

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

LCB File No. R044-22

August 18, 2022

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

AUTHORITY: §§ 1, 7 and 11, NRS 643.050; § 2, NRS 643.050 and 643.174; §§ 3-5, and 8-10, NRS 643.050 and 643.176; § 6, NRS 622.530, 643.050 and 643.120.

A REGULATION relating to barbering; requiring an applicant for a license to operate a barber school to file a surety bond and submit certain financial information to the State Barbers' Health and Sanitation Board; setting forth certain continuing education requirements for instructors of barbers; requiring a licensed cosmetologist to complete certain coursework before applying to become a licensed barber under certain circumstances; revising requirements for the licensure of a barber by endorsement; eliminating certain requirements concerning the leasing of a barber's chair by an apprentice; eliminating the prohibition on administering an examination for an instructor's license more than twice per year; revising requirements for courses of instruction at barber schools; revising provisions relating to the imposition of administrative fines by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of barbers, apprentice barbers, instructors of barbers, barbershops and barber schools by the State Barbers' Health and Sanitation Board. (Chapter 643 of NRS)

Existing law authorizes the Board to adopt regulations governing the conduct of barber schools. (NRS 643.050) Existing law requires the Board to require an applicant for a license to operate a barber school to submit, among other things, information showing the financial ability of the applicant to operate the barber school in accordance with the requirements of existing law and regulations governing barber schools. Existing law authorizes the Board to prescribe the form of such information by regulation. (NRS 643.174) **Section 2** of this regulation requires an applicant for a license to operate a barber school to submit to the Board certain specified financial information. **Section 2** also requires such an applicant to file with Board a surety bond.

Existing law requires the Board to require, as a prerequisite for the renewal of an instructor's license, continuing education in the form of seminars or other training. (NRS 643.176) **Section 3** of this regulation requires the holder of an instructor's license to have completed at least 16 hours of continuing education in the year immediately preceding the renewal of his or her license. At least 2 hours must include instruction in teaching methodologies. **Section 3** requires the continuing education to be in the form of seminars,

courses or other training approved by the Board. **Section 4** of this regulation sets forth the process by which the Board will approve such seminars, courses or training.

Existing law and regulations authorize a licensed cosmetologist who has completed 400 hours of special training at an approved barber school to apply for examination to become a licensed barber without having practiced as an apprentice. (NRS 643.085; NAC 643.020) **Section 5** of this regulation requires such a licensed cosmetologist to complete a 250-hour refresher course from an approved barber school if he or she completed the 400 hours of special training more than 12 months before applying for examination to become a licensed barber.

Existing regulations require an applicant for a license as a barber by endorsement to submit two affidavits from individuals who previously worked with the applicant in his or her position as a licensed barber. (NAC 643.025) **Section 6** of this regulation requires such individuals to be or have been owners or managers of a barbershop.

Section 7 of this regulation eliminates the requirement that an agreement for the leasing of a barber's chair by an apprentice be submitted to the Board. (NAC 643.240)

Section 8 of this regulation eliminates provisions of existing regulations prohibiting an examination for an instructor's license from being given more than twice per year. (NAC 643.450)

Existing regulations require that 1,300 of the 1,500 hours of instruction that students are required to receive in a course of instruction at barber school to be practical work on a patron in a barber's chair. Existing regulations require such practical work to include a specified number of certain procedures. (NAC 643.660) **Section 9** of this regulation authorizes 10 percent or less of those procedures to be performed on a mannequin. **Section 10** of this regulation makes a conforming change to reflect the addition of the provisions in **section 9**.

Existing law sets forth certain unlawful practices relating to barbering. (NRS 643.190) Existing law requires the Board to assess administrative fines in specified amounts for engaging in such practices. (NRS 643.220) **Section 11** of this regulation eliminates certain provisions of existing regulations that provide the Board with discretion in assessing and determining the amount of administrative fines for engaging in such practices to reflect the mandate imposed on the Board under existing law to assess administrative fines in certain specified amounts for engaging in such practices.

Section 1. Chapter 643 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *In addition to the requirements set forth in NRS 643.173, an applicant for a license to operate a barber school must:*

1. Submit to the Board:

(a) An independent credit report from a consumer reporting agency defined in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the applicant, if the applicant

is a natural person, or for each member, partner or officer of the applicant, if the applicant is a business entity.

(b) If the applicant is a business entity which has been in operation for at least 2 years immediately preceding the date of application, audited financial statements prepared by an independent certified public accountant for the 2 years immediately preceding the date of application.

(c) If the applicant is a natural person or a business entity which has not been in operation for at least 2 years immediately preceding the date of application, proof sufficient to the Board that the applicant is financially capable of operating a barber school.

2. File with the Board a surety bond in an amount not less than \$200,000 made payable to the Board, executed by the applicant as principal with a corporation authorized to transact surety business in this State as surety. The bond must be continuous in form and conditioned that the operator conduct the barber school in compliance with the requirements of this chapter and chapter 643 of NRS.

Sec. 3. 1. As a prerequisite for each renewal of an instructor's license, a licensee must complete, during the 12 months immediately preceding the renewal, at least 16 hours of continuing education approved by the Board. At least 2 of the 16 hours must include instruction in teaching methodologies.

2. The continuing education required pursuant to this section must be in the form of seminars, courses or other training approved by the Board pursuant to section 4 of this regulation and must relate to the barbering industry or the teaching and practice of barbering.

Sec. 4. 1. *A person who wishes to obtain approval for a seminar, course or other training to satisfy the requirements for continuing education pursuant to section 3 of this regulation must submit to the Board:*

(a) An application on a form prescribed by the Board; and

(b) All material relating to the seminar, course or training, including, without limitation, any written material provided to a licensee attending the seminar, course or training.

2. *The Board will review the application submitted pursuant to subsection 1 to determine whether the seminar, course or training may be used to meet the requirements for continuing education set forth in section 3 of this regulation. If the Board determines that the seminar, course or training may be used to meet those requirements, the Board will approve the seminar, course or training and determine the number of hours of continuing education that a licensee may be awarded for the successful completion of the seminar, course or training.*

Sec. 5. NAC 643.020 is hereby amended to read as follows:

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

(a) Have completed a successful period of apprenticeship in this state or have at least 5 years of experience gained within the 10 years immediately preceding the date of application, as a licensed barber in another state and a current license from the other state.

(b) Have completed the 10th grade in school or its equivalent.

(c) Be a citizen of the United States or lawfully entitled to live and work in the United States.

2. A licensed cosmetologist who has completed 400 hours of special training in a barber school approved by the Board may apply for examination to become a licensed barber. *If, at the time the licensed cosmetologist submits an application for examination to become a licensed*

barber, more than 12 months have elapsed since the applicant completed the 400 hours of special training, the applicant must show proof of successful completion of a 250-hour refresher course completed within the 12 months immediately preceding the application for examination in a barber school approved by the Board.

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

Sec. 6. NAC 643.025 is hereby amended to read as follows:

643.025 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 ~~(e)~~ (d), 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 *are or were owners or managers of a barbershop and 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. 7. NAC 643.240 is hereby amended to read as follows:

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

~~{(a)}~~ 1. In writing; *and*

~~{(b)}~~ 2. Signed by the licensed barber who will control and supervise the apprentice and by the apprentice. ~~;~~ *and*

~~—(c) Submitted to the Board for its approval.~~

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

Sec. 8. NAC 643.450 is hereby amended to read as follows:

643.450 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.

Sec. 9. NAC 643.660 is hereby amended to read as follows:

643.660 1. Except as otherwise provided in NAC 643.740, each student must receive 1,500 hours of instruction.

2. ~~{Of}~~ *Except as otherwise provided in subsection 3, of* the 1,500 hours of instruction required by this section, 1,300 hours must be practical work on a patron in a barber's chair and must include at least:

(a) Seven hundred haircuts;

(b) One hundred shaves;

(c) Seventy-five shampoos;

- (d) Fifty scalp treatments;
- (e) Fifty facials;
- (f) Fifty tonic applications;
- (g) Fifteen hair colorings;
- (h) Fifteen hair straightenings;
- (i) Fifty stylings;
- (j) Fifteen hairpiece fittings; and
- (k) Any other practical instruction which the Board may prescribe.

3. ~~The remaining~~ *Ten percent or less of the required number of each procedure specified in paragraphs (a) to (j), inclusive, of subsection 2 may be performed on a mannequin.*

4. *Of the 1,500 hours of instruction required by this section, 200 hours ~~of instruction~~* must consist of theory and work in the classroom pertaining to the science of barbering, the management of a barbershop, ethics, salesmanship, applicable state laws and regulations, and any other theoretical instruction which the Board may prescribe.

~~4.~~ 5. The 1,500 hours of instruction must be completed within 1 year after the first date of enrollment.

Sec. 10. NAC 643.740 is hereby amended to read as follows:

643.740 1. The operator of a barber school may offer a short course, lasting at least 250 hours, of which 225 hours must be practical instruction and 25 hours of instruction in the subjects listed in subsection ~~3~~ 4 of NAC 643.660.

2. The 225-hour practical instruction offered as part of a short course must include at least:

- (a) One hundred and fifty haircuts;
- (b) Ten shaves;

- (c) Five scalp treatments;
- (d) Five facials;
- (e) Ten shampoos;
- (f) Five tonic applications;
- (g) Two hair colorings;
- (h) Two hair straightenings;
- (i) Ten hair stylings;
- (j) One hairpiece fitting; and
- (k) Any other instruction which the Board may prescribe.

Sec. 11. NAC 643.780 is hereby amended to read as follows:

643.780 1. Any barber licensed pursuant to chapter 643 of NRS and found to be in violation of any provision of NRS 643.140 may be fined:

- (a) For the first offense in any licensing period, an amount not to exceed \$80; and
- (b) For the second offense in any licensing period, an amount not to exceed \$160.

↪ For the third offense, the barber will be brought before the Board for the revocation of his or her license.

2. Any person licensed pursuant to chapter 643 of NRS and found to be in violation of any provision of NRS 643.150 may be fined:

- (a) For the first offense in any licensing period, an amount not to exceed \$30;
- (b) For the second offense in any licensing period, an amount not to exceed \$100; and
- (c) For the third offense in any licensing period, an amount not to exceed \$500.

3. Any barber licensed pursuant to chapter 643 of NRS and found to be in violation of any provision of paragraph (e) of subsection 1 of NRS 643.185 may be fined:

- (a) For the first offense in any licensing period, an amount not to exceed \$250;
- (b) For the second offense in any licensing period, an amount not to exceed \$500; and
- (c) For the third offense in any licensing period, an amount not to exceed \$1,000.

4. Any ~~person licensed pursuant to chapter 643 of NRS and found to be in violation of any provision of NRS 643.190 may be fined:~~

- ~~—(a) For the first offense in any licensing period, an amount not to exceed \$250;~~
- ~~—(b) For the second offense in any licensing period, an amount not to exceed \$500; and~~
- ~~—(c) For the third offense in any licensing period, an amount not to exceed \$1,000.~~

~~5. Any~~ barber licensed pursuant to chapter 643 of NRS and found to be in violation of any provision of NRS 643.200 may be fined:

- (a) For the first offense in any licensing period, an amount not to exceed \$100;
- (b) For the second offense in any licensing period, an amount not to exceed \$250; and
- (c) For the third offense in any licensing period, an amount not to exceed \$500.

~~16.1~~ 5. Any barber licensed pursuant to chapter 643 of NRS and found to be in violation of any provision of NAC 643.320 to 643.415, inclusive, may be fined:

- (a) For the first offense in any licensing period, an amount not to exceed \$75;
- (b) For the second offense in any licensing period, an amount not to exceed \$150; and
- (c) For the third offense in any licensing period, an amount not to exceed \$300.

~~17.1~~ 6. Each violation discovered upon inspection constitutes a separate count for the purposes of imposing the fines set forth in this section.