

**ADOPTED REGULATION OF THE STATE**

**BOARD OF COSMETOLOGY**

**LCB File No. R029-02**

Effective July 19, 2002

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

AUTHORITY: §§1, 2, 4-12, 14-17, 20, 21 and 28-31, NRS 644.110; §§3, 13 and 22-27, NRS 644.110 and 644.120; §§18, NRS 644.110 and 644.2175; §19, NRS 644.110, 644.120 and 644.2175; §32, NRS 644.110, 644.2175 and 644.430.

**Section 1.** Chapter 644 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

**Sec. 2.** *An applicant for examination for a license as a demonstrator of cosmetics must submit to the board:*

- 1. A completed application on a form furnished by the board;*
- 2. A copy of his current identification;*
- 3. The applicable fees; and*
- 4. Two current photographs that are 1 1/2 by 1 1/2 inches in size.*

**Sec. 3.** *Clippers, vibrators and other electrical instruments must be disinfected in the following manner before use:*

- 1. All foreign matter must be removed; and*
- 2. The instrument must be disinfected with a disinfectant that is registered with the Environmental Protection Agency as a bactericide, fungicide or virucide and used according to the manufacturer's instructions.*

**Sec. 4.** *A cosmetological establishment and a school of cosmetology shall not:*

*1. Have on its premises any cosmetic products that contain a hazardous substance which has been banned by the United States Food and Drug Administration for use in cosmetic products; or*

*2. Use a cosmetic product in a manner that has not been approved by the Food and Drug Administration.*

**Sec. 5. 1.** *Except as otherwise provided in this section, a licensee shall not perform any invasive procedure that includes, without limitation:*

*(a) The application of electricity for the sole purpose of contracting a muscle;*

*(b) The application of a topical lotion, cream or other substance which affects anything other than the uppermost layers of the skin;*

*(c) The penetration of the skin by metal needles; or*

*(d) The abrasion of the skin below the uppermost layers of the skin.*

*2. The provisions of paragraph (c) of subsection 1 do not apply to the use of electrolysis needles by a licensed electrologist.*

*3. As used in this section, “invasive procedure” means an act that affects the structure or function of the skin other than the uppermost layers of the skin.*

**Sec. 6. 1.** *A cosmetologist or an aesthetician may remove the uppermost layers of the facial skin by any method or means if only the uppermost layers of the skin are removed and the removal is for the purpose of beautification.*

*2. In removing the uppermost layers of skin pursuant to this section, a cosmetologist or an aesthetician:*

*(a) May only use products that are commercially available for the removal of facial skin for beautification; and*

*(b) Shall not mix or combine any such products unless the mixing or combining is required pursuant to the manufacturer's instructions for the products being mixed or combined.*

*3. A cosmetologist or an aesthetician shall not use any techniques or practices for the removal of skin that affect anything other than the uppermost layers of the facial skin.*

**Sec. 7.** NAC 644.0469 is hereby amended to read as follows:

644.0469 *1.* All documents submitted to the board that are written in a language other than English must be translated by ~~[a translator acceptable to]~~ :

- (a) A district court in this state;*
- (b) The Language Connection;*
- (c) Nevada Hispanic Services;*
- (d) A language bank of the University of Nevada; or*
- (e) Any other translator approved by the board.*

*2.* The board will not accept any ~~[such]~~ documents *written in a language other than English* that have been translated by the applicant or by a friend or a member of the family of the applicant.

**Sec. 8.** NAC 644.053 is hereby amended to read as follows:

644.053 *1.* Except as otherwise provided in NAC 644.0532, when an applicant for licensure in any branch of cosmetology registers for the written examination, he must submit to the board:

*(a)* If the applicant attended a school of cosmetology that is located in this state, an original record of completion of the required courses of training and a copy of the final time record for the courses studied;

(b) If the applicant ~~did not attend~~ *attended* a school of cosmetology that is located ~~in~~ *outside of* this state, *including, without limitation, a school of cosmetology that is located outside of the United States*, a letter or record from the governmental agency, *if any*, that regulates such schools in the appropriate jurisdiction which verifies that the student completed courses of training and attended a number of hours per subject that are comparable to the requirements in this state; or

(c) If the applicant received his training pursuant to NRS 644.217 and 644.2175 and NAC 644.151 to 644.181, inclusive, as a cosmetologist's apprentice, a copy of the final report submitted to the board, pursuant to NAC 644.167, by the licensed cosmetologist who supervised and trained the apprentice.

2. Any hours taken at a school of cosmetology that is located outside of the United States are subject to the approval of the board for the purposes of determining whether the training received is equivalent to the training which the applicant would have received at a school of cosmetology located in the United States.

3. The board will send an acceptance letter to each applicant for the written examination. On the designated day and time of the written examination, the applicant must present the acceptance letter and his picture identification at the location where the examination is being given for admittance into the examination. An applicant who fails to bring his acceptance letter ~~or~~ *and* picture identification:

- (a) Will be denied entrance to the examination;
- (b) Forfeits any fees paid to take the examination; and
- (c) Must reregister if he wishes to take the examination.

4. The board will notify the applicant of the results of his written examination not later than 3 weeks after the date of the written examination or, if the examination is graded by a testing company, as soon as the results are available from the testing company, whichever occurs later.

**Sec. 9.** NAC 644.0534 is hereby amended to read as follows:

644.0534 1. An applicant for the practical examination must, during the period for registration for the practical examination, as set forth in the schedule of examinations published by the board:

(a) Register directly with the board to take the examination; and

(b) Provide to the board:

(1) Proof that he has passed the required written examinations; and

(2) A copy of his complete school record and final time records or, if he received his training pursuant to NRS 644.217 and 644.2175 and NAC 644.151 to 644.181, inclusive, as a cosmetologist's apprentice, a copy of the final report submitted to the board, pursuant to NAC 644.167, by the licensed cosmetologist who supervised and trained him.

2. The board will not accept ~~information for~~ a registration for a practical examination ~~regardless of the method of delivery, including courier service or registration in person by the applicant, before~~ :

(a) *Before* or after the dates specified by the board for registration for that practical examination ~~or~~ ; *or*

(b) *That is delivered in person, by a courier service, or by a facsimile machine or a similar method of electronic transmission.*

3. The board will send an acceptance letter to each properly registered applicant. On the designated day of the practical examination, the applicant must present the acceptance letter and

~~his~~ picture identification at the location where the practical examination is being given for admittance into the examination.

4. An applicant must be on time to take the practical examination. Any applicant who shows up late will not be admitted into the examination and will be considered by the board as not showing up for the examination. Such an applicant may reregister to take the practical examination by submitting to the board the information and fee required to take an initial practical examination.

5. Each applicant *for licensure as a manicurist or an aesthetician* must bring to the practical examination a model and all equipment necessary to take the examination. The applicant must be able to complete the entire practical examination on his model. An applicant who fails to bring:

(a) The necessary equipment is subject to forfeiture of any fees paid to take the practical examination.

(b) A model will be removed from the practical examination and will forfeit any examination fees paid. Such an applicant may reregister to take the next available practical examination by submitting to the board the information and fee required to take an initial practical examination.

6. *Each applicant for licensure as a cosmetologist or hair designer must bring to the practical examination a mannequin and all equipment necessary to take the examination. The applicant must be able to complete the entire practical examination on his mannequin. An applicant who fails to bring:*

*(a) The necessary equipment is subject to forfeiture of any fees paid to take the practical examination.*

*(b) A mannequin will be removed from the practical examination and will forfeit any examination fees paid. Such an applicant may reregister to take the next available practical examination by submitting to the board the information and fee required to take an initial practical examination.*

7. While taking the practical examination, an applicant shall wear outer garments, including shoes, that are all white. An applicant is not required to wear a smock.

~~{7.}~~ 8. In lieu of bringing his own supplies, an applicant may rent a supply kit on the day of the practical examination directly from a company that makes such kits. The board will not set or accept any fees for renting supply kits.

~~{8.}~~ 9. The results of the practical examination will be determined within 10 days after the date of the practical examination and will be mailed directly to the applicant at the address listed on his application.

~~{9.}~~ 10. After the results of a practical examination are determined, the executive secretary shall provide to each school of cosmetology a statistical data sheet which lists the percentages of students from that school who passed and who failed the practical examination.

**Sec. 10.** NAC 644.0539 is hereby amended to read as follows:

644.0539 The passing score for the examination of a cosmetologist, manicurist, hair designer, aesthetician or electrologist is not less than 75 percent on the national written portion and ~~[not less than 70 percent on each segment of]~~ a **“Pass”** on the practical examination.

**Sec. 11.** NAC 644.056 is hereby amended to read as follows:

644.056 The fees for the renewal of certain licenses required pursuant to subsection 2 of NRS 644.325 are:

1. For instructors, hair designers, manicurists, electrologists, aestheticians and cosmetologists, ~~[\$40.]~~ **\$50.**

2. For cosmetological establishments, ~~[\$75.]~~ **\$100.**

**Sec. 12.** NAC 644.062 is hereby amended to read as follows:

644.062 The fees for certain examinations required pursuant to subsection 1 of NRS 644.220 are:

1. For examination as a cosmetologist, ~~[\$70.]~~ **\$75.**

2. For examination as an electrologist, ~~[\$70.]~~ **\$75.**

3. For examination as a manicurist, ~~[\$70.]~~ **\$75.**

4. For examination as an aesthetician, ~~[\$70.]~~ **\$75.**

5. For examination as a hair designer, ~~[\$70.]~~ **\$75.**

6. For each reexamination, ~~[\$40.]~~ **\$75.**

**Sec. 13.** NAC 644.085 is hereby amended to read as follows:

644.085 Each school must have the following working equipment:

1. Ten shampoo bowls that are located so that all 10 bowls may be in use at the same time.

2. Ten hair dryers, each of which must be equipped with a chair and a device that releases air on the client's hair. For the purpose of this subsection, a hand-held blow dryer does not constitute a hair dryer.

3. Two facial chairs.

4. Ten manicure tables or bars, and stools.

5. Adequate wet and dry ~~[sterilizers.]~~ ***disinfectants that are registered with the Environmental Protection Agency.***

6. Hot work equipment consisting of:



- (a) Five electric heaters.
- (b) Combs, as follows:
  - (1) Fine-teeth combs;
  - (2) Coarse-teeth combs;
  - (3) Five electric pressing combs;
  - (4) One shampoo comb per student;
  - (5) Hard rubber combs; and
  - (6) Styling combs.
- (c) Curling irons, as follows:
  - (1) Fifteen marcelling irons with revolving handles; and
  - (2) One electric curling iron per student.
- (d) Oils and conditioners consisting of:
  - (1) Pressing oils;
  - (2) Scalp conditioners;
  - (3) Hair conditioners for pressed hair ~~[(no soap base);]~~ *made without a soap base, such as petroleum jelly;*
  - (4) Curling creams ~~[(wax);]~~ *made with wax or petroleum jelly;* and
  - (5) Cleaning fluids for pressed hair ~~[,]~~ *, such as alcohol.*
- 7. Ten dozen cold-wave rods of assorted sizes.
- 8. One covered container for hair pins, clips, nets and similar items for each student.
- 9. Five brushes, ~~[(,)]~~ furnished by the school, ~~[(,)]~~ for each student.
- 10. Closed waste containers of sufficient size and in sufficient quantity to permit the disposal of all refuse and waste matter by the school and its students.

11. One block, weft or mannequin on a firm stand for each beginning student.
12. One time clock which punches the date and time on time cards, or a computer or any other device approved by the board, for use by the students to record their hours of training at the school.
13. Two shampoo capes for each student.
14. One chair with armrests for each student, or a sufficient number of tables and chairs for all of the students, in classes on theory.
15. Mirrors, work tables and styling chairs of sufficient number to accommodate the students enrolled.
16. At least one textbook and adequate reference material, charts, teaching aids and other materials to support the instruction in the school.
17. Adequate and safe electrical outlets.

**Sec. 14.** NAC 644.095 is hereby amended to read as follows:

644.095 A school of cosmetology shall register each student with the board within 45 days after the student has enrolled in school. To register a student, the school shall submit a completed form provided by the board that includes:

1. The name of the student;
2. The number of credit hours for which the student is enrolled;
3. If the student has transferred to the school of cosmetology and is requesting to receive credit for courses taken at another school of cosmetology, a copy of the letter issued by the board verifying the number of hours for which the student has previously earned credit;
4. The signature of an authorized representative of the school; ~~and~~
5. *Information about the student, including:*

*(a) A copy of valid identification of the student;*

*(b) An affidavit that the student has successfully completed at least the 10th grade in high school or its equivalent;*

*(c) If applicable, proof of any name change of the student; and*

*(d) If applicable, a copy of the approval of foreign documentation relating to the training of the student which must be issued by the board before the student enrolls in the school; and*

6. Any other information required by the board.

**Sec. 15.** NAC 644.100 is hereby amended to read as follows:

644.100 Each school of cosmetology shall appoint at least one of its employees to serve as registrar and shall file the name of the registrar with the board. Each registrar shall:

1. Keep a daily record showing the attendance of each student.
2. Keep a record showing the training time for each student.
3. Ensure that the records are accurate.
4. Forward to the board the record of a student's withdrawal ~~form~~ *from* or completion of the course within 15 days after the withdrawal or completion. The record must be signed by the student, if available, and the registrar. If the student owes money to the school, the registrar may substitute a letter, in lieu of the record of withdrawal from or completion of a course, which states that the record is being held for nonpayment of tuition or any fee owed to the school by the student.
5. Provide any student who withdraws from the school copies of the record of withdrawal and his time records, upon his request. These copies must be given to him within 3 working days after his withdrawal from the school.

**Sec. 16.** NAC 644.110 is hereby amended to read as follows:

644.110 1. Each student shall register the time of day on a time record at the beginning of each day of training and at the completion of his training for the day. The student shall also document on a time record the period of each break that he takes during his day. To record the period of his breaks, a student may use a time record which is separate from that which is used to record the beginning and ending of his day.

2. A time record which contains any error may be changed only by authorization of the registrar and the instructor. The authorization must be evidenced by the initials of the registrar ~~and~~ *and* instructor on the time record.

3. Original time records are the property of the school ~~and~~ *and must be maintained on school property at all times during the enrollment of the student to whom the time record pertains*. A student, on request, is entitled to receive a copy of any of his time records from the school, unless he owes money to the school for tuition or fees for the period covered by his time records. The school shall provide the requested time records:

- (a) Immediately, if the request is made in connection with the withdrawal of the student from the school; or
- (b) Within 10 business days after the request under any other circumstances.

*4. All time records of a student must be maintained by the school for validation by the board upon the completion of or withdrawal from the training by the student.*

**Sec. 17.** NAC 644.124 is hereby amended to read as follows:

644.124 1. The number of credit hours that may be transferred from one course of study of cosmetology to another will be determined as follows:

- (a) A student in cosmetology who transfers to manicuring will receive credit for the number of actual hours taken in courses in manicuring, up to a maximum of 150 hours.

(b) A student in cosmetology who transfers to aesthetics will receive credit for the number of actual hours taken in courses in aesthetics, up to a maximum of 160 hours.

(c) A student in manicuring who transfers to cosmetology will receive credit for the actual number of hours taken, up to a maximum of 150 hours.

(d) A student in aesthetics who transfers to cosmetology will receive credit for the actual number of hours taken, up to a maximum of 160 hours.

(e) A student in hair designing who transfers to cosmetology will receive credit for the actual number of hours taken.

(f) For a student in cosmetology who transfers to hair designing, the number of hours earned by that student for courses in manicuring and aesthetics and 20 percent of all hours earned for courses involving theory only will be deducted from the total number of hours earned by the student. The student will receive credit for any remaining hours.

2. A student who receives credit for hours taken upon transferring to a different course of study and who subsequently returns to his first course of study will receive credit for the original total number of hours earned in the first course of study.

3. Hours earned by a student while he is outside of this state , *including, without limitation, hours earned by a student while he is outside of the United States*, may be transferred only for credit for courses in cosmetology, electrology, aesthetics and manicuring. To receive credit for such hours, the student must provide the board with complete current documentation of the enrolled hours per subject. *Such hours must be properly validated by the appropriate regulatory entity for the jurisdiction in which the hours were earned, if that entity provides such validations.*

**Sec. 18.** NAC 644.151 is hereby amended to read as follows:

644.151 1. To receive a certificate of registration as a cosmetologist's apprentice, an applicant must complete and submit to the board an application on the appropriate form provided by the board.

2. In addition to the information specified in subsection 2 of NRS 644.217, the form ~~submitted pursuant to subsection 1 of this section~~ must be accompanied by:

(a) Proof ~~[,]~~ satisfactory to the board ~~[, which establishes]~~ that the applicant:

(1) Is a resident of a county in this state whose population is less than ~~[35,000,]~~ **50,000;**

(2) Is required to travel more than 60 miles from his place of residence to attend a licensed school of cosmetology;

(3) Is not less than 16 years of age at the time of application;

(4) Is of good moral character; and

(5) Has completed at least the 10th grade in high school or its equivalent;

(b) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches, on the back of which are written the name and address of the applicant;

(c) A copy of the petition of the licensed cosmetologist who will be supervising and training the applicant if he is approved to be a cosmetologist's apprentice; ~~[and]~~

(d) A statement from the owner of the cosmetological establishment where the applicant will be trained which states that the owner has received oral approval from the board that the cosmetological establishment satisfies the requirements of NAC 644.164 ~~[,]~~; **and**

***(e) Proof of any name changes of the applicant, if applicable.***

**Sec. 19.** NAC 644.164 is hereby amended to read as follows:

644.164 1. Before an application for a certificate of registration as a cosmetologist's apprentice may be approved by the board, the owner of the cosmetological establishment where

the applicant will be trained must contact the board and request an oral review to determine whether the cosmetological establishment meets the requirements of this section. The board will conduct an on-site inspection of the cosmetological establishment not later than 90 days after the date on which the certificate of registration is issued to the applicant.

2. A cosmetological establishment where a cosmetologist's apprentice will be trained must have available in a designated area for the use of the cosmetologist's apprentice:

(a) One styling chair;

(b) One shampoo bowl;

(c) One hand-held blow-dryer and one dryer that is equipped with a chair and a device that releases air onto the client's hair;

(d) One table for administering a manicure;

(e) Supplies for performing a process, that is acceptable to the board, for the wet and dry ~~sterilization~~ *disinfecting* of instruments used in cosmetology ~~;~~ *through the use of disinfectants that are registered with the Environmental Protection Agency;*

(f) Equipment for hot work, consisting of:

(1) An electric heater;

(2) A pressing comb;

(3) A marcel curling iron; and

(4) Cream or jelly for the protection of the client's skin while hot work is being performed;

(g) A sufficient amount of equipment and supplies to block, wrap and complete one permanent cold wave, including rollers, rods, end papers and cotton;

(h) Equipment and supplies for tinting, including one bowl, one brush and two bottles for the application of the tint;

(i) Supplies, creams and lotions for performing a facial;

(j) One head of a mannequin;

(k) At least one standard textbook concerning cosmetology, a workbook for the theory of cosmetology and a workbook for the practice of cosmetology;

(l) A copy of the provisions of chapter 644 of NRS and the regulations adopted pursuant thereto;

(m) Combs and brushes for the performance of all services requiring combs and brushes;

(n) Tapering shears;

(o) Strips for protecting the neck of the client;

(p) Scissors;

(q) One razor and blade with a guard;

(r) One plastic spray bottle;

(s) Bandages;

(t) Protective gloves;

(u) Instruments for holding rollers in the hair, commonly referred to as “clippies”;

(v) Equipment for hot waxing;

(w) Oils and conditioners, consisting of:

(1) Pressing oils;

(2) Scalp conditioners, including at least one conditioner made without a soap base, especially for pressed hair;



(3) Hair conditioners made without a soap base, especially for pressed hair ~~[2]~~, *such as petroleum jelly*;

(4) Curling creams made with wax ~~[2]~~ *or petroleum jelly*; and

(5) Dry, cleaning fluids for pressing hair ~~[2]~~, *such as alcohol*;

(x) One heated cap for the treatment of hair;

(y) A covered container for the storage of hairpins, clips, nets and similar items;

(z) One shampoo cape; and

(aa) Supplies for performing manicures and pedicures, including:

(1) Emery boards;

(2) Cream for cuticles;

(3) Base coat;

(4) Top coat;

(5) Nail polish;

(6) A bowl for water;

(7) Supplies for sanitizing instruments used to perform a manicure or pedicure;

(8) Sticks made of orangewood or other instruments for pushing back cuticles; and

(9) Tips, wraps, extensions and sculptured nails.

**Sec. 20.** NAC 644.308 is hereby amended to read as follows:

644.308 A licensed cosmetologist, aesthetician, electrologist or manicurist who is leasing space from an operator of a cosmetological establishment shall ensure compliance with the requirements set forth in subsection ~~[2]~~ **3** of NAC 644.325 and NAC 644.335 to 644.370, inclusive, *and sections 3 to 6, inclusive, of this regulation*, 644.380 and 644.385.

**Sec. 21.** NAC 644.320 is hereby amended to read as follows:

644.320 1. Each cosmetological establishment or school of cosmetology must have fully operable toilets which are accessible to clients and employees. Each area in which a toilet is located must have a sink with an adequate and readily available supply of hot and cold running water at all times and a mechanical exhaust system for ventilation which completely circulates the air. If the restrooms for the cosmetological establishment are located outside of the cosmetological establishment, the restrooms must be ~~in~~:

(a) *In plain view ~~[-,be located within 50]~~ or clearly marked with appropriate signs; and*

(b) *Located within 100* feet of the entrance of the cosmetological establishment and under the same roof as the cosmetological establishment. ~~[-,and be clearly marked with appropriate signs.]~~

2. The floor covering in each restroom located in a cosmetological establishment or school of cosmetology must be made of a washable material which is not porous or absorbent, if the operator of the establishment or school is issued a license:

(a) After July 1, 1992; or

(b) On or before July 1, 1992, and the establishment or school is sold or a majority interest is transferred after July 1, 1992.

**Sec. 22.** NAC 644.325 is hereby amended to read as follows:

644.325 In each cosmetological establishment or school of cosmetology:

1. All floors in areas where hair is cut, shampooed or styled ~~[-,and all walls]~~ must be of a washable material which is not porous or absorbent. *Carpeting is allowed in all other areas of the cosmetological establishment or school of cosmetology, including, without limitation, reception areas and areas for manicuring and aesthetics.*

2. *All walls within a cosmetological establishment or school of cosmetology must be of a washable material which is not porous or absorbent.*

3. All walls, floors, woodwork, ceilings, furnishings, equipment and fixtures must be kept clean and in good repair.

~~3.4~~ 4. Clippings of hair must not be allowed to accumulate and must be disposed of in a covered waste receptacle immediately after the hair is cut.

5. *Refuse and waste must not be allowed to accumulate.*

6. *Footbaths used for nail services, including the suction screens where hair, skin and nails accumulate, must be disinfected with a product registered with the Environmental Protection Agency before the footbath may be offered to another client.*

7. *Portable spas, if any, must have separate hoses or tubes, or both, for draining and refilling the spa. All such hoses and tubes must be appropriately marked.*

Sec. 23. NAC 644.330 is hereby amended to read as follows:

644.330 1. Each cosmetological establishment or school of cosmetology must have suitable permanent plumbing which provides an adequate and readily available supply of hot and cold running water at all times and is permanently connected for drainage of sewage and potable water within the areas where work is performed and supplies dispensed.

2. Each cosmetological establishment or school of cosmetology must contain a dispensary sink if the operator of the establishment or school is issued a license:

(a) After June 1, 1982; or

(b) On or before June 1, 1982, and the establishment or school is sold or a majority interest is transferred after June 1, 1982.

3. The floor coverings within a distance from all exposed sides of ~~the~~ *a sink, pedicure spa or dispensary sink that is the same distance as the width of the sink, pedicure spa or dispensary*

*sink* must be made of a washable material which is not porous or absorbent if the operator of the establishment or school is issued a license:

(a) After July 1, 1992; or

(b) On or before July 1, 1992, and the establishment or school is sold or a majority interest is transferred after July 1, 1992.

**Sec. 24.** NAC 644.335 is hereby amended to read as follows:

644.335 In each cosmetological establishment or school of cosmetology:

1. The headrest of each chair must be covered with a clean towel or paper sheet for each client.

2. The part of a shampoo bowl on which a client's neck rests must be covered with a clean towel during each shampoo. The bowls must be carefully washed ~~[, sanitized with an effective]~~ *and be disinfected with a* disinfectant *that is registered with the Environmental Protection Agency*, and all loose hair *must be* removed from the drains after each use.

3. After a towel or linen has been used once, it must be deposited in a receptacle provided for soiled towels and linens, ~~[and]~~ must not be stored in any restroom, ~~[nor]~~ *and must not be* used again until properly laundered and sanitized. All towels, after being laundered and sanitized, must be kept in closed, dust-free cabinets that have fumigants.

4. Sanitary neck strips or towels must be wrapped around the neck of the client to prevent all coverings from coming into direct contact with the client. Proper draping of towels must be used for all services, except that sanex strips may be used for dry services.

5. Treatment tables must be sanitized after each use with a sanitizing solution acceptable to the board.

*6. All instruments and supplies, including, without limitation, neck strips, nail files and buffers, that come into direct contact with a client and cannot subsequently be disinfected must be disposed of in a waste receptacle immediately following their use.*

*7. Neck dusters and all other brushes used on a client must be maintained in a clean and sanitary condition.*

**Sec. 25.** NAC 644.340 is hereby amended to read as follows:

644.340 In each cosmetological establishment or school of cosmetology:

1. Sanitizing and disinfecting solutions must be available for immediate use at all times ~~[.]~~ *and must be registered with the Environmental Protection Agency as a bactericide, fungicide or virucide.*

2. All instruments, implements and other tools must be cleaned and ~~[sanitized]~~ *disinfected* in the following manner before use:

(a) All hair and other adherent foreign material must be removed from the instrument, implement or other tool; and

(b) The instrument, implement or other tool must be:

(1) Thoroughly washed with soap and hot water;

(2) Rinsed in clear hot water; and

(3) Placed in a covered wet ~~[sterilizer]~~ *sanitizer* which is large enough for complete immersion of the instrument, implement or other tool, and which contains a disinfecting solution *registered with the Environmental Protection Agency that is* acceptable to the board and utilized in accordance with the manufacturer's instructions.

FLUSH During each service, all instruments, implements and other tools must be kept free of contamination by immersion in a ~~[sanitizing]~~ *disinfecting* solution acceptable to the board.

3. All ~~sterilized~~ *disinfected* instruments, implements and other tools *that are* not in use ~~;~~ *and not* in the process of wet ~~sterilization~~ *disinfection* in a wet ~~sterilizer,~~ *sanitizer* must be stored in a clean, dry ~~sterilizer,~~ *sanitizer*. A dry ~~sterilizer~~ *sanitizer* consists of a clean, closed container, drawer or storage unit ~~containing sterilized instruments only,~~ *with a fumigant that contains only disinfected instruments, implements and other tools.*

4. Any instrument, implement or other tool dropped on the floor or otherwise made unsanitary must be deposited in a separate labeled container for soiled articles only and must not be used until it has been thoroughly ~~sterilized~~ *disinfected* as specified in subsection 2. *A container for the disinfectant used that includes the manufacturer's label must be available at all times in the cosmetological establishment or school of cosmetology.*

5. All electrolysis instruments must be cleaned in the following manner after each use:

- (a) All foreign matter must be removed from the instrument; and
- (b) The instrument must be:
  - (1) Washed in soap and hot water; and
  - (2) Rinsed in ~~warm~~ *hot* water.

6. After cleaning, all electrolysis instruments must be sterilized by one of the following methods:

- (a) Use of a steam sterilizer; or
- (b) Use of a dry sterilizer,

FLUSH which is registered and listed with the ~~Federal~~ *United States* Food and Drug Administration, and is used according to *the* manufacturer's instructions.

7. Sterilization equipment must be checked ~~weekly~~ *daily* to ensure that it is reaching the temperature required by the manufacturer's instructions.

8. All sterilized instruments and sanitary disposable articles must be stored in clean, closed containers, *drawers or storage units* which must be free of other articles.

**Sec. 26.** NAC 644.345 is hereby amended to read as follows:

644.345 In each cosmetological establishment or school of cosmetology:

1. Creams, lotions, cosmetics and other preparations used on clients must be kept in closed containers at all times when not in use.

2. Powder for the face must be kept in a closed container. The use of powder puffs is prohibited.

3. Lotions or liquids used on a client must be poured into a ~~sterilized~~ *sanitized* container and applied to the client using cotton or other type of applicator.

4. Creams or other semi-solid substances must be dipped from the container with a sanitized article or spatula. Removing such substances with the fingers is prohibited.

5. Creams, lotions and other preparations must be removed by means of cotton, gauze, facial tissue or other sanitized material.

6. Supplies used for service to clients must not be stored in any restroom.

7. Cosmetics used in the form of a pencil must be sharpened before each use.

8. All bottles and containers must be distinctly and correctly marked with a label which discloses its contents. All articles containing poisonous substances must be distinctly marked as such.

**Sec. 27.** NAC 644.350 is hereby amended to read as follows:

644.350 Every licensee and student in a cosmetological establishment or school of cosmetology must thoroughly wash his hands in an ~~antiseptic or disinfecting~~ *antibacterial* liquid before and after serving each client and after each use of the restroom.

**Sec. 28.** NAC 644.470 is hereby amended to read as follows:

644.470 The following provisions govern review of a complaint filed by a person who is not one of the board's members or investigators:

1. Upon the receipt of a complaint filed by a person other than a member or investigator of the board, the secretary shall review the document to determine whether the matter is proper for administrative review and whether the complaint has been properly verified.

2. Thereafter, the secretary shall assign the complaint to a staff investigator for a report on the allegations of the complaint. The investigator shall investigate the complaint and report his findings to the secretary as quickly as feasible but not later than ~~30~~ 90 days after receipt of the complaint.

3. After receiving the investigator's report, the secretary shall transmit the complaint and report to the board's president or to another member appointed to review complaints, to determine whether there are sufficient facts to warrant an administrative hearing and, if so, whether the hearing should be formal or informal.

4. If the president or other member determines that there are sufficient facts to constitute a hearing, he shall direct the secretary to:

- (a) Set the complaint for a hearing;
- (b) Send a copy of the complaint to the respondent; and
- (c) Prepare a notice of hearing.

5. If the president or other member determines that there are not sufficient facts to warrant an administrative hearing, the complaint must be set for the board's review at the next scheduled meeting to determine whether the board wishes to conduct a hearing on the matter.

**Sec. 29.** NAC 644.485 is hereby amended to read as follows:



644.485 A person may petition to appear and be heard on any matter before the board, as follows:

1. The petitioner may use Form No. 3 ~~[\*]~~ or a similar form ~~[ ]~~, *which may be obtained from the board*. The petition must contain a brief summary of the subject matter and contain the reasons for bringing the matter before the board.

2. The petition must be received by the board at least ~~[10]~~ *30 working* days before the meeting at which the petitioner wishes to be heard, but the secretary may waive this time requirement.

3. Upon receipt of the petition, the secretary or any member of the board may make an initial evaluation to determine whether the subject of the petition is a proper item for the agenda of a formal hearing and, if so, whether a special meeting of the board must be called for the hearing.

4. If the secretary or member evaluates the petition as presenting a cause for a disciplinary action involving a revocation, suspension or probation, the petitioner must file a formal complaint, and the secretary shall notify the petitioner of the requirements for making the complaint.

5. If the evaluation results in a determination that there is no possibility for a revocation, suspension or probation of a license and if the item is a subject within the jurisdiction of the board, the matter stated in the petition will be placed on the agenda as an item of new business for discussion.

~~[\*See adopting agency for form.]~~

**Sec. 30.** NAC 644.490 is hereby amended to read as follows:

644.490 Notice of a hearing will be served at least 20 *working* days before the time set for the hearing. A hearing which has previously been continued may be reset on notice of not less than ~~[10]~~ 20 *working* days.

**Sec. 31.** NAC 644.640 is hereby amended to read as follows:

644.640 A mobile cosmetological establishment must comply with the following standards:

1. Exterior advertising depicting “Licensed Cosmetological Establishment” must be on both sides of the vehicle with the unit’s establishment number.
2. The floor, carpeting, walls, ceiling, furniture, equipment and all contents of the establishment must be kept clean and in good repair at all times.
3. Carpeting is permitted only within the driving or cab area and only if approved by the appropriate city and county agencies governing fire codes.
4. All storage cabinets must be secured by the use of spring struts or friction catches.
5. All equipment must be securely anchored to the establishment.
6. The *interior of the* establishment must be 7 to 8 feet wide, inclusive, have a ceiling height of at least 6 feet and be at least 24 feet long ~~[ ]~~, *as measured from the back of the driver’s seat to the back of the establishment.*
7. One 5-pound ABC fire extinguisher must be mounted in public view.
8. A ramp or lift must be provided for access to the establishment if services are provided to handicapped persons.
9. No services may be performed while the establishment is in motion.
10. Sleeping provisions must not be placed or maintained in the working area of the establishment.

11. Containers in the establishment must consist of galvanized stainless steel or other noncorrosive material not including glass.

12. All chemicals in the establishment must be stored in secured cabinets, separate and apart from other articles or equipment in the establishment.

**Sec. 32.** NAC 644.700 is hereby amended to read as follows:

644.700 1. The board adopts the following schedule of fines for any violation of the provisions listed:

Violation	First offense	Second offense
<b>COSMETOLOGIST ESTABLISHMENT</b>		
Operating establishment without license .....	\$500	\$1,000
Operating establishment <del>on</del> <i>with</i> expired license.....	200	500
<i>Allowing licensee to work with expired license.....</i>	<i>200</i>	<i>500</i>
Failure to display license in place of business .....	200	500
Failure to employ licensed persons.....	500	1,000
Operating establishment without supervision of licensed person.....	200	500
Operating establishment with animal on premises .....	200	500
 <b>COSMETOLOGIST <i>OR OTHER LICENSED NATURAL PERSON</i></b>		
Practicing without license .....	500	1,000
<i>Practicing with expired license.....</i>	<i>200</i>	<i>500</i>
Altering or copying license.....	100	500
Failure to display license at position of work .....	100	500

Failure to practice in cosmetological establishment ..... 500 1,000

~~DEMONSTRATOR~~

~~Engaging in business without license ..... 500 1,000~~

~~Failure to comply with NRS 644.423 ..... 200 500~~

***COSMETOLOGICAL APPRENTICE***

*Failure to display certificate of registration in plain view ..... 100 500*

*Failure to wear badge while working..... 100 500*

*Working on public without supervising cosmetologist present ..... 500 1,000*

**EDUCATIONAL PERMIT**

Failure to comply with NRS 644.425 ..... 100 500

2. In the case of a third or subsequent violation, the accused party must appear at a disciplinary hearing before the board.

3. A licensee who violates a provision of NAC 644.307 ~~[- 644.308, 644.315 to 644.345, inclusive, or 644.710]~~ ***to 644.355, inclusive, and section 3 of this regulation*** will be fined not more than \$100 for the first violation. In the case of a second or subsequent violation, the accused party must appear at a disciplinary hearing before the board.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R029-02**

The State Board of Cosmetology adopted regulations assigned LCB File No. R029-02 which pertain to chapter 644 of the Nevada Administrative Code on June 9, 2002.

**Notice date:** 5/7/2002  
**Hearing date:** 6/9/2002

**Date of adoption by agency:** 6/9/2002  
**Filing date:** 7/19/2002

**INFORMATIONAL STATEMENT**

1. A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.

Public comments were solicited by mailing to all interested persons, schools of cosmetology and to the list of Nevada County Public Libraries, as well as being posted in six different locations throughout Nevada, both the Las Vegas and Reno Board offices and mailed to every salon in the State of Nevada. The Board approved the proposed regulations at their February 25, 2002 board meeting. Then held a Workshop on May 22, 2002 and a Public Hearing on June 9, 2002 and adopted the regulations.

The board received limited responses during the meetings held. We had two people call the board office thinking that they were in trouble and did not understand why they were required to attend a hearing. We had one man call and complain that the library by him did not post the public hearing notice. There were no written responses received. A "Notice of Workshop" and a "Notice of Public Hearing" along with a copy of the proposed regulations were posted by May 7, 2002 for the workshop and public hearing. These were posted in six different locations throughout the State, also at the Las Vegas and Reno board offices. They were sent to all interested persons on the mailing list and to every county library in Nevada. These copies were also maintained in the Las Vegas and Reno board offices.

2. The number of persons who:
- (a) Attended each hearing;
  - (b) Testified at each hearing; and
  - (c) Submitted to the agency written statements.

At the Workshop held on May 22, 2002, no public attended. The June 9, 2001 Public Hearing had approximately 10 individuals in attendance. There were a few general questions asking for clarification on existing language verses the proposed language changes. There was one person interested in the application process for the new licensing category of Demonstrator of Cosmetics. There were only two individuals that were opposed to the increase in the renewal fees. There was one person who voiced support for the increase in fees. There were no other questions or comments from public. The board did not receive any written responses.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Same as #1. however, the minutes from the meeting are available at the Las Vegas board office.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

These regulations were created with the assistance of our Deputy Attorney General and sent to LCB. for review. At the public hearing, which was held on December 3, 2001, there were a few changes made to the regulations. The board adopted them as written with 5 slight changes.

5. The estimated economic effect of the regulation on the business, which it is to regulate, and on the public. These must be stated separately, and in each case must include:

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.

a) The main economic effect on the businesses, would be minimal. Most of the changes to the sanitary regulations are just to clean up the language and make it more uniform. There are a few new sections added that should help protect the health and safety of the general public. The board did top the renewal fees out at \$50 for individual licenses and \$100 for establishments. However, the board had not raised fees in 10 years and the increased amount to individuals is only \$10 every two years and \$25 for each salon every two years, which breaks out to 42 cents per month for individual licensees and \$1.04 per month for salons.

b) Since the renewal fees are capped out to the maximum allowed by Statute the next increase would require a Legislative change first. Then if approved the regulation would need changing. This process could take approximately 4 years before the renewal fees could be raised again and only if approved by the Nevada Legislature.

6. The estimated cost to the agency for the enforcement of the proposed regulation.

The agency currently inspects schools and salons for all licensing and sanitary compliance. However there may be a slight increase in postage due to some licensees not realizing the fee increase has taken place.

7. A description of any regulation of other state or government agencies, which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the federal agency.

Not applicable.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

Not applicable.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

There are no new fees, however there is an increase in the renewal fees. The increased amount will be \$10 more for individuals and \$25 more for salons. We only renew once every other year, therefore we cannot break it out per year, but we anticipate an increase of approximately 180,000 for each renewal cycle, which break out as follows:

Approximately 1,500 salons times \$25 = 37,500

Approximately 15,000 individuals times \$10 = 150,000

Totaling = \$187,500 as an increase for every renewal cycle

This fee increase was triggered by the increased costs of office supplies, office expenses, postage increases, health insurance, inspector's mileage (due to the inspections for new apprentice programs), hotel and airfare expenses, etc... over the last few years. In addition, we are planning an expansion of our office to include a testing area to accommodate the increasing number of applicants. Due to the increasing workload we are contemplating the addition of two more staff persons.

**BEFORE THE NEVADA STATE BOARD OF COSMETOLOGY  
SPECIAL MEETING  
SUNDAY, JUNE 9, 2002  
LAS VEGAS, NEVADA**

The Special Board Meeting before the Nevada State Board of Cosmetology was called to order by Kay Collins at 2:03 p.m. on Sunday, June 9, 2002. Board members present are: Kay Collins, President; Gloria Alexander, Sec./Treas; Agnes Orozco; David Austin; and Pamela Perondi.

1. Consideration of the agenda and its posting.

Mary Manna attested to the posting being done in 8 different locations throughout the State and at both Board offices. In addition the public hearing notices were distributed 45 days in advance of the meeting to all 8 locations, board offices, all County Libraries, our interested persons list and all salons and schools Statewide.

Gloria Alexander made a motion to close the special meeting and go into the Public Hearing. Pamela Perondi seconded the motion. Motion was carried.

**PUBLIC HEARING**

David Austin made a motion to close the public hearing and reopen the Special meeting. Seconded by Gloria Alexander. Motion carried.

2. Board to review, discuss and make decision regarding adopting the regulations, discussed in the public hearing.

David Austin made a motion to adopt LCB file #R029-02 dated March 28, 2002 with the following changes:

- on page 2, section 3, eliminate subsection 2 entirely
- on page 7, section 9, subsections 6a and 6b made the first letters lowercase
- on page 12, section 15, subsection 4 eliminate the change and leave at 15 days
- on page 19, section 21, subsection 1 reword last sentence to "If the restrooms for the cosmetological establishment are located outside of the cosmetological establishment, the restrooms must be in plain view or be clearly marked with appropriate signs and be located within 100 feet of the entrance of the cosmetological establishment and under the same roof as the cosmetological establishment."
- on page 29, section 29, second grouping, add "INDIVIDUAL" in front of "LICENSEE"

Gloria Alexander seconded the motion. Motion carried.

3. New Business: comments by general public.

- Mary Manna introduced Sandy Parker and thanked her for participation in the Regulation Committee workshops, she was a very valuable colleague. The board thanked her and had sent their thanks to all those who participated and could not attend today.
- Pamela Perondi asked how we were going to notify everyone about the changes made here today? Mary Manna explained that since we can't mail to each licensee, due to the fact that most licensees do not give us valid home addresses, we are planning for the



inspectors to hand out an informational sheet, during each inspection to all of the licensees working. We will ask the salon to post the notices and we will have notices posted in both board offices. In addition we will send a notice to everyone on our interested persons list.

-Mary Manna advised the board that Kay Collins and herself are scheduled on the agenda for the Board of Health on Friday June 14th in Reno, to get the sanitary regulations approved by the Board of Health. We were told that it would be held at the Washoe County Health building on 9th and Wells. We have been told that it is a consent agenda, but we are preparing information in case they ask any questions. We will be notifying all board members when its been approved.

-Sandy Parker asked the board if requiring continued education for re-licensing has been brought up? Mary Manna explained that it has been proposed many times, years ago. The last time we were told that licensee chartered buses to go to the Legislature to oppose it. Kay Collins also explained that mandating education for renewal, would create an incredibly costly and complicated tracking system. Although the board would probably agree that education is always good, we believe that licensees who are good get the education and those that don't eventually leave the business. Customers know what they want and if their stylist can't provide it they will go elsewhere.

Pamela Perondi made a motion to adjourn the meeting. David Austin seconded the motion. Motion carried. Meeting closed at 4:15 p.m.

Submitted by: \_\_\_\_\_  
MARY E. MANNA  
EXECUTIVE SECRETARY

Approved: \_\_\_\_\_

**BEFORE THE NEVADA STATE BOARD OF COSMETOLOGY  
PUBLIC HEARING  
SUNDAY, JUNE 9, 2002  
LAS VEGAS, NEVADA**

The Special Board Meeting before the Nevada State Board of Cosmetology was called to order by Kay Collins at 2:03 p.m. on Sunday, June 9, 2002. Board members present are: Kay Collins, President; Gloria Alexander, Sec./Treas; Agnes Orozco; David Austin; and Pamela Perondi.

Gloria Alexander made a motion to close the special meeting and go into the Public Hearing. Pamela Perondi seconded the motion. Motion was carried.

Ann Elworth explained that the board could go section by section, for any comments. Mary Manna reviewed section 2 regarding the application and testing process for the new licensing category of Demonstrator of Cosmetics. No changes were recommended. Mary Manna reviewed section 3 and staff recommended the elimination of subsection 2 on page 2 and board concurred. Mary Manna reviewed sections 4, 5, 6, 7 and 8 one at a time with no changes recommended. Mary Manna reviewed section 9 and David Austin recommended that subsections 6a and 6b on page 7 have the first letters in lowercase, to avoid confusion. Mary Manna reviewed sections 10, 11, 12, 13 and 14 one at a time with no changes suggested. During the discussion regarding section 11 Mary Manna explained that the board has not raised licensing fees for 10 years and we are suggesting that they go to the cap amount set by the Legislature. That means that any future increases would require a Legislative change first for their approval and the board does not expect any future increases for at least 4 years. These increases were necessary due to the cost of living increases that everyone has been experiencing over the last ten years as well as the increase in applicants. As we all know the cost for business expenses have continued to go up each year, such as postage, office supplies, printing, health insurance, salaries, office rent, air fare, hotel costs, etc... There was one licensee from Pahrump (Dore Foskey) who stated that an increase in license fees was unfair since Pahrump is a fixed income community. A salon owner (Delores Newman) who also is a licensee in Las Vegas stated that she felt having both licenses increase at the same time was unfair, since she can't seem to save \$1 per month to cover the cost of the increase. Sandy Parker another licensee stated that she understands the increased costs to the board and it really isn't that much considering the increased number of applicants and licensees and since it's been ten years since the last increase. Mary Manna reviewed section 15 the board opposed the suggested language to increase the due date for withdrawal and completion records from 15 days to 30 days in subsection 4 on page 12, since it could propose a potential delay for the students applying for practical exams. Mary Manna reviewed sections 16, 17, 18, 19 and 20 with no suggested changes. Mary Manna reviewed section 21 on page 19 and the board recommended changing the last sentence in subsection 1 to read: "If the restrooms for the cosmetological establishment are located outside of the cosmetological establishment, the restrooms must be in plain view or be clearly marked with appropriate signs and be located within 100 feet of the entrance of the cosmetological establishment and under the same roof as the cosmetological establishment." Ann Elworth suggested the board consider rewording this in the future, since it could mean the restroom must be somewhere within the structure, because the word roof usually refers to the top-most part of the structure. Mary Manna reviewed sections 22,

23, 24, 25, 26, 27, 28, 29, 30 and 31 with no changes suggested. Ann Elworth explained that since section 23 did not include a retroactive statement, then as salons reapply because of changes on the license or as carpets under the pedicure spas need replacing, they could not put carpet back underneath them, it would have to be a non-porous washable surface, in order to meet the code. In section 25 there was discussion regarding leather pouches and the board stated that leather pouches cannot be sanitized, therefore any instrument placed in the pouches must be cleaned, disinfected and re-sanitized before use. Pamela Perondi explained that there are products that can be used on shears to comply with the sanitary requirements and they do not promote rust. Mary Manna reviewed section 32 on page 29 and Ann Elworth recommended that the section titled Licensee be changed to Individual Licensee on the fining system to avoid confusion with a salon licensee. Dore Foskey stated that no one got notices in Pahrump. Mary Manna stated that notices were sent to All Salons and the board can't control the owners not notifying their people until recently. Those notices were sent out 45 days in advance and we did have one woman from Pahrump come into the office just a few days after the notices were sent, to pick up an entire packet of the proposed Regulations. She explained that she would make it available to all of the licensees in Pahrump. Melissa Gubser explained that her salon owner just told everyone yesterday, that there was a meeting today. Mary Manna explained that licensee can make a written request to be placed on our mailing list and they will personally receive all notices at their home address. They just need to submit a written request to the office and remember to update it with the office every 6 months.

David Austin made a motion to close the public hearing and reopen the Special meeting. seconded by Gloria Alexander. Motion carried.

Submitted by: \_\_\_\_\_  
MARY E. MANNA  
EXECUTIVE SECRETARY

Approved: \_\_\_\_\_