

PROPOSED REGULATION OF THE STATE BARBERS'

HEALTH & SANITATION BOARD

LCB File No. R101-18

June 15, 2018

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

AUTHORITY: §1, NRS 622.530, 643.050 and 643.120; §2, NRS 643.050 and 643.080; §3, NRS 643.050 and 643.090; §4, NRS 643.050 and 643.140; §§5, 6 and 18, NRS 643.050; §§7-9 and 13-16, NRS 643.050 and 643.200; §§10 and 11, NRS 643.050 and 643.176; §12, NRS 643.050, 643.176 and 643.1777; §17, NRS 643.050, 643.085 and 643.176.

A REGULATION relating to barbering; prescribing the requirements for licensure by endorsement; revising the educational requirements for apprentices and students; increasing certain licensing fees; increasing the number of apprentices who may be employed by a barber; revising certain sanitation requirements relating to barbering; revising certain requirements for physical examinations for students; eliminating the requirement for certain members of the State Barbers' Health and Sanitation Board to administer certain exams; revising the time period in which hours of instruction for cosmetologists must be completed; making various other changes relating to barbering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain regulatory bodies to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person who: (1) 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; (2) 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 (3) satisfies certain other requirements, including submitting to a background investigation by the Central Repository for Nevada Records of Criminal History or providing proof that he or she has passed a comparable background check. (NRS 622.530) **Section 1** of this regulation prescribes the requirements for licensure by endorsement as a barber.

Existing law authorizes the State Barbers' Health and Sanitation Board to adopt regulations relating to barbering, including licensure and sanitary requirements for barbershops and barber schools. (NRS 643.050) The Board may also adopt regulations governing barber schools. (NRS 643.176)

Sections 2 and 10 of this regulation make technical changes to the requirements for examination for licensure as an apprentice or a student.

Section 3 of this regulation increases the fee for examination for licensure as a barber or an apprentice from \$90 to \$100. **Section 4** of this regulation increases the fee for renewal of a license as a barber or an apprentice from \$50 to \$60. **Section 4** also increases the fee for the restoration of an expired license from \$100 to \$120.

Section 5 of this regulation revises the ratio of apprentices to licensed barbers that may work in a barbershop, from one apprentice per barber to not more than two apprentices per barber.

Sections 6 and 13 of this regulation decrease the number of waste receptacles that must be provided for each barber chair in a barbershop or workstand in a barber school, respectively, from two to one.

Sections 6 and 13 also require all single-use items to be disposed of immediately after a single use. **Sections 7 and 14** of this regulation revise the requirements for the cleaning, disinfecting and storage of implements used in a barbershop or barber school, respectively.

Sections 8 and 15 of this regulation require a barbershop or barber school, respectively, to use a clean, unused towel for each patron and to have a covered and vented receptacle available for the deposit of used towels. **Sections 9 and 16** of this regulation prohibit barbers and apprentices and students and instructors, respectively, from working on a person in an area that has open, reddened, ulcerated or swollen skin.

Section 11 of this regulation revises the tests that must be conducted during a physical examination that a student must undergo before a student's license will be issued by the Board to provide that the student must receive a one-step tuberculosis screening test or a chest X-ray at the physical examination.

Section 12 of this regulation removes the requirement that three members of the Board be present to administer an examination for an instructor's license as existing law prohibits the Board from administering an examination for an instructor's license. (NRS 643.1777) **Section 17** of this regulation revises the number of days in which the required hours of instruction for cosmetologists must be completed from within 60 days after enrollment in a barber school to 75 days after enrollment.

Section 18 of this regulation eliminates certain requirements for cuspidors, ashtrays, containers for hair and the posting of signs in a barber school regarding free services and materials.

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

1. The Board may issue a license by endorsement to an applicant who:

(a) Holds a corresponding, valid and unrestricted license as a barber 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 the issuance of a license to practice as a barber in this State; and

(c) Attests that he or she meets the requirements prescribed in paragraphs (a) to (f), inclusive, of subsection 2 of NRS 622.530.

2. To apply for a license by endorsement as a barber, an applicant must submit with his or her application:

(a) A copy of the current, valid and unrestricted license from the District of Columbia, state or territory of the United States;

(b) The attestation required pursuant to subsection 1;

(c) A copy of his or her high school diploma or general equivalency diploma;

(d) A complete set of 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;

(e) The statement required pursuant to NRS 425.520;

(f) 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 another examination approved by the Board;

(2) Has completed the requirements of an appropriate school of barbering or other program of study for barbers approved by the Board;

(3) Has practiced as a licensed barber for a period of 5 years preceding the date the applicant submits the application for licensure by endorsement to the Board; and

(4) Possesses a sufficient degree of competency in barbering, which must include, without limitation, two affidavits from individuals who have previously worked with the applicant in his or her position as a licensed barber;

(g) A certificate signed by a licensed physician certifying that the applicant is free from tuberculosis and other communicable diseases;

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

(i) Any other information required by the Board.

3. Upon receiving an application for licensure by endorsement as a barber, the Board will comply with the requirements of subsection 4 of NRS 622.530.

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

643.010 1. An applicant for examination for a license as an apprentice must:

- (a) Have ~~completed the 12th grade~~ *a high school diploma* or ~~the~~ *its* 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, the applicant must appear before the Board for a hearing to determine whether he or she 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.

Sec. 3. NAC 643.070 is hereby amended to read as follows:

643.070 The fee for an examination is ~~{\$90.}~~ *\$100.*

Sec. 4. NAC 643.160 is hereby amended to read as follows:

643.160 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 or her 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.*

Sec. 5. NAC 643.230 is hereby amended to read as follows:

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

Sec. 6. NAC 643.350 is hereby amended to read as follows:

643.350 1. At least ~~{two}~~ *one* covered waste ~~{receptacles}~~ *receptacle* must be provided for each barber's chair. ~~{Used shaving papers}~~

2. *All single-use items including, without limitation, neck strips,* must be ~~{deposited in one}~~ *disposed of immediately in the waste* receptacle ~~{and used towels must be deposited in the other.}~~ *after a single use.*

Sec. 7. NAC 643.355 is hereby amended to read as follows:

643.355 ~~{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.]~~ *Before a barber or apprentice uses any implement, the implement must be:*

(a) Cleaned using:

(1) Soap or detergent and rinsing with clean water; or

(2) A blade wash.

(b) Disinfected with a disinfectant that meets the requirements of subsection 4 by:

(1) Immersing the implement, including, without limitation, any handles of the implement, in a disinfectant; or

(2) If the implement is not an implement described in paragraph (f) of subsection 1 of NRS 643.200, using a disinfectant in spray or wipe form; and

(c) Rinsed with clean water and dried with a clean towel or by allowing the implement to air dry.

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 formal tabs or the equivalent maintained at full strength at all times; or~~

~~—(b) Germicidal lamps.]~~ *An electric implement used by a barber or apprentice must be:*

(a) Cleaned by removing hair and other debris from the electric implement;

(b) Disinfected with a disinfectant that meets the requirements of subsection 4 by:

(1) If the implement is described in paragraph (f) of subsection 1 of NRS 643.200, immersing the implement, including, without limitation, any handles of the implement, in the disinfectant; or

(2) If the implement is not an implement described in paragraph (f) of subsection 1 of NRS 643.200, using a disinfectant in spray or wipe form; and

(c) Dried with a clean towel.

3. After an implement has been cleaned and disinfected pursuant to subsection 1 or 2, as applicable, the implement:

(a) May not be carried in clothing, tool belts or pockets; and

(b) Except as otherwise provided in this paragraph, must be stored in a clean, covered container or drawer until the implement is used. An electric implement that is not required to be kept in a closed compartment pursuant to NRS 643.200 may be stored on a hook or a stand.

4. Any disinfectant used to meet the requirements of this section must be:

(a) Registered with the United States Environmental Protection Agency in accordance with the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.;

(b) Bactericidal, virucidal and fungicidal;

(c) Used in accordance with the instructions on the manufacturer's label, including, without limitation, the required contact time; and

(d) If the disinfectant is used to disinfect an implement described in paragraph (f) of subsection 1 of NRS 643.200, boiling water or a solution of 2 percent carbolic acid, or its equivalent.

Sec. 8. NAC 643.380 is hereby amended to read as follows:

643.380 *1. A clean and unused towel must be used for each patron and may not be used again on another patron until it has been relaundered.*

2. A covered and vented receptacle must be available for depositing used towels.

3. 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.

Sec. 9. NAC 643.415 is hereby amended to read as follows:

643.415 Barbers and apprentices may not ~~remove~~ :

1. *Remove* by any method, warts, moles or skin blemishes of any kind ~~H~~ ; *or*
2. *Perform a service on a person when the area to be worked on has skin that is open, reddened, ulcerated or swollen.*

Sec. 10. NAC 643.430 is hereby amended to read as follows:

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

- (a) Have ~~completed the 12th grade~~ *a high school diploma* or ~~an~~ *its* 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, the applicant must appear before the Board for a hearing to determine whether he or she 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.

Sec. 11. NAC 643.440 is hereby amended to read as follows:

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

2. ~~Each~~ *Before a student's license will be issued, each* student must undergo a physical examination, including :

- (a) *A one-step tuberculosis screening test or* a chest X ray ~~H~~ ;
- (b) *A* blood test ; and ~~any~~

(c) *Any* other test which the Board considers necessary . ~~{before a student's license will be issued.}~~

Sec. 12. NAC 643.450 is hereby amended to read as follows:

643.450 ~~{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.}~~

Sec. 13. NAC 643.550 is hereby amended to read as follows:

643.550 *1.* At least ~~{two}~~ *one* covered ~~{receptacles}~~ *waste receptacle* must be provided for each workstand. ~~{Used shaving papers, paper towels and}~~

2. All single-use items including, without limitation, neck strips , must be ~~{deposited in one}~~ *disposed of immediately in the waste* receptacle ~~{and used linens and towels must be deposited in the other.}~~ *after a single use.*

Sec. 14. NAC 643.570 is hereby amended to read as follows:

643.570 ~~{1.—Combs, razors, scissors, brushes, blades for clippers, neck dusters, tweezers, parts of vacuums and vibrators, and all other}~~ *All* implements ~~{which come in contact with the skin or hair of the head, face or neck}~~ *used by a student or instructor* 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;] *cleaned, disinfected and stored in the same manner required pursuant to NAC 643.355.*~~

Sec. 15. NAC 643.580 is hereby amended to read as follows:

643.580 1. A *clean and unused* towel ~~{that is}~~ *must be* used ~~{on one}~~ *for each* patron *and* may not be used again on another patron until it has been relaundered.

2. *A covered and vented receptacle must be available for depositing used towels.*

3. 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.

Sec. 16. NAC 643.645 is hereby amended to read as follows:

643.645 A student or an instructor may not ~~{remove}~~ :

1. *Remove* by any method, warts, moles or skin blemishes of any kind ~~{}~~ ; *or*

2. *Perform a service on a person when the area to be worked on has skin that is open, reddened, ulcerated or swollen.*

Sec. 17. NAC 643.736 is hereby amended to read as follows:

643.736 1. The 400 hours of instruction for cosmetologists must be completed within ~~60~~
75 days after the first date of enrollment ~~+~~ *in a barber school.*

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.

Sec. 18. NAC 643.340, 643.390, 643.510, 643.540 and 643.590 are hereby repealed.

TEXT OF REPEALED SECTIONS

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

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

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.

643.540 Ashtrays and cuspidors.

1. Sufficient ashtrays must be provided and must be cleaned every day.

2. Cuspidors are prohibited in barber schools.

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