

**Amendment No. 139**

Senate Amendment to Senate Bill No. 287 (BDR 54-830)

**Proposed by:** Senate Committee on Commerce, Labor and Energy

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

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

VMS/DY



Date: 4/8/2013

S.B. No. 287—Revises provisions governing cosmetology. (BDR 54-830)



## SENATE BILL NO. 287—SENATOR HARDY

MARCH 18, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing cosmetology. (BDR 54-830)

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; ~~authorizing the State Board of Cosmetology to adopt regulations setting forth the requirements for teaching a class or program in any branch of cosmetology at a location other than a school of cosmetology licensed by the Board;~~ revising provisions governing the display of a license or certificate of registration issued by the Board; ~~revising the circumstances under which salicylic acid may be used to peel skin;~~ and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law: (1) prohibits a person from conducting or operating a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught or practiced without obtaining a license from the State Board of Cosmetology; and (2) requires each school of cosmetology to maintain a staff consisting of a certain number of licensed instructors. (NRS 644.190, 644.395) Existing law also authorizes the Board to take certain disciplinary actions against a person for violating any applicable regulations adopted by the Board, including, without limitation, refusing to issue or renew a license and imposing of a fine not to exceed \$2,000. (NRS 644.420) Section 1 of this bill authorizes the Board to adopt regulations setting forth the requirements for teaching a class or program in any branch of cosmetology at a location other than a school of cosmetology. Section 9 of this bill subjects a person to disciplinary action by the Board if the person violates a provision of those regulations.~~

Existing law requires the holder of a license issued by the **State Board of Cosmetology** to practice any branch of cosmetology to display his or her current license in plain view of the public at the position where the holder of the license performs his or her work. If a person practices cosmetology in more than one place, the person is required to carry his or her license with him or her and display it wherever he or she is actually working. (NRS 644.290) Existing law also requires: (1) each cosmetologist's apprentice to display his or her certificate of registration in plain view of the public at the position where the cosmetologist's apprentice is being trained; (2) each holder of a license to operate a cosmetological establishment or to operate an establishment for hair braiding to display the license in plain view of members of the general public in the principal office or place of business of the holder of the license; and (3) each holder of a license to operate a school of cosmetology to display the license in a conspicuous place in the principal office or place of business of the holder of the license. (NRS 644.2175, 644.360, 644.3774, 644.410) Failure by the holder of any such license to display the license as required under existing law is grounds for disciplinary action by the

Board. (NRS 644.430) **Sections 3, 4 and 6-8** of this bill authorize the holder of the license or certificate of registration to display a ~~copy~~ **duplicate** of the license or certificate of registration in lieu of displaying the original license or certificate of registration. **Section 9 of this bill** makes the failure to display a ~~copy~~ **duplicate** of the license grounds for disciplinary action by the Board.

Existing law requires a person who is licensed by the Board to obtain a duplicate license if the original license is destroyed, misplaced or mutilated or if the name or address of the licensee changes. (NRS 644.295) **Section 5** of this bill authorizes a licensee to obtain a duplicate license if required by the licensee for any other reason.

~~Existing law states that the provisions of chapter 644 of NRS governing cosmetology do not permit the local application of any corrosive substance, including, without limitation, any salicylic acid, for the purpose of peeling skin. (NRS 644.470) Section 10 of this bill revises existing law by providing that any salicylic acid used for that purpose must not exceed a concentration of 2 percent.~~

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

**Section 1.** ~~Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~The Board may adopt regulations setting forth the requirements for teaching a class or program in any branch of cosmetology at a location other than a school of cosmetology licensed by the Board. The regulations may include, without limitation, the requirements for approval of the curriculum for the class or program, the qualifications of any instructor for the class or program and the approval of the location of the class or program. Any hours obtained for completing or teaching the class or program must not be used for the accumulation of any hours required for initial licensure pursuant to this chapter.~~ **(Deleted by amendment.)**

**Sec. 2.** ~~NRS 644.190 is hereby amended to read as follows:~~

~~644.190 1. It Except as otherwise provided in section 1 of this act, is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.~~

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

~~3. This chapter does not prohibit:~~

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

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

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

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

~~(c) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.~~

~~4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders 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.~~ **(Deleted by amendment.)**

**Sec. 3.** NRS 644.2175 is hereby amended to read as follows:

644.2175 1. A cosmetologist's apprentice shall display the certificate of registration issued to him or her by the Board ~~or a copy~~ **duplicate of the certificate of registration** in plain view of the public at the position where the cosmetologist's apprentice is being trained. The cosmetologist's apprentice, the licensed cosmetologist supervising and training the cosmetologist's apprentice, and the owner of the cosmetological establishment where the cosmetologist's apprentice is being trained shall not advertise or hold the cosmetologist's apprentice out as being a licensed cosmetologist, or use any title or abbreviation that would indicate that the cosmetologist's apprentice is a licensed cosmetologist.

2. To receive credit for an apprenticeship, a cosmetologist's apprentice must be regularly employed during his or her training by:

(a) The cosmetological establishment where the cosmetologist's apprentice is being trained; or

(b) If the cosmetologist's apprentice is being supervised and trained by a licensed cosmetologist who is leasing space in a cosmetological establishment, the licensed cosmetologist.

3. Not more than one cosmetologist's apprentice may be employed at any time at a licensed cosmetological establishment.

4. A licensed cosmetologist who is supervising and training a cosmetologist's apprentice shall:

(a) Supervise all work done by the cosmetologist's apprentice; and

(b) Be in attendance at all times that the cosmetologist's apprentice is engaged in the practice of cosmetology.

5. A licensed cosmetologist who is supervising and training a cosmetologist's apprentice shall keep a daily record of the training that is provided to the cosmetologist's apprentice. The licensed cosmetologist shall:

(a) Keep the daily records at the cosmetological establishment where the cosmetologist's apprentice is being trained and, upon the request of the Board, make the daily records available to the Board; and

(b) Submit a copy of the records to the Board at such regular intervals as the Board may require by regulation.

6. For the purposes of this chapter:

(a) A licensed cosmetologist is not required to obtain a license from the Board as an instructor to train a cosmetologist's apprentice pursuant to this section and NRS 644.217, and the licensed cosmetologist is not subject to regulation as an instructor because he or she provides such training.

(b) A licensed cosmetological establishment which employs a cosmetologist's apprentice or at which a cosmetologist's apprentice is being trained is not subject to regulation as a school of cosmetology because the cosmetologist's apprentice is being trained at the cosmetological establishment.

7. The Board may adopt:

(a) Regulations relating to the qualifications of a licensed cosmetologist to supervise and train a cosmetologist's apprentice;

(b) Regulations relating to the procedures and subject matter that must be included in the training of a cosmetologist's apprentice;

(c) Regulations relating to the training of a cosmetologist's apprentice to verify the number of hours of training received by the cosmetologist's apprentice; and

(d) Such other regulations as the Board determines necessary to carry out the provisions of this section and NRS 644.217.

**Sec. 4.** NRS 644.290 is hereby amended to read as follows:

644.290 1. The holder of a license issued by the Board to practice any branch of cosmetology must display his or her current license ~~or a *feoppy* duplicate of the license~~ in plain view of the public at the position where the holder of the license performs his or her work.

2. If a person practices cosmetology in more than one place, the person ~~must~~ *shall* carry his or her license ~~or a *feoppy* duplicate of the license~~ with him or her and display ~~the license or *feoppy* duplicate~~ wherever he or she is actually working.

**Sec. 5.** NRS 644.295 is hereby amended to read as follows:

644.295 1. A person licensed pursuant to this chapter ~~shall~~ :

*(a) Shall* obtain a duplicate of that license if the:

~~(a)~~ *(1)* Original was destroyed, misplaced or mutilated; or

~~(b)~~ *(2)* Name or address of the licensee has changed ~~the~~ *;* or

*(b) May obtain a duplicate of that license if required by the person for any other reason.*

2. To obtain a duplicate license a person must:

(a) File an affidavit with the Board, on the form prescribed by the Board, which states that *, if the person is required to obtain the duplicate pursuant to paragraph (a) of subsection 1,* the original license was destroyed, misplaced or mutilated or that the person's name or address has changed ~~the~~ *or, if the person is requesting the duplicate pursuant to paragraph (b) of subsection 1, that the duplicate is required by the person for a reason other than a reason set forth in paragraph (a) of subsection 1;* and

(b) Pay a fee of \$25.

**Sec. 6.** NRS 644.360 is hereby amended to read as follows:

644.360 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license ~~or a *feoppy* duplicate of the license~~ in plain view of members of the general public in the principal office or place of business of the holder.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed nail technologists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists at the establishment to provide cosmetological services. This subsection does not prohibit an operator of a cosmetological establishment from:

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

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

profession and remains subject to the laws and regulations of this State applicable to such business or profession.

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

4. As used in this section:

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

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

**Sec. 7.** NRS 644.3774 is hereby amended to read as follows:

644.3774 Every holder of a license issued by the Board to operate an establishment for hair braiding shall display the license ~~or a *feoppy*~~ duplicate of the license in plain view of members of the general public in the principal office or place of business of the holder.

**Sec. 8.** NRS 644.410 is hereby amended to read as follows:

644.410 Every holder of a license issued by the Board to operate a school of cosmetology shall display the license ~~or a *feoppy*~~ duplicate of the license in a conspicuous place in the principal office or place of business of the holder.

**Sec. 9.** 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, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

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

(c) Gross malpractice.

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

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

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

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

(h) Failure to display the license ~~or a *feoppy*~~ duplicate of the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

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

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

~~(k) *Violating a provision of a regulation adopted pursuant to section 1 of this act.*~~

1 ~~(f)~~ Any other unfair or unjust practice, method or dealing which, in the  
2 judgment of the Board, may justify such action.

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

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

5 (b) Revoke or suspend a license;

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

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

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

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

12 **Sec. 10.** ~~PNRS 644.470 is hereby amended to read as follows:~~

13 ~~644.470 Nothing in this chapter:~~

14 ~~1. Authorizes the use of any X ray machine in the treatment of the scalp or in~~  
15 ~~the removal of superfluous hair; or~~

16 ~~2. Permits the local application of carbolic acid or corrosive sublimes or~~  
17 ~~their derivatives or compounds, salicylic acid, in any concentration that exceeds 2~~  
18 ~~percent, resorcinol, or any other corrosive substance for the purpose of peeling~~  
19 ~~skin. Any implantation of permanent pigment into the skin is prohibited.~~

20 ~~A violation of the provisions of this section constitutes a misdemeanor.~~

21 **(Deleted by amendment.)**

22 **Sec. 11.** This act becomes effective on July 1, 2013.