

**ADOPTED REGULATION OF THE STATE BARBERS' HEALTH
AND SANITATION BOARD**

LCB File No. R084-99

Effective January 18, 2000

EXPLANATION – Matter in *italics* is new; matter in brackets ~~is omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 643.105; §§2-12, 15 and 18-26, NRS 643.050; §§13 and 14, NRS 643.050 and 643.140; §§16 and 17, NRS 643.1714.

Section 1. Chapter 643 of NAC is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 643.105 and NAC 643.010 to 643.180, inclusive, “good cause”:

1. Means:

- (a) A death or severe illness in the immediate family of an applicant for a license; or***
- (b) An applicant's:***

(1) Personal illness;

(2) Motor vehicle accident; or

(3) Other severe physical or emotional hardship.

2. Must be documented by written evidence that is satisfactory to the board.

Sec. 2. NAC 643.010 is hereby amended to read as follows:

643.010 1. An applicant for examination for a ~~certificate of registration as a registered~~

license as an apprentice must:

- (a) Have completed the 12th grade or the equivalent;
- (b) Have completed 1,500 hours of instruction in a barber school approved by the board; and
- (c) Be an American citizen or lawfully entitled to live and work in the United States.

2. If the applicant has ever been convicted of a felony, he must appear before the board for a hearing to determine whether he will be permitted to take the examination. A convicted felon has the burden of showing that a ~~certificate of registration~~ license should be issued. The board will consider the date of conviction, the nature of the crime, the applicant's record of rehabilitation, the applicant's experience since conviction, personal and employment references and any other evidence which the board deems relevant.

Sec. 3. NAC 643.020 is hereby amended to read as follows:

643.020 1. Except as otherwise provided in subsection 2, an applicant for examination to become a ~~registered~~ licensed barber must:

- (a) Have completed a successful period of apprenticeship in this state or have at least 5 years of experience gained within the 10 years immediately preceding the date of application, as a licensed barber in another state and a current license from the other state.
- (b) Have completed the 10th grade in school or its equivalent.
- (c) Be a citizen of the United States or lawfully entitled to live and work in the United States.

2. A licensed cosmetologist who has completed 400 hours of special training in a barber school approved by the board may apply for examination to become a ~~registered~~ licensed barber.

3. If the applicant has ever been convicted of a felony, he must appear before the board for a hearing pursuant to NAC 643.010.

Sec. 4. NAC 643.030 is hereby amended to read as follows:

643.030 1. An apprentice must complete 18 months of full-time apprenticeship under the direct supervision of a ~~registered~~ licensed barber before taking the examination for a license as a ~~registered~~ barber.

2. To receive credit for full-time work, the apprentice must work at least 40 hours per week.

Twelve working days in the 18-month period will be allowed for vacation, sickness or emergencies.

3. ~~[For the purposes of]~~ *The board may revoke the license of a licensed apprentice who does not begin and complete the apprenticeship required by this section within a reasonable time after receiving his license.*

4. *As used in* this section, “apprenticeship under the direct supervision” means work in a licensed barbershop with a ~~registered~~ *licensed* barber who is in direct charge and operation of the shop as defined in NAC 643.300.

Sec. 5. NAC 643.040 is hereby amended to read as follows:

643.040 If a person who applies for examination as a ~~registered~~ *licensed* apprentice or a ~~registered~~ *licensed* barber has been convicted of a crime involving moral turpitude, the board may hold a hearing to determine whether he will be permitted to take the examination.

Sec. 6. NAC 643.050 is hereby amended to read as follows:

643.050 1. A ~~registered~~ *licensed* apprentice shall come before the board ~~at the expiration of his apprenticeship~~ for examination to receive his ~~certificate to practice as a registered barber.]~~ *license to engage in the practice of barbing no later than the second regularly scheduled examination after the apprentice satisfies the requirements of NAC 643.030. The board will revoke the license of a licensed apprentice who has not come before the board for examination by that time.*

2. *A person whose license to engage in the practice of barbing as an apprentice is revoked by the board pursuant to subsection 1 may have his license restored by passing the examination prescribed by the board.*

Sec. 7. NAC 643.060 is hereby amended to read as follows:

643.060 1. A barber who is licensed in a foreign country and not in any state may qualify for examination for a ~~certificate of registration as a registered~~ *license as an* apprentice by meeting those requirements listed in NAC 643.010.

2. If an applicant can show proof by at least two affidavits of at least 5 years experience as a licensed barber within the last 10 years, and if an applicant furnishes to the board a current license from the country from which the experience is claimed, the requirement that the applicant complete 1,500 hours of instruction in a barber school may be waived if the applicant completes at least a 250-hour refresher course in a barber school approved by the board.

Sec. 8. NAC 643.100 is hereby amended to read as follows:

643.100 1. If an applicant for a ~~certificate of registration as a registered~~ *license as an* apprentice fails the examination, he may not take another examination until he has given proof to the board that he has, ~~subsequent to~~ *before* the examination, completed ~~either~~ a 250-hour refresher course in a barber school approved by the board, or, if licensed in another state, obtained 250 hours of experience pursuant to that license.

2. An applicant must take the first regularly scheduled examination after completing the requirements listed in subsection 1, unless prior approval to miss that examination is granted by the board. The applicant has the burden of proving to the board's satisfaction that good cause prevents him from taking that examination.

Sec. 9. NAC 643.110 is hereby amended to read as follows:

643.110 1. Each apprentice who fails the examination for ~~registration~~ *licensure* as a barber must appear before the board for examination at least once in each year thereafter until he has passed the examination.

2. An applicant who fails the examination four times loses his ~~registration~~ **license** as an apprentice and may not take any further examinations.

Sec. 10. NAC 643.120 is hereby amended to read as follows:

643.120 1. An applicant for a ~~certificate of registration as a registered~~ **license as an** apprentice must have completed barber school within 1 year after the date of first entrance.

2. If more than 12 months have elapsed since the applicant completed barber school at the time of the application, the applicant must show proof of the completion of a 250-hour refresher course within the 12 months preceding the application in a barber school approved by the board.

3. If the applicant had been working as an apprentice in another state pursuant to a valid license and can show proof by at least two affidavits of those having personal knowledge of his work that at least 250 hours of employment were within the last year before the application, this employment may be substituted for the refresher course.

Sec. 11. NAC 643.130 is hereby amended to read as follows:

643.130 1. If an applicant for a license as a ~~registered~~ barber or ~~a registered~~ **an** apprentice does not meet the educational requirements established by the board, he may take an equivalency examination which must be administered by the testing department of a school district or an educational testing agency of this state which is approved by the board.

2. A person administering an equivalency examination shall require the applicant to furnish one photograph of himself which is 3 by 5 inches. The applicant shall sign the photograph in the presence of the person administering the examination.

3. The results of the examination and the signed photograph must be mailed to the board by the person or the agency administering the examination.

Sec. 12. NAC 643.140 is hereby amended to read as follows:

643.140 [Certificates] **Licenses** from barber schools in foreign countries will not be recognized by the board.

Sec. 13. NAC 643.160 is hereby amended to read as follows:

643.160 1. The initial [certification] fee paid by an apprentice or [registered] **a** barber for a [certificate of registration] **license** issued not more than 6 months before its renewal date may be prorated at the rate of \$3 per month.

2. A [registered] **licensed** barber or [a registered] apprentice may renew his [certificate of registration] **license** by paying a fee of \$50.

3. A barber or an apprentice whose [certificate] **license** has been expired for less than 2 years may restore it by paying the restoration fee of \$100.

Sec. 14. NAC 643.170 is hereby amended to read as follows:

643.170 The board will replace a lost [certificate of registration] **license** or a renewal application issued with a [certificate] **license** upon the receipt of a fee of [\$5.] **\$20.**

Sec. 15. NAC 643.180 is hereby amended to read as follows:

643.180 [An] **Except as otherwise provided in NAC 643.050, an** apprentice whose [registration] **license** has been revoked may have it restored by completing a 250-hour refresher course in a barber school approved by the board and passing the examination prescribed by the board.

Sec. 16. NAC 643.200 is hereby amended to read as follows:

643.200 1. The fee for a license to operate a barbershop or to renew the license is [\$40] **\$50** if the license is for 6 months or more. If the license is for less than 6 months, the fee is \$15.

2. A licensee whose license has expired may restore it by paying the license fee and a restoration fee of [\$40.] **\$50.**

Sec. 17. NAC 643.210 is hereby amended to read as follows:

643.210 The board will replace a license to operate a barbershop or a renewal application issued with a license upon the receipt of a fee of ~~\$5.~~ \$20.

Sec. 18. NAC 643.220 is hereby amended to read as follows:

643.220 1. A ~~registered~~ licensed apprentice shall not work as an apprentice or serve his apprenticeship or any part thereof in a barbershop of which:

- (a) The apprentice or the apprentice's spouse is the owner or has any proprietary interest therein.
 - (b) Any relative of the apprentice within the third degree of consanguinity or affinity is the owner or has any proprietary interest therein, unless the relative is a ~~registered~~ licensed barber in this state and is the owner and operator of the shop.
2. A ~~registered~~ licensed apprentice shall serve his apprenticeship in a barbershop which is licensed by the board.

Sec. 19. NAC 643.230 is hereby amended to read as follows:

643.230 Each barber may employ apprentices in the ratio of one apprentice to each ~~registered~~ licensed barber working in the barbershop, but may not employ more than ~~two~~ six apprentices in a shop.

Sec. 20. NAC 643.240 is hereby amended to read as follows:

643.240 1. Each agreement for the leasing of a barber's chair by an apprentice must be:

- (a) In writing;
- (b) Signed by the ~~registered~~ licensed barber who will control and supervise the apprentice and by the apprentice; and
- (c) Submitted to the board for its approval.

2. An apprentice may work under an agreement which has been submitted to the board before the board approves it, but must cease to work under the agreement if the board disapproves it.

Sec. 21. NAC 643.290 is hereby amended to read as follows:

643.290 If a barbershop is owned by a person other than a ~~registered~~ **licensed** barber or is owned by ~~registered~~ **licensed** barbers but is managed by another ~~registered~~ **licensed** barber, the owner of the shop shall furnish a leasing and rental agreement to the board on a form furnished by the board. The agreement must contain the name and signature of the ~~registered~~ **licensed** barber who will manage the shop, the signature of the owner and any other information required by the board.

Sec. 22. NAC 643.300 is hereby amended to read as follows:

643.300 1. A ~~registered~~ **licensed** barber may take normal lunch periods, break periods and may be absent from a barbershop for other emergency medical and dental reasons for reasonable amounts of time.

2. If illness prevents a ~~registered~~ **licensed** barber from being in attendance at the shop for substantial periods during each day, an apprentice may take direct charge and operation of the shop for a period not to exceed 3 days in any 30-day period. A ~~registered~~ **licensed** barber must supply a medical certificate in such a case if requested by the board.

3. If the ~~registered~~ **licensed** barber's illness is reasonably expected to exceed 3 days, he or his representative must request the approval of the board to leave an apprentice in charge for a longer period. If a board member's determination is adverse to the ~~registered~~ **licensed** barber, that barber may appeal the decision to the entire board which will meet and consider the request at the earliest time the board can reasonably convene.

4. In determining whether an apprentice may remain in direct charge for a period in excess of 3 days, the board will consider:
- (a) The length of the apprenticeship and the experience of the apprentice left in charge.
 - (b) The length of the expected absence of the ~~registered~~ **licensed** barber.
 - (c) The availability of other ~~registered~~ **licensed** barbers to take charge.
 - (d) Other factors which may affect the ability of an apprentice to function without supervision.

5. As used in this section, "direct charge and operation" means attendance at a barbershop substantially all of the working hours each day the shop is open.

Sec. 23. NAC 643.330 is hereby amended to read as follows:

643.330 **1. A barbershop must have at least one sink for every two work areas or barbers' chairs. The sink may not be more than 3 feet from each work area or chair.**

2. A barbershop must have suitable connections for the disposal of sewage.

Sec. 24. NAC 643.450 is hereby amended to read as follows:

643.450 **1.** An examination for an instructor's ~~certificate~~ **license** will be given not more than twice a year and will consist of written questions pertaining to all phases of the science of barbering, the management of a barbershop, ethics, salesmanship, applicable state laws and regulations, and any other questions the board may deem required of instructors. Applicants will also be required to pass questions on teaching in the classroom and oral practical instruction on any or all phases of practical barbering services which the board may prescribe.

2. A minimum of three members of the board will be present to administer the instructor's examination.

Sec. 25. NAC 643.460 is hereby amended to read as follows:

643.460 1. An instructor's [certificate] **license** must be renewed on or before April 1 of each year. Any [certificate] **license** which is not renewed during the month of April expires on May 1 in that year.

2. An instructor's [certificate] **license** which has expired may be restored within 2 years after its expiration date.

Sec. 26. NAC 643.770 is hereby amended to read as follows:

643.770 1. Upon written request, the board may grant a permit authorizing a demonstration, exhibition or seminar, temporarily and primarily for educational purposes, of advanced techniques of any phase of barbering, for the benefit of licensed barbers in this state.

2. A permit may be granted if:

(a) The written request is submitted to the board no later than 15 days before the date of the proposed demonstration and states the location, date, time, price of admission, name of the sponsor, names of the demonstrators, a description of the demonstration to be presented and whether any equipment or merchandise will be sold.

(b) The demonstrators [must] present to the board photostatic copies of current [certificates of registration] **licenses** to practice as [registered] barbers issued to them by their respective states. Demonstrators who do not possess a [certificate] **license** must present to the board their qualifications which must be approved by the board before they may participate in any demonstration, exhibition or seminar.

3. A permit is valid only for the demonstration, exhibition or seminar for which it is granted.

4. All demonstrations, exhibitions or seminars must be open to all barbers who are licensed in this state.

5. ~~[For the purposes of]~~ ***As used in*** this section, “demonstrator” means any person whose qualifications have been approved by the board and who demonstrates any advanced techniques in any phase of barbering.