

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 certain provisions governing schools of cosmetology; establishing the procedures for the licensure of certain persons who engage in the practice of hair braiding and persons who operate an establishment for hair braiding; revising provisions relating to the regulation of sanitary conditions; revising provisions relating to the licensure of various cosmetology professionals and cosmetological establishments; revising provisions relating to the surety bond requirements for 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)

Section 6.5 of this bill requires each school of cosmetology to: (1) obtain a surety bond in accordance with regulations adopted by the Board; or (2) provide for payment plans, including plans for periodic payments, in accordance with regulations adopted by the Board. The regulations regarding periodic payments must, as the Board determines appropriate, be modeled after certain federal



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regulations that provide payment periods for certain federal educational loans and grants.

Sections 7-9 of this bill establish a new license as a hair braider and set forth the requirements, including passing certain examinations, that must be met before the Board may issue such a license to a person. **Section 7** sets forth the requirements for obtaining such a license for persons who have not previously practiced hair braiding or who have practiced hair braiding in this State on certain relatives without accepting compensation. **Section 8** sets forth the requirements for persons who have practiced hair braiding in another state. **Section 9** sets forth the scope of the examinations that are required to obtain a license to practice hair braiding. **Section 24** of this bill provides an exemption from the licensure requirements for a person who, without accepting compensation, practices hair braiding on a person who is related within the sixth degree of consanguinity.

Section 10 of this bill establishes a new license for persons who wish to operate an establishment for hair braiding and sets forth the requirements that must be met before the Board may issue such a license. **Sections 11-16** of this bill set forth additional requirements governing an establishment for hair braiding, including, without limitation, requirements relating to the notice which must be provided to the Board concerning a change of ownership or location and requirements relating to the qualifications of the person who must supervise the operation of such an establishment.

Under existing law, 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 22** 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 26-31 and 35** 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 43** of this bill repeals that requirement.

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

Section 1. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, *hair designer, hair braider*, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the



1 permissible scope of practice for an aesthetician, *hair designer, hair*
2 *braider*, cosmetologist or cosmetologist's apprentice pursuant to
3 that chapter.

4 (d) A person who is an employee of an athletic department of
5 any high school, college or university in this State and who, within
6 the scope of that employment, practices massage therapy on
7 athletes.

8 (e) Students enrolled in a school of massage therapy recognized
9 by the Board.

10 (f) A person who practices massage therapy solely on members
11 of his or her immediate family.

12 (g) A person who performs any activity in a licensed brothel.

13 2. Except as otherwise provided in subsection 3, the provisions
14 of this chapter preempt the licensure and regulation of a massage
15 therapist by a county, city or town, including, without limitation,
16 conducting a criminal background investigation and examination of
17 a massage therapist or applicant for a license to practice massage
18 therapy.

19 3. The provisions of this chapter do not prohibit a county, city
20 or town from requiring a massage therapist to obtain a license or
21 permit to transact business within the jurisdiction of the county, city
22 or town, if the license or permit is required of other persons,
23 regardless of occupation or profession, who transact business within
24 the jurisdiction of the county, city or town.

25 4. As used in this section, "immediate family" means persons
26 who are related by blood, adoption or marriage, within the second
27 degree of consanguinity or affinity.

28 **Sec. 2.** Chapter 644 of NRS is hereby amended by adding
29 thereto the provisions set forth as sections 3 to 16, inclusive, of this
30 act.

31 **Sec. 3.** *"Establishment for hair braiding" means any*
32 *premises, mobile unit, building or part of a building where hair*
33 *braiding is practiced, other than a cosmetological establishment.*

34 **Sec. 4.** *"Hair braider" means any person who engages in the*
35 *practice of hair braiding.*

36 **Sec. 5.** 1. *"Hair braiding" means a natural form of hair*
37 *manipulation by braiding, cornrowing, extending, lacing, locking,*
38 *sewing, twisting, weaving or wrapping human hair, natural fibers,*
39 *synthetic fibers and hair extensions. The practice may be*
40 *performed by hand or by using simple braiding devices, including,*
41 *without limitation, clips, combs, hairpins, scissors, needles and*
42 *thread.*

43 2. *The term includes:*

44 (a) *Cleansing the scalp; and*



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(b) The making of customized wigs from natural hair, natural fibers, synthetic fibers and hair extensions.

3. The term does not include:

(a) The use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical hair bleaching agents applied to growing human hair;

(b) The cutting or growing of human hair, except that the term includes the trimming of hair extensions or sewn weave-in extensions only as applicable to the braiding process; or

(c) Any other activity set forth in the definition of "cosmetologist" pursuant to NRS 644.023 other than the activities expressly set forth in subsections 1 and 2.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. 1. Each school of cosmetology shall:

(a) Obtain a surety bond in accordance with regulations adopted by the Board; or

(b) Provide for payment plans, including plans for periodic payments, in accordance with regulations adopted by the Board.

2. The Board shall adopt regulations regarding surety bonds and payment plans for purposes of subsection 1. The regulations regarding periodic payments must, as the Board determines appropriate, be modeled after 34 C.F.R. § 668.4.

Sec. 7. 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and



(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) 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.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant;

(3) The current passport issued to the applicant; or

(4) A voter registration card issued to the applicant pursuant to NRS 293.517.

Sec. 8. 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of \$200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in section 9 of this act.



(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) 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.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant;

(3) The current passport issued to the applicant; or

(4) A voter registration card issued to the applicant pursuant to NRS 293.517.

Sec. 9. 1. The examination for licensure as a hair braider pursuant to paragraph (e) of subsection 1 of section 8 of this act must include:

(a) A written test on antisepsis, sterilization and sanitation; and

(b) A written test on the laws of Nevada and the regulations of the Board relating to cosmetology.

2. The examination for licensure as a hair braider pursuant to section 7 or paragraph (f) of subsection 1 of section 8 of this act must include:

(a) The written tests described in subsection 1; and

(b) A practical demonstration in hair braiding.

Sec. 10. 1. Any person wishing to operate an establishment for hair braiding must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed establishment for hair braiding and proof of any particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker.

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the establishment for hair braiding complies with the



1 requirements of this chapter and any regulations adopted by the
2 Board. If, based on the verbal review, the Board determines that
3 the establishment for hair braiding meets those requirements, the
4 Board shall issue to the applicant the required license. Upon
5 receipt of the license, the applicant must contact the Board to
6 request the activation of the license. A license issued pursuant to
7 this subsection is not valid until it is activated. The Board shall
8 conduct an on-site inspection of the establishment for hair
9 braiding not later than 90 days after the date on which the license
10 is activated.

11 3. The fee for a license for an establishment for hair braiding
12 is \$200. The fee for the initial inspection is \$15. If an additional
13 inspection is necessary, the fee is \$25.

14 **Sec. 11. 1.** The Board must be notified of any change of
15 ownership, name, services offered or location of an establishment
16 for hair braiding. The establishment may not be operated after
17 the change until a new license is issued. The owner of the
18 establishment must apply to the Board for the license and pay the
19 fees established pursuant to subsection 3 of section 10 of this act.

20 2. After a license has been issued for the operation of an
21 establishment for hair braiding, any changes in the physical
22 structure of the establishment must be approved by the Board.

23 **Sec. 12. 1.** The license of an establishment for hair
24 braiding expires 2 years after the date of issuance or renewal of
25 the license.

26 2. If the owner of an establishment for hair braiding fails to
27 pay the required fee for renewal of its license within 90 days after
28 the date of expiration of the license, the establishment must be
29 immediately closed.

30 **Sec. 13.** Every holder of a license issued by the Board to
31 operate an establishment for hair braiding shall display the license
32 in plain view of members of the general public in the principal
33 office or place of business of the holder.

34 **Sec. 14.** Hair braiding may be practiced in an establishment
35 for hair braiding by licensed hair braiders, hair designers or
36 cosmetologists who are:

37 1. Employees of the owner of the establishment; or

38 2. Lessees of space from the owner of the establishment.

39 **Sec. 15.** An establishment for hair braiding must, at all
40 times, be under the immediate supervision of a licensed hair
41 braider, hair designer or cosmetologist.

42 **Sec. 16.** Food or beverages for immediate consumption may
43 be sold in an establishment for hair braiding.



1 **Sec. 17.** NRS 644.020 is hereby amended to read as follows:
2 644.020 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 644.0205 to
4 644.0295, inclusive, **and sections 3, 4 and 5 of this act** have the
5 meanings ascribed to them in those sections.

6 **Sec. 18.** NRS 644.0205 is hereby amended to read as follows:
7 644.0205 1. "Aesthetician" means any person who engages
8 in the practices of:

9 (a) Beautifying, massaging, cleansing or stimulating the skin of
10 the human body by the use of cosmetic preparations, antiseptics,
11 tonics, lotions or creams, or any device, electrical or otherwise, for
12 the care of the skin;

13 (b) Applying cosmetics or eyelashes to any person, tinting
14 eyelashes and eyebrows, and lightening hair on the body; and

15 (c) Removing superfluous hair from the body of any person by
16 the use of depilatories, waxing, tweezers or sugaring,
17 ➡ but does not include the branches of cosmetology of a
18 cosmetologist, hair designer, **hair braider**, electrologist or nail
19 technologist.

20 2. As used in this section, "depilatories" does not include the
21 practice of threading.

22 **Sec. 19.** NRS 644.024 is hereby amended to read as follows:
23 644.024 "Cosmetology" includes the occupations of a
24 cosmetologist, aesthetician, electrologist, hair designer, **hair**
25 **braider**, demonstrator of cosmetics and nail technologist.

26 **Sec. 20.** NRS 644.090 is hereby amended to read as follows:
27 644.090 The Board shall:

28 1. Hold examinations to determine the qualifications of all
29 applicants for a license, except as otherwise provided in this chapter,
30 whose applications have been submitted to it in proper form.

31 2. Issue licenses to such applicants as may be entitled thereto.

32 3. License **establishments for hair braiding**, cosmetological
33 establishments and schools of cosmetology.

34 4. Report to the proper prosecuting officers all violations of
35 this chapter coming within its knowledge.

36 5. Inspect schools of cosmetology, **establishments for hair**
37 **braiding** and cosmetological establishments to ensure compliance
38 with the statutory requirements and adopted regulations of the
39 Board. This authority extends to any member of the Board or its
40 authorized employees.

41 **Sec. 21.** NRS 644.110 is hereby amended to read as follows:
42 644.110 The Board shall adopt reasonable regulations:

43 1. For carrying out the provisions of this chapter.

44 2. For conducting examinations of applicants for licenses.



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3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. As the Board determines are necessary for governing the conduct of establishments for hair braiding.

Sec. 22. 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 the practice of hair braiding, in establishments for hair braiding, in the practice of a cosmetologist,** in cosmetological establishments or schools of cosmetology, ~~for in the practice of a cosmetologist.~~ **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, **establishment for hair braiding,** school of cosmetology or practice of cosmetology.

Sec. 23. 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 nail technologist, electrologist, aesthetician, hair designer, **hair braider,** demonstrator of cosmetics and cosmetologist, together with the names and addresses of all **establishments for hair braiding,** cosmetological establishments



1 and schools of cosmetology licensed pursuant to this chapter. The
2 record must also contain the facts which the applicants claimed in
3 their applications to justify their licensure.

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

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

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

11 **Sec. 24.** NRS 644.190 is hereby amended to read as follows:

12 644.190 1. It is unlawful for any person to conduct or operate
13 a cosmetological establishment, *an establishment for hair braiding,*
14 *a* school of cosmetology or any other place of business in which any
15 one or any combination of the occupations of cosmetology are
16 taught or practiced unless the person is licensed in accordance with
17 the provisions of this chapter.

18 2. Except as otherwise provided in ~~subsection 4.~~ *subsections*
19 *4 and 5,* it is unlawful for any person to engage in, or attempt to
20 engage in, the practice of cosmetology or any branch thereof,
21 whether for compensation or otherwise, unless the person is licensed
22 in accordance with the provisions of this chapter.

23 3. This chapter does not prohibit:

24 (a) Any student in any school of cosmetology established
25 pursuant to the provisions of this chapter from engaging, in the
26 school and as a student, in work connected with any branch or any
27 combination of branches of cosmetology in the school.

28 (b) An electrologist's apprentice from participating in a course
29 of practical training and study.

30 (c) A person issued a provisional license as an instructor
31 pursuant to NRS 644.193 from acting as an instructor and accepting
32 compensation therefor while accumulating the hours of training as a
33 teacher required for an instructor's license.

34 (d) The rendering of cosmetological services by a person who is
35 licensed in accordance with the provisions of this chapter, if those
36 services are rendered in connection with photographic services
37 provided by a photographer.

38 (e) A registered cosmetologist's apprentice from engaging in the
39 practice of cosmetology under the immediate supervision of a
40 licensed cosmetologist.

41 4. A person employed to render cosmetological services in the
42 course of and incidental to the production of a motion picture,
43 television program, commercial or advertisement is exempt from the
44 licensing requirements of this chapter if he or she renders



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cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 25. 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 or her education;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, ***hair braider***, aesthetician or nail technologist for 1 year and submits written verification of his or her 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 or herself; 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 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.

Sec. 26. 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.



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

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

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

8 (b) Practice of the occupation of a cosmetologist for a period of
9 4 years outside this State.

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

12 (d) Completion of at least 3,600 hours of service as a
13 cosmetologist's apprentice in a licensed cosmetological
14 establishment in which all of the occupations of cosmetology are
15 practiced. The required hours must have been completed during the
16 period of validity of the certificate of registration as a
17 cosmetologist's apprentice issued to the person pursuant to
18 NRS 644.217.

19 **Sec. 27.** NRS 644.203 is hereby amended to read as follows:

20 644.203 The Board shall admit to examination for a license as
21 an electrologist any person who has made application to the Board
22 in the proper form and paid the fee, and who before or on the date
23 set for the examination:

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

25 2. Is of good moral character.

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

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

30 ~~4.~~ 5. Has or has completed any one of the following:

31 (a) A minimum training of 500 hours under the immediate
32 supervision of an approved electrologist in an approved school in
33 which the practice is taught.

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

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

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



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

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

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 state or federal requirements.

~~14-1~~ 5. Has had at least one of the following:

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

(b) Practice of the occupation of hair designing for at least 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.

Sec. 29. 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.

~~14-1~~ 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. 30. 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

~~4.1~~ 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. 31. 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

~~4.1~~ 5. Has received a minimum of 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. 32. 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.

(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 hair braider, \$110.*

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

~~1(e)~~ (f) For examination as an aesthetician, not less than \$75 and not more than \$200.

~~1(f)~~ (g) For examination as an instructor of aestheticians, hair designers, cosmetology or nail technology, not less than \$75 and not more than \$200.

~~1(g)~~ ~~The~~

2. *Except as otherwise provided in this subsection, the* fee for each reexamination is not less than \$75 and not more than \$200.

~~1.2~~ *The fee for reexamination as a hair braider is \$110.*

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

~~1.3~~ 4. Each applicant referred to in subsections 1 and ~~1.2~~ 3 shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.



* S B 1 9 3 R 2 *

1 **Sec. 33.** NRS 644.260 is hereby amended to read as follows:

2 644.260 The Board shall issue a license as a cosmetologist,
3 aesthetician, electrologist, hair designer, **hair braider**, nail
4 technologist, demonstrator of cosmetics or instructor to each
5 applicant who:

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

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

11 **Sec. 34.** NRS 644.300 is hereby amended to read as follows:

12 644.300 Every licensed nail technologist, electrologist,
13 aesthetician, hair designer, **hair braider**, demonstrator of cosmetics
14 or cosmetologist shall, within 30 days after changing his or her
15 place of business, as designated in the records of the Board, notify
16 the Secretary of the Board of the new place of business. Upon
17 receipt of the notification, the Secretary shall make the necessary
18 change in the records.

19 **Sec. 35.** NRS 644.310 is hereby amended to read as follows:

20 644.310 ~~Upon~~ **Except as otherwise provided in section 8 of**
21 **this act, upon** application to the Board, accompanied by a fee of
22 \$200, a person currently licensed in any branch of cosmetology
23 under the laws of another state or territory of the United States or
24 the District of Columbia may, without examination, unless the
25 Board sees fit to require an examination, be granted a license to
26 practice the occupation in which the applicant was previously
27 licensed upon proof satisfactory to the Board that the applicant:

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

29 2. Is of good moral character.

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

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

35 ~~4.~~ 5. Is currently licensed in another state or territory or the
36 District of Columbia.

37 **Sec. 36.** NRS 644.320 is hereby amended to read as follows:

38 644.320 1. The license of every cosmetologist, aesthetician,
39 electrologist, hair designer, **hair braider**, nail technologist,
40 demonstrator of cosmetics and instructor expires:

41 (a) If the last name of the licensee begins with the letter "A"
42 through the letter "M," on the date of birth of the licensee in the next
43 succeeding odd-numbered year or such other date in that year as
44 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, *other than initial licenses as a hair braider*, issued for less than 1 1/2 years.

3. *Except as otherwise provided in this section, the fee for an initial license as a hair braider is \$70. The fee for an initial license as a hair braider issued by the Board for:*

(a) *At least a portion of 1 month but less than 6 months is \$17.50.*

(b) *Six months or more but less than 12 months is \$35.00.*

(c) *Twelve months or more but less than 18 months is \$52.50.*

Sec. 37. 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 hair braiders, \$70.*

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

~~H(e)~~ (d) For cosmetological establishments, not less than \$100 and not more than \$200.

~~H(e)~~ (e) *For establishments for hair braiding, \$70.*

(f) 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 *an establishment for hair braiding*, 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, *hair braider*, 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.

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

Sec. 38. NRS 644.330 is hereby amended to read as follows:

644.330 1. A nail technologist, electrologist, aesthetician, hair designer, *hair braider*, cosmetologist, demonstrator of cosmetics or instructor whose license has expired may have his or her license renewed only upon payment of all required fees and submission of all information required to complete the renewal.

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

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

Sec. 39. NRS 644.350 is hereby amended to read as follows:

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

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

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

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

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

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



Sec. 40. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;

(e) The annual fee for a license; ~~and~~

(f) *A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and*

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains at least 5,000 square feet of floor space and adequate equipment.

(c) *Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.*

(d) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than \$500 and not more than \$800.

4. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

5. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 41. NRS 644.430 is hereby amended to read as follows:

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

(a) Failure of an owner of *an establishment for hair braiding*, a cosmetological establishment, a licensed aesthetician,



1 cosmetologist, hair designer, **hair braider**, electrologist, instructor,
2 nail technologist, demonstrator of cosmetics or school of
3 cosmetology, or a cosmetologist's apprentice to comply with the
4 requirements of this chapter or the applicable regulations adopted by
5 the Board.

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

8 (c) Gross malpractice.

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

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

14 (f) Advertisement by means of knowingly false or deceptive
15 statements.

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

18 (h) Failure to display the license as provided in NRS 644.290,
19 644.360 and 644.410 **and section 13 of this act.**

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

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

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

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

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

30 (b) Revoke or suspend a license;

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

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

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

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

37 **Sec. 42.** NRS 644.472 is hereby amended to read as follows:

38 644.472 1. Except as otherwise provided in subsection 2, it is
39 unlawful for any animal to be on the premises of a licensed
40 **establishment for hair braiding or** cosmetological establishment.

41 2. An aquarium may be maintained on the premises of a
42 licensed **establishment for hair braiding or** cosmetological
43 establishment.

44 **Sec. 43.** NRS 644.383 is hereby repealed.



1 **Sec. 44.** The provisions of this act apply to contracts entered
2 into on or after July 1, 2011.

3 **Sec. 45.** (Deleted by amendment.)

4 **Sec. 46.** 1. The State Board of Cosmetology shall:

5 (a) On July 1, 2011, begin issuing licenses:

6 (1) To practice as a hair braider; and

7 (2) To operate an establishment for hair braiding.

8 (b) On or before July 1, 2011, adopt any regulations that the
9 Board determines are necessary to enable the Board to begin issuing
10 the licenses described in paragraph (a) on July 1, 2011.

11 2. As used in this section:

12 (a) "Establishment for hair braiding" has the meaning ascribed
13 to it in section 3 of this act.

14 (b) "Hair braider" has the meaning ascribed to it in section 4 of
15 this act.

16 (c) "Hair braiding" has the meaning ascribed to it in section 5 of
17 this act.

18 **Sec. 47.** This act becomes effective:

19 1. Upon passage and approval for the purposes of adopting
20 regulations and performing any other preparatory administrative
21 tasks, including, without limitation, the approval of contracts, as
22 needed to carry out the provisions of this act; and

23 2. On July 1, 2011, for all other purposes.

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.

