

Amendment No. 543

Senate Amendment to Senate Bill No. 393

(BDR 34-1223)

Proposed by: Senator Wiener**Amendment Box:** Consistent with Amendment No. 457.**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

SLP



Date: 4/20/2009

S.B. No. 393—Revises provisions governing barber schools. (BDR 34-1223)



SENATE BILL NO. 393—COMMITTEE ON COMMERCE AND LABOR

MARCH 23, 2009

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing barber schools. (BDR 34-1223)

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 postsecondary education; transferring regulation of barber schools from the State Barbers' Health and Sanitation Board to the Commission on Postsecondary Education; requiring boards of health to inspect barber schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This] Section 1 of this~~ bill transfers the responsibility for the licensing and regulation of barber schools from the State Barbers' Health and Sanitation Board to the Commission on Postsecondary Education. Existing law prescribes the fee for obtaining a license to operate a barber school or as an instructor in a barber school. (NRS 643.175) Section 3.3 of this act provides that the same fee may be charged by the Commission on Postsecondary Education for such licensure.

Section 3.5 of this bill requires the Health Division in counties whose population is less than 400,000 (currently counties other than Clark County) and the district board of health in counties whose population is 400,000 or more (currently Clark County) to inspect barber schools and prescribe regulations relating to the health and sanitation requirements for barber schools.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

"Barber school" means a school of barbering, college of barbering and any other place or institution of instruction training persons to engage in:

1. Shaving or trimming the beard, cutting or trimming the hair, or hair weaving.

2. Giving massages of the face or scalp or treatments with oils, creams, lotions or other preparations, by hand or mechanical appliances.

3. Singeing, shampooing or dyeing the hair, or applying hair tonics.

4. Applying cosmetic preparations, antiseptics, powders, oils or lotions to the scalp, face or neck.

1 **5. Arranging, fitting, cutting, styling, cleaning, coloring or dyeing a**
 2 **hairpiece or wig, whether made of human hair or synthetic material.**

3 **Sec. 2.** NRS 394.005 is hereby amended to read as follows:

4 394.005 As used in this chapter, unless the context otherwise requires, the
 5 words and terms defined in NRS 394.006 to 394.112, inclusive, **and section 1 of**
 6 **this act** have the meanings ascribed to them in those sections.

7 **Sec. 3.** NRS 394.099 is hereby amended to read as follows:

8 394.099 "Postsecondary educational institution" means an academic,
 9 vocational, technical, home study, business, professional or other school, college or
 10 university that is privately owned, **including, without limitation, a barber school,**
 11 or any person offering postsecondary education if he:

12 1. Is not licensed as a postsecondary educational institution in this state by a
 13 federal or another state agency;

14 2. Charges tuition, requires or requests donations or receives any
 15 consideration from a student for any portion of the instruction, including written or
 16 audiovisual material;

17 3. Educates or trains persons who are not his employees; and

18 4. Educates or trains, or claims or offers to educate or train, students in a
 19 program leading toward:

20 (a) Employment at a beginning or advanced level;

21 (b) Educational credentials;

22 (c) Credits that are intended to be applied toward an educational credential
 23 awarded in another state which does not require the person to obtain a majority of
 24 the credits required in that state; or

25 (d) Preparation for examinations for initial licensing in a profession or
 26 vocation.

27 ➤ The term includes a branch or extension of a public or private postsecondary
 28 educational institution of another state that is located in this state or which offers
 29 educational services or education in this state. The term does not include an
 30 institution or person offering only educational services or programs at the
 31 introductory level on the use of computer software to persons who have purchased
 32 that software from the institution or person.

33 **Sec. 3.3. NRS 394.540 is hereby amended to read as follows:**

34 394.540 1. The fees imposed pursuant to this section must be collected by
 35 the Administrator and deposited in the State Treasury to the credit of the State
 36 General Fund, and no fees so collected are subject to refund.

37 2. The fees are:

38 (a) For a new license, **other than a license to operate a barber**
 39 **school or as an instructor in a barber school**.....\$1,500

40 (b) For an application by an unlicensed out-of-state educational
 41 institution to employ agents in this state 1,000

42 (c) **For a new license to operate a barber school**..... **250**

43 **(d) For the renewal of a license to operate a barber school**..... **100**

44 **(e) For a new license or the renewal of a license as an instructor**
 45 **in a barber school**..... **250**

46 **(f) For a change of ownership**..... **750**

47 ~~(d)~~ **(g) To add a new degree or vocational program**..... **500**

48 ~~(e)~~ **(h) For an initial agent's permit**..... **200**

49 ~~(f)~~ **(i) For the renewal of an agent's permit**..... **100**

50 ~~(g)~~ **(j) For a transcript of an academic record which is in the**
 51 **possession of the Administrator pursuant to NRS 394.550**..... **5**

52 3. In addition, the Administrator shall collect from each licensed
 53 postsecondary educational institution a fee of \$4 for each student from which the

1 institution has received tuition or registration fees. The institution shall collect this
2 fee from each such student at the time of the student's initial enrollment with the
3 institution. On or before the first day of January, April, July and October, the
4 institution shall transmit to the Administrator the fees collected pursuant to this
5 subsection during the preceding quarter. The Administrator shall deposit the fees so
6 transmitted with the State Treasurer for credit to the State General Fund.

7 Sec. 3.5. Chapter 439 of NRS is hereby amended by adding thereto a
8 new section to read as follows:

9 1. The board of health shall annually conduct an inspection of each barber
10 school located in the jurisdiction of the board of health.

11 2. A health authority may enter and inspect any barber school at any time
12 during business hours or at any time when the practice of barbering or
13 instruction is being carried on.

14 3. The board of health shall adopt regulations for the inspection of barber
15 schools, including, without limitation:

16 (a) Prescribing the minimum health and sanitation requirements for barber
17 schools; and

18 (b) Requiring a barber school to pay to the board of health the actual cost of
19 conducting such inspections.

20 4. As used in this section:

21 (a) "Barber school" has the meaning ascribed to it in section 1 of this act.

22 (b) "Board of health" means:

23 (1) In a county whose population is less than 400,000, the Health
24 Division.

25 (2) In a county whose population is 400,000 or more, the district board of
26 health.

27 (c) "Health authority" means the officers and agents of the board of health.

28 **Sec. 4.** NRS 643.010 is hereby amended to read as follows:

29 643.010 As used in this chapter, unless the context otherwise requires:

30 1. "Barber school" includes a school of barbering, college of barbering and
31 any other place or institution of instruction training persons to engage in the
32 practice of barbering.

33 2. "Barbershop" means any establishment or place of business where the
34 practice of barbering is engaged in or carried on.

35 3. "Board" means the State Barbers' Health and Sanitation Board.

36 4. ~~"Instructor" means any person who is licensed by the Board pursuant to~~
37 ~~the provisions of this chapter to instruct the practice of barbering in a barber school.~~

38 ~~5.~~ "Licensed apprentice" means a person who is licensed to engage in the
39 practice of barbering as an apprentice pursuant to the provisions of this chapter.

40 ~~6.~~ 5. "Licensed barber" means a person who is licensed to engage in the
41 practice of barbering pursuant to the provisions of this chapter.

42 ~~7.~~ 6. "Practice of barbering" means any of the following practices for
43 cosmetic purposes:

44 (a) Shaving or trimming the beard, cutting or trimming the hair, or hair
45 weaving.

46 (b) Giving massages of the face or scalp or treatments with oils, creams,
47 lotions or other preparations, by hand or mechanical appliances.

48 (c) Singeing, shampooing or dyeing the hair, or applying hair tonics.

49 (d) Applying cosmetic preparations, antiseptics, powders, oils or lotions to the
50 scalp, face or neck.

51 (e) Arranging, fitting, cutting, styling, cleaning, coloring or dyeing a hairpiece
52 or wig, whether made of human hair or synthetic material. This does not restrict any

1 establishment from setting or styling a hairpiece or wig in preparation for retail
2 sale.

3 ~~{8. "Student" means a person receiving instruction in a barber school.}~~

4 **Sec. 5.** NRS 643.050 is hereby amended to read as follows:

5 643.050 1. The Board may:

6 (a) Maintain offices in as many locations in this State as it finds necessary to
7 carry out the provisions of this chapter.

8 (b) Employ attorneys, investigators and other professional consultants and
9 clerical personnel necessary to the discharge of its duties.

10 (c) Adopt regulations necessary to carry out the provisions of this chapter.

11 2. The Board shall prescribe, by regulation, sanitary requirements for
12 barbershops. ~~{and barber schools.}~~

13 3. Any member of the Board or its agents or assistants may enter and inspect
14 any barbershop ~~{or barber school}~~ at any time during business hours or at any time
15 when the practice of barbering ~~{or instruction}~~ in that practice is being carried on.

16 4. The Board shall keep a record of its proceedings relating to the issuance,
17 refusal, renewal, suspension and revocation of licenses. The record must contain the
18 name, place of business and residence of each licensed barber ~~{}~~ and licensed
19 apprentice ~~{and instructor.}~~ and the date and number of his license. The record must
20 be open to public inspection at all reasonable times.

21 5. The Board may approve and, by official order, establish the days and hours
22 when barbershops may remain open for business whenever agreements fixing such
23 opening and closing hours have been signed and submitted to the Board by any
24 organized and representative group of licensed barbers of at least 70 percent of the
25 licensed barbers of any county. The Board may investigate the reasonableness and
26 propriety of the hours fixed by such an agreement, as is conferred by the provisions
27 of this chapter, and the Board may fix hours for any portion of a county.

28 ~~{6. The Board may adopt regulations governing the conduct of barber schools
29 and the course of study of barber schools.}~~

30 **Sec. 6.** NRS 643.080 is hereby amended to read as follows:

31 643.080 Any person is qualified to receive a license as an apprentice:

32 1. Who is at least 16 1/2 years of age.

33 2. Who is of good moral character and temperate habits.

34 3. Who has graduated from a school of barbering approved by the ~~{Board.}~~
35 *Commission on Postsecondary Education.*

36 4. Who has passed an examination conducted by the Board to determine his
37 fitness to practice as a licensed apprentice.

38 5. Who has had a chest X ray, the results of which indicate he is not
39 tuberculous, and a blood test, the results of which indicate he is not a carrier of
40 communicable diseases.

41 **Sec. 7.** NRS 643.085 is hereby amended to read as follows:

42 643.085 A person who:

43 1. Is licensed pursuant to the provisions of chapter 644 of NRS; and

44 2. Has completed 400 hours of specialized training at a barber school
45 approved by the ~~{Board.}~~ *Commission on Postsecondary Education,*

46 ~~{}~~ may take the examination for a license as a barber without being licensed as an
47 apprentice.

48 **Sec. 8.** NRS 643.095 is hereby amended to read as follows:

49 643.095 1. In addition to any other requirements set forth in this chapter:

50 (a) An applicant for the issuance of a license as a barber ~~{}~~ or an apprentice ~~{or
51 an instructor}~~ shall include the social security number of the applicant in the
52 application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a barber ~~or an apprentice for an instructor~~ must submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a barber ~~or an apprentice for an instructor~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 9. NRS 643.110 is hereby amended to read as follows:

643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the Board must continue to practice as a licensed apprentice for an additional 3 months before he may retake the examination for a license as a barber.

2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644 of NRS and who fails to pass the examination conducted by the Board must complete further study as prescribed by the Board, not exceeding 250 hours, in a barber school approved by the ~~Board~~ **Commission on Postsecondary Education** before he may retake the examination for a license as a barber.

3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 must complete further study as prescribed by the Board in a barber school approved by the ~~Board~~ **Commission on Postsecondary Education** before he may retake the examination for a license as an apprentice.

~~4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 must complete further study prescribed by the Board, not to exceed 250 hours, in a barber school approved by the Board before he may retake the examination for a license as an instructor.~~

Sec. 10. NRS 643.150 is hereby amended to read as follows:

643.150 1. Each licensed barber and licensed apprentice shall display his license in a conspicuous place adjacent to or near his work chair.

2. A copy of the regulations adopted by the Board must be:

(a) Provided to the owner or manager of each barbershop ; ~~for barber school;~~ and

(b) Displayed in a conspicuous place in the barbershop . ~~for barber school;~~

Sec. 11. NRS 643.188 is hereby amended to read as follows:

643.188 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and

1 recreational licenses, certificates and permits issued to a person who is licensed as a
2 barber ~~{ } or~~ an apprentice, ~~{for an instructor,}~~ the Board shall deem the license
3 issued to that person to be suspended at the end of the 30th day after the date on
4 which the court order was issued unless the Board receives a letter issued to the
5 holder of the license by the district attorney or other public agency pursuant to NRS
6 425.550 stating that the holder of the license has complied with the subpoena or
7 warrant or has satisfied the arrearage pursuant to NRS 425.560.

8 2. The Board shall reinstate a license that has been suspended by a district
9 court pursuant to NRS 425.540 if the Board receives a letter issued by the district
10 attorney or other public agency pursuant to NRS 425.550 to the person whose
11 license was suspended stating that the person whose license was suspended has
12 complied with the subpoena or warrant or has satisfied the arrearage pursuant to
13 NRS 425.560.

14 **Sec. 12.** NRS 643.200 is hereby amended to read as follows:

15 643.200 1. It shall be unlawful for any licensed barber or apprentice:

16 (a) Knowingly to continue the practice of barbering ~~{, or for any student~~
17 ~~knowingly to continue as a student in any barber school}~~ while the person has an
18 infectious, contagious or communicable disease.

19 (b) To use upon one patron a towel that has been used upon another patron
20 unless the towel has been relaundered.

21 (c) Not to provide the headrest on each chair with a relaundered towel or a
22 sheet of clean paper for each patron.

23 (d) Not to place around the patron's neck a strip of cotton, towel or neckband
24 so that the hair cloth does not come in contact with the neck or skin of the patron's
25 body.

26 (e) To use in the practice of barbering any styptic pencils, finger bowls,
27 sponges, lump alum or powder puffs. Possession of a styptic pencil, finger bowl,
28 sponge, lump alum or powder puff in a barbershop is prima facie evidence that the
29 item is being used therein in the practice of barbering.

30 (f) To use on any patron any razors, scissors, tweezers, combs, rubber discs or
31 parts of vibrators used on another patron, unless the items are kept in a closed
32 compartment and immersed in boiling water or in a solution of 2 percent carbolic
33 acid, or its equivalent, before each use.

34 2. It shall be unlawful to own, manage, control or operate any barbershop
35 unless:

36 (a) Continuously hot and cold running water is provided.

37 (b) A recognized sign is displayed at the main entrance to the shop indicating
38 that it is a barbershop.

39 **Sec. 13.** NRS 643.172, 643.173, 643.174, 643.175, 643.176, 643.177,
40 643.1775, 643.179 and 643.205 are hereby repealed.

41 **Sec. 13.5.** The district board of health located in a county whose
42 population is 400,000 or more shall, on or before October 1, 2009, adopt
43 regulations to carry out the provisions of section 3.5 of this act relating to the
44 inspections of barber schools.

45 **Sec. 14.** Any license to operate a barber school that was issued by the State
46 Barbers' Health and Sanitation Board pursuant to chapter 643 of NRS before ~~{July~~
47 ~~1, 2009,}~~ the passage and approval of this act shall be deemed to be a license to
48 operate a barber school which was issued by the Commission on Postsecondary
49 Education pursuant to the provisions of chapter 394 of NRS and which expires on
50 the date on which the license to operate a barber school would have expired
51 pursuant to the provisions of NRS 643.175. Such a license may be renewed on or
52 before its expiration in accordance with the provisions of NRS 394.460.

1 **Sec. 15.** This act becomes effective ~~on July 1, 2009,~~ upon passage and
2 approval for purposes of adopting regulations and on October 1, 2009, for all
3 other purposes.

LEADLINES OF REPEALED SECTIONS

- 643.172 Operation of barber school without license unlawful.
- 643.173 Application for license; fee.
- 643.174 Personal appearance of applicant before Board; required information.
- 643.175 Fees; renewal of license.
- 643.176 Regulations; continuing education.
- 643.177 Conditions for operation of barber school: Signs; number of instructors; restrictions; charge for barbering services; waiver.
- 643.1775 Qualifications for license as instructor.
- 643.179 Notice and hearing.
- 643.205 Unlawful to instruct practice of barbering in barber school without license.