

**PROPOSED REGULATION OF THE
STATE BOARD OF COSMETOLOGY**

LCB File No. R030-08

May 15, 2008

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

AUTHORITY: §§1, 2, 5, 6, 15, 31, 32, 35 and 36, NRS 644.110; §3, NRS 644.110 and 644.199; §4, NRS 644.110 and 644.430; §7, NRS 644.110, 644.195, 644.1955 and 644.197; §8, NRS 644.110 and 644.193; §9, NRS 644.110 and 644.210; §10, NRS 644.110 and 644.206; §11, NRS 644.110 and 644.244; §12, NRS 644.110 and 644.245; §13, NRS 644.110 and 644.247; §14, NRS 644.110 and 644.240; §§16, 18-23 and 25, NRS 644.110 and 644.400; §17, NRS 644.110, 644.395 and 644.400; §24, NRS 644.110, 644.217 and 644.2175; §26, NRS 644.110 and 644.215; §§27 and 28, NRS 644.110 and 644.360; §§29 and 30, NRS 644.110 and 644.120; §§33 and 34, NRS 644.110 and 644.430.

A REGULATION relating to cosmetology; revising provisions concerning certain documents and materials that must be submitted to the State Board of Cosmetology with applications for certain licenses or certificates of registration; requiring an applicant for a license as a student instructor to hold a license to practice each branch of cosmetology for which he is seeking licensure as a student instructor; identifying certain unfair or unjust practices, methods or dealings as grounds for disciplinary action by the Board; revising provisions concerning the content of examinations for certain licenses; revising certain provisions concerning schools of cosmetology and schools of electrology; revising provisions concerning the lease of space at a cosmetological establishment; revising certain sanitary requirements for cosmetological establishments and schools of cosmetology; prohibiting a licensee from removing a callus from a client using an instrument, tool or other device that has a sharp edge, blade or point; revising the schedule of administrative fines; and providing other matters properly relating thereto.

Section 1. Chapter 644 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Infection control” means a practice, procedure or technique that is used to resist or prevent the spread of an infectious disease. The term includes, without limitation, antisepsis, sterilization and sanitation.*

Sec. 3. 1. *The written verification of the completion of education required by paragraph*

(a) of subsection 1 of NRS 644.199 must be a copy of the applicant's:

- (a) High school diploma;*
- (b) Transcript of high school grades showing successful completion of the 12th grade;*
- (c) Nevada High School Equivalency Certificate; or*
- (d) General educational development certificate.*

2. *The photographs required to be submitted pursuant to paragraph (e) of subsection 1 of NRS 644.199 must:*

- (a) Be identical;*
- (b) Have been taken not more than 90 days before the date of the submission of the application;*
- (c) Be 1 1/2 by 1 1/2 inches in size;*
- (d) Show the front view of the full face of the applicant in color against a plain white or off-white background and be otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and*
- (e) Have the name and address of the applicant written on the back.*

3. *An applicant for a license as a student instructor must hold a license to practice each branch of cosmetology for which he is seeking licensure as a student instructor.*

Sec. 4. *For the purposes of paragraph (k) of subsection 1 of NRS 644.430, the following practices are grounds for disciplinary action by the Board:*

- 1. Copying or altering a license in violation of NRS 644.476.*
- 2. Using a license that has been copied or altered for the purposes of fraud, deception, misrepresentation or other illegal purpose.*

3. Using the terms “advanced” or “medical” in connection with any description of a person’s practice in any branch of cosmetology or otherwise holding the person out to the public as an advanced or medical practitioner of any branch of cosmetology.

Sec. 5. NAC 644.010 is hereby amended to read as follows:

644.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 644.012 to 644.032, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 644.015 is hereby amended to read as follows:

644.015 “Electrologist’s apprentice” ~~[means a person engaged in learning the occupation of an electrologist in a cosmetological establishment under the immediate supervision of a licensed electrologist.]~~ *has the meaning ascribed to it in NRS 644.0265.*

Sec. 7. NAC 644.0476 is hereby amended to read as follows:

644.0476 1. An instructor may receive credit for the 30 hours of advanced training required pursuant to NRS 644.195, 644.1955 or 644.197 if:

(a) The instructor has received 15 hours of instruction from professional classes or seminars, or both, on hair, skin and nail care, sponsored by a professionally recognized company or natural person approved by the Board, or has received 30 hours of continuing education in any of the following areas:

- (1) Biology;
- (2) Business administration;
- (3) Chemistry;
- (4) Communication studies;
- (5) Computers;

- (6) Cardiopulmonary resuscitation or first-aid training;
 - (7) Educational administration;
 - (8) Emergency medical services;
 - (9) English;
 - (10) Foreign languages;
 - (11) General education, with an emphasis on teaching methods;
 - (12) Human services, including counseling;
 - (13) Management;
 - (14) Psychology;
 - (15) Sign language;
 - (16) Sociology;
 - (17) Special education; or
 - (18) Teaching methods;
- (b) The instructor has received two credits or 30 hours of instruction from courses offered at a university or community college in the areas specified in paragraph (a);
- (c) The instructor has received 30 hours of instruction from classes on *business*, professional ~~time~~ *or* management *skills* that are sponsored by an organization *or natural person that has been* approved by the Board; or
- (d) The instructor has received 30 hours of instruction in in-service classes.
2. A school of cosmetology may conduct in-service classes for the purposes of this section. ~~Such~~ *The* classes must be conducted by a person who holds a current teaching license from the Superintendent of Public Instruction and is authorized to teach in the school district in which the in-service class is being conducted.

3. All hours for credits for continuing education must be properly documented in written format, including, but not limited to, report cards, certificates of completion or letters which verify that the licensee attended the class and the number of hours earned. If the information documenting the hours taken is not clearly indicated on the documents provided to the Board, the documents will not be accepted. All documents submitted as evidence that the licensee has met the requirements for continuing education must be submitted during the period provided by the Board for the renewal of the license, together with the renewal slip and the required pictures and fees. The falsification of any such documents, or any information contained therein, is a ground for disciplinary action against the licensee.

Sec. 8. NAC 644.0479 is hereby amended to read as follows:

644.0479 1. The written verification of the completion of education required by paragraph (a) of subsection 1 of NRS 644.193 must be a copy of the applicant's:

(a) High school diploma;

(b) ~~High school equivalency certificate; or~~

~~—(c)—~~ Transcript of high school grades showing successful completion of the 12th grade ~~—(c)—~~;

(c) Nevada High School Equivalency Certificate; or

(d) General educational development certificate.

2. The written verification of prior experience required by paragraph (b) of subsection 1 of NRS 644.193 must be in the form of:

(a) An approved affidavit or statement ~~—(1)—~~

~~—(1) Properly~~ properly drafted, signed and notarized by the employer or employers for whom the applicant was working at the time the experience was gained; ~~and~~

~~—— (2) Showing that the person has at least 3 years of experience as a full-time licensed cosmetologist, aesthetician or manicurist;]~~ or

(b) Federal tax returns of the applicant, including all applicable forms and schedules,
➡ which clearly show that the applicant ~~earned at least \$5,200 in each tax year practicing cosmetology during the 3-year period.]~~ *has practiced as a full-time licensed cosmetologist, hair designer, aesthetician or manicurist for not less than 1 year.*

3. The ~~[two-current]~~ photographs required to be submitted pursuant to paragraph (e) of subsection 1 of NRS 644.193 must ~~[be]~~:

(a) Be identical;

(b) Have been taken not more than 90 days before the date of the submission of the application;

(c) Be 1 1/2 by 1 1/2 inches in size [1];

(d) Show the front view of the full face of the applicant in color against a plain white or off-white background and be otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and

(e) Have the name and address of the applicant written on the back.

4. An applicant for a provisional license as an instructor shall provide the Board with proof that he is enrolled in a licensed school of cosmetology and his enrollment form must be submitted to the Board.

Sec. 9. NAC 644.0502 is hereby amended to read as follows:

644.0502 An applicant for examination for a license as a cosmetologist, hair designer, manicurist or aesthetician pursuant to NRS 644.200, 644.204, 644.205 or 644.207, respectively, must provide:

1. A notarized affidavit from the applicant establishing the successful completion by the applicant of the 10th grade in school or its equivalent.

2. Two ~~current~~ photographs of the applicant. ~~that are~~ *The photographs must:*

(a) *Be identical;*

(b) *Have been taken not more than 90 days before the date of the submission of the application;*

(c) *Be 1 1/2 by 1 1/2 inches in size ~~[, on the back of which are written the]~~ ;*

(d) *Show the front view of the full face of the applicant in color against a plain white or off-white background and be otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and*

(e) *Have the* name and address of the applicant ~~[-]~~ *written on the back.*

3. The applicable fees.

4. ~~[The social security number of the applicant.~~

~~—5.]~~ One of the following documents as proof of the age of the applicant:

(a) A photocopy of the birth certificate of the applicant;

(b) ~~[A copy of a current driver's license issued to the applicant;~~

~~—(c)]~~ A copy of a current passport issued to the applicant; or

~~[(d)]~~ (c) A copy of a ~~[current identification]~~ *voter registration* card issued to the applicant ~~[by the Department of Motor Vehicles]~~ pursuant to the provisions of NRS ~~[483.810 to 483.890, inclusive.]~~ *293.517.*

Sec. 10. NAC 644.0503 is hereby amended to read as follows:

644.0503 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;
- ~~[4.]~~ 3. Two ~~[current]~~ photographs of the applicant that ~~[are]~~ :
 - (a) *Are identical;*
 - (b) *Have been taken not more than 90 days before the date of the submission of the application;*
 - (c) *Are* 1 1/2 by 1 1/2 inches in size ~~[; on the back of which are written]~~ ;
 - (d) *Show the front view of the full face of the applicant in color against a plain white or off-white background and are otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and*
 - (e) *Have* the name and address of the applicant ~~[; and~~
- ~~—5. —The social security number of the applicant.] written on the back.~~

Sec. 11. NAC 644.0504 is hereby amended to read as follows:

644.0504 An examination for licensure as a hair designer will include, but is not limited to, a test on:

1. ~~[Sanitation]~~ *Infection control* and safety;
2. ~~[Knowledge of the]~~ *The* provisions of this chapter and chapter 644 of NRS;
3. Chemical treatments;
4. Haircutting;
5. Hot work; and
6. Shampoo.

Sec. 12. NAC 644.0506 is hereby amended to read as follows:

644.0506 1. An examination for licensure as a manicurist will include, but is not limited to, a test on:

- (a) ~~[Sanitation]~~ *Infection control* and safety;
- (b) ~~[Knowledge of the]~~ *The* provisions of this chapter and chapter 644 of NRS;
- (c) The performance of a manicure of one hand, including the massage of the hand and forearm; and
- (d) The completion of a sculptured nail on one finger and the application of one tip with a fabric wrap.

2. An examination for licensure as a manicurist may also include, without limitation, a test on the performance of a pedicure on one foot, including a foot massage up to the knee.

Sec. 13. NAC 644.0508 is hereby amended to read as follows:

644.0508 An examination for licensure as an aesthetician will include, but is not limited to, a test on:

- 1. ~~[Sanitation]~~ *Infection control* and safety;
- 2. ~~[Knowledge of the]~~ *The* provisions of this chapter and chapter 644 of NRS;
- 3. Performance of a manual facial, including skin analysis, cleaning, scientific manipulation, packs and masks;
- 4. Performance of the arching of an eyebrow, including the use of wax and manual and electric tweezers; and
- 5. Performance and analysis of the application of complete and corrective make-up and the application of false eyelashes.

Sec. 14. NAC 644.051 is hereby amended to read as follows:

644.051 An examination for licensure as a cosmetologist will include, but is not limited to, a test on:

1. ~~[Sanitation]~~ *Infection control* and safety;
2. ~~[Knowledge of the]~~ *The* provisions of this chapter and chapter 644 of NRS;
3. Chemical treatments;
4. Haircutting;
5. Arching of the eyebrow;
6. Hot work;
7. Shampoo; and
8. Manicure, pedicure, and wrapping and extending fingernails.

Sec. 15. 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;
5. Information about the student, including:
 - (a) A copy of ~~[valid identification of the student, including, without limitation, a driver's license,]~~ *the student's birth certificate*, passport or ~~[identification]~~ *voter registration* card issued

~~[by the Department of Motor Vehicles]~~ pursuant to the provisions of NRS ~~[483.810 to 483.890,~~
~~inclusive;~~

~~—(b) A copy of the social security card of the student;~~

~~—(e)]~~ **293.517;**

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

~~[(d)]~~ (c) If applicable, proof of any name change of the student; and

~~[(e)]~~ (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. 16. 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 **current, complete and** accurate.
4. Forward to the Board the record of a student's withdrawal 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]~~ *the student* within 3 business days after his withdrawal from the school.

Sec. 17. NAC 644.105 is hereby amended to read as follows:

644.105 1. A school of cosmetology ~~[shall]~~ :

(a) Shall maintain a staff of licensed instructors who are competent to give instruction in all subjects of its curriculum, including , *without limitation*, the subjects required by regulation of the Board.

(b) Shall not use a licensed student instructor as a student operator.

2. ~~[Any student who fails to attend the instruction in theory on a particular day may remain in school for the duration of the day and receive training in another facet of cosmetology not related to the participation of patrons.~~

~~—3.]~~ Each student in cosmetology or hair designing shall wear a badge with the word “freshman” inscribed on it. This badge may not be removed, and the student may not work on the public until the student has completed a preliminary training period of 300 hours.

~~[4.]~~ 3. Each student in manicuring shall wear a badge with the word “freshman” inscribed on it. The badge may not be removed, and the student may not work on the public until the student has completed a preliminary training period of 100 hours.

~~[5.]~~ 4. Each student in aesthetics shall wear a badge with the word “freshman” inscribed on it. This badge must not be removed, and the student may not work on the public until the student has completed a preliminary training period of 150 hours.

~~{6.}~~ 5. Each student in electrology shall wear a badge with the word “freshman” inscribed on it. This badge must not be removed, and the student may not work on the public until the student has completed a preliminary training period of 160 hours.

~~{7.}~~ 6. Students shall not practice at home or in a cosmetological establishment and shall not give demonstrations other than those required of them by the school of cosmetology.

~~{8.}~~ 7. No instructor in a licensed school of cosmetology may, during the hours in which he is on duty as an instructor, devote his time to the public or to the private practice of cosmetology for compensation. Each instructor shall devote his full time during the hours he is on duty as an instructor to instructing students.

~~{9.} A student instructor must:~~
~~—(a) Be under the direct supervision of an instructor licensed by the Board;~~
~~—(b) Receive at least 700 hours of instruction in teaching methods and techniques; and~~
~~—(c) Not be used as a student operator.~~

Sec. 18. 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 instructor on the time record.

3. Original time records are the property of the school 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) Within 3 business days, 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~~ :

(a) *Maintained* by the school for ~~validation by the Board upon~~ *at least 3 years after* the completion of or withdrawal from the training by the student ~~[-]~~ ; *and*

(b) *Readily available for inspection by the Board.*

Sec. 19. NAC 644.115 is hereby amended to read as follows:

644.115 1. Each school of cosmetology must offer the following subjects for training barbers and students to be cosmetologists:

(a) Blow-drying.

(b) Dispensary.

(c) Extensions and wrapping of nails.

(d) Facials, arching, skin and make-up.

(e) Finger waving.

(f) Hair coloring.

(g) Haircutting.

(h) Manicuring.

(i) Miscellaneous practical and technical instruction ~~[After completing 1,200 hours of training, a student may obtain 40 hours of credit for]~~, *including, without limitation,* field trips ~~[to cosmetological establishments, if a record of each trip is signed by a representative of the school, by the student and by the operator in charge of the cosmetological establishment. Each field trip must have at least two students in attendance.]~~ *relating to the practice of cosmetology.*

(j) Modeling.

(k) The provisions of *this chapter and* chapter 644 of NRS . ~~[and the regulations adopted pursuant thereto.]~~

(l) Pedicuring.

(m) Permanent waving and chemical straightening.

(n) Reception desk training.

(o) Salon management.

(p) Scalp treatments.

(q) Shampooing and rinses.

(r) Skipwaving.

(s) Theory, with a minimum of 50 hours mandatory for students who are barbers and 250 hours mandatory for all other students.

(t) Thermal straightening, curling and marcelling.

(u) Wet hairdressing.

(v) Wigs and hairpieces.

2. *A student may, after completing 1,200 hours of training, earn credit for up to 16 hours of training by attending field trips that are approved by the school. A field trip must be conducted under the direct supervision of a licensed instructor. The instructor shall*

accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The student must submit a time record, authenticated by the instructor, for each field trip.

3. If a barber enrolls in a school of cosmetology, the school shall administer an examination to determine his areas of knowledge. The school may, if it deems it appropriate, excuse a barber from any of the subjects listed in subsection 1.

~~[3.]~~ 4. As used in this section:

(a) “Barber” means a ~~[practitioner of barbering]~~ *licensed barber*, as defined in subsection 6 of NRS 643.010 , who is studying to become a cosmetologist.

(b) “Student” means a person receiving instruction in a school of cosmetology.

Sec. 20. NAC 644.116 is hereby amended to read as follows:

644.116 1. A school of cosmetology must offer the following subjects for training hair designers:

- (a) Blow-drying;
- (b) Dispensary;
- (c) Finger waving;
- (d) Hair coloring;
- (e) Haircutting;
- (f) Modeling;
- (g) The provisions of *this chapter and* chapter 644 of NRS ; ~~[and the regulations adopted pursuant thereto;]~~
- (h) Permanent waving and chemical straightening;
- (i) Reception desk training;

- (j) Salon management;
- (k) Scalp treatment;
- (l) Shampooing and rinses;
- (m) Skipwaving;
- (n) Theory, with a minimum of 150 hours mandatory;
- (o) Thermal straightening, curling or marcelling;
- (p) Wet hairdressing; ~~and~~
- (q) Wigs and hairpieces ~~and~~; *and*

(r) Miscellaneous practical and technical instruction, including, without limitation, field trips relating to the practice of a hair designer.

2. A student ~~who completes~~ *may, after completing* 900 hours of training ~~may receive~~, *earn credit for* up to ~~30~~ *16* hours of ~~credit for~~ *training by attending* field trips ~~to~~ *cosmetological establishments. The school must record each trip on a form signed by a representative of the school, the student and the operator in charge of the cosmetological establishment. To receive credit for a field trip, the field trip must have at least two students in attendance.] that are approved by the school. A field trip must be conducted under the direct supervision of a licensed instructor. The instructor shall accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The student must submit to the school a time record, authenticated by the instructor, for each field trip.*

Sec. 21. NAC 644.117 is hereby amended to read as follows:

644.117 1. Each school of cosmetology shall offer the following subjects for training students to be aestheticians:

- (a) Massaging of the body . ~~[, including the face.]~~
- (b) Removal of hair of the body, including the face.
- (c) Treatment of the skin.
- (d) Packs and masks.
- (e) Application of make-up.
- (f) Application of false eyelashes.
- (g) Arching of eyebrows.
- (h) Tinting of eyelashes and eyebrows.
- (i) Lightening of hair on the body, except the scalp.
- (j) Theory, 150 hours.
- (k) Training in the use of ~~the~~

~~—— (1) Electrical devices which use high frequency current in the treatment of the skin, including, but not limited to:~~

~~—— (I) A device equipped with a brush to cleanse the skin.~~

~~—— (II) An electrical device which uses galvanic current for the treatment of the skin.~~

~~—— (III) A device which applies a mixture of steam and ozone to the skin.~~

~~—— (IV) A device which is used to spray water or other liquids on the skin and to stimulate circulation in the skin.~~

~~—— (2) Any] electrical or mechanical [device] devices that are approved by the Board~~ for the care and treatment of skin . ~~[which is approved by the Board.~~

~~➔ The provisions of this paragraph do not apply to a student who was enrolled in a school of cosmetology before November 24, 1987.]~~

- (l) *The provisions of this chapter and chapter 644 of NRS.*

(m) Miscellaneous practical and technical instruction, including, without limitation, field trips relating to the practice of an aesthetician.

(n) Any other practical or technical instruction which the Board may require.

2. A student ~~[who completes]~~ *may, after completing* 450 hours of training ~~[is entitled to receive]~~, *earn credit for* up to ~~[18]~~ *8* hours of ~~[credit for visits to cosmetological establishments in order to observe the cosmetological establishments if a record of each such visit is signed by the student, a representative of the school and the operator in charge of the cosmetological establishment. Each such visit must have at least two students in attendance.]~~ *training by attending field trips that are approved by the school. A field trip must be conducted under the direct supervision of a licensed instructor. The instructor shall accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The student must submit to the school a time record, authenticated by the instructor, for each field trip.*

Sec. 22. NAC 644.120 is hereby amended to read as follows:

644.120 1. The following subjects constitute the curriculum for manicurists:

(a) Manicuring.

(b) Modeling.

(c) The provisions of *this chapter and* chapter 644 of NRS . ~~[and the regulations adopted pursuant thereto.]~~

(d) Pedicuring.

(e) Theory, 80 hours.

(f) Wraps and extensions for nails.

(g) *Miscellaneous practical and technical instruction, including, without limitation, field trips relating to the practice of a manicurist.*

(h) Any other practical or technical instruction which the Board may require.

2. A student ~~[who completes]~~ *may, after completing* 375 hours of training ~~[is entitled to receive]~~, *earn credit for* up to ~~[15]~~ 8 hours of ~~[credit for visits to cosmetological establishments in order to observe the cosmetological establishments if a record of each such visit is signed by the student, a representative of the school and the operator in charge of the cosmetological establishment. Each such visit must have at least two students in attendance.]~~ *training by attending field trips that are approved by the school. A field trip must be conducted under the direct supervision of a licensed instructor. The instructor shall accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The instructor shall accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The student must submit a time record, authenticated by the instructor, for each field trip.*

Sec. 23. NAC 644.123 is hereby amended to read as follows:

644.123 **1.** The following subjects constitute the curriculum for student instructors:

~~[1.]~~ (a) Teaching methods ~~[.~~

~~—2.]~~ *and techniques.*

(b) Developing measurable objectives for performance.

~~[3.]~~ (c) Lesson planning.

~~[4.]~~ (d) Use of teaching aids.

~~[5.]~~ (e) Use of questioning and problem-solving strategies.

~~[6.]~~ (f) Classroom management.

~~[7.— Nevada law and regulations.]~~

(g) The provisions of this chapter and chapter 644 of NRS.

2. A school of cosmetology shall organize its curriculum to enable a student instructor to complete at least 700 hours of the 1,000 hours of training that are required for licensure as an instructor pursuant to NRS 644.195 in the subject of teaching methods and techniques.

Sec. 24. 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 must be accompanied by:

(a) Proof satisfactory to the Board that the applicant:

(1) Is a resident of a county in this State whose population is less than 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) A copy of the ~~[social security card of the applicant;~~

~~—(c) A copy of valid identification of the applicant, including, without limitation, a driver's license,]~~ *applicant's birth certificate*, passport or ~~[identification]~~ *voter registration* card issued ~~[by the Department of Motor Vehicles]~~ pursuant to the provisions of NRS ~~[483.810 to 483.890, inclusive;~~

~~—(d)]~~ 293.517;

(c) Two ~~[current]~~ photographs of the applicant ~~[which are]~~ *that:*

(1) Are identical;

(2) Have been taken not more than 90 days before the date of the submission of the application;

(3) Are 1 1/2 by 1 1/2 inches ~~[, on the back of which are written]~~ in size;

(4) Show the front view of the full face of the applicant in color against a plain white or off-white background and are otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and

(5) Have the name and address of the applicant ~~[-~~

~~—(e)]~~ *written on the back;*

(d) 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;

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

~~[(g)]~~ *(f)* Proof of any name changes of the applicant, if applicable.

Sec. 25. NAC 644.215 is hereby amended to read as follows:

644.215 A school of electrology shall register each student with the Board within 45 days after the student has enrolled in the 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;
5. A copy of ~~[valid identification of the student, including, without limitation, a driver's license,]~~ *the student's birth certificate*, passport or ~~[identification]~~ *voter registration* card issued ~~[by the Department of Motor Vehicles]~~ pursuant to the provisions of NRS ~~[483.810 to 483.890, inclusive;~~
~~—6.— A copy of the social security card of the student;~~
~~—7.] 293.517;~~
6. An affidavit stating that the student has successfully completed at least the 10th grade in high school or its equivalent;
- ~~[8.]~~ 7. If applicable, proof of any name change of the student;
- ~~[9.]~~ 8. If applicable, a copy of the validation of foreign documentation required under subsection 3 of NAC 644.124; and
- ~~[10.]~~ 9. Any other information required by the Board.

Sec. 26. NAC 644.255 is hereby amended to read as follows:

644.255 Each person wishing to become an electrologist's apprentice must apply to the Board on Form No. 7,* and show that he:

1. Resides in Nevada;
2. Is 18 years of age or over;
3. Is of good moral character and temperate habits;
4. Has completed the 12th grade in school or its equivalent;

5. Has submitted two photographs of himself ~~[, size]~~ *that:*
- (a) Are identical;*
 - (b) Have been taken not more than 90 days before the date of the submission of the application;*
 - (c) Are 1 1/2 by 1 1/2 inches ~~[, on the back of which are written]~~ in size;*
 - (d) Show the front view of the full face of the applicant in color against a plain white or off-white background and are otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and*
 - (e) Have* his name and address ~~[:]~~ *written on the back;*
6. Has a ~~[social security card, driver's license,]~~ *birth certificate*, passport or ~~[identification]~~ *voter registration* card issued ~~[by the Department of Motor Vehicles]~~ pursuant to the provisions of NRS ~~[483.810 to 483.890, inclusive;]~~ *293.517*; and
7. Is prepared to undertake a training program for at least 1,000 hours, extending over 5 consecutive months.

*See adopting agency for form.

Sec. 27. NAC 644.307 is hereby amended to read as follows:

- 644.307 1. ~~[The owner]~~ *Except as otherwise provided in NRS 644.360, if the operator* of a cosmetological establishment ~~[may lease]~~ *leases* space ~~[within the premises of]~~ *at* his establishment ~~[only to licensed manicurists, electrologists, hair designers, aestheticians, cosmetologists and health care providers.]~~
- ~~—2.— As used in this section, “premises” does not include any area that:~~

~~—(a) Has~~ *to a person to engage in an activity that is not under the jurisdiction of the Board, including, without limitation, tattooing, body piercing and massage therapy, the leased space must:*

(a) *Have* a different entrance from that of the cosmetological establishment and ~~is~~ *be* separated from the establishment by a door that can be locked and surrounding walls that are at least 6 feet high;

(b) ~~Is~~ *Be* located on a floor different from the floor on which the cosmetological establishment is located; or

(c) ~~Is~~ *Be* otherwise located to avoid creating the impression that the ~~area~~ *space* is a part of the cosmetological establishment . ~~[and is being used for activities that are not under the jurisdiction of the Board, including, but not limited to, tattooing, body piercing and licensed massage therapy.]~~

2. As used in this section, “space” has the meaning ascribed to it in NRS 644.360.

Sec. 28. NAC 644.308 is hereby amended to read as follows:

644.308 1. A licensed cosmetologist, aesthetician, electrologist , *hair designer, demonstrator of cosmetics* or manicurist who ~~is leasing~~ *leases* space from an operator of a cosmetological establishment shall ~~[ensure compliance with the requirements set forth in subsection 3]~~ *comply with the applicable provisions* of NAC ~~[644.325 and NAC 644.335 to 644.372, inclusive, 644.380 and]~~ *644.310 to* 644.385 ~~[,], inclusive.~~

2. Each operator of a cosmetological establishment who leases space to a ~~[health care provider shall make the health care provider]~~ *barber, any other professional, including, without limitation, a provider of health care, or any other person shall make the person* aware of the

requirements set forth in ~~[subsection 3 of NAC 644.325 and NAC 644.335 to 644.372, inclusive, 644.380 and]~~ **NAC 644.310 to 644.385** ~~[, inclusive.~~

Sec. 29. NAC 644.313 is hereby amended to read as follows:

644.313 In each cosmetological establishment and school of cosmetology:

1. All chemical waste material must be deposited in a closed container and disposed of in a fire-retardant container at the close of business each day.
2. All other waste must be deposited immediately in waste disposal containers which, unless they are located near a reception desk or in an office ~~[]~~ **or restroom**, must be covered at all times.
3. ~~[Any waste disposal container used to store cigarette ashes or butts must be a metal or fire-retardant container.~~

~~—4.]~~ Waste disposal containers must be kept clean.

~~[5.]~~ **4.** Any disposable material which comes into contact with blood or other bodily fluids, such as discharge from pustules, pimples and sebaceous glands, must be disposed of in a sealable plastic bag or in a manner that not only protects the licensee and the client but also others who may come into contact with the material in the future, such as sanitation workers.

~~[6.]~~ **5.** To prevent the possible spread of any blood-borne disease or virus, any disposable sharp objects that come in contact with blood or other bodily fluids must be disposed of in a sealable rigid container that is strong enough to protect the licensee, clients and others who may come into contact with the materials in the future from accidental cuts or puncture wounds.

Sec. 30. NAC 644.325 is hereby amended to read as follows:

644.325 In each cosmetological establishment or school of cosmetology:

1. All floors in *restrooms and* areas where hair is cut, shampooed or styled 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.
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]~~ *A footbath or portable spa that has been* used for nail services, including ~~[the]~~ *any* suction screens where hair, skin and nails *may* accumulate, must be disinfected ~~[with a product registered with the Environmental Protection Agency]~~ before the footbath *or portable spa* may be offered to another client. *The disinfection must be performed in accordance with procedures established by the Board, including, without limitation, the use of a product that is registered with the United States Environmental Protection Agency and approved by the Board.*
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. 31. NAC 644.367 is hereby amended to read as follows:

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

2. In removing the ~~{uppermost layers}~~ *surface* of *the facial* 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}~~ *surface* of the facial skin.

Sec. 32. NAC 644.368 is hereby amended to read as follows:

644.368 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}~~ *surface* of the skin;

(c) The penetration of the skin by metal needles; ~~{or}~~

(d) The abrasion of the skin below the ~~{uppermost layers}~~ *surface* of the skin ~~{-}~~ ; *and*

(e) The removal of a callus using an instrument, tool or other device that has a sharp edge, blade or point.

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~~ *surface* of the skin.

Sec. 33. 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	Third offense
COSMETOLOGICAL ESTABLISHMENT			
Operating <i>an</i> establishment without having acquired a license	\$1,000	\$1,500	\$2,000
Operating <i>an</i> establishment with <i>an</i> expired license	200	500	
Allowing <i>a</i> licensee to work with <i>an</i> expired license (per person)	200	500	
Failure to display license in place of business	200	500	
Failure to employ licensed persons <i>Allowing an unlicensed person to work in an establishment</i>	1,000	1,500	2,000
Operating <i>an</i> establishment without supervision of <i>by a</i> licensed person	200	500	
Operating <i>an</i> establishment with <i>an</i> animal on <i>the</i> premises	200	500	
COSMETOLOGIST OR OTHER LICENSED NATURAL PERSON			
Practicing without license	500	1,000	
Practicing with <i>an</i> expired license	200	500	
Altering or copying license	1,000	1,500	2,000

Violation	First offense	Second offense	Third offense
Failure to display license at the <i>a</i> work <i>station</i>	200	500	
Failure to practice in <i>a</i> cosmetological establishment	500	1,000	2,000

~~COSMETOLOGICAL~~ *COSMETOLOGIST'S* APPRENTICE

Failure to display <i>a</i> certificate of registration in plain view	100	500	
Failure to wear <i>a</i> badge while working.....	100	500	
Working on <i>the</i> public without <i>a</i> supervising cosmetologist present	500	1,000	

SUPERVISOR OF A COSMETOLOGIST'S APPRENTICE

Allowing an apprentice to work if his certificate of registration

<i>is not displayed in plain view</i>	<i>100</i>	<i>500</i>	
<i>Allowing an apprentice to work if he is not wearing his badge</i>	<i>100</i>	<i>500</i>	

ANY PERSON

<i>Practicing without a license or certificate.....</i>	<i>1,000</i>	<i>1,500</i>	<i>2,000</i>
<i>Copying or altering a license or certificate</i>	<i>200</i>	<i>500</i>	
<i>Using a copied or altered license or certificate for purposes of fraud, deception, misrepresentation or other illegal purpose.....</i>	<i>1,000</i>		

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 to 644.355, inclusive, will be fined not more than \$100 for the first violation. ~~[In the case of a second or subsequent violation, the accused party must]~~

3. A person who violates a provision of this chapter or chapter 644 of NRS for which this section does not provide a specific fine, including, without limitation, a second or subsequent violation, may be:

- (a) Ordered to* appear at a disciplinary hearing before the Board ~~[.]~~ *and*
- (b) Punished by the Board as set forth in NRS 644.430.*

Sec. 34. NAC 644.705 is hereby amended to read as follows:

644.705 ~~[A]~~ *For the purposes of NRS 644.430, a* violation of *any provision of* NRS 644.470 ~~[, prohibiting X-ray treatments and setting the maximum allowable strength of phenol and corrosive sublimate,]~~ constitutes gross malpractice.

Sec. 35. NAC 644.070, 644.386 and 644.710 are hereby repealed.

Sec. 36. 1. This section and sections 1 to 28, inclusive, and 31 to 35, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Sections 29 and 30 of this regulation become effective upon approval by the State Board of Health pursuant to subsection 2 of NRS 644.120 or upon filing with the Secretary of State, whichever occurs later.

TEXT OF REPEALED SECTIONS

644.070 Offices. (NRS 644.080, 644.110) The Board's principal place of business is 1785 East Sahara Avenue, Suite 255, Las Vegas, Nevada 89104. A branch office is located at 4600 Kietzke Lane, Building K, Suite 221, Reno, Nevada 89502.

644.386 Limitation on applications for permits. (NRS 644.110) The Board will not entertain an application for a permit to conduct educational exhibitions or demonstrations from a person more often than once every 30 days.

644.710 Altering or copying license. (NRS 644.110, 644.430) A person who alters or copies a license in order to practice in any branch of cosmetology is subject to disciplinary action pursuant to NRS 644.430 to 644.447, inclusive.