is licensed as a manicurist pursuant to this chapter; and
- 33 (f) Has practiced as a full-time licensed manicurist *or as a*
- 34 *licensed student instructor* for 1 year.

35 2. Except as otherwise provided in subsection 3, an instructor

36 in manicuring shall complete at least 30 hours of advanced training

37 in a course approved by the Board during each 2-year period of his

38 license.

39 3. The provisions of subsection 2 do not apply to an instructor

40 in manicuring who is initially licensed not more than 6 months

41 before the renewal date of the license. An instructor in manicuring

42 who is initially licensed more than 6 months but less than 1 year

43 before the renewal date of the license must take one or more courses

44 specified in subsection 2 whose combined duration is at least 15

45 hours during each 2-year period.



1 **Sec. 7.** NRS 644.212 is hereby amended to read as follows:
2 644.212 An application for the issuance of a license or
3 evidence of registration issued pursuant to NRS 644.190 to 644.330,
4 inclusive, *and section 1 of this act* must include the social security
5 number of the applicant.

6 **Sec. 8.** NRS 644.320 is hereby amended to read as follows:
7 644.320 1. The license of every cosmetologist, aesthetician,
8 electrologist, hair designer, manicurist, ~~[provisional instructor,]~~
9 demonstrator of cosmetics and instructor expires on July 1 of the
10 next succeeding odd-numbered year.

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

13 **Sec. 9.** NRS 644.360 is hereby amended to read as follows:
14 644.360 1. Every holder of a license issued by the Board to
15 operate a cosmetological establishment shall display the license in
16 plain view of members of the general public in the principal office
17 or place of business of the holder.

18 2. Except as otherwise provided in this section, the operator of
19 a cosmetological establishment ~~[shall]~~ *may* lease space to or employ
20 only licensed manicurists, electrologists, aestheticians, hair
21 designers, demonstrators of cosmetics and cosmetologists at his
22 establishment to provide cosmetological services. This subsection
23 does not prohibit an operator of a cosmetological establishment
24 from ~~[leasing]~~ :

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

29 (b) *Leasing space to any other professional, including, without*
30 *limitation, a provider of health care pursuant to subsection 3.*
31 *Each such professional remains under the jurisdiction of the*
32 *regulatory body which governs his business or profession and*
33 *remains subject to the laws and regulations of this State applicable*
34 *to his business or profession.*

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



1 4. As used in this section ~~["provider"]~~ :

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

6 (b) *"Space" includes, without limitation, a separate room in*
7 *the cosmetological establishment.*

8 **Sec. 10.** NRS 644.383 is hereby amended to read as follows:

9 644.383 1. The owner of each school of cosmetology shall
10 post with the Board a surety bond executed by the applicant as
11 principal and by a surety company as surety . *If the license for the*
12 *school was issued:*

13 (a) *On or before June 30, 2005, the bond must be* in the
14 amount of \$10,000 ~~[""]~~ ; or

15 (b) *On or after July 1, 2005, except as otherwise provided in*
16 *subsections 6 and 7, the bond must be in the amount determined*
17 *by the Board pursuant to subsections 2 to 5, inclusive.*

18 2. *The amount of the bond required for a school of*
19 *cosmetology pursuant to paragraph (b) of subsection 1 is the total*
20 *of the amounts of the bonds for all of the programs offered by the*
21 *school, except that:*

22 (a) *The total amount determined pursuant to subsections 3, 4*
23 *and 5 must be rounded down to the nearest \$5,000; and*

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

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

30 4. *If the length of a program at a school of cosmetology is*
31 *less than 1 year, the amount of the bond for that program is equal*
32 *to the amount determined pursuant to subsection 3 divided by 52*
33 *and multiplied by the number of whole or partial weeks in the*
34 *program.*

35 5. *Except as otherwise provided in subsection 2, the amount*
36 *of the bond required for a school of cosmetology pursuant to*
37 *paragraph (b) of subsection 1 must be reduced to 12 percent of the*
38 *total of the amounts calculated pursuant to subsections 3 and 4 if*
39 *the school participates in:*

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

43 (b) *Any other program administered by the United States*
44 *Department of Education through which students at the school*
45 *receive loans.*



1 6. *If a school of cosmetology has been licensed for not less*
2 *than 5 years, the Board shall set the amount of the bond required*
3 *pursuant to paragraph (b) of subsection 1 for the school:*

4 (a) *In the amount of \$10,000, if the Board did not receive any*
5 *valid complaints against the school during the immediately*
6 *preceding 5 years;*

7 (b) *In an amount not less than \$10,000 and not more than the*
8 *amount calculated pursuant to subsections 2 to 5, inclusive, if the*
9 *Board received one or more valid complaints against the school*
10 *during the immediately preceding 5 years and the Board*
11 *determines that each such complaint was a complaint of a minor*
12 *violation of the provisions of this chapter or of any regulations*
13 *adopted pursuant to this chapter; and*

14 (c) *In the amount calculated pursuant to subsections 2 to 5,*
15 *inclusive, if the Board received one or more valid complaints*
16 *against the school during the immediately preceding 5 years and*
17 *the Board determines that any such complaint was a complaint of*
18 *a major violation of the provisions of this chapter or any*
19 *regulations adopted pursuant thereto.*

20 7. *The bond required for a school of cosmetology must be in*
21 *the amount of \$10,000 if the school:*

22 (a) *Is initially licensed on or before June 30, 2005;*

23 (b) *Has been continuously licensed since June 30, 2005; and*

24 (c) *Is relocated and obtains a license for the new location on*
25 *or after July 1, 2005.*

26 8. The bond must be in the form approved by the Board and
27 must be conditioned upon compliance with the provisions of this
28 chapter and upon faithful compliance with the terms and conditions
29 of any contracts, verbal or written, made by the school to furnish
30 instruction to any person. The bond must be to the State of Nevada
31 in favor of every person who pays or deposits money with the
32 school as payment for instruction. A bond continues in effect until
33 notice of termination is given by registered or certified mail to the
34 Board and every bond must set forth this fact.

35 ~~8.3~~ 9. A person claiming to be injured or damaged by an act of
36 the school may maintain an action in any court of competent
37 jurisdiction on the bond against the school and the surety named
38 therein, or either of them, for refund of tuition paid. Any judgment
39 against the principal or surety in any such action must include the
40 costs thereof and those incident to the bringing of the action,
41 including a reasonable attorney's fee. The aggregate liability of the
42 surety to all such persons may not exceed the sum of the bond.

43 10. *The Board shall adopt regulations defining the terms*
44 *"minor violation" and "major violation" for the purposes of*
45 *subsection 6.*



Sec. 11. 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 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



1 *comply with the provisions of this chapter and any regulations*
2 *adopted pursuant thereto.*

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

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

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

13 **Sec. 12.** NRS 644.408 is hereby amended to read as follows:

14 644.408 A student must receive the following *minimum*
15 amount of instruction in the classroom before commencing work on
16 members of the public:

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

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

21 3. A student enrolled as a manicurist must receive ~~[80]~~ *at least*
22 *100* hours.

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

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

27 **Sec. 13.** NRS 644.425 and 644.477 are hereby repealed.

28 **Sec. 14.** 1. This act becomes effective on July 1, 2005.

29 2. Section 7 of this act expires by limitation on the date on
30 which the provisions of 42 U.S.C. § 666 requiring each state to
31 establish procedures under which the state has authority to withhold
32 or suspend, or to restrict the use of professional, occupational and
33 recreational licenses of persons who:

34 (a) Have failed to comply with a subpoena or warrant relating to
35 a procedure to determine the paternity of a child or to establish or
36 enforce an obligation for the support of a child; or

37 (b) Are in arrears in the payment for the support of one or more
38 children,

39 are repealed by the Congress of the United States.



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.



