

ASSEMBLY BILL NO. 202—ASSEMBLYMAN HARDY

FEBRUARY 19, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning cosmetology and certain related practices. (BDR 54-681)

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 cosmetology; requiring certain persons who engage in the practice of threading or who own or operate certain facilities in which threading is conducted to register with the State Board of Cosmetology under certain circumstances; revising various definitions; revising provisions relating to the qualifications for examination as an instructor of aestheticians, an instructor in nail technology, a nail technologist or an aesthetician; revising provisions relating to cosmetologists' apprentices; increasing the required instruction hours for an aesthetician; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.4 of this bill requires certain persons who engage in the practice of threading or who own or operate certain facilities in which threading is conducted to register with State Board of Cosmetology each year. **Section 1.4** also authorizes the Board to inspect, during regular business hours, any facility in this State in which threading is conducted.

Sections 1.8 and 3 of this bill revise the definitions of "aesthetician" and "cosmetologist" to reference sugaring. (NRS 644.0205, 644.023) **Section 5** of this bill changes the term "manicurist" to "nail technologist," and this bill carries out this change for variations of the term "manicurist" that appear in chapter 644 of NRS. (NRS 644.029)

Section 11 of this bill revises the requirements for admission to examination as an instructor of aestheticians, effective July 1, 2010. (NRS 644.1955) **Section 13** of this bill revises the requirements for admission to examination as an instructor in nail technology, effective July 1, 2010. (NRS 644.197) **Section 15** of this bill revises the requirements for admission to examination for a license as a nail technologist, effective July 1, 2010. (NRS 644.205) **Section 16** of this bill revises



the requirements for admission to examination for a license as an aesthetician, effective July 1, 2010. (NRS 644.207)

Existing law sets forth various requirements that must be met before the Board may issue to a person a certificate of registration as a cosmetologist's apprentice. (NRS 644.217) **Section 17** of this bill: (1) eliminates the requirement that such a person be a resident of a county whose population is less than 50,000; (2) requires the training of the person as a cosmetologist's apprentice to be conducted at a licensed cosmetological establishment that is located 60 miles or more from a licensed school of cosmetology; and (3) authorizes the Board to waive, for good cause shown, various requirements for an applicant for a certificate of registration as a cosmetologist's apprentice.

Existing law sets forth the requirements which must be met before the Board renews a license issued pursuant to chapter 644 of NRS. (NRS 644.325) **Section 24.5** of this bill requires that before a person applies for the renewal of a license on or after January 1, 2011, as a cosmetologist, hair designer, aesthetician, electrologist, nail technologist or demonstrator of cosmetics, the person must complete at least 4 hours of instruction relating to infection control.

Section 29 of this bill increases from 120 to 150 the number of hours of instruction a student enrolled as an aesthetician must receive before commencing work on members of the public. (NRS 644.408)

Section 30.5 of this bill requires the Board, on or before February 1, 2011, to prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the practice of threading in this State.

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 the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. *"Threading" means to remove superfluous hair from the body of a person by twisting thread around the hair and pulling it from the skin.*

Sec. 1.4. 1. *Each natural person who engages in the practice of threading and each owner or operator of a kiosk or other stand-alone facility in which a natural person engages in the practice of threading shall, on or before January 1 of each year, register with the Board on a form prescribed by the Board. The registration must include:*

(a) The name, address and telephone number of the person, owner or operator; and

(b) Any other information relating to the practice of the person or the operation of the kiosk or other facility required by the Board. The Board shall not charge a fee for registering a person, owner or operator pursuant to this subsection.

2. *The Board may, during regular business hours, inspect any facility in this State in which threading is conducted.*



Sec. 1.6. NRS 644.020 is hereby amended to read as follows:
644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.029, inclusive, *and section 1.2 of this act* have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 644.0205 is hereby amended to read as follows:
644.0205 **1.** “Aesthetician” means any person who engages in the practices of:

~~[1-]~~ **(a)** Beautifying, massaging, cleansing or stimulating the skin of the human body ~~[, except the scalp,]~~ by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device, electrical or otherwise, for the care of the skin;

~~[2-]~~ **(b)** Applying cosmetics or eyelashes to any person, tinting eyelashes and eyebrows, and lightening hair on the body ; ~~[except the scalp,]~~ and

~~[3-]~~ **(c)** Removing superfluous hair from the body of any person by the use of depilatories, waxing , ~~[or]~~ tweezers ~~[,]~~ *or sugaring*,
➔ but does not include the branches of cosmetology of a cosmetologist, hair designer, electrologist or ~~[manicurist,]~~ *nail technologist*.

2. *As used in this section, “depilatories” does not include the practice of threading.*

Sec. 2. NRS 644.0225 is hereby amended to read as follows:
644.0225 “Cosmetological establishment” means any premises, mobile unit, building or part of a building where cosmetology is practiced, other than a licensed barbershop in which one or more licensed ~~[manicurists]~~ *nail technologists* practice.

Sec. 3. NRS 644.023 is hereby amended to read as follows:
644.023 **1.** “Cosmetologist” means a person who engages in the practices of:

~~[1-]~~ **(a)** Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

~~[2-]~~ **(b)** Cutting, trimming or shaping the hair.

~~[3-]~~ **(c)** Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.

~~[4-]~~ **(d)** Removing superfluous hair from the surface of the body of any person by the use of electrolysis where the growth is a blemish, or by the use of depilatories, waxing , ~~[or]~~ tweezers ~~[,]~~ *or sugaring*, except for the permanent removal of hair with needles.

~~[5-]~~ **(e)** Manicuring the nails of any person.



~~[6-]~~ (f) Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device, electrical or otherwise, for the care of the skin.

~~[7-]~~ (g) Giving facials or skin care or applying cosmetics or eyelashes to any person.

2. As used in this section, “depilatories” does not include the practice of threading.

Sec. 4. NRS 644.024 is hereby amended to read as follows:

644.024 “Cosmetology” includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, demonstrator of cosmetics and ~~[manicurist-]~~ **nail technologist.**

Sec. 5. NRS 644.029 is hereby amended to read as follows:

644.029 ~~“Manicurist”~~ **“Nail technologist”** means any person who, for compensation or by demonstration, engages in the practices of:

1. Care of another’s fingernails or toenails.
2. Beautification of another’s nails.
3. Extension of another’s nails.
4. Massaging of another’s hands, forearms, feet or lower legs.

Sec. 6. NRS 644.030 is hereby amended to read as follows:

644.030 1. The State Board of Cosmetology consisting of seven members appointed by the Governor is hereby created.

2. The Board must consist of four cosmetologists, one ~~[manicurist-]~~ **nail technologist**, one aesthetician and one member representing customers of cosmetology.

Sec. 7. 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-]~~ **nail technologist**, 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. 8. NRS 644.130 is hereby amended to read as follows:

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license of every ~~manicurist,~~ *nail technologist*, electrologist, aesthetician, hair designer, demonstrator of cosmetics and cosmetologist, together with the names and addresses of all cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their license.

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

(a) Any other licensing board or agency that is investigating a licensee.

(b) A member of the general public, except information concerning the home and work address and telephone number of a licensee.

Sec. 9. 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, hair designer, aesthetician or ~~manicurist~~ *nail technologist* 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 \$40 and not more than \$75 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~~ *after* 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.



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Sec. 10. 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 as a licensed student instructor.

(d) Have completed 1,000 hours of training as an instructor or 500 hours of training as a **licensed** 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 \$60 and not more than \$90.

Sec. 11. 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;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of ~~800~~ **700** hours of training as an instructor or ~~400~~ **500** hours of training as a **licensed** provisional instructor in a licensed school of cosmetology;

(e) Is licensed as an aesthetician pursuant to this chapter; and

(f) Has practiced as a full-time licensed aesthetician or as a licensed student instructor for 1 year.

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

3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially licensed more than 6 months but less than 1 year



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1 before the renewal date of the license must take one or more courses
2 specified in subsection 2 whose combined duration is at least 15
3 hours during each 2-year period.

4 **Sec. 12.** NRS 644.197 is hereby amended to read as follows:

5 644.197 1. The Board shall admit to examination for a
6 license as an instructor in ~~{manicuring}~~ *nail technology* any person
7 who has applied to the Board in proper form, paid the fee and:

8 (a) Is at least 18 years of age;

9 (b) Is of good moral character;

10 (c) Has successfully completed the 12th grade in school or its
11 equivalent;

12 (d) Has received a minimum of 500 hours of training as an
13 instructor or 250 hours of training as a provisional instructor in a
14 licensed school of cosmetology;

15 (e) Is licensed as a ~~{manicurist}~~ *nail technologist* pursuant to
16 this chapter; and

17 (f) Has practiced as a full-time licensed ~~{manicurist}~~ *nail*
18 *technologist* or as a licensed student instructor for 1 year.

19 2. Except as otherwise provided in subsection 3, an instructor
20 in ~~{manicuring}~~ *nail technology* shall complete at least 30 hours of
21 advanced training in a course approved by the Board during each
22 2-year period of his license.

23 3. The provisions of subsection 2 do not apply to an instructor
24 in ~~{manicuring}~~ *nail technology* who is initially licensed not more
25 than 6 months before the renewal date of the license. An instructor
26 in ~~{manicuring}~~ *nail technology* who is initially licensed more than
27 6 months but less than 1 year before the renewal date of the license
28 must take one or more courses specified in subsection 2 whose
29 combined duration is at least 15 hours during each 2-year period.

30 **Sec. 13.** NRS 644.197 is hereby amended to read as follows:

31 644.197 1. The Board shall admit to examination for a
32 license as an instructor in nail technology any person who has
33 applied to the Board in proper form, paid the fee and:

34 (a) Is at least 18 years of age;

35 (b) Is of good moral character;

36 (c) Has successfully completed the 12th grade in school or its
37 equivalent;

38 (d) Has received a minimum of 500 hours of training as an
39 instructor or ~~{250 hours of training}~~ as a *licensed* provisional
40 instructor in a licensed school of cosmetology;

41 (e) Is licensed as a nail technologist pursuant to this chapter; and

42 (f) Has practiced as a full-time licensed nail technologist or as a
43 licensed student instructor for 1 year.

44 2. Except as otherwise provided in subsection 3, an instructor
45 in nail technology shall complete at least 30 hours of advanced



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1 training in a course approved by the Board during each 2-year
2 period of his license.

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

10 **Sec. 14.** NRS 644.205 is hereby amended to read as follows:

11 644.205 The Board shall admit to examination for a license as
12 a ~~manicurist~~ *nail technologist* any person who has made
13 application to the Board in proper form, paid the fee ~~15~~ and who ,
14 before or on the date of the examination:

15 1. Is not less than 18 years of age.

16 2. Is of good moral character.

17 3. Has successfully completed the 10th grade in school or its
18 equivalent.

19 4. Has had any one of the following:

20 (a) Practical training of at least 500 hours under the immediate
21 supervision of a licensed instructor in a licensed school of
22 cosmetology in which the practice is taught.

23 (b) Practice as a full-time licensed ~~manicurist~~ *nail technologist*
24 for 1 year outside the State of Nevada.

25 **Sec. 15.** NRS 644.205 is hereby amended to read as follows:

26 644.205 The Board shall admit to examination for a license as
27 a nail technologist any person who has made application to the
28 Board in proper form, paid the fee ~~15~~ and who , before or on the
29 date of the examination:

30 1. Is not less than 18 years of age.

31 2. Is of good moral character.

32 3. Has successfully completed the 10th grade in school or its
33 equivalent.

34 4. Has had any one of the following:

35 (a) Practical training of at least ~~500~~ *600* hours under the
36 immediate supervision of a licensed instructor in a licensed school
37 of cosmetology in which the practice is taught.

38 (b) Practice as a full-time licensed nail technologist for 1 year
39 outside the State of Nevada.

40 **Sec. 16.** NRS 644.207 is hereby amended to read as follows:

41 644.207 The Board shall admit to examination for a license as
42 an aesthetician any person who has made application to the Board in
43 proper form, paid the fee and:

44 1. Is at least 18 years of age;

45 2. Is of good moral character;



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3. Has successfully completed the 10th grade in school or its equivalent; and

4. Has received a minimum of ~~600~~ 900 hours of training, which includes theory, modeling and practice, in a licensed school of cosmetology or who has practiced as a full-time licensed aesthetician for at least 1 year.

Sec. 17. NRS 644.217 is hereby amended to read as follows:

644.217 1. The Board may issue a certificate of registration as a cosmetologist's apprentice to a person if:

(a) The person is ~~a resident of a county whose population is less than 50,000;~~

~~(b) The person is~~ required to travel more than 60 miles from his place of residence to attend a licensed school of cosmetology; and

~~(c)~~ (b) The training of the person as a cosmetologist's apprentice will be conducted at a licensed cosmetological establishment that is located ~~in such a county.~~ 60 miles or more from a licensed school of cosmetology.

2. *The Board may, for good cause shown, waive the requirements of subsection 1 for a particular applicant.*

3. An applicant for a certificate of registration as a cosmetologist's apprentice must submit an application to the Board on a form prescribed by the Board. The application must be accompanied by a fee of \$100 and must include:

(a) A statement signed by the licensed cosmetologist who will be supervising and training the cosmetologist's apprentice which states that the licensed cosmetologist has been licensed by the Board to practice cosmetology in this State for not less than 3 years immediately preceding the date of the application and that his license has been in good standing during that period;

(b) A statement signed by the owner of the licensed cosmetological establishment where the applicant will be trained which states that the owner will permit the applicant to be trained as a cosmetologist's apprentice at the cosmetological establishment; and

(c) Such other information as the Board may require by regulation.

~~3-~~ 4. A certificate of registration as a cosmetologist's apprentice is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 18. NRS 644.220 is hereby amended to read as follows:

644.220 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than \$75 and not more than \$200.



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(b) For examination as an electrologist, not less than \$75 and not more than \$200.

(c) For examination as a hair designer, not less than \$75 and not more than \$200.

(d) For examination as a ~~manicurist,~~ *nail technologist*, not less than \$75 and not more than \$200.

(e) For examination as an aesthetician, not less than \$75 and not more than \$200.

(f) For examination as an instructor of aestheticians, hair designers, cosmetology or ~~manicuring,~~ *nail technology*, not less than \$75 and not more than \$200.

➤ The fee for each reexamination is not less than \$75 and not more than \$200.

2. In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is \$75.

3. Each applicant referred to in subsections 1 and 2 shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 19. NRS 644.240 is hereby amended to read as follows:

644.240 Examinations for licensure as a cosmetologist may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, ~~manicuring,~~ *nail technology*, cosmetics, thermal curling, marcelling, facial massage, massage of the scalp with the hands, and cutting, trimming or shaping hair;

2. Written or oral tests on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a cosmetologist; and

(c) The laws of Nevada and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 20. NRS 644.245 is hereby amended to read as follows:

644.245 The examination for a license as a ~~manicurist~~ *nail technologist* may include:

1. Practical demonstrations in manicuring, pedicuring or the wrapping or extension of nails;

2. Written and oral tests on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity in caring for the nails; and

(c) The laws of Nevada and regulations of the Board relating to cosmetology; and



3. Such other demonstrations and tests as the Board requires.

Sec. 21. NRS 644.260 is hereby amended to read as follows:

644.260 The Board shall issue a license as a cosmetologist, aesthetician, electrologist, hair designer, ~~manicurist,~~ *nail technologist*, demonstrator of cosmetics or instructor to each applicant who:

1. Passes a satisfactory examination, conducted by the Board to determine his fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license.

Sec. 22. NRS 644.300 is hereby amended to read as follows:

644.300 Every licensed ~~manicurist,~~ *nail technologist*, electrologist, aesthetician, hair designer, demonstrator of cosmetics or cosmetologist shall, within 30 days after changing his place of business, as designated in the records of the Board, notify the Secretary of the Board of his new place of business. Upon receipt of the notification, the Secretary shall make the necessary change in the records.

Sec. 23. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, ~~manicurist,~~ *nail technologist*, demonstrator of cosmetics and instructor expires:

(a) If the last name of the licensee begins with the letter "A" through the letter "M," on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter "N" through the letter "Z," on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

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

Sec. 24. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal are:

(a) For ~~manicurists,~~ *nail technologists*, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than \$50 and not more than \$100.



(b) For instructors, not less than \$60 and not more than \$100.

(c) For cosmetological establishments, not less than \$100 and not more than \$200.

(d) For schools of cosmetology, not less than \$500 and not more than \$800.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of \$50 for a school of cosmetology and \$20 for a cosmetological establishment and all persons licensed pursuant to this chapter.

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

Sec. 24.5. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal are:

(a) For nail technologists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than \$50 and not more than \$100.

(b) For instructors, not less than \$60 and not more than \$100.

(c) For cosmetological establishments, not less than \$100 and not more than \$200.

(d) For schools of cosmetology, not less than \$500 and not more than \$800.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of \$50 for a school of cosmetology and \$20 for a cosmetological establishment and all persons licensed pursuant to this chapter.

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



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1 **5. Before a person applies for the renewal of a license on or**
2 **after January 1, 2011, as a cosmetologist, hair designer,**
3 **aesthetician, electrologist, nail technologist or demonstrator of**
4 **cosmetics, the person must complete at least 4 hours of instruction**
5 **relating to infection control in a professional course or seminar**
6 **approved by the Board.**

7 **Sec. 25.** (Deleted by amendment.)

8 **Sec. 26.** NRS 644.330 is hereby amended to read as follows:

9 644.330 1. A ~~{manicurist,}~~ **nail technologist**, electrologist,
10 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics
11 or instructor whose license has expired may have his license
12 renewed only upon payment of all required fees and submission of
13 all information required to complete the renewal.

14 2. Any ~~{manicurist,}~~ **nail technologist**, electrologist,
15 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics
16 or instructor who retires from practice for more than 1 year may
17 have his license restored only upon payment of all required fees and
18 submission of all information required to complete the restoration.

19 3. No ~~{manicurist,}~~ **nail technologist**, electrologist,
20 aesthetician, hair designer, cosmetologist, demonstrator of cosmetics
21 or instructor who has retired from practice for more than 4 years
22 may have his license restored without examination and must comply
23 with any additional requirements established in regulations adopted
24 by the Board.

25 **Sec. 27.** NRS 644.360 is hereby amended to read as follows:

26 644.360 1. Every holder of a license issued by the Board to
27 operate a cosmetological establishment shall display the license in
28 plain view of members of the general public in the principal office
29 or place of business of the holder.

30 2. Except as otherwise provided in this section, the operator of
31 a cosmetological establishment may lease space to or employ only
32 licensed ~~{manicurists,}~~ **nail technologists**, electrologists,
33 aestheticians, hair designers, demonstrators of cosmetics and
34 cosmetologists at his establishment to provide cosmetological
35 services. This subsection does not prohibit an operator of a
36 cosmetological establishment from:

37 (a) Leasing space to or employing a barber. Such a barber
38 remains under the jurisdiction of the State Barbers' Health and
39 Sanitation Board and remains subject to the laws and regulations of
40 this State applicable to his business or profession.

41 (b) Leasing space to any other professional, including, without
42 limitation, a provider of health care pursuant to subsection 3. Each
43 such professional remains under the jurisdiction of the regulatory
44 body which governs his business or profession and remains subject



1 to the laws and regulations of this State applicable to his business or
2 profession.

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

14 4. As used in this section:

15 (a) "Provider of health care" means a person who is licensed,
16 certified or otherwise authorized by the law of this State to
17 administer health care in the ordinary course of business or practice
18 of a profession.

19 (b) "Space" includes, without limitation, a separate room in the
20 cosmetological establishment.

21 **Sec. 28.** NRS 644.370 is hereby amended to read as follows:

22 644.370 A cosmetological establishment must, at all times, be
23 under the immediate supervision of a licensed ~~manicurist,~~ *nail*
24 *technologist*, electrologist, aesthetician, hair designer or
25 cosmetologist.

26 **Sec. 29.** NRS 644.408 is hereby amended to read as follows:

27 644.408 A student must receive the following minimum
28 amount of instruction in the classroom before commencing work on
29 members of the public:

30 1. A student enrolled as a cosmetologist must receive at least
31 300 hours.

32 2. A student enrolled as a hair designer must receive at least
33 300 hours.

34 3. A student enrolled as a ~~manicurist~~ *nail technologist* must
35 receive at least 100 hours.

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

38 5. A student enrolled as an aesthetician must receive at least
39 ~~120~~ *150* hours.

40 **Sec. 30.** NRS 644.430 is hereby amended to read as follows:

41 644.430 1. The following are grounds for disciplinary action
42 by the Board:

43 (a) Failure of an owner of a cosmetological establishment, a
44 licensed aesthetician, cosmetologist, hair designer, electrologist,
45 instructor, ~~manicurist,~~ *nail technologist*, demonstrator of



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1 cosmetics or school of cosmetology, or a cosmetologist's apprentice
2 to comply with the requirements of this chapter or the applicable
3 regulations adopted by the Board.

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

6 (c) Gross malpractice.

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

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

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

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

16 (h) Failure to display the license as provided in NRS 644.290,
17 644.360 and 644.410.

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

20 (j) Continued practice of cosmetology or operation of a
21 cosmetological establishment or school of cosmetology after the
22 license therefor has expired.

23 (k) Any other unfair or unjust practice, method or dealing
24 which, in the judgment of the Board, may justify such action.

25 2. If the Board determines that a violation of this section has
26 occurred, it may:

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

28 (b) Revoke or suspend a license;

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

30 (d) Impose a fine not to exceed \$2,000; or

31 (e) Take any combination of the actions authorized by
32 paragraphs (a) to (d), inclusive.

33 3. An order that imposes discipline and the findings of fact and
34 conclusions of law supporting that order are public records.

35 **Sec. 30.5.** On or before February 1, 2011, the State Board of
36 Cosmetology shall prepare and submit to the Director of the
37 Legislative Counsel Bureau for transmittal to the Legislature a
38 report concerning the practice of threading in this State. The report
39 must include, without limitation:

40 1. An overview of the practice of threading in this State;

41 2. An analysis of any health issues relating to the practice of
42 threading;

43 3. The extent to which the practice of threading is or should be
44 regulated in this State;



- 1 4. Any recommendations for legislation relating to the practice
2 of threading; and
3 5. Any other information required by the Board.
4 **Sec. 31.** 1. This section and sections 1 to 9, inclusive, 12, 14,
5 17 to 24, inclusive, and 26 to 30.5, inclusive, of this act become
6 effective upon passage and approval.
7 2. Sections 10, 11, 13, 15 and 16 of this act become effective
8 on July 1, 2010.
9 3. Section 24.5 of this act becomes effective on January 1,
10 2011.

