

SENATE BILL NO. 193—SENATOR HARDY

FEBRUARY 24, 2011

JOINT SPONSORS: ASSEMBLYMEN HARDY AND STEWART

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes concerning the State Board of Cosmetology and persons and practices regulated by the Board. (BDR 54-637)

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; revising provisions relating to the regulation of sanitary conditions; revising provisions relating to the licensure of various cosmetology professionals and cosmetological establishments; repealing a provision relating to the provision of a surety bond by a school of cosmetology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Cosmetology to determine the qualifications of applicants for various licenses in cosmetology, requires the Board to license schools of cosmetology, and authorizes the Board to adopt regulations governing the sanitary conditions in cosmetological establishments, schools of cosmetology and in the practice of cosmetology. (NRS 644.090, 644.120) The Board is also required to provide for the registration of any person who engages in the practice of threading, and is authorized to inspect any facility in which threading is conducted. (NRS 644.331) **Section 1** of this bill authorizes the Board to include the practice of threading and any facility in which it is conducted in its regulations regarding sanitary conditions. **Sections 2-8** of this bill add United States citizenship or the legal right to remain and work in the United States to the requirements for applicants seeking licensure by the Board.

Existing law requires that schools of cosmetology post with the Board a surety bond as part of licensure. (NRS 644.383) **Section 10** of this bill repeals that requirement.



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

Section 1. NRS 644.120 is hereby amended to read as follows:

644.120 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in cosmetological establishments or schools of cosmetology, ~~for~~ in the practice of a cosmetologist ~~in~~, *in the practice of threading and in any facility in this State in which threading is conducted.*

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, school of cosmetology or practice of cosmetology.

Sec. 2. NRS 644.200 is hereby amended to read as follows:

644.200 The Board shall admit to examination for a license as a cosmetologist, at any meeting of the Board held to conduct examinations, any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. *Is a citizen of the United States or is lawfully entitled to remain and work in the United States.*

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

~~4.1~~ 5. Has had any one of the following:

(a) Training of at least 1,800 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

(d) Completion of at least 3,600 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a



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1 cosmetologist's apprentice issued to the person pursuant to
2 NRS 644.217.

3 **Sec. 3.** NRS 644.203 is hereby amended to read as follows:

4 644.203 The Board shall admit to examination for a license as
5 an electrologist any person who has made application to the Board
6 in the proper form and paid the fee, and who before or on the date
7 set for the examination:

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

9 2. Is of good moral character.

10 3. *Is a citizen of the United States or is lawfully entitled to*
11 *remain and work in the United States.*

12 4. Has successfully completed the 12th grade in school or its
13 equivalent.

14 ~~4.~~ 5. Has or has completed any one of the following:

15 (a) A minimum training of 500 hours under the immediate
16 supervision of an approved electrologist in an approved school in
17 which the practice is taught.

18 (b) Study of the practice for at least 1,000 hours extending over
19 a period of 5 consecutive months, under an electrologist licensed
20 pursuant to this chapter, in an approved program for electrologist's
21 apprentices.

22 (c) A valid electrologist's license issued by a state whose
23 licensing requirements are equal to or greater than those of this
24 State.

25 (d) Either training or practice, or a combination of training and
26 practice, in electrology outside this State for a period specified by
27 regulations of the Board.

28 **Sec. 4.** NRS 644.204 is hereby amended to read as follows:

29 644.204 The Board shall admit to examination for a license as
30 a hair designer, at any meeting of the Board held to conduct
31 examinations, each person who has applied to the Board in proper
32 form and paid the fee, and who:

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

34 2. Is of good moral character.

35 3. *Is a citizen of the United States or is lawfully entitled to*
36 *remain and work in the United States.*

37 4. Has successfully completed the 10th grade in school or its
38 equivalent. Testing for equivalency must be pursuant to state or
39 federal requirements.

40 ~~4.~~ 5. Has had at least one of the following:

41 (a) Training of at least 1,200 hours, extending over a period of 7
42 consecutive months, in a school of cosmetology approved by the
43 Board.

44 (b) Practice of the occupation of hair designing for at least 4
45 years outside this State.



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(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

Sec. 5. NRS 644.205 is hereby amended to read as follows:

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

1. Is not less than 18 years of age.

2. Is of good moral character.

3. *Is a citizen of the United States or is lawfully entitled to remain and work in the United States.*

4. Has successfully completed the 10th grade in school or its equivalent.

~~[4.]~~ 5. Has had any one of the following:

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

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

Sec. 6. NRS 644.206 is hereby amended to read as follows:

644.206 The Board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. *Is a citizen of the United States or is lawfully entitled to remain and work in the United States;*

4. Has completed a course provided by the Board relating to sanitation; and

~~[4.]~~ 5. Except as otherwise provided in NRS 622.090, has received a score of not less than 75 percent on the examination administered by the Board.

Sec. 7. NRS 644.207 is hereby amended to read as follows:

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

1. Is at least 18 years of age;

2. Is of good moral character;

3. *Is a citizen of the United States or is lawfully entitled to remain and work in the United States;*

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

~~[4.]~~ 5. Has received a minimum of 900 hours of training, which includes theory, modeling and practice, in a licensed school



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1 of cosmetology or who has practiced as a full-time licensed
2 aesthetician for at least 1 year.

3 **Sec. 8.** NRS 644.310 is hereby amended to read as follows:

4 644.310 Upon application to the Board, accompanied by a fee
5 of \$200, a person currently licensed in any branch of cosmetology
6 under the laws of another state or territory of the United States or
7 the District of Columbia may, without examination, unless the
8 Board sees fit to require an examination, be granted a license to
9 practice the occupation in which the applicant was previously
10 licensed upon proof satisfactory to the Board that the applicant:

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

12 2. Is of good moral character.

13 3. *Is a citizen of the United States or is lawfully entitled to*
14 *remain and work in the United States.*

15 4. Has successfully completed a nationally recognized written
16 examination in this State or in the state or territory or the District of
17 Columbia in which he or she is licensed.

18 ~~[4.]~~ 5. Is currently licensed in another state or territory or the
19 District of Columbia.

20 **Sec. 9.** NRS 644.350 is hereby amended to read as follows:

21 644.350 1. The license of every cosmetological establishment
22 expires ~~1:~~

23 ~~—(a) If the last name of the owner begins with the letter “A”~~
24 ~~through the letter “M,” on the date of birth of the owner in the next~~
25 ~~succeeding odd-numbered year.~~

26 ~~—(b) If the last name of the owner begins with the letter “N”~~
27 ~~through the letter “Z,” on the date of birth of the owner in the next~~
28 ~~succeeding even-numbered year.~~

29 ~~—2. If a cosmetological establishment has more than one owner,~~
30 ~~the Board shall designate one of the owners whose last name will be~~
31 ~~used for the purpose of determining the date of expiration of the~~
32 ~~license of the cosmetological establishment.~~

33 ~~—3.]~~ *2 years after the date of issuance or renewal of the license.*

34 2. If a cosmetological establishment fails to pay the required
35 fee for renewal of its license within 90 days after the date of
36 expiration of the license, the establishment must be immediately
37 closed.

38 **Sec. 10.** NRS 644.383 is hereby repealed.



TEXT OF REPEALED SECTION

644.383 Surety bond.

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

(a) On or before June 30, 2005, the bond must be in the amount of \$10,000; or

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

