

Amendment No. 102

Assembly Amendment to Assembly Bill No. 195 (BDR 54-119)

Proposed by: Assemblywoman Bustamante Adams

Amendment Box: Consistent with Amendment No. 63.

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 195 (§ 21).

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) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

AMI/RRY



Date: 4/12/2017

A.B. No. 195—Revises provisions governing cosmetology. (BDR 54-119)



ASSEMBLY BILL NO. 195—ASSEMBLYWOMAN
BUSTAMANTE ADAMS

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing cosmetology. (BDR 54-119)

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; providing for the temporary suspension of certain licenses and certificates of registration; revising provisions governing the State Board of Cosmetology; revising provisions governing instructors of various cosmetology professionals; revising provisions relating to the licensure or registration of various cosmetology professionals, cosmetological establishments and schools of cosmetology; imposing a fee upon certain applicants who request an examination be translated into a language other than English or Spanish; revising provisions relating to disciplinary action and certain prohibited acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Cosmetology, which consists of seven members, is charged with (1) the licensure of cosmetologists, aestheticians, hair designers, hair braiders, electrologists, nail technologists and demonstrators of cosmetics; (2) the registration of shampoo technologists, makeup artists, apprentices and persons who engage in threading and operators of threading facilities; and (3) the licensure of cosmetological establishments, establishments for hair braiding, instructors and schools of cosmetology. (Chapter 644 of NRS) Section 1 of this bill : (1) provides for the temporary suspension of a license or certificate of registration issued by the Board without a prior hearing for a period not to exceed 15 business days under certain exigent circumstances; (2) authorizes the licensee or holder of a certificate of registration to request a postsuspension administrative review; and (3) requires the Board to hold a hearing and render a final decision as promptly as is practicable but not later than 15 days after the date on which the Board receives a request for review from the licensee or holder of the certificate of registration. Section 1.5 of this bill authorizes the Governor, after notice and a hearing, to remove any member of the State Board of Cosmetology for neglect of duty, malfeasance or misfeasance.

Existing law requires the Board to elect both a Treasurer and a Secretary and authorizes the Board to assign the duties of Treasurer and Secretary to one person. (NRS 644.060) **Section 2** of this bill instead requires the Board to annually elect one person as the Secretary-Treasurer of the Board.

Section 3 of this bill removes the examination of certain applicants as one of the purposes of the meetings the Board is required to hold at least four times a year. **Sections 15-18** of this bill make conforming changes.

Section 6 of this bill: (1) revises provisions regarding the deposit and use of fees and other money received by the Board pursuant to the provisions of NRS governing cosmetology; and (2) prohibits certain expenses from being charged against the State General Fund.

Sections 11-13 of this bill revise the continuing education requirements for instructors of cosmetology, instructors of aestheticians and instructors of nail technology, to provide that such instructors are required to satisfy the number of hours of continuing education required by the National Accrediting Commission of Career Arts & Sciences, or its successor organization. **Section 38** of this bill eliminates certain requirements for the examination of instructors in cosmetology because those qualifications are now set forth in **section 11**.

Sections 10, 14, 17 and 18 of this bill: (1) delete the requirement that an applicant for a provisional license as an instructor, a license as a student instructor or a license as a hair braider submit to the Board written verification of completion of the educational requirement for the license; and (2) revise the circumstances under which a license as a student instructor expires.

Section 15 of this bill changes the requirements for admission to examination for a license as a cosmetologist by reducing the number of hours of service as a cosmetologist's apprentice from 3,600 to 3,200 hours for certain applicants.

Sections 19 and 27-29 of this bill require certain applicants to the Board for a license or a certificate of registration to certify that the information contained in the application is truthful and accurate rather than verify the application by oath.

Section 21 of this bill expands the provisions which require the Board to provide examinations for licensure and registration in English and, upon request, in Spanish and authorize the Board to provide examinations for licensure and registration in other languages, upon request, to apply to examinations for licensure or registration as an aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics.

Existing law requires a licensee to obtain a duplicate license if his or her original license was destroyed, misplaced or mutilated or if the name or address of the licensee has changed. (NRS 644.295) **Section 26** of this bill eliminates those requirements and instead authorizes a licensee or holder of a certificate to obtain a duplicate license or certificate for any reason.

Section 30 of this bill removes the specific number of hours of instruction that a student enrolled as a cosmetologist, aesthetician, electrologist, hair designer or nail technologist must receive before commencing work on members of the public and instead requires such a student to receive a minimum of 10 percent of the total hours of instruction before commencing work on members of the public.

Section 32 of this bill includes prostitution or solicitation for prostitution as a ground for disciplinary action by the Board against an owner of a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

Sections 33 and 34 of this bill: (1) eliminate, as an unlawful act, a cosmetological establishment representing itself to the public as primarily engaged in the business of cutting men's hair; (2) revise the circumstances in which the unlawful act of reproducing or otherwise copying a license or certificate of registration applies; and (3) authorizes a person to reproduce a license or certificate under certain circumstances.

Section 36 of this bill adds the Board to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

Sections 37 and 38 eliminate the Board's revolving fund used for cash advances.

Sections 4, 5, 7-9, 20, 23-25, 31 and 35 of this bill clarify the applicability of those sections to certificates of registration.

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:

1 1. If the holder of a license or certificate of registration to operate a
2 cosmetological establishment, an establishment for hair braiding or a facility in
3 which threading is conducted or any other licensee or a holder of a certificate of
4 registration issued pursuant to this chapter is charged with or cited for
5 prostitution in violation of NRS 201.354 or any other sexual offense, the
6 appropriate law enforcement agency shall report the charge or citation to the
7 Executive Director of the Board. Upon receiving such a report, the Executive
8 Director shall immediately forward the report to the Board or the Chair of the
9 Board. The Board must meet as soon as practicable to consider the report. If the
10 Board finds that the health, safety or welfare of the public imperatively require
11 emergency action and issues a cease and desist order, the Executive Director
12 shall immediately send the cease and desist order by certified mail to the licensee
13 or holder of the certificate of registration. The temporary suspension of the
14 license or certificate of registration is effective immediately after the licensee or
15 holder of the certificate of registration receives notice of the cease and desist
16 order and must not exceed 15 business days. The licensee or holder of the
17 certificate of registration may file a written request for a hearing to challenge the
18 necessity of the temporary suspension. The written request must be filed not later
19 than 10 business days after the date on which the Executive Director mails the
20 cease and desist order. If the licensee or holder of the certificate of registration:

21 (a) Files a timely written request for a hearing, the Board shall extend the
22 temporary suspension until a hearing is held. The Board shall hold a hearing and
23 render a final decision regarding the necessity of the temporary suspension as
24 promptly as is practicable but not later than 15 business days after the date on
25 which the Board receives the written request. After holding such a hearing, the
26 Board may extend the period of the temporary suspension if the Board finds, for
27 good cause shown, that such action is necessary to protect the health, safety or
28 welfare of the public pending proceedings for disciplinary action.

29 (b) Does not file a timely written request for a hearing and the Board wants
30 to consider extending the period of the temporary suspension, the Board shall
31 schedule a hearing and notify the licensee or holder of the certificate of
32 registration immediately by certified mail of the date of the hearing. The hearing
33 must be held and a final decision rendered regarding whether to extend the
34 period of the temporary suspension as promptly as is practicable but not later
35 than 15 business days after the date on which the Executive Director mails the
36 cease and desist order. After holding such a hearing, the Board may extend the
37 period of the temporary suspension if the Board finds, for good cause shown, that
38 such action is necessary to protect the health, safety or welfare of the public
39 pending proceedings for disciplinary action.

40 2. For purposes of this section, a person is deemed to have notice of a
41 temporary suspension of his or her license or certificate of registration:

42 (a) On the date on which the notice is personally delivered to the person; or

43 (b) If the notice is mailed, 3 days after the date on which the notice is mailed
44 by certified mail to the last known business or residential address of the person.

45 ~~{Section 1.}~~ **Sec. 1.5.** NRS 644.050 is hereby amended to read as follows:

46 644.050 1. After the initial terms, members of the Board serve terms of 4
47 years, except when appointed to fill unexpired terms.

48 2. Before entering upon the discharge of his or her duties, each member shall
49 make and file with the Secretary of State the constitutional oath of office.

50 3. No member of the Board may serve more than two consecutive full terms.
51 A member who serves two consecutive full terms is not thereafter eligible to serve
52 on the Board for a period of 1 year. Any time served on the Board in filling the

unexpired term of another member does not apply in computing two consecutive full terms.

4. *The Governor may, after notice and hearing, remove any member of the Board for neglect of duty, malfeasance or misfeasance.*

Sec. 2. NRS 644.060 is hereby amended to read as follows:

644.060 The members of the Board shall annually elect a President, a Vice President ~~[- a Treasurer and a Secretary]~~ **and a Secretary-Treasurer** from among their number. ~~[The members may assign the duties of the Treasurer and the Secretary to one person who shall be Treasurer and Secretary.]~~

Sec. 3. NRS 644.070 is hereby amended to read as follows:

644.070 1. The Board shall hold meetings at least four times a year for the ~~examination of applicants for registration and for the~~ transaction of such ~~other~~ business as pertains to its duties.

2. The Board may hold such other meetings for the ~~examination of applicants for registration or for the~~ transaction of necessary business at such times and places as it determines.

3. The members of the Board are entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. All such compensation and expenses must be paid by the Board out of the fees and receipts received by it, and no part thereof may be paid by the State.

Sec. 4. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license ~~H~~ **or certificate of registration**, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

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

3. Issue certificates of registration to such applicants as may be entitled thereto.

4. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

5. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

6. Inspect schools of cosmetology, establishments for hair braiding, cosmetological establishments and any facility in this State in which threading is conducted to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 5. NRS 644.110 is hereby amended to read as follows:

644.110 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses ~~H~~ **and certificates of registration.**

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

1 pursuant to the laws of another state or territory of the United States or the District
2 of Columbia.

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

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

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

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

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

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

16 6. For governing the conduct of cosmetological establishments.

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

19 **Sec. 6.** NRS 644.170 is hereby amended to read as follows:

20 644.170 1. ~~1. All fees collected on behalf of the Board and all receipts of~~
21 ~~every kind and nature must be reported at the beginning of each month, for the~~
22 ~~month preceding, to the Board. At the same time, the entire amount of collections,~~
23 ~~except as otherwise provided in subsection 5, must be paid to the Board, who shall~~
24 ~~deposit them.~~ *Except as otherwise provided in subsection 3, all fees and other*
25 *money received by the Board pursuant to the provisions of this chapter must be*
26 *deposited* in banks, credit unions or savings and loan associations in the State of
27 Nevada ~~;~~

28 ~~2. The receipts must be for the uses of the Board and out of them must be paid~~
29 ~~all salaries and all other expenses necessarily incurred in carrying into effect the~~
30 ~~provisions of this chapter.~~

31 ~~3. All orders for payment of money must be drawn on the Treasurer of the~~
32 ~~Board and countersigned by the President and the Secretary of the Board.~~

33 ~~4. and expended solely for the purposes of this chapter. The money so~~
34 ~~deposited does not revert to the State General Fund. The compensation provided~~
35 ~~for by this chapter and all expenses incurred under this chapter must be paid~~
36 ~~from this money. No compensation or expenses incurred under this chapter may~~
37 ~~be charged against the State General Fund.~~

38 2. In a manner consistent with the provisions of chapter 622A of NRS, the
39 Board may delegate to a hearing officer or panel its authority to take any
40 disciplinary action pursuant to this chapter, impose and collect fines therefor and
41 deposit the money therefrom in banks, credit unions or savings and loan
42 associations in this State.

43 ~~5.~~ 3. If a hearing officer or panel is not authorized to take disciplinary action
44 pursuant to subsection ~~1~~ 2 and the Board deposits the money collected from the
45 imposition of fines with the State Treasurer for credit to the State General Fund, it
46 may present a claim to the State Board of Examiners for recommendation to the
47 Interim Finance Committee if money is needed to pay attorney's fees or the costs of
48 an investigation, or both.

49 **Sec. 7.** NRS 644.190 is hereby amended to read as follows:

50 644.190 1. It is unlawful for any person to conduct or operate a
51 cosmetological establishment, an establishment for hair braiding, a school of
52 cosmetology or any other place of business in which any one or any combination of

1 the occupations of cosmetology are taught or practiced unless the person is licensed
2 in accordance with the provisions of this chapter.

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

7 3. This chapter does not prohibit:

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

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

14 (c) A person issued a provisional license as an instructor pursuant to NRS
15 644.193 from acting as an instructor and accepting compensation therefor while
16 accumulating the hours of training as a teacher required for an instructor's license.

17 (d) The rendering of services relating to the practice of cosmetology by a
18 person who is licensed or registered in accordance with the provisions of this
19 chapter, if those services are rendered in connection with photographic services
20 provided by a photographer.

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

23 (f) A registered shampoo technologist from engaging in the practice of
24 shampoo technology under the immediate supervision of a licensed cosmetologist
25 or hair designer.

26 (g) A registered aesthetician's apprentice from engaging in the practice of
27 aesthetics under the immediate supervision of a licensed aesthetician or licensed
28 cosmetologist.

29 (h) A registered hair designer's apprentice from engaging in the practice of hair
30 design under the immediate supervision of a licensed hair designer or licensed
31 cosmetologist.

32 (i) A registered nail technologist's apprentice from engaging in the practice of
33 nail technology under the immediate supervision of a licensed nail technologist or
34 licensed cosmetologist.

35 (j) A makeup artist registered pursuant to NRS 644.251 from engaging in the
36 practice of makeup artistry for compensation or otherwise in a licensed
37 cosmetological establishment.

38 4. A person employed to render services relating to the practice of
39 cosmetology in the course of and incidental to the production of a motion picture,
40 television program, commercial or advertisement is exempt from the licensing **or**
41 **registration** requirements of this chapter if he or she renders those services only to
42 persons who will appear in that motion picture, television program, commercial or
43 advertisement.

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

48 **Sec. 8.** NRS 644.191 is hereby amended to read as follows:

49 644.191 1. The State Board of Cosmetology and the Board of Massage
50 Therapists shall, to the extent practicable, reduce duplication in the licensing **or**
51 **registration** procedure for a qualified applicant who is applying to the State Board
52 of Cosmetology for a license **or certificate of registration** to practice pursuant to
53 this chapter and who is also applying to the Board of Massage Therapists for a

1 license to practice pursuant to chapter 640C of NRS, if both applications are filed
2 not more than 60 days apart.

3 2. If a qualified applicant submits an application to the Board of Massage
4 Therapists for a license to practice pursuant to chapter 640C of NRS and, not later
5 than 60 days after that application, the applicant also submits an application to the
6 State Board of Cosmetology for a license *or certificate of registration* to practice
7 pursuant to this chapter:

8 (a) The applicant is not required to submit a set of fingerprints to the State
9 Board of Cosmetology if the applicant submitted a set of fingerprints with his or her
10 application to the Board of Massage Therapists;

11 (b) The State Board of Cosmetology shall request from the Board of Massage
12 Therapists a copy of any reports relating to a background investigation of the
13 applicant;

14 (c) Upon receiving such a request, the Board of Massage Therapists shall
15 provide to the State Board of Cosmetology any reports relating to a background
16 investigation of the applicant; and

17 (d) The State Board of Cosmetology shall use the reports provided by the
18 Board of Massage Therapists in reviewing the application for a license *or*
19 *certificate of registration* to practice pursuant to this chapter.

20 **Sec. 9.** NRS 644.192 is hereby amended to read as follows:

21 644.192 1. The Board and a local governmental entity shall, to the extent
22 practicable, reduce duplication in the licensing *or registration* procedure for a
23 qualified applicant who is applying to the Board for a license *or certificate of*
24 *registration* to practice pursuant to this chapter and who is also applying to the
25 local governmental entity for a license to practice massage therapy, if both
26 applications are filed not more than 60 days apart.

27 2. If a qualified applicant submits an application to a local governmental
28 entity for a license to practice massage therapy and, not later than 60 days after that
29 application, the applicant also submits an application to the Board for a license *or*
30 *certificate of registration* to practice pursuant to this chapter:

31 (a) The applicant is not required to submit a set of fingerprints to the Board if
32 the applicant submitted a set of fingerprints with his or her application to the local
33 governmental entity;

34 (b) The Board shall request from the local governmental entity a copy of any
35 reports relating to a background investigation of the applicant;

36 (c) Upon receiving such a request, the local governmental entity shall provide
37 to the Board any reports relating to a background investigation of the applicant; and

38 (d) The Board shall use the reports provided by the local governmental entity
39 in reviewing the application for a license *or certificate of registration* to practice
40 pursuant to this chapter.

41 3. If a qualified applicant submits an application to the Board for a license *or*
42 *certificate of registration* to practice pursuant to this chapter and, not later than 60
43 days after that application, the applicant also submits an application to a local
44 governmental entity for a license to practice massage therapy:

45 (a) The applicant is not required to submit a set of fingerprints to the local
46 governmental entity if the applicant submitted a set of fingerprints with his or her
47 application to the Board;

48 (b) The local governmental entity shall request from the Board a copy of any
49 reports relating to a background investigation of the applicant;

50 (c) Upon receiving such a request, the Board shall provide to the local
51 governmental entity any reports relating to a background investigation of the
52 applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 10. 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. 11. NRS 644.195 is hereby amended to read as follows:

644.195 1. ~~Each instructor must:~~

~~— (a) Be licensed as a cosmetologist pursuant to this chapter.~~ *The Board shall admit to examination for a license as an instructor of cosmetology any person who has applied to the Board in proper form, paid the fee and:*

(a) Is at least 18 years of age;

(b) ~~Have~~ Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

~~— (e) Have 1 year of experience as a cosmetologist or as a licensed student instructor.~~

~~— (d) Have completed 1,000;~~

(d) Has received a minimum of 700 hours of training as ~~an~~ a student instructor or 500 hours of training as an instructor or as a licensed provisional instructor in a licensed school of cosmetology;

~~— (e) Except as otherwise provided in subsection 2, take one or more courses in advanced techniques for teaching or training;~~ *and*

(e) Is licensed as a cosmetologist pursuant to this chapter.

2. *An instructor in cosmetology shall complete at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained in courses approved by the Board ~~whose combined duration is at least 30 hours~~ during each 2-year period;*

~~2. The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less~~

~~than 1 year before the renewal date of the license must take one or more courses specified in paragraph (c) whose combined duration is at least 15 hours during each 2-year period.] of his or her license.~~

3. Each instructor shall pay an initial fee for a license of not less than \$60 and not more than \$90.

Sec. 12. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 700 hours of training as ~~an~~ *a student instructor* or 500 hours of training as *an instructor or as* a licensed provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as an aesthetician pursuant to this chapter; and
- (f) Has practiced as a full-time licensed aesthetician or as a licensed student instructor. ~~for 1 year.~~

~~2. Except as otherwise provided in subsection 3, an~~

2. An instructor of aestheticians shall complete at least [30] the number of hours of [advanced training in a course approved by the Board] continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained during each 2-year period of his or her license.

~~3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.] in courses approved by the Board.~~

Sec. 13. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in nail technology any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of *700 hours of training as a student instructor* or 500 hours of training as an instructor or as a licensed provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as a nail technologist pursuant to this chapter; and
- (f) Has practiced as a full-time licensed nail technologist or as a licensed student instructor. ~~for 1 year.~~

~~2. Except as otherwise provided in subsection 3, an~~

2. An instructor in nail technology shall complete at least [30] the number of hours of [advanced training in a course approved by the Board] continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained during each 2-year period of his or her license.

~~3. The provisions of subsection 2 do not apply to an instructor in nail technology who is initially licensed not more than 6 months before the renewal date of the license. An instructor in nail technology who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.~~ *in courses approved by the Board.*

Sec. 14. NRS 644.199 is hereby amended to read as follows:

644.199 1. The Board shall grant a license as a student 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) Is enrolled in a program to prepare student instructors in a school of cosmetology if:

(1) The program is certified by the Board; and

(2) The program requires that the student instructor is supervised by an instructor who is licensed;

(c) Is licensed pursuant to this chapter;

(d) Applies for a license as a student instructor on a form provided 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 \$25 or more than \$40 for the issuance of a license as a student instructor.

3. A person issued a license as a student instructor pursuant to this section:

(a) Must be supervised by an instructor who is licensed; and

(b) May act as an instructor for compensation and work experience credit while accumulating the number of hours of training required for an instructor's license.

4. A license as a student instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license. ~~for after full-time employment as a student instructor for 1 year, whichever occurs later.~~ The Board may grant an extension of not more than 45 days to those student instructor licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 15. 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.

5. Has had any one of the following:

(a) Training of at least 1,600 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, 600 hours of specialized training approved by the Board.

(d) At least ~~3,600~~ **3,200** 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 cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

Sec. 16. 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.

5. Satisfies at least one of the following:

- (a) Is a barber registered pursuant to chapter 643 of NRS.
- (b) Has had training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.
- (c) Has had practice of the occupation of hair designing for at least 4 years outside this State.

(d) Has had at least 2,400 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644.216.

Sec. 17. NRS 644.208 is hereby amended to read as follows:

644.208 1. ~~The~~ **Except as otherwise provided in NRS 644.209, 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 prevention 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 NRS 644.248.

(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 NRS 644.248.

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

(a) Two current photographs of the applicant which are 2 by 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; or

(3) The current passport issued to the applicant.

Sec. 18. NRS 644.209 is hereby amended to read as follows:

644.209 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 NRS 644.248.

(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 NRS 644.248.

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

(a) Two current photographs of the applicant which are 2 by 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; or

(3) The current passport issued to the applicant.

Sec. 19. NRS 644.210 is hereby amended to read as follows:

644.210 1. An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a shampoo

1 technologist, aesthetician's apprentice, cosmetologist's apprentice, hair designer's
2 apprentice or nail technologist's apprentice must be made in writing on forms
3 furnished by the Board and must be submitted within the period designated by the
4 Board. The Board shall charge a fee of \$15 for furnishing the forms.

5 2. An application must contain proof of the qualifications of the applicant for
6 examination, licensure or registration. The ~~application~~ applicant must ~~be verified~~
7 ~~by the oath of the applicant.~~ *certify that all the information contained in the*
8 *application is truthful and accurate.*

9 **Sec. 20.** NRS 644.230 is hereby amended to read as follows:

10 644.230 All examinations of applicants must:

11 1. Include both practical demonstrations and written or oral tests, except
12 where otherwise provided in this chapter.

13 2. Not be confined to any special system or method.

14 3. Be consistent in both practical and technical requirements and of sufficient
15 thoroughness to satisfy the Board as to the applicant's skill in, and knowledge of,
16 the practice of the occupation for which a license *or certificate of registration* is
17 sought.

18 **Sec. 21.** NRS 644.235 is hereby amended to read as follows:

19 644.235 1. The Board:

20 (a) Shall provide examinations for licensure *or registration* as a cosmetologist ,
21 *aesthetician, hair designer, shampoo technologist, hair braider, nail technologist*
22 *or demonstrator of cosmetics* in English and, upon the request of an applicant for
23 licensure *or registration* as a cosmetologist, *aesthetician, hair designer, shampoo*
24 *technologist, hair braider, nail technologist or demonstrator of cosmetics*, in
25 Spanish; and

26 (b) May provide examinations for licensure *or registration* as a cosmetologist ,
27 *aesthetician, hair designer, shampoo technologist, hair braider, nail technologist*
28 *or demonstrator of cosmetics*, in any other language upon the request of an
29 applicant, if the Board determines that providing the examination in that language
30 is in the best interests of the public.

31 2. A request for an examination for licensure *or registration* as a
32 cosmetologist , *aesthetician, hair designer, shampoo technologist, hair braider,*
33 *nail technologist or demonstrator of cosmetics* to be translated into a language
34 other than English or Spanish must be filed with the Board by the applicant making
35 the request at least 90 days before the scheduled examination. The Board shall keep
36 all such requests on file.

37 3. The Board shall impose a fee upon the applicants who file requests for an
38 examination for licensure *or registration* as a cosmetologist , *aesthetician, hair*
39 *designer, shampoo technologist, hair braider, nail technologist or demonstrator*
40 *of cosmetics* to be translated into a language other than English or Spanish. The fee
41 must be sufficient to ensure that the applicants bear the full cost for the
42 development, preparation, administration, grading and evaluation of the translated
43 examination. The fee is in addition to all other fees that must be paid by applicants
44 for the examination for licensure *or registration* as a cosmetologist ~~H~~ ,
45 *aesthetician, hair designer, shampoo technologist, hair braider, nail technologist*
46 *or demonstrator of cosmetics.*

47 4. In determining whether it is in the best interests of the public to translate an
48 examination for licensure *or registration* as a cosmetologist , *aesthetician, hair*
49 *designer, shampoo technologist, hair braider, nail technologist or demonstrator*
50 *of cosmetics* into a language other than English or Spanish, the Board shall consider
51 the percentage of the population within this State whose native language is the
52 language for which the translated examination is sought.

1 **Sec. 22.** NRS 644.260 is hereby amended to read as follows:

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

6 1. Except as otherwise provided in NRS 644.242 ~~H~~ and 644.315, passes a
7 satisfactory examination, conducted by the Board to determine his or her fitness to
8 practice that occupation of cosmetology; and

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

11 **Sec. 23.** NRS 644.270 is hereby amended to read as follows:

12 644.270 Every license *or certificate of registration* issued by the Board must
13 specify the occupation which the license *or certificate* entitles the holder thereof to
14 practice. No person may practice any other occupation designated in this chapter
15 than that for which the license *or certificate* is issued.

16 **Sec. 24.** NRS 644.280 is hereby amended to read as follows:

17 644.280 1. Every license *or certificate of registration* issued by the Board
18 must be signed by the President and attested by the ~~Secretary~~ *Secretary-*
19 *Treasurer* and must bear the Board's seal.

20 2. Every license *or certificate of registration* is prima facie evidence of the
21 right of the holder thereof to practice that occupation of cosmetology for which the
22 license *or certificate* is issued.

23 **Sec. 25.** NRS 644.290 is hereby amended to read as follows:

24 644.290 1. The holder of a license *or certificate of registration* issued by
25 the Board to practice any branch of cosmetology must display his or her current
26 license *or certificate* or a duplicate of the license *or certificate* in plain view of the
27 public at the position where the holder of the license *or certificate* performs his or
28 her work.

29 2. If a person practices cosmetology in more than one place, the person shall
30 ~~ferry his or her license or a duplicate of the license with him or her and~~ display
31 the license *or certificate* or a duplicate *of the license or certificate* wherever he or
32 she is actually working.

33 **Sec. 26.** NRS 644.295 is hereby amended to read as follows:

34 644.295 1. A person licensed *or registered* pursuant to this chapter ~~+~~

35 ~~—(a) Shall~~ *may* obtain a duplicate of that license ~~if the:~~

36 ~~—(1) Original was destroyed, misplaced or mutilated; or~~

37 ~~—(2) Name or address of the licensee has changed; or~~

38 ~~—(b) May obtain a duplicate of that license if required by the person~~ *or*
39 *certificate* for any ~~other~~ reason.

40 2. To obtain a duplicate license *or certificate* a person must:

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

48 (b) Pay a fee of \$25.

49 **Sec. 27.** NRS 644.340 is hereby amended to read as follows:

50 644.340 1. Any person wishing to operate a cosmetological establishment in
51 which any one or a combination of the occupations of cosmetology are practiced
52 must apply to the Board for a license, through the owner, manager or person in
53 charge, upon forms prepared and furnished by the Board. Each application must

1 contain a detailed floor plan of the proposed cosmetological establishment and
2 proof of the particular requisites for a license provided for in this chapter . ~~†, and~~
3 ~~must be verified by the oath of the maker.†~~ *The applicant must certify that all the*
4 *information contained in the application is truthful and accurate.*

5 2. The applicant must submit the application accompanied by the applicable
6 required fees for inspection and licensing. After the applicant has submitted the
7 application, the applicant must contact the Board and request a verbal review
8 concerning the application to determine if the cosmetological establishment
9 complies with the requirements of this chapter and the regulations adopted by the
10 Board. If, based on the verbal review, the Board determines that the cosmetological
11 establishment meets those requirements, the Board shall issue to the applicant the
12 required license. Upon receipt of the license, the applicant must contact the Board
13 to request the activation of the license. A license issued pursuant to this subsection
14 is not valid until it is activated. The Board shall conduct an on-site inspection of the
15 cosmetological establishment not later than 90 days after the date on which the
16 license is activated.

17 3. The fee for issuance of a license for a cosmetological establishment is:

18 (a) For 2 years, \$200.

19 (b) For 4 years, \$400.

20 4. The fee for the initial inspection is \$15. If an additional inspection is
21 necessary, the fee is \$25.

22 **Sec. 28.** NRS 644.377 is hereby amended to read as follows:

23 644.377 1. Any person wishing to operate an establishment for hair braiding
24 must apply to the Board for a license, through the owner, manager or person in
25 charge, upon forms prepared and furnished by the Board. Each application must
26 contain a detailed floor plan of the proposed establishment for hair braiding and
27 proof of any particular requisites for a license provided for in this chapter . ~~†, and~~
28 ~~must be verified by the oath of the maker.†~~ *The applicant must certify that all the*
29 *information contained in the application is truthful and accurate.*

30 2. The applicant must submit the application accompanied by the required
31 fees for inspection and licensing. After the applicant has submitted the application,
32 the applicant must contact the Board and request a verbal review concerning the
33 application to determine if the establishment for hair braiding complies with the
34 requirements of this chapter and any regulations adopted by the Board. If, based on
35 the verbal review, the Board determines that the establishment for hair braiding
36 meets those requirements, the Board shall issue to the applicant the required
37 license. Upon receipt of the license, the applicant must contact the Board to request
38 the activation of the license. A license issued pursuant to this subsection is not valid
39 until it is activated. The Board shall conduct an on-site inspection of the
40 establishment for hair braiding not later than 90 days after the date on which the
41 license is activated.

42 3. The fee for issuance of a license for an establishment for hair braiding is:

43 (a) For 2 years, \$200.

44 (b) For 4 years, \$400.

45 4. The fee for the initial inspection is \$15. If an additional inspection is
46 necessary, the fee is \$25.

47 **Sec. 29.** NRS 644.380 is hereby amended to read as follows:

48 644.380 1. Any person desiring to conduct a school of cosmetology in
49 which any one or any combination of the occupations of cosmetology are taught
50 must apply to the Board for a license, through the owner, manager or person in
51 charge, upon forms prepared and furnished by the Board. Each application must
52 contain proof of the particular requisites for a license provided for in this chapter,
53 and *the applicant must* ~~†be verified by the oath of the maker.†~~ *certify that all the*

information contained in the application is truthful and accurate. 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 a number of students acceptable to the Board;
- (e) The applicable fee for a license;
- (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 adequate 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) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.
- (e) Meets all requirements established by regulations of the Board.

3. The fee for issuance of a license for a school of cosmetology is:

- (a) For 2 years, not less than \$500 and not more than \$800.
 - (b) For 4 years, not less than \$1,000 and not more than \$1,600.
4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

- (a) The name of the proposed school;
- (b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and
- (c) Such other information as the Board considers necessary.

5. 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.

6. The Board shall, by regulation, prescribe:

- (a) The minimum enrollment of students required by paragraph (d) of subsection 1; and
- (b) The amount of floor space required by paragraph (b) of subsection 2.

7. 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. 30. NRS 644.408 is hereby amended to read as follows:

644.408 A student *enrolled as a cosmetologist, aesthetician, electrologist, hair designer or nail technologist* must receive ~~the following~~ a minimum ~~amount~~ of *10 percent of the total hours of* instruction in the classroom before commencing work on members of the public. ~~†~~

- ~~1. A student enrolled as a cosmetologist must receive at least 300 hours.~~
- ~~2. A student enrolled as a hair designer must receive at least 300 hours.~~
- ~~3. A student enrolled as a nail technologist must receive at least 100 hours.~~
- ~~4. A student enrolled as an electrologist's apprentice must receive at least 150 hours.~~

~~5. A student enrolled as an aesthetician must receive at least 150 hours.~~

Sec. 31. NRS 644.422 is hereby amended to read as follows:

644.422 1. Except as otherwise provided in subsection 2, an advertisement for services relating to the practice of cosmetology must list:

(a) The name, as it appears on the license, and license number of the cosmetological establishment or establishment for hair braiding where the services will be provided; and

(b) The name and ~~license~~ number of *the license or certificate of registration* of any licensee *or registrant* mentioned in the advertisement.

2. An advertisement for services relating to the practice of cosmetology to be provided at a school of cosmetology must list the name, as it appears on the license, and license number of the school of cosmetology where the services will be provided.

Sec. 32. 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 or registered, as applicable, aesthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics, makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, aesthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

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

(d) Gross malpractice.

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

(f) 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.

(g) Advertising in violation of any of the provisions of NRS 644.422 or 644.478.

(h) Permitting a license *or certificate of registration* to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license *or certificate of registration* or a duplicate of the license *or certificate of registration* as provided in NRS 644.2175, 644.290, 644.360, 644.3774 and 644.410.

~~(j) Failure to display the certificate of registration or a duplicate of the certificate of registration as provided in NRS 644.2175.~~

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

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

~~(m)~~ (l) *Engaging in prostitution or solicitation for prostitution in violation of NRS 201.354 by the owner of a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.*

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

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

- (a) Refuse to issue or renew a license or certificate of registration;
- (b) Revoke or suspend a license or certificate of registration;
- (c) Place the licensee or holder of a certificate of registration on probation for a specified period;
- (d) Impose a fine not to exceed \$2,000; or
- (e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

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

Sec. 33. NRS 644.473 is hereby amended to read as follows:

644.473 It is unlawful for ~~+~~

~~1. Any licensed cosmetological establishment to represent itself to the public as primarily engaged in the business of cutting men's hair; or~~

~~2. Any~~ *any* person licensed *or registered* pursuant to this chapter to engage in any act or practice which constitutes a violation of subsection 6 or 7 of NRS 643.190.

Sec. 34. NRS 644.476 is hereby amended to read as follows:

644.476 *1.* It is unlawful for a person to ~~reproduce mechanically or otherwise copy or~~ alter a license *or certificate of registration* issued pursuant to this chapter.

2. It is unlawful for a person to reproduce mechanically or otherwise duplicate a license or certificate of registration issued pursuant to this chapter for purposes of fraud, deception, misrepresentation or other illegal purposes. A person may duplicate a license or certificate of registration issued pursuant to this chapter for a lawful purpose, including, without limitation, for purposes of displaying a duplicate license or certificate of registration pursuant to NRS 644.2175, 644.290, 644.360, 644.3774 or 644.410.

Sec. 35. NRS 644.478 is hereby amended to read as follows:

644.478 With regard to advertising relating to the education, licensing , *registration* or practice of cosmetology or threading:

1. It is unlawful to advertise in any manner that is misleading or inaccurate with respect to any services relating to the practice of cosmetology offered by a licensee , *registrant* or other natural person.

2. An advertisement must not state or imply favorable consideration by the Board except that an advertisement may state that a cosmetological establishment, establishment for hair braiding, school of cosmetology , ~~for~~ licensee *or registrant* is licensed *or registered* by the Board.

Sec. 36. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) *The State Board of Cosmetology and its Executive Director.*

(z) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 37. As soon as practicable after January 1, 2018, any amount remaining in the revolving fund for the State Board of Cosmetology established in former NRS 644.180 must be transferred to the State General Fund.

Sec. 38. NRS 644.180 and 644.196 are hereby repealed.

1 **Sec. 39.** This act becomes effective on passage and approval for the purposes
2 of adopting regulations and performing any other preparatory administrative tasks
3 that are necessary to carry out the provisions of this act, and on January 1, 2018, for
4 all other purposes.

TEXT OF REPEALED SECTIONS

644.180 Revolving fund. An amount not to exceed \$1,000 may be drawn from the Contingent Fund to be used as a revolving fund where cash advances are necessary. Expenditures from the revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demanded by the Chief of the Budget Division of the Office of Finance.

644.196 Instructors in cosmetology: Qualifications for examination. The Board shall admit to examination for a license as an instructor in cosmetology any person who has made application to the Board in proper form, paid the fee and meets the requirements of NRS 644.195.