

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; revising provisions governing the display of a license or certificate of registration issued by the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the holder of a license issued by the State Board of
2 Cosmetology to practice any branch of cosmetology to display his or her current
3 license in plain view of the public at the position where the holder of the license
4 performs his or her work. If a person practices cosmetology in more than one place,
5 the person is required to carry his or her license with him or her and display it
6 wherever he or she is actually working. (NRS 644.290) Existing law also requires:
7 (1) each cosmetologist’s apprentice to display his or her certificate of registration in
8 plain view of the public at the position where the cosmetologist’s apprentice is
9 being trained; (2) each holder of a license to operate a cosmetological establishment
10 or to operate an establishment for hair braiding to display the license in plain view
11 of members of the general public in the principal office or place of business of the
12 holder of the license; and (3) each holder of a license to operate a school of
13 cosmetology to display the license in a conspicuous place in the principal office or
14 place of business of the holder of the license. (NRS 644.2175, 644.360, 644.3774,
15 644.410) Failure by the holder of any such license to display the license as required
16 under existing law is grounds for disciplinary action by the Board. (NRS 644.430)
17 **Sections 3, 4 and 6-8** of this bill authorize the holder of the license or certificate of
18 registration to display a duplicate of the license or certificate of registration in lieu
19 of displaying the original license or certificate of registration. **Section 9** of this bill
20 makes the failure to display a duplicate of the license grounds for disciplinary
21 action by the Board.

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



25 authorizes a licensee to obtain a duplicate license if required by the licensee for any
26 other reason.

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

- 1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** (Deleted by amendment.)
3 **Sec. 3.** NRS 644.2175 is hereby amended to read as follows:
4 644.2175 1. A cosmetologist's apprentice shall display the
5 certificate of registration issued to him or her by the Board *or a*
6 *duplicate of the certificate of registration* in plain view of the
7 public at the position where the cosmetologist's apprentice is being
8 trained. The cosmetologist's apprentice, the licensed cosmetologist
9 supervising and training the cosmetologist's apprentice, and the
10 owner of the cosmetological establishment where the
11 cosmetologist's apprentice is being trained shall not advertise or
12 hold the cosmetologist's apprentice out as being a licensed
13 cosmetologist, or use any title or abbreviation that would indicate
14 that the cosmetologist's apprentice is a licensed cosmetologist.
15 2. To receive credit for an apprenticeship, a cosmetologist's
16 apprentice must be regularly employed during his or her training by:
17 (a) The cosmetological establishment where the cosmetologist's
18 apprentice is being trained; or
19 (b) If the cosmetologist's apprentice is being supervised and
20 trained by a licensed cosmetologist who is leasing space in a
21 cosmetological establishment, the licensed cosmetologist.
22 3. Not more than one cosmetologist's apprentice may be
23 employed at any time at a licensed cosmetological establishment.
24 4. A licensed cosmetologist who is supervising and training a
25 cosmetologist's apprentice shall:
26 (a) Supervise all work done by the cosmetologist's apprentice;
27 and
28 (b) Be in attendance at all times that the cosmetologist's
29 apprentice is engaged in the practice of cosmetology.
30 5. A licensed cosmetologist who is supervising and training a
31 cosmetologist's apprentice shall keep a daily record of the training
32 that is provided to the cosmetologist's apprentice. The licensed
33 cosmetologist shall:
34 (a) Keep the daily records at the cosmetological establishment
35 where the cosmetologist's apprentice is being trained and, upon the
36 request of the Board, make the daily records available to the Board;
37 and
38 (b) Submit a copy of the records to the Board at such regular
39 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 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 duplicate of the license* with him or her and display ~~the~~ the license or 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 ~~;~~ *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 ~~;~~ *or, if the person is requesting the duplicate pursuant to paragraph (b) of subsection 1, that the*



1 *duplicate is required by the person for a reason other than a*
2 *reason set forth in paragraph (a) of subsection 1;* and

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

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

5 644.360 1. Every holder of a license issued by the Board to
6 operate a cosmetological establishment shall display the license *or a*
7 *duplicate of the license* in plain view of members of the general
8 public in the principal office or place of business of the holder.

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

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

20 (b) Leasing space to any other professional, including, without
21 limitation, a provider of health care pursuant to subsection 3. Each
22 such professional remains under the jurisdiction of the regulatory
23 body which governs his or her business or profession and remains
24 subject to the laws and regulations of this State applicable to such
25 business or profession.

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

37 4. As used in this section:

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

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



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

2 644.3774 Every holder of a license issued by the Board to
3 operate an establishment for hair braiding shall display the license
4 *or a duplicate of the license* in plain view of members of the
5 general public in the principal office or place of business of the
6 holder.

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

8 644.410 Every holder of a license issued by the Board to
9 operate a school of cosmetology shall display the license *or a*
10 *duplicate of the license* in a conspicuous place in the principal
11 office or place of business of the holder.

12 **Sec. 9.** NRS 644.430 is hereby amended to read as follows:

13 644.430 1. The following are grounds for disciplinary action
14 by the Board:

15 (a) Failure of an owner of an establishment for hair braiding, a
16 cosmetological establishment, a licensed aesthetician,
17 cosmetologist, hair designer, hair braider, electrologist, instructor,
18 nail technologist, demonstrator of cosmetics or school of
19 cosmetology, or a cosmetologist's apprentice to comply with the
20 requirements of this chapter or the applicable regulations adopted by
21 the Board.

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

24 (c) Gross malpractice.

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

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

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

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

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

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

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

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

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

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



- 1 (b) Revoke or suspend a license;
- 2 (c) Place the licensee on probation for a specified period;
- 3 (d) Impose a fine not to exceed \$2,000; or
- 4 (e) Take any combination of the actions authorized by
- 5 paragraphs (a) to (d), inclusive.
- 6 3. An order that imposes discipline and the findings of fact and
- 7 conclusions of law supporting that order are public records.
- 8 **Sec. 10.** (Deleted by amendment.)
- 9 **Sec. 11.** This act becomes effective on July 1, 2013.

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