

Amendment No. 552

Senate Amendment to Senate Bill No. 393

(BDR 34-1223)

Proposed by: Senate Committee on Health and Education**Amendment Box:** Replaces Amendment No. 457.**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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 and instructors from the State Barbers' Health and Sanitation Board to the Commission on Postsecondary Education; revising provisions relating to the employment of licensed apprentices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This] Sections 1.7, 3.5 and 3.7 of this bill [transfers] transfer~~ the responsibility for the licensing and regulation of barber schools and instructors 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 3.7 of this act provides that the same fee may be charged by the Commission on Postsecondary Education for such licensure.

Existing law provides for the licensure and regulation of persons licensed to engage in the practice of barbering as an apprentice. (NRS 643.070-643.170) Section 5 of this bill requires the State Barbers' Health and Sanitation Board to adopt regulations relating to the employment of licensed apprentices.

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 ~~to a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. "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.

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

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

5 Sec. 1.7. 1. It is unlawful for any person to instruct the practice of
6 barbering in a barber school unless he is licensed as an instructor by the
7 Commission.

8 2. The Commission may license as an instructor any person who:

9 (a) Has applied to the Commission in writing on the form prescribed by the
10 Commission;

11 (b) Holds a high school diploma or its equivalent;

12 (c) Has paid the applicable fee;

13 (d) Holds a license as a barber issued by the State Barbers' Health and
14 Sanitation Board pursuant to chapter 643 of NRS;

15 (e) Submits all information required to complete the application;

16 (f) Has practiced not less than 5 years as a full-time licensed barber in this
17 State, the District of Columbia or in any other state or country whose
18 requirements for licensing barbers are substantially equivalent to those in this
19 State;

20 (g) Has successfully completed a training program for instructors conducted
21 by a licensed barber school which consists of not less than 600 hours of
22 instruction within a 6-month period; and

23 (h) Has passed an examination for instructors administered by the
24 Commission.

25 3. An applicant for a license as an instructor who fails to pass the
26 examination required by paragraph (h) of subsection 2 must complete further
27 study prescribed by the Commission, not to exceed 250 hours, in a barber school
28 approved by the Commission before he may retake the examination for a license
29 as an instructor.

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

31 394.005 As used in this chapter, unless the context otherwise requires, the
32 words and terms defined in NRS 394.006 to 394.112, inclusive, *and section ~~1.3~~ 1.3*
33 *of this act* have the meanings ascribed to them in those sections.

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

35 394.099 "Postsecondary educational institution" means an academic,
36 vocational, technical, home study, business, professional or other school, college or
37 university that is privately owned, *including, without limitation, a barber school,*
38 or any person offering postsecondary education if he:

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

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

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

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

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

48 (b) Educational credentials;

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

52 (d) Preparation for examinations for initial licensing in a profession or
53 vocation.

1 ✎ The term includes a branch or extension of a public or private postsecondary
 2 educational institution of another state that is located in this state or which offers
 3 educational services or education in this state. The term does not include an
 4 institution or person offering only educational services or programs at the
 5 introductory level on the use of computer software to persons who have purchased
 6 that software from the institution or person.

7 **Sec. 3.5. NRS 394.411 is hereby amended to read as follows:**

8 394.411 1. The Commission shall adopt regulations governing the
 9 administration of NRS 394.383 to 394.560, inclusive, and sections 1.3 and 1.7 of
 10 this act and may adopt such other regulations as are proper or necessary for the
 11 execution of the powers and duties conferred upon it by law.

12 2. The Administrator shall execute, direct or supervise all administrative,
 13 technical and procedural activities for which he is responsible in accordance with
 14 the policies and regulations of the Commission and subject to the Commission's
 15 direction and control.

16 **Sec. 3.7. NRS 394.540 is hereby amended to read as follows:**

17 394.540 1. The fees imposed pursuant to this section must be collected by
 18 the Administrator and deposited in the State Treasury to the credit of the State
 19 General Fund, and no fees so collected are subject to refund.

20 2. The fees are:

(a) For a new license, <u>other than a license to operate a barber</u> <u>school or a license as an instructor in a barber school</u>	\$1,500
(b) For an application by an unlicensed out-of-state educational institution to employ agents in this state	1,000
(c) <u>For a new license to operate a barber school</u>	<u>250</u>
(d) <u>For the renewal of a license to operate a barber school</u>	<u>100</u>
(e) <u>For a new license or the renewal of a license as an instructor</u> <u>in a barber school</u>	<u>250</u>
(f) For a change of ownership	750
(g) (g) To add a new degree or vocational program	500
(h) (h) For an initial agent's permit	200
(i) (i) For the renewal of an agent's permit	100
(j) (j) For a transcript of an academic record which is in the possession of the Administrator pursuant to NRS 394.550	5

35 3. In addition, the Administrator shall collect from each licensed
 36 postsecondary educational institution a fee of \$4 for each student from which the
 37 institution has received tuition or registration fees. The institution shall collect this
 38 fee from each such student at the time of the student's initial enrollment with the
 39 institution. On or before the first day of January, April, July and October, the
 40 institution shall transmit to the Administrator the fees collected pursuant to this
 41 subsection during the preceding quarter. The Administrator shall deposit the fees so
 42 transmitted with the State Treasurer for credit to the State General Fund.

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

44 643.010 As used in this chapter, unless the context otherwise requires:

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

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

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

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

1 ~~—5.1~~ “Licensed apprentice” means a person who is licensed to engage in the
2 practice of barbering as an apprentice pursuant to the provisions of this chapter.

3 ~~[6.1]~~ 5. “Licensed barber” means a person who is licensed to engage in the
4 practice of barbering pursuant to the provisions of this chapter.

5 ~~[7.1]~~ 6. “Practice of barbering” means any of the following practices for
6 cosmetic purposes:

7 (a) Shaving or trimming the beard, cutting or trimming the hair, or hair
8 weaving.

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

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

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

14 (e) Arranging, fitting, cutting, styling, cleaning, coloring or dyeing a hairpiece
15 or wig, whether made of human hair or synthetic material. This does not restrict any
16 establishment from setting or styling a hairpiece or wig in preparation for retail
17 sale.

18 ~~[8.—“Student” means a person receiving instruction in a barber school.]~~

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

20 643.050 1. The Board may:

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

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

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

26 2. The Board shall prescribe, by regulation, sanitary requirements for
27 barbershops. ~~[and barber schools.]~~

28 3. Any member of the Board or its agents or assistants may enter and inspect
29 any barbershop ~~[or barber school]~~ at any time during business hours or at any time
30 when the practice of barbering ~~[or instruction]~~ in that practice is being carried on.

31 4. The Board shall keep a record of its proceedings relating to the issuance,
32 refusal, renewal, suspension and revocation of licenses. The record must contain the
33 name, place of business and residence of each licensed barber ~~[.]~~ **and** licensed
34 apprentice ~~[and instructor.]~~ and the date and number of his license. The record must
35 be open to public inspection at all reasonable times.

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

43 6. The Board may adopt regulations governing the ~~[conduct of barber schools~~
44 ~~and the course of study of barber schools.]~~ **employment of licensed apprentices by**
45 **licensed barbers, which must authorize a licensed barber to employ 3 licensed**
46 **apprentices.**

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

48 643.080 Any person is qualified to receive a license as an apprentice:

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

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

51 3. Who has graduated from a school of barbering approved by the ~~[Board.]~~
52 ***Commission on Postsecondary Education.***

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

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

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

7 643.085 A person who:

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

9 2. Has completed 400 hours of specialized training at a barber school
10 approved by the ~~{Board}~~ *Commission on Postsecondary Education*,
11 ~~may~~ take the examination for a license as a barber without being licensed as an
12 apprentice.

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

14 643.095 1. In addition to any other requirements set forth in this chapter:

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

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

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

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

26 (b) A separate form prescribed by the Board.

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

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

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

34 4. If an applicant indicates on the statement submitted pursuant to subsection
35 1 that he is subject to a court order for the support of a child and is not in
36 compliance with the order or a plan approved by the district attorney or other public
37 agency enforcing the order for the repayment of the amount owed pursuant to the
38 order, the Board shall advise the applicant to contact the district attorney or other
39 public agency enforcing the order to determine the actions that the applicant may
40 take to satisfy the arrearage.

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

42 643.110 1. Except as otherwise provided in subsection 2, an applicant for a
43 license as a barber who fails to pass the examination conducted by the Board must
44 continue to practice as a licensed apprentice for an additional 3 months before he
45 may retake the examination for a license as a barber.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 13.5. The Commission on Postsecondary Education shall, on or before October 1, 2009, adopt regulations to carry out the provisions of section 1.7 of this act and NRS 394.411, as amended by section 3.5 of this act relating to the licensure of barber schools and instructors.

Sec. 14. 1. Any license to operate a barber school and any license as an instructor that was issued by the State Barbers' Health and Sanitation Board pursuant to chapter 643 of NRS before ~~July 1, 2009~~ the passage and approval of this act shall be deemed to be a license to operate a barber school which was issued by the Commission on Postsecondary Education pursuant to the provisions of chapter 394 of NRS and which expires on the date on which the license to operate a barber school would have expired pursuant to the provisions of NRS 643.175. Such a license may be renewed on or before its expiration in accordance with the provisions of NRS 394.460 ~~or~~ or section 1.7 of this act, as applicable.

2. The Commission on Postsecondary Education may issue a provisional license to operate a barber school or a provisional license as an instructor to persons who apply for a license on or before October 1, 2009. A provisional license issued pursuant to this subsection expires on December 31, 2009.

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