

Amendment No. CA3

Conference Committee Amendment to (BDR 54-637)  
Senate Bill No. 193 First Reprint

Proposed by: Conference Committee

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 193 (§§ 7, 8, 10, 11, 12, 25, 32, 36, 37, 38).

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

RRY/BJE



Date: 6/5/2011

S.B. No. 193—Makes various changes concerning the State Board of Cosmetology and persons and practices regulated by the Board. (BDR 54-637)



SENATE BILL NO. 193—SENATOR HARDY

FEBRUARY 24, 2011

JOINT SPONSORS: ASSEMBLYMEN HARDY AND STEWART

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes concerning the State Board of Cosmetology and persons and practices regulated by the Board. (BDR 54-637)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to cosmetology; revising certain provisions governing schools of cosmetology; establishing the procedures for the licensure of certain persons who engage in the practice of hair braiding and persons who operate an establishment for hair braiding; revising provisions relating to the regulation of sanitary conditions; revising provisions relating to the licensure of various cosmetology professionals and cosmetological establishments; ~~repealing a provision~~ **revising provisions** relating to the ~~provision of a~~ surety bond ~~by~~ **requirements for** a school of cosmetology; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Cosmetology to determine the qualifications of applicants for various licenses in cosmetology, requires the Board to license schools of cosmetology, and authorizes the Board to adopt regulations governing the sanitary conditions in cosmetological establishments, schools of cosmetology and in the practice of cosmetology. (NRS 644.090, 644.120)

~~Section 6 of this bill: (1) prohibits a school of cosmetology from collecting the entire amount of the cost for a program at the school of cosmetology from a student of cosmetology when the student enters into a contract with the school of cosmetology; (2) authorizes a school of cosmetology to collect certain periodic payments from students; and (2) requires a school of cosmetology to use the contract for enrollment that was submitted to and approved by the Board.~~ **Section 6.5 of this bill requires each school of cosmetology to: (1) obtain a surety bond in accordance with regulations adopted by the Board; or (2) provide for payment plans, including plans for periodic payments, in accordance with regulations adopted by the Board. The regulations regarding periodic payments must, as the Board determines appropriate, be modeled after certain federal regulations that provide payment periods for certain federal educational loans and grants.**

17 **Sections 7-9** of this bill establish a new license as a hair braider and set forth the  
18 requirements, including passing certain examinations, that must be met before the Board may  
19 issue such a license to a person. **Section 7** sets forth the requirements for obtaining such a  
20 license for persons who have not previously practiced hair braiding or who have practiced hair  
21 braiding in this State on certain relatives without accepting compensation. **Section 8** sets forth  
22 the requirements for persons who have practiced hair braiding in another state. **Section 9** sets  
23 forth the scope of the examinations that are required to obtain a license to practice hair  
24 braiding. **Section 24** of this bill provides an exemption from the licensure requirements for a  
25 person who, without accepting compensation, practices hair braiding on a person who is  
26 related within the sixth degree of consanguinity.

27 **Section 10** of this bill establishes a new license for persons who wish to operate an  
28 establishment for hair braiding and sets forth the requirements that must be met before the  
29 Board may issue such a license. **Sections 11-16** of this bill set forth additional requirements  
30 governing an establishment for hair braiding, including, without limitation, requirements  
31 relating to the notice which must be provided to the Board concerning a change of ownership  
32 or location and requirements relating to the qualifications of the person who must supervise  
33 the operation of such an establishment.

34 Under existing law, the Board is also required to provide for the registration of any  
35 person who engages in the practice of threading, and is authorized to inspect any facility in  
36 which threading is conducted. (NRS 644.331) **Section 22** of this bill authorizes the Board to  
37 include the practice of threading and any facility in which it is conducted in its regulations  
38 regarding sanitary conditions. **Sections 26-31 and 35** of this bill add United States citizenship  
39 or the legal right to remain and work in the United States to the requirements for applicants  
40 seeking licensure by the Board.

41 Existing law requires that schools of cosmetology post with the Board a surety bond as  
42 part of licensure. (NRS 644.383) **Section 43** of this bill repeals that requirement.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 640C.100 is hereby amended to read as follows:

2 640C.100 1. The provisions of this chapter do not apply to:

3 (a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634,  
4 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the  
5 course of the practice for which the person is licensed.

6 (b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS  
7 if the person is massaging, cleansing or stimulating the scalp, face, neck or skin  
8 within the permissible scope of practice for a barber or apprentice pursuant to that  
9 chapter.

10 (c) A person licensed or registered as an aesthetician, *hair designer, hair*  
11 *braider*, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of  
12 NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or  
13 skin within the permissible scope of practice for an aesthetician, *hair designer, hair*  
14 *braider*, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

15 (d) A person who is an employee of an athletic department of any high school,  
16 college or university in this State and who, within the scope of that employment,  
17 practices massage therapy on athletes.

18 (e) Students enrolled in a school of massage therapy recognized by the Board.

19 (f) A person who practices massage therapy solely on members of his or her  
20 immediate family.

21 (g) A person who performs any activity in a licensed brothel.

22 2. Except as otherwise provided in subsection 3, the provisions of this chapter  
23 preempt the licensure and regulation of a massage therapist by a county, city or

1 town, including, without limitation, conducting a criminal background investigation  
2 and examination of a massage therapist or applicant for a license to practice  
3 massage therapy.

4 3. The provisions of this chapter do not prohibit a county, city or town from  
5 requiring a massage therapist to obtain a license or permit to transact business  
6 within the jurisdiction of the county, city or town, if the license or permit is  
7 required of other persons, regardless of occupation or profession, who transact  
8 business within the jurisdiction of the county, city or town.

9 4. As used in this section, "immediate family" means persons who are related  
10 by blood, adoption or marriage, within the second degree of consanguinity or  
11 affinity.

12 **Sec. 2.** Chapter 644 of NRS is hereby amended by adding thereto the  
13 provisions set forth as sections 3 to 16, inclusive, of this act.

14 **Sec. 3.** *"Establishment for hair braiding" means any premises, mobile unit,*  
15 *building or part of a building where hair braiding is practiced, other than a*  
16 *cosmetological establishment.*

17 **Sec. 4.** *"Hair braider" means any person who engages in the practice of*  
18 *hair braiding.*

19 **Sec. 5. 1.** *"Hair braiding" means a natural form of hair manipulation by*  
20 *braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or*  
21 *wrapping human hair, natural fibers, synthetic fibers and hair extensions. The*  
22 *practice may be performed by hand or by using simple braiding devices,*  
23 *including, without limitation, clips, combs, hairpins, scissors, needles and thread.*

24 2. *The term includes:*

25 (a) *Cleansing the scalp; and*

26 (b) *The making of customized wigs from natural hair, natural fibers,*  
27 *synthetic fibers and hair extensions.*

28 3. *The term does not include:*

29 (a) *The use of penetrating chemical hair treatments, chemical hair coloring*  
30 *agents, chemical hair straightening agents, chemical hair joining agents,*  
31 *permanent wave styles or chemical hair bleaching agents applied to growing*  
32 *human hair;*

33 (b) *The cutting or growing of human hair, except that the term includes the*  
34 *trimming of hair extensions or sewn weave-in extensions only as applicable to the*  
35 *braiding process; or*

36 (c) *Any other activity set forth in the definition of "cosmetologist" pursuant*  
37 *to NRS 644.023 other than the activities expressly set forth in subsections 1 and*  
38 *2.*

39 **Sec. 6. 1.** ~~*A school of cosmetology shall not:*~~

40 ~~*(a) Collect the entire amount of the cost for a program at the school of*~~  
41 ~~*cosmetology from a student of cosmetology at the time the student enters into a*~~  
42 ~~*contract with the school of cosmetology; or*~~

43 ~~*(b) Except for an initial payment of not more than 25 percent of the total*~~  
44 ~~*amount of the cost for the program at the school, invoice or collect from a student*~~  
45 ~~*a periodic payment toward the cost for the quarter of the program at the school of*~~  
46 ~~*cosmetology until at least 75 percent of the instruction in the curriculum of the*~~  
47 ~~*immediately preceding quarter of the program has been completed.*~~

48 ~~*2. A school of cosmetology shall use the contract for the enrollment of a*~~  
49 ~~*student in a program at the school of cosmetology that was submitted to and*~~  
50 ~~*approved by the Board, including any revisions approved by the Board pursuant*~~  
51 ~~*to subsection 3, to contract with the student of cosmetology. The approved*~~  
52 ~~*contract must include, without limitation:*~~

1 ~~— (a) A notice indicating that the school of cosmetology is not required to post~~  
2 ~~a surety bond with the Board; and~~

3 ~~— (b) A provision indicating that the school of cosmetology is authorized to~~  
4 ~~collect.~~

5 ~~— (1) Not more than 25 percent of the total amount of the cost for the~~  
6 ~~program at the school of cosmetology from a student at the time the student~~  
7 ~~enters into the contract with the school of cosmetology; and~~

8 ~~— (2) Additional periodic payments in increments of not more than 25~~  
9 ~~percent of the total amount of the cost for the program for each quarter of the~~  
10 ~~program. This amount may be collected by the school of cosmetology when at~~  
11 ~~least 75 percent of the instruction in the curriculum of the immediately preceding~~  
12 ~~quarter of the program has been completed.~~

13 ~~— 3. The school of cosmetology shall submit to the Board for its approval a~~  
14 ~~notice detailing any revisions to the approved contract. The revisions must be~~  
15 ~~approved by the Board before the school of cosmetology may use the revised~~  
16 ~~contract. The revisions shall be deemed to be approved by the Board if the~~  
17 ~~revisions are not disapproved by the Board within 60 days after their submission~~  
18 ~~to the Board.~~

19 ~~— 4. The Board:~~

20 ~~— (a) Shall respond to any complaints with regard to a contract between a~~  
21 ~~school of cosmetology and a student of cosmetology; and~~

22 ~~— (b) If the Board or its staff has reason to believe that a school of cosmetology~~  
23 ~~has not complied with any provisions governing such a contract, may require the~~  
24 ~~school of cosmetology to submit for review its current contract for the enrollment~~  
25 ~~of a student or may conduct an inspection of the school of cosmetology.] (Deleted~~  
26 ~~by amendment.)~~

27 Sec. 6.5. 1. Each school of cosmetology shall:

28 (a) Obtain a surety bond in accordance with regulations adopted by the  
29 Board; or

30 (b) Provide for payment plans, including plans for periodic payments, in  
31 accordance with regulations adopted by the Board.

32 2. The Board shall adopt regulations regarding surety bonds and payment  
33 plans for purposes of subsection 1. The regulations regarding periodic payments  
34 must, as the Board determines appropriate, be modeled after 34 C.F.R. § 668.4.

35 Sec. 7. 1. The Board shall admit to examination as a hair braider, at any  
36 meeting of the Board held to conduct examinations, each person who has applied  
37 to the Board in proper form and paid the fee, and who:

38 (a) Is not less than 18 years of age.

39 (b) Is of good moral character.

40 (c) Is a citizen of the United States or is lawfully entitled to remain and work  
41 in the United States.

42 (d) Has successfully completed the 10th grade in school or its equivalent and  
43 has submitted to the Board a notarized affidavit establishing the successful  
44 completion by the applicant of the 10th grade or its equivalent. Testing for  
45 equivalency must be pursuant to state or federal requirements.

46 (e) If the person has not practiced hair braiding previously:

47 (1) Has completed a minimum of 250 hours of training and education as  
48 follows:

49 (I) Fifty hours concerning the laws of Nevada and the regulations of  
50 the Board relating to cosmetology;

51 (II) Seventy-five hours concerning infection control and sanitation;

1                   (III) *Seventy-five hours regarding the health of the scalp and the*  
2 *skin of the human body; and*

3                   (IV) *Fifty hours of clinical practice; and*

4                   (2) *Has passed the practical demonstration in hair braiding and written*  
5 *tests described in section 9 of this act.*

6                   (f) *If the person has practiced hair braiding in this State on a person who is*  
7 *related within the sixth degree of consanguinity without a license and without*  
8 *charging a fee:*

9                   (1) *Has submitted to the Board a signed affidavit stating that the person*  
10 *has practiced hair braiding for at least 1 year on such a relative; and*

11                   (2) *Has passed the practical demonstration in hair braiding and written*  
12 *tests described in section 9 of this act.*

13                   2. *The application submitted pursuant to subsection 1 must be accompanied*  
14 *by:*

15                   (a) *Two current photographs of the applicant which are 1 1/2 by 1 1/2*  
16 *inches. The name and address of the applicant must be written on the back of*  
17 *each photograph.*

18                   (b) *A copy of one of the following documents as proof of the age of the*  
19 *applicant:*

20                   (1) *A driver's license or identification card issued to the applicant by this*  
21 *State or another state, the District of Columbia or any territory of the United*  
22 *States;*

23                   (2) *The birth certificate of the applicant;*

24                   (3) *The current passport issued to the applicant; or*

25                   (4) *A voter registration card issued to the applicant pursuant to NRS*  
26 *293.517.*

27                   **Sec. 8. 1. The Board shall admit to examination as a hair braider, at any**  
28 **meeting of the Board held to conduct examinations, each person who has**  
29 **practiced hair braiding in another state, has applied to the Board in proper form**  
30 **and paid a fee of \$200, and who:**

31                   (a) *Is not less than 18 years of age.*

32                   (b) *Is of good moral character.*

33                   (c) *Is a citizen of the United States or is lawfully entitled to remain and work*  
34 *in the United States.*

35                   (d) *Has successfully completed the 10th grade in school or its equivalent and*  
36 *has submitted to the Board a notarized affidavit establishing the successful*  
37 *completion by the applicant of the 10th grade or its equivalent. Testing for*  
38 *equivalency must be pursuant to state or federal requirements.*

39                   (e) *If the person has practiced hair braiding in another state in accordance*  
40 *with a license issued in that other state:*

41                   (1) *Has submitted to the Board proof of the license; and*

42                   (2) *Has passed the written tests described in section 9 of this act.*

43                   (f) *If the person has practiced hair braiding in another state without a*  
44 *license and it is legal in that state to practice hair braiding without a license:*

45                   (1) *Has submitted to the Board a signed affidavit stating that the person*  
46 *has practiced hair braiding for at least 1 year; and*

47                   (2) *Has passed the practical demonstration in hair braiding and written*  
48 *tests described in section 9 of this act.*

49                   2. *The application submitted pursuant to subsection 1 must be accompanied*  
50 *by:*

1           (a) *Two current photographs of the applicant which are 1 1/2 by 1 1/2*  
2 *inches. The name and address of the applicant must be written on the back of*  
3 *each photograph.*

4           (b) *A copy of one of the following documents as proof of the age of the*  
5 *applicant:*

6           (1) *A driver's license or identification card issued to the applicant by this*  
7 *State or another state, the District of Columbia or any territory of the United*  
8 *States;*

9           (2) *The birth certificate of the applicant;*

10           (3) *The current passport issued to the applicant; or*

11           (4) *A voter registration card issued to the applicant pursuant to NRS*  
12 *293.517.*

13           **Sec. 9. 1.** *The examination for licensure as a hair braider pursuant to*  
14 *paragraph (e) of subsection 1 of section 8 of this act must include:*

15           (a) *A written test on antisepsis, sterilization and sanitation; and*

16           (b) *A written test on the laws of Nevada and the regulations of the Board*  
17 *relating to cosmetology.*

18           **2.** *The examination for licensure as a hair braider pursuant to section 7 or*  
19 *paragraph (f) of subsection 1 of section 8 of this act must include:*

20           (a) *The written tests described in subsection 1; and*

21           (b) *A practical demonstration in hair braiding.*

22           **Sec. 10. 1.** *Any person wishing to operate an establishment for hair*  
23 *braiding must apply to the Board for a license, through the owner, manager or*  
24 *person in charge, upon forms prepared and furnished by the Board. Each*  
25 *application must contain a detailed floor plan of the proposed establishment for*  
26 *hair braiding and proof of any particular requisites for a license provided for in*  
27 *this chapter, and must be verified by the oath of the maker.*

28           **2.** *The applicant must submit the application accompanied by the required*  
29 *fees for inspection and licensing. After the applicant has submitted the*  
30 *application, the applicant must contact the Board and request a verbal review*  
31 *concerning the application to determine if the establishment for hair braiding*  
32 *complies with the requirements of this chapter and any regulations adopted by*  
33 *the Board. If, based on the verbal review, the Board determines that the*  
34 *establishment for hair braiding meets those requirements, the Board shall issue*  
35 *to the applicant the required license. Upon receipt of the license, the applicant*  
36 *must contact the Board to request the activation of the license. A license issued*  
37 *pursuant to this subsection is not valid until it is activated. The Board shall*  
38 *conduct an on-site inspection of the establishment for hair braiding not later than*  
39 *90 days after the date on which the license is activated.*

40           **3.** *The fee for a license for an establishment for hair braiding is \$200. The*  
41 *fee for the initial inspection is \$15. If an additional inspection is necessary, the*  
42 *fee is \$25.*

43           **Sec. 11. 1.** *The Board must be notified of any change of ownership,*  
44 *name, services offered or location of an establishment for hair braiding. The*  
45 *establishment may not be operated after the change until a new license is issued.*  
46 *The owner of the establishment must apply to the Board for the license and pay*  
47 *the fees established pursuant to subsection 3 of section 10 of this act.*

48           **2.** *After a license has been issued for the operation of an establishment for*  
49 *hair braiding, any changes in the physical structure of the establishment must be*  
50 *approved by the Board.*

51           **Sec. 12. 1.** *The license of an establishment for hair braiding expires 2*  
52 *years after the date of issuance or renewal of the license.*

1           **2. If the owner of an establishment for hair braiding fails to pay the**  
2 **required fee for renewal of its license within 90 days after the date of expiration**  
3 **of the license, the establishment must be immediately closed.**

4           **Sec. 13. Every holder of a license issued by the Board to operate an**  
5 **establishment for hair braiding shall display the license in plain view of members**  
6 **of the general public in the principal office or place of business of the holder.**

7           **Sec. 14. Hair braiding may be practiced in an establishment for hair**  
8 **braiding by licensed hair braiders, hair designers or cosmetologists who are:**

9           **1. Employees of the owner of the establishment; or**

10           **2. Lessees of space from the owner of the establishment.**

11           **Sec. 15. An establishment for hair braiding must, at all times, be under the**  
12 **immediate supervision of a licensed hair braider, hair designer or cosmetologist.**

13           **Sec. 16. Food or beverages for immediate consumption may be sold in an**  
14 **establishment for hair braiding.**

15           **Sec. 17. NRS 644.020 is hereby amended to read as follows:**

16           644.020 As used in this chapter, unless the context otherwise requires, the  
17 words and terms defined in NRS 644.0205 to 644.0295, inclusive, **and sections 3, 4**  
18 **and 5 of this act** have the meanings ascribed to them in those sections.

19           **Sec. 18. NRS 644.0205 is hereby amended to read as follows:**

20           644.0205 1. "Aesthetician" means any person who engages in the practices  
21 of:

22           (a) Beautifying, massaging, cleansing or stimulating the skin of the human  
23 body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or  
24 any device, electrical or otherwise, for the care of the skin;

25           (b) Applying cosmetics or eyelashes to any person, tinting eyelashes and  
26 eyebrows, and lightening hair on the body; and

27           (c) Removing superfluous hair from the body of any person by the use of  
28 depilatories, waxing, tweezers or sugaring,

29           but does not include the branches of cosmetology of a cosmetologist, hair  
30 designer, **hair braider**, electrologist or nail technologist.

31           2. As used in this section, "depilatories" does not include the practice of  
32 threading.

33           **Sec. 19. NRS 644.024 is hereby amended to read as follows:**

34           644.024 "Cosmetology" includes the occupations of a cosmetologist,  
35 aesthetician, electrologist, hair designer, **hair braider**, demonstrator of cosmetics  
36 and nail technologist.

37           **Sec. 20. NRS 644.090 is hereby amended to read as follows:**

38           644.090 The Board shall:

39           1. Hold examinations to determine the qualifications of all applicants for a  
40 license, except as otherwise provided in this chapter, whose applications have been  
41 submitted to it in proper form.

42           2. Issue licenses to such applicants as may be entitled thereto.

43           3. License **establishments for hair braiding**, cosmetological establishments  
44 and schools of cosmetology.

45           4. Report to the proper prosecuting officers all violations of this chapter  
46 coming within its knowledge.

47           5. Inspect schools of cosmetology, **establishments for hair braiding** and  
48 cosmetological establishments to ensure compliance with the statutory requirements  
49 and adopted regulations of the Board. This authority extends to any member of the  
50 Board or its authorized employees.

51           **Sec. 21. NRS 644.110 is hereby amended to read as follows:**

52           644.110 The Board shall adopt reasonable regulations:



- 1 1. For carrying out the provisions of this chapter.
- 2 2. For conducting examinations of applicants for licenses.
- 3 3. For governing the recognition of, and the credits to be given to, the study of
- 4 cosmetology under a licensed electrologist or in a school of cosmetology licensed
- 5 pursuant to the laws of another state or territory of the United States or the District
- 6 of Columbia.
- 7 4. For governing the conduct of schools of cosmetology. The regulations must
- 8 include but need not be limited to, provisions:
- 9 (a) Prohibiting schools from requiring that students purchase beauty supplies
- 10 for use in the course of study;
- 11 (b) Prohibiting schools from deducting earned hours of school credit or any
- 12 other compensation earned by a student as a punishment for misbehavior of the
- 13 student;
- 14 (c) Providing for lunch and coffee recesses for students during school hours;
- 15 and
- 16 (d) Allowing a member or an authorized employee of the Board to review the
- 17 records of a student's training and attendance.
- 18 5. Governing the courses of study and practical training required of persons
- 19 for treating the skin of the human body.
- 20 6. For governing the conduct of cosmetological establishments.
- 21 **7. *As the Board determines are necessary for governing the conduct of***
- 22 ***establishments for hair braiding.***

23 **Sec. 22.** NRS 644.120 is hereby amended to read as follows:

24 644.120 1. The Board may adopt such regulations governing sanitary

25 conditions as it deems necessary with particular reference to the precautions to be

26 employed to prevent the creating or spreading of infectious or contagious diseases

27 *in the practice of hair braiding, in establishments for hair braiding, in the*

28 *practice of a cosmetologist,* in cosmetological establishments or schools of

29 cosmetology, ~~for in the practice of a cosmetologist,~~ *in the practice of threading*

30 *and in any facility in this State in which threading is conducted.*

31 2. No regulation governing sanitary conditions thus adopted has any effect

32 until it has been approved by the State Board of Health.

33 3. A copy of all regulations governing sanitary conditions which are adopted

34 must be furnished to each person to whom a license is issued for the conduct of a

35 cosmetological establishment, *establishment for hair braiding,* school of

36 cosmetology or practice of cosmetology.

37 **Sec. 23.** NRS 644.130 is hereby amended to read as follows:

38 644.130 1. The Board shall keep a record containing the name, known place

39 of business, and the date and number of the license of every nail technologist,

40 electrologist, aesthetician, hair designer, *hair braider,* demonstrator of cosmetics

41 and cosmetologist, together with the names and addresses of all *establishments for*

42 *hair braiding,* cosmetological establishments and schools of cosmetology licensed

43 pursuant to this chapter. The record must also contain the facts which the applicants

44 claimed in their applications to justify their licensure.

45 2. The Board may disclose the information contained in the record kept

46 pursuant to subsection 1 to:

47 (a) Any other licensing board or agency that is investigating a licensee.

48 (b) A member of the general public, except information concerning the home

49 and work address and telephone number of a licensee.

50 **Sec. 24.** NRS 644.190 is hereby amended to read as follows:

51 644.190 1. It is unlawful for any person to conduct or operate a

52 cosmetological establishment, *an establishment for hair braiding, a* school of

1 cosmetology or any other place of business in which any one or any combination of  
2 the occupations of cosmetology are taught or practiced unless the person is licensed  
3 in accordance with the provisions of this chapter.

4 2. Except as otherwise provided in ~~subsection 4,~~ *subsections 4 and 5*, it is  
5 unlawful for any person to engage in, or attempt to engage in, the practice of  
6 cosmetology or any branch thereof, whether for compensation or otherwise, unless  
7 the person is licensed in accordance with the provisions of this chapter.

8 3. This chapter does not prohibit:

9 (a) Any student in any school of cosmetology established pursuant to the  
10 provisions of this chapter from engaging, in the school and as a student, in work  
11 connected with any branch or any combination of branches of cosmetology in the  
12 school.

13 (b) An electrologist's apprentice from participating in a course of practical  
14 training and study.

15 (c) A person issued a provisional license as an instructor pursuant to NRS  
16 644.193 from acting as an instructor and accepting compensation therefor while  
17 accumulating the hours of training as a teacher required for an instructor's license.

18 (d) The rendering of cosmetological services by a person who is licensed in  
19 accordance with the provisions of this chapter, if those services are rendered in  
20 connection with photographic services provided by a photographer.

21 (e) A registered cosmetologist's apprentice from engaging in the practice of  
22 cosmetology under the immediate supervision of a licensed cosmetologist.

23 4. A person employed to render cosmetological services in the course of and  
24 incidental to the production of a motion picture, television program, commercial or  
25 advertisement is exempt from the licensing requirements of this chapter if he or she  
26 renders cosmetological services only to persons who will appear in that motion  
27 picture, television program, commercial or advertisement.

28 *5. A person practicing hair braiding is exempt from the licensing*  
29 *requirements of this chapter applicable to hair braiding if the hair braiding is*  
30 *practiced on a person who is related within the sixth degree of consanguinity and*  
31 *the person does not accept compensation for the hair braiding.*

32 **Sec. 25.** NRS 644.193 is hereby amended to read as follows:

33 644.193 1. The Board may grant a provisional license as an instructor to a  
34 person who:

35 (a) Has successfully completed the 12th grade in school or its equivalent and  
36 submits written verification of the completion of his or her education;

37 (b) Has practiced as a full-time licensed cosmetologist, hair designer, *hair*  
38 *braider*, aesthetician or nail technologist for 1 year and submits written verification  
39 of his or her experience;

40 (c) Is licensed pursuant to this chapter;

41 (d) Applies for a provisional license on a form supplied by the Board;

42 (e) Submits two current photographs of himself or herself; and

43 (f) Has paid the fee established pursuant to subsection 2.

44 2. The Board shall establish and collect a fee of not less than \$40 and not  
45 more than \$75 for the issuance of a provisional license as an instructor.

46 3. A person issued a provisional license pursuant to this section may act as an  
47 instructor for compensation while accumulating the number of hours of training  
48 required for an instructor's license.

49 4. A provisional license as an instructor expires upon accumulation by the  
50 licensee of the number of hours of training required for an instructor's license or 1  
51 year after the date of issuance, whichever occurs first. The Board may grant an

1 extension of not more than 45 days to those provisional licensees who have applied  
2 to the Board for examination as instructors and are awaiting examination.

3 **Sec. 26.** NRS 644.200 is hereby amended to read as follows:

4 644.200 The Board shall admit to examination for a license as a  
5 cosmetologist, at any meeting of the Board held to conduct examinations, any  
6 person who has made application to the Board in proper form and paid the fee, and  
7 who before or on the date of the examination:

8 1. Is not less than 18 years of age.

9 2. Is of good moral character.

10 3. *Is a citizen of the United States or is lawfully entitled to remain and work*  
11 *in the United States.*

12 4. Has successfully completed the 10th grade in school or its equivalent.  
13 Testing for equivalency must be pursuant to applicable state or federal  
14 requirements.

15 ~~4.~~ 5. Has had any one of the following:

16 (a) Training of at least 1,800 hours, extending over a school term of 10 months,  
17 in a school of cosmetology approved by the Board.

18 (b) Practice of the occupation of a cosmetologist for a period of 4 years outside  
19 this State.

20 (c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400  
21 hours of specialized training approved by the Board.

22 (d) Completion of at least 3,600 hours of service as a cosmetologist's  
23 apprentice in a licensed cosmetological establishment in which all of the  
24 occupations of cosmetology are practiced. The required hours must have been  
25 completed during the period of validity of the certificate of registration as a  
26 cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

27 **Sec. 27.** NRS 644.203 is hereby amended to read as follows:

28 644.203 The Board shall admit to examination for a license as an electrologist  
29 any person who has made application to the Board in the proper form and paid the  
30 fee, and who before or on the date set for the examination:

31 1. Is not less than 18 years of age.

32 2. Is of good moral character.

33 3. *Is a citizen of the United States or is lawfully entitled to remain and work*  
34 *in the United States.*

35 4. Has successfully completed the 12th grade in school or its equivalent.

36 ~~4.~~ 5. Has or has completed any one of the following:

37 (a) A minimum training of 500 hours under the immediate supervision of an  
38 approved electrologist in an approved school in which the practice is taught.

39 (b) Study of the practice for at least 1,000 hours extending over a period of 5  
40 consecutive months, under an electrologist licensed pursuant to this chapter, in an  
41 approved program for electrologist's apprentices.

42 (c) A valid electrologist's license issued by a state whose licensing  
43 requirements are equal to or greater than those of this State.

44 (d) Either training or practice, or a combination of training and practice, in  
45 electrology outside this State for a period specified by regulations of the Board.

46 **Sec. 28.** NRS 644.204 is hereby amended to read as follows:

47 644.204 The Board shall admit to examination for a license as a hair designer,  
48 at any meeting of the Board held to conduct examinations, each person who has  
49 applied to the Board in proper form and paid the fee, and who:

50 1. Is not less than 18 years of age.

51 2. Is of good moral character.

1           3. *Is a citizen of the United States or is lawfully entitled to remain and work*  
2 *in the United States.*

3           4. Has successfully completed the 10th grade in school or its equivalent.  
4 Testing for equivalency must be pursuant to state or federal requirements.

5           ~~4.~~ 5. Has had at least one of the following:

6           (a) Training of at least 1,200 hours, extending over a period of 7 consecutive  
7 months, in a school of cosmetology approved by the Board.

8           (b) Practice of the occupation of hair designing for at least 4 years outside this  
9 State.

10          (c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400  
11 hours of specialized training approved by the Board.

12          **Sec. 29.** NRS 644.205 is hereby amended to read as follows:

13          644.205 The Board shall admit to examination for a license as a nail  
14 technologist any person who has made application to the Board in proper form, paid  
15 the fee and who, before or on the date of the examination:

16           1. Is not less than 18 years of age.

17           2. Is of good moral character.

18           3. *Is a citizen of the United States or is lawfully entitled to remain and work*  
19 *in the United States.*

20           4. Has successfully completed the 10th grade in school or its equivalent.

21           ~~4.~~ 5. Has had any one of the following:

22           (a) Practical training of at least 600 hours under the immediate supervision of a  
23 licensed instructor in a licensed school of cosmetology in which the practice is  
24 taught.

25           (b) Practice as a full-time licensed nail technologist for 1 year outside the State  
26 of Nevada.

27          **Sec. 30.** NRS 644.206 is hereby amended to read as follows:

28          644.206 The Board shall admit to examination for a license as a demonstrator  
29 of cosmetics any person who has made application to the Board in proper form,  
30 paid the fee and:

31           1. Is at least 18 years of age;

32           2. Is of good moral character;

33           3. *Is a citizen of the United States or is lawfully entitled to remain and work*  
34 *in the United States;*

35           4. Has completed a course provided by the Board relating to sanitation; and

36           ~~4.~~ 5. Except as otherwise provided in NRS 622.090, has received a score of  
37 not less than 75 percent on the examination administered by the Board.

38          **Sec. 31.** NRS 644.207 is hereby amended to read as follows:

39          644.207 The Board shall admit to examination for a license as an aesthetician  
40 any person who has made application to the Board in proper form, paid the fee and:

41           1. Is at least 18 years of age;

42           2. Is of good moral character;

43           3. *Is a citizen of the United States or is lawfully entitled to remain and work*  
44 *in the United States;*

45           4. Has successfully completed the 10th grade in school or its equivalent; and

46           ~~4.~~ 5. Has received a minimum of 900 hours of training, which includes  
47 theory, modeling and practice, in a licensed school of cosmetology or who has  
48 practiced as a full-time licensed aesthetician for at least 1 year.

49          **Sec. 32.** NRS 644.220 is hereby amended to read as follows:

50          644.220 1. In addition to the fee for an application, the fees for examination  
51 are:

1 (a) For examination as a cosmetologist, not less than \$75 and not more than  
2 \$200.

3 (b) For examination as an electrologist, not less than \$75 and not more than  
4 \$200.

5 (c) For examination as a hair designer, not less than \$75 and not more than  
6 \$200.

7 (d) ***For examination as a hair braider, \$110.***

8 (e) For examination as a nail technologist, not less than \$75 and not more than  
9 \$200.

10 ~~(e)~~ (f) For examination as an aesthetician, not less than \$75 and not more  
11 than \$200.

12 ~~(f)~~ (g) For examination as an instructor of aestheticians, hair designers,  
13 cosmetology or nail technology, not less than \$75 and not more than \$200.

14 ~~The~~

15 ***2. Except as otherwise provided in this subsection, the fee for each***  
16 ***reexamination is not less than \$75 and not more than \$200.***

17 ~~2~~ ***The fee for reexamination as a hair braider is \$110.***

18 ***3.*** In addition to the fee for an application, the fee for examination or  
19 reexamination as a demonstrator of cosmetics is \$75.

20 ~~3~~ ***4.*** Each applicant referred to in subsections 1 and ~~2~~ ***3*** shall, in addition  
21 to the fees specified therein, pay the reasonable value of all supplies necessary to be  
22 used in the examination.

23 **Sec. 33.** NRS 644.260 is hereby amended to read as follows:

24 644.260 The Board shall issue a license as a cosmetologist, aesthetician,  
25 electrologist, hair designer, ***hair braider***, nail technologist, demonstrator of  
26 cosmetics or instructor to each applicant who:

27 1. Passes a satisfactory examination, conducted by the Board to determine his  
28 or her fitness to practice that occupation of cosmetology; and

29 2. Complies with such other requirements as are prescribed in this chapter for  
30 the issuance of the license.

31 **Sec. 34.** NRS 644.300 is hereby amended to read as follows:

32 644.300 Every licensed nail technologist, electrologist, aesthetician, hair  
33 designer, ***hair braider***, demonstrator of cosmetics or cosmetologist shall, within 30  
34 days after changing his or her place of business, as designated in the records of the  
35 Board, notify the Secretary of the Board of the new place of business. Upon receipt  
36 of the notification, the Secretary shall make the necessary change in the records.

37 **Sec. 35.** NRS 644.310 is hereby amended to read as follows:

38 644.310 ~~Upon~~ ***Except as otherwise provided in section 8 of this act, upon***  
39 ***application to the Board, accompanied by a fee of \$200, a person currently licensed***  
40 ***in any branch of cosmetology under the laws of another state or territory of the***  
41 ***United States or the District of Columbia may, without examination, unless the***  
42 ***Board sees fit to require an examination, be granted a license to practice the***  
43 ***occupation in which the applicant was previously licensed upon proof satisfactory***  
44 ***to the Board that the applicant:***

45 1. Is not less than 18 years of age.

46 2. Is of good moral character.

47 3. ***Is a citizen of the United States or is lawfully entitled to remain and work***  
48 ***in the United States.***

49 4. Has successfully completed a nationally recognized written examination in  
50 this State or in the state or territory or the District of Columbia in which he or she is  
51 licensed.

1 ~~(4)~~ 5. Is currently licensed in another state or territory or the District of  
2 Columbia.

3 **Sec. 36.** NRS 644.320 is hereby amended to read as follows:

4 644.320 1. The license of every cosmetologist, aesthetician, electrologist,  
5 hair designer, *hair braider*, nail technologist, demonstrator of cosmetics and  
6 instructor expires:

7 (a) If the last name of the licensee begins with the letter "A" through the letter  
8 "M," on the date of birth of the licensee in the next succeeding odd-numbered year  
9 or such other date in that year as specified by the Board.

10 (b) If the last name of the licensee begins with the letter "N" through the letter  
11 "Z," on the date of birth of the licensee in the next succeeding even-numbered year  
12 or such other date in that year as specified by the Board.

13 2. The Board shall adopt regulations governing the proration of the fee  
14 required for initial licenses, *other than initial licenses as a hair braider*, issued for  
15 less than 1 1/2 years.

16 3. *Except as otherwise provided in this section, the fee for an initial license*  
17 *as a hair braider is \$70. The fee for an initial license as a hair braider issued by*  
18 *the Board for:*

19 (a) *At least a portion of 1 month but less than 6 months is \$17.50.*

20 (b) *Six months or more but less than 12 months is \$35.00.*

21 (c) *Twelve months or more but less than 18 months is \$52.50.*

22 **Sec. 37.** NRS 644.325 is hereby amended to read as follows:

23 644.325 1. An application for renewal of any license issued pursuant to this  
24 chapter must be:

25 (a) Made on a form prescribed and furnished by the Board;

26 (b) Made on or before the date for renewal specified by the Board;

27 (c) Accompanied by the fee for renewal; and

28 (d) Accompanied by all information required to complete the renewal.

29 2. The fees for renewal are:

30 (a) For nail technologists, electrologists, aestheticians, hair designers,  
31 demonstrators of cosmetics and cosmetologists, not less than \$50 and not more than  
32 \$100.

33 (b) *For hair braiders, \$70.*

34 (c) For instructors, not less than \$60 and not more than \$100.

35 ~~(e)~~ (d) For cosmetological establishments, not less than \$100 and not more  
36 than \$200.

37 ~~(e)~~ (e) *For establishments for hair braiding, \$70.*

38 (f) For schools of cosmetology, not less than \$500 and not more than \$800.

39 3. For each month or fraction thereof after the date for renewal specified by  
40 the Board in which a license is not renewed, there must be assessed and collected at  
41 the time of renewal a penalty of \$50 for a school of cosmetology and \$20 for *an*  
42 *establishment for hair braiding*, a cosmetological establishment and all persons  
43 licensed pursuant to this chapter.

44 4. An application for the renewal of a license as a cosmetologist, hair  
45 designer, *hair braider*, aesthetician, electrologist, nail technologist, demonstrator of  
46 cosmetics or instructor must be accompanied by two current photographs of the  
47 applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant  
48 must be written on the back of each photograph.

49 5. Before a person applies for the renewal of a license on or after January 1,  
50 2011, as a cosmetologist, hair designer, *hair braider*, aesthetician, electrologist, nail  
51 technologist or demonstrator of cosmetics, the person must complete at least 4

1 hours of instruction relating to infection control in a professional course or seminar  
2 approved by the Board.

3 **Sec. 38.** NRS 644.330 is hereby amended to read as follows:

4 644.330 1. A nail technologist, electrologist, aesthetician, hair designer,  
5 *hair braider*, cosmetologist, demonstrator of cosmetics or instructor whose license  
6 has expired may have his or her license renewed only upon payment of all required  
7 fees and submission of all information required to complete the renewal.

8 2. Any nail technologist, electrologist, aesthetician, hair designer, *hair*  
9 *braider*, cosmetologist, demonstrator of cosmetics or instructor who retires from  
10 practice for more than 1 year may have his or her license restored only upon  
11 payment of all required fees and submission of all information required to complete  
12 the restoration.

13 3. No nail technologist, electrologist, aesthetician, hair designer, *hair braider*,  
14 cosmetologist, demonstrator of cosmetics or instructor who has retired from  
15 practice for more than 4 years may have his or her license restored without  
16 examination and must comply with any additional requirements established in  
17 regulations adopted by the Board.

18 **Sec. 39.** NRS 644.350 is hereby amended to read as follows:

19 644.350 1. The license of every cosmetological establishment expires ~~f~~:

20 ~~—(a) If the last name of the owner begins with the letter “A” through the letter~~  
21 ~~“M,” on the date of birth of the owner in the next succeeding odd-numbered year.~~

22 ~~—(b) If the last name of the owner begins with the letter “N” through the letter~~  
23 ~~“Z,” on the date of birth of the owner in the next succeeding even-numbered year.~~

24 ~~2. If a cosmetological establishment has more than one owner, the Board shall~~  
25 ~~designate one of the owners whose last name will be used for the purpose of~~  
26 ~~determining the date of expiration of the license of the cosmetological~~  
27 ~~establishment.~~

28 ~~3.] 2 years after the date of issuance or renewal of the license.~~

29 2. If a cosmetological establishment fails to pay the required fee for renewal  
30 of its license within 90 days after the date of expiration of the license, the  
31 establishment must be immediately closed.

32 **Sec. 40.** NRS 644.380 is hereby amended to read as follows:

33 644.380 1. Any person desiring to conduct a school of cosmetology in  
34 which any one or any combination of the occupations of cosmetology are taught  
35 must apply to the Board for a license, through the owner, manager or person in  
36 charge, upon forms prepared and furnished by the Board. Each application must  
37 contain proof of the particular requisites for a license provided for in this chapter,  
38 and must be verified by the oath of the maker. The forms must be accompanied by:

39 (a) A detailed floor plan of the proposed school;

40 (b) The name, address and number of the license of the manager or person in  
41 charge and of each instructor;

42 (c) Evidence of financial ability to provide the facilities and equipment  
43 required by regulations of the Board and to maintain the operation of the proposed  
44 school for 1 year;

45 (d) Proof that the proposed school will commence operation with an  
46 enrollment of not less than 25 bona fide students;

47 (e) The annual fee for a license; ~~and~~

48 (f) *A copy of the contract for the enrollment of a student in a program at the*  
49 *school of cosmetology; and*

50 (g) The name and address of the person designated to accept service of process.

51 2. Upon receipt by the Board of the application, the Board shall, before  
52 issuing a license, determine whether the proposed school:



- 1 (a) Is suitably located.
- 2 (b) Contains at least 5,000 square feet of floor space and adequate equipment.
- 3 (c) *Has a contract for the enrollment of a student in a program at the school*
- 4 *of cosmetology that is approved by the Board.*
- 5 (d) Meets all requirements established by regulations of the Board.
- 6 3. The annual fee for a license for a school of cosmetology is not less than
- 7 \$500 and not more than \$800.

8 4. If the ownership of the school changes or the school moves to a new  
9 location, the school may not be operated until a new license is issued by the Board.

10 5. After a license has been issued for the operation of a school of  
11 cosmetology, the licensee must obtain the approval of the Board before making any  
12 changes in the physical structure of the school.

13 **Sec. 41.** NRS 644.430 is hereby amended to read as follows:

14 644.430 1. The following are grounds for disciplinary action by the Board:

15 (a) Failure of an owner of *an establishment for hair braiding*, a  
16 cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer,  
17 *hair braider*, electrologist, instructor, nail technologist, demonstrator of cosmetics  
18 or school of cosmetology, or a cosmetologist's apprentice to comply with the  
19 requirements of this chapter or the applicable regulations adopted by the Board.

20 (b) Obtaining practice in cosmetology or any branch thereof, for money or any  
21 thing of value, by fraudulent misrepresentation.

22 (c) Gross malpractice.

23 (d) Continued practice by a person knowingly having an infectious or  
24 contagious disease.

25 (e) Drunkenness or the use or possession, or both, of a controlled substance or  
26 dangerous drug without a prescription, while engaged in the practice of  
27 cosmetology.

28 (f) Advertisement by means of knowingly false or deceptive statements.

29 (g) Permitting a license to be used where the holder thereof is not personally,  
30 actively and continuously engaged in business.

31 (h) Failure to display the license as provided in NRS 644.290, 644.360 and  
32 644.410 ~~and~~ *and section 13 of this act.*

33 (i) Entering, by a school of cosmetology, into an unconscionable contract with  
34 a student of cosmetology.

35 (j) Continued practice of cosmetology or operation of a cosmetological  
36 establishment or school of cosmetology after the license therefor has expired.

37 (k) Any other unfair or unjust practice, method or dealing which, in the  
38 judgment of the Board, may justify such action.

39 2. If the Board determines that a violation of this section has occurred, it may:

40 (a) Refuse to issue or renew a license;

41 (b) Revoke or suspend a license;

42 (c) Place the licensee on probation for a specified period;

43 (d) Impose a fine not to exceed \$2,000; or

44 (e) Take any combination of the actions authorized by paragraphs (a) to (d),  
45 inclusive.

46 3. An order that imposes discipline and the findings of fact and conclusions of  
47 law supporting that order are public records.

48 **Sec. 42.** NRS 644.472 is hereby amended to read as follows:

49 644.472 1. Except as otherwise provided in subsection 2, it is unlawful for  
50 any animal to be on the premises of a licensed *establishment for hair braiding or*  
51 *cosmetological establishment.*



1 2. An aquarium may be maintained on the premises of a licensed  
2 *establishment for hair braiding or* cosmetological establishment.

3 **Sec. 43.** NRS 644.383 is hereby repealed.

4 **Sec. 44.** The provisions of this act apply to contracts entered into on or after  
5 July 1, 2011.

6 **Sec. 45.** ~~[Each school of cosmetology licensed before July 1, 2011, before  
7 entering into a contract for the enrollment of a student in a program at the school of  
8 cosmetology, shall obtain the Board's approval of the contract. Thereafter, any  
9 revisions to the approved contract must be approved in accordance with section 6 of  
10 this act.] (Deleted by amendment.)~~

11 **Sec. 46.** 1. The State Board of Cosmetology shall:

12 (a) On July 1, 2011, begin issuing licenses:

- 13 (1) To practice as a hair braider; and  
14 (2) To operate an establishment for hair braiding.

15 (b) On or before July 1, 2011, adopt any regulations that the Board determines  
16 are necessary to enable the Board to begin issuing the licenses described in  
17 paragraph (a) on July 1, 2011.

18 2. As used in this section:

19 (a) "Establishment for hair braiding" has the meaning ascribed to it in section 3  
20 of this act.

21 (b) "Hair braider" has the meaning ascribed to it in section 4 of this act.

22 (c) "Hair braiding" has the meaning ascribed to it in section 5 of this act.

23 **Sec. 47.** This act becomes effective:

24 1. Upon passage and approval for the purposes of adopting regulations and  
25 performing any other preparatory administrative tasks, including, without  
26 limitation, the approval of contracts, as needed to carry out the provisions of this  
27 act; and

28 2. On July 1, 2011, for all other purposes.

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## TEXT OF REPEALED SECTION

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### **644.383 Surety bond.**

1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety. If the license for the school was issued:

(a) On or before June 30, 2005, the bond must be in the amount of \$10,000; or

(b) On or after July 1, 2005, except as otherwise provided in subsections 6 and 7, the bond must be in the amount determined by the Board pursuant to subsections 2 to 5, inclusive.

2. The amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 is the total of the amounts of the bonds for all of the programs offered by the school, except that:

(a) The total amount determined pursuant to subsections 3, 4 and 5 must be rounded down to the nearest \$5,000; and

(b) The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.

3. Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for

the program multiplied by the number of students who will enroll in the program each year.

4. If the length of a program at a school of cosmetology is less than 1 year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.

5. Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:

(a) Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or

(b) Any other program administered by the United States Department of Education through which students at the school receive loans.

6. If a school of cosmetology has been licensed for not less than 5 years, the Board shall set the amount of the bond required pursuant to paragraph (b) of subsection 1 for the school:

(a) In the amount of \$10,000, if the Board did not receive any valid complaints against the school during the immediately preceding 5 years;

(b) In an amount not less than \$10,000 and not more than the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that each such complaint was a complaint of a minor violation of the provisions of this chapter or of any regulations adopted pursuant to this chapter; and

(c) In the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that any such complaint was a complaint of a major violation of the provisions of this chapter or any regulations adopted pursuant thereto.

7. The bond required for a school of cosmetology must be in the amount of \$10,000 if the school:

(a) Is initially licensed on or before June 30, 2005;

(b) Has been continuously licensed since June 30, 2005; and

(c) Is relocated and obtains a license for the new location on or after July 1, 2005.

8. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board, and every bond must set forth this fact.

9. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.

10. The Board shall adopt regulations defining the terms “minor violation” and “major violation” for the purposes of subsection 6.