

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

LCB FILE NO. R101-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 05/10/2018**

3. Proposed changes to NAC 643.010 – change 12th grade to high school diploma.

NAC 643.010 Apprentice: Qualifications for examination. (NRS 643.050)

1. An applicant for examination for a license as an apprentice must:
 - (a) Have completed the ~~12th grade~~ high school diploma or the equivalent;
 - (b) Have completed 1,500 hours of instruction in a barber school approved by the board; and
 - (c) Be an American citizen or lawfully entitled to live and work in the United States.

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

[Barbers' Health & Sanitation Bd., part Rule 24, eff. 10-8-70; A 6-1-74; 7-16-77; 2-26-80]—(NAC A by R084-99, 1-18-2000)

4. Proposed changes to NAC 643.070 – change \$90 to \$100 in accordance to NRS 643.090.

NAC 643.070 Fee for examination. The fee for an examination is ~~\$90~~ \$100.

[Barbers' Health & Sanitation Bd., Rule 30, eff. 10-8-70; A 7-10-72]—(NAC A 9-16-92)

5. Proposed changes to NAC 643.150 – in accordance to NRS 643.130

NAC 643.150 Temporary permits. ~~Temporary permits to practice barbering in this state will not be issued.~~ The fee for a temporary permit is \$60.

[Barbers' Health & Sanitation Bd., Rule 34, eff. 10-8-70]

6. Proposed changes to NAC 643.160 – #2 change fee from \$50 to \$60 and #3 change fee from \$100 to \$120 in accordance with NRS 643.140.

NAC 643.160 Fees: Proration of initial fee; renewal or restoration of license. (NRS 643.050, 643.140)

1. The initial fee paid by an apprentice or a barber for a license issued not more than 6 months before its renewal date may be prorated at the rate of \$3 per month.
2. A licensed barber or apprentice may renew his license by paying a fee of ~~\$50~~ \$60

3. A barber or an apprentice whose license has been expired for less than 2 years may restore it by paying the restoration fee of ~~\$100~~ **\$120**.

[Barbers' Health & Sanitation Bd., Rule 35, eff. 10-8-70; A 1-6-72; 8-31-79; 10-20-81; + Rule 39, eff. 10-8-70; A 1-6-72; 11-9-79; 10-20-81]—(NAC A 5-19-88; 9-16-92; R084-99, 1-18-2000)

7. Proposed change to NAC 643.230 – change from 1 apprentice to 2 apprentices.

NAC 643.230 Limitation on number of apprentices employed. (NRS 643.050) Each barber may employ apprentices in the ratio of ~~one~~ **two** apprentice to each licensed barber working in the barbershop, but may not employ more than six apprentices in a shop.

[Barbers' Health & Sanitation Bd., Rule 22, eff. 10-8-70; A 9-6-76]—(NAC A by R084-99, 1-18-2000)

8. Proposed repeal of NAC 643.340 – removal of clean cuspidors.

~~**NAC 643.340 Cuspidors and ashtrays.** Cuspidors and ashtrays must be cleaned every day, and a disinfectant must be left in cuspidors at all times.~~

~~—[Barbers' Health & Sanitation Bd., Rule 5, eff. 10-8-70]—(NAC A 5-19-88)~~

9. Proposed changes to NAC 643.350 – modification to waste receptacles.

NAC 643.350 Waste receptacles. ~~A~~ At least two covered waste receptacles must be provided for each barber's chair. **All single use items including neck strips must be discarded immediately after a single use.** ~~Used shaving papers must be deposited in one receptacle and used towels must be deposited in the other.~~

[Barbers' Health & Sanitation Bd., Rule 6, eff. 10-8-70]

10. Proposed changes to NAC 643.355 – removal of dry fumigant and add updated language.

NAC 643.355 ~~Sterilization~~ Disinfection of implements. **All non-porous implements must be cleaned and disinfected prior to each use by the following steps:**

- 1. Each item must be cleaned with soap or detergent and water and rinsed. Blade wash is an acceptable cleaner for this step.**
- 2. Item(s) must be fully immersed (including handles) in an EPA registered disinfectant that is bactericidal, virucidal and fungicidal. Disinfectant must be used in accordance with the manufactures label, including contact time. EPA registered**

disinfectants that are in a spray or wipe form are also acceptable if manufactures label instructions are followed.

3. Items must be rinsed and dried with a clean towel or allowed to air dry.

~~For each barber's chair in a barbershop, there must be provided:~~

~~— 1. A container of sufficient depth for the immersion of those implements listed in paragraph (f) of subsection 1 of NRS 643.200. The container must contain a solution of not less than 4 percent formalin or 5 percent phenol or the equivalent.~~

~~— 2. An airtight cabinet sterilizer which must be equipped with:~~

~~— (a) A small glass tray containing 1 tablespoon of borax and 1 tablespoon of formaldehyde or three formaltabs or the equivalent maintained at full strength at all times; or~~

~~— (b) Germicidal lamps.~~

[Barbers' Health & Sanitation Bd., Rule 13, eff. 10-8-70]

Electric Implements

1. Remove hair and other debris.
2. Use EPA registered disinfectant spray or wipe that is bactericidal, virucidal and fungicidal according to the manufactures label, including contact time.
3. Wipe dry with clean towel.

Storage of Implements,

1. When items have been properly disinfected, they must be stored in a clean, covered container or drawer until used.
2. Electrical implements may be stored on hooks, stands or a clean covered container or closed drawer.
3. No implements may be carried in clothing, tool belts or pockets.

11. *Proposed changes to NAC 643.380 – Adding updated language.*

NAC 643.380 Used towels. A covered and vented receptacle shall be available for depositing used towels. Towels may only be used once before being laundered. A fresh towel must be used for each client. A used towel which is left on or near any washbowl, basin, workstand or place other than in the proper receptacle will be considered prima facie evidence of an intent to use the towel without it being relaundered.

[Barbers' Health & Sanitation Bd., Rule 9, eff. 10-8-70]

12. Proposed repeal of NAC 643.390 – In more than once

~~NAC 643.390 Containers for hair. Hair must be kept in a separate closed container before disposal.~~

~~—[Barbers' Health & Sanitation Bd., Rule 14, eff. 10-8-70]~~

13. Proposed changes to NAC 643.315 – Adding updated language.

NAC 643.415 Prohibition against removal of warts, moles and blemishes. Barbers and apprentices may not remove by any method, warts, moles or skin blemishes of any kind. Barbers shall not perform a service when the area to be worked on has skin that is open, reddened, ulcerated or swollen.

[Barbers' Health & Sanitation Bd., Rule 18, eff. 10-8-70]

14. Proposed changes to NAC 643.430 – change 12th grade to high school diploma.

NAC 643.430 Qualifications of applicant for student's license.

1. An applicant for a license as a student must:

(a) Have completed the ~~12th grade~~ high school diploma or an equivalent; and

(b) Be an American citizen or lawfully entitled to live and work in the United States.

2. If the applicant has ever been convicted of a felony, he must appear before the board for a hearing to determine whether he will be permitted to enroll in a barber school. A person who has been convicted of a felony or a crime of moral turpitude has the burden of showing that a student's license should be issued. The board will consider the date of conviction, the nature of the crime, the applicant's record of rehabilitation, the applicant's experience since conviction, personal and employment references and any other evidence which the board deems relevant.

[Barbers' Health & Sanitation Bd., part Rule S-18, eff. 10-8-70; A 2-26-80]

15. Proposed changes to NAC 643.440 – adding specific language.

NAC 643.440 Physical examinations.

1. No student will receive a student's license or be permitted to enroll in a barber school while he has an infectious, contagious or communicable disease.

2. Each student must undergo a physical examination, including a one-step TB test or a chest X-ray, blood test and any other test which the board considers necessary before a student's license will be issued.

[Barbers' Health & Sanitation Bd., part Rule S-18, eff. 10-8-70; A 2-26-80]

16. *Proposed changes to NAC 643.450 – removing number 2 according to NRS 643.1777*

NAC 643.450 Instructor's license: Examination. (NRS 643.050)

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

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

[Barbers' Health & Sanitation Bd., part Rule S-16, eff. 10-8-70; A 2-8-76]—(NAC A by R084-99, 1-18-2000)

17. *Proposed repeal of NAC 643.510 – Outdated.*

~~**NAC 643.510 Posting of sign concerning free services and materials.** Signs must be conspicuously posted in all barber schools which state that:~~

- ~~— 1. There is no charge for services rendered by students;~~
 - ~~— 2. The tipping of students or instructors is not allowed; and~~
 - ~~— 3. There is no charge for materials or linens used by the students.~~
- ~~— [Barbers' Health & Sanitation Bd., Rule S-5, eff. 10-8-70]~~

18. *Proposed repeal of NAC 643.540 – outdated*

~~**NAC 643.540 Ashtrays and cuspidors.**~~

- ~~— 1. Sufficient ashtrays must be provided and must be cleaned every day.~~
 - ~~— 2. Cuspidors are prohibited in barber schools.~~
- ~~— [Barbers' Health & Sanitation Bd., Rule S-8, eff. 10-8-70]~~

19. *Proposed changes to NAC 643.550 - Modifications to waste receptacles.*

NAC 643.550 ~~A At least two covered waste receptacles must be provided for each workstand. All single use items including neck strips must be discarded immediately after a single use. Used shaving papers, paper towels and neck strips must be deposited in one receptacle and used linens and towels must be deposited in the other.~~

20. Proposed changes to NAC 643.570 – removal of dry fumigant and add updated language.

NAC 643.570 ~~Sterilization~~ Disinfection of implements.

All non-porous implements must be cleaned and disinfected prior to each use by the following steps;

1. Each item must be cleaned with soap or detergent and water and rinsed. Blade wash is an acceptable cleaner for this step.
2. Item(s) must be fully immersed (including handles) in an EPA registered disinfectant that is bactericidal, virucidal and fungicidal. Disinfectant must be used in accordance with the manufactures label, including contact time. EPA registered disinfectants that are in a spray or wipe form are also acceptable if manufactures label instructions are followed.
3. Items must be rinsed and dried with a clean towel or allowed to air dry.

Electrical Implements

1. Remove hair and other debris.
2. Use EPA registered disinfectant spray or wipe that is bactericidal, virucidal and fungicidal according to the manufactures label, including contact time.
3. Wipe dry with clean towel.

Storage of Implements,

1. When items have been properly disinfected, they must be stored in a clean, covered container or drawer until used.
2. Electrical implements may be stored on hooks, stands or a clean covered container or closed drawer.
3. No implements may be carried in clothing, tool belts or pockets.

~~1. Combs, razors, scissors, brushes, blades for clippers, neck dusters, tweezers, parts of vacuums and vibrators, and all other implements which come in contact with the skin or hair of the head, face or neck must be immersed in a germicidal solution or kept in a closed airtight compartment which is equipped with a germicidal vapor or light immediately before each use.~~

- ~~— 2. For each barber's chair in a barber school, there must be provided:~~
- ~~— (a) A container of sufficient depth for the immersion of those implements listed in subsection 1. The container must contain a solution of not less than 4 percent formalin or 5 percent phenol, or the equivalent.~~
- ~~— (b) An airtight cabinet sterilizer equipped with:~~
- ~~— (1) A small glass or glass tray containing 1 tablespoon of borax and 1 tablespoon of formaldehyde;~~
- ~~— (2) A glass or glass tray containing three formal tabs or the equivalent maintained at full strength at all times; or~~
- ~~— (3) Germicidal lamps.~~
- ~~— [Barbers' Health & Sanitation Bd., Rule S-9, eff. 10-8-70]~~

21. *Proposed repeal to NAC 643.590 – In more than once.*

~~**NAC 643.590 Containers for hair.** Hair must be kept in a separate closed container before disposal.~~

~~— [Barbers' Health & Sanitation Bd., part Rule S-7, eff. 10-8-70]~~

22. *Proposed changes to NAC 643.645 – Adding updated language.*

NAC 643.645 Prohibition against removal of warts, moles and blemishes. A student or an instructor may not remove by any method, warts, moles or skin blemishes of any kind. Students or instructors shall not perform a service when the area to be worked on has skin that is open, reddened, ulcerated or swollen.

[Barbers' Health & Sanitation Bd., Rule S-21, eff. 10-8-70]

23. *Proposed changes to NAC 643.736 – raising time limit.*

NAC 643.736 Courses for cosmetologists: Time for completion; hours of instruction.

1. The 400 hours of instruction for cosmetologists must be completed within ~~60~~ 75 business days after the first date of enrollment.

2. A student enrolled in such instruction may not receive more than 8 hours of instruction in 1 day or more than 40 hours of instruction in 1 week.

(Added to NAC by Barbers' Health & Sanitation Bd., eff. 5-19-88)

24. Proposed changes to NAC 643.XXX (SB 69)

NAC 643.XXX License by endorsement. (SB 69)

1. The board may issue a license by endorsement to engage in an occupation or profession in this State to any natural person who:

- (a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;
- (b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and
- (c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

- (a) Is a citizen of the United States or otherwise has the legal right to work in the United States;
- (b) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;
- (c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;
- (d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;
- (e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;
- (f) Does not have any pending disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;

(h) Submits to the board a complete set of his or her fingerprints and written permission authorizing the board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(i) Submits to the board the statement required by NRS 425.520.

3. The board may require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

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

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the board;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period of 5 years preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the board.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the board shall provide written notice to the applicant of any additional information required by the board to consider the application. Unless the board denies the application for good cause, the board shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the board requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the board receives the report; or

(c) If the board requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the board, whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the board or between its meetings by the presiding member of the board and the executive director of the board. Such an action shall be deemed to be an action of the board.

6. The board may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the board has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.