

STATE OF NEVADA
BARBERS' HEALTH AND SANITATION BOARD

A G E N D A

******PUBLIC NOTICE******

**REGULAR BOARD MEETING & NOTICE OF PUBLIC HEARING FOR
THE ADOPTION OF REGULATIONS OF THE NEVADA STATE
BARBERS' HEALTH AND SANITATION BOARD**

Sunday, January 8, 2023 at 1:00 P.M.

Masterpiece Barber College
3510 East Bonanza Road Ste. 150
Las Vegas, NV 89110

Notice IS HEREBY GIVEN that the Nevada State Barbers' Health and Sanitation Board will hold a public hearing on Sunday, January 8, 2023 at 1:00 P.M. at Masterpiece Barber College located at 3510 East Bonanza Road, Ste. 150, Las Vegas, Nevada 89110. The purpose of the hearing is potential adoption of regulations that pertain to chapter 643 of the Nevada Administrative Code.

Persons wishing to comment and participate in the hearing of the NEVADA STATE BARBERS' HEALTH AND SANITATION BOARD may appear at the scheduled hearing or may address their comments, data, views or arguments, in written form to: Antinette Maestas, Secretary/Treasurer, 4710 East Flamingo Road, Las Vegas, Nevada, 89121. In order for written submissions to be made available to members and the public, they must be received by the NEVADA STATE BARBERS' HEALTH AND SANITATION BOARD on or before December 28, 2022.

A copy of this notice will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice will be available at 4710 East Flamingo Road, Las Vegas, Nevada, 89121, and the Nevada State Barbers' Health and Sanitation Boards website at www.barber.state.nv.us, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

The purpose of the hearing is for potential adoption of Nevada Administrative Code Chapter 643 and regulation changes/amendments/repeal. The general topics include: (See attached).

1. **Proposed changes to NAC 643.XXX – documents required to open a barber school (NRS 643.173).**
2. **Proposed changes to NAC 643.XXX – Continuing Education for Instructor’s license renewal.**
3. **Proposed changes to NAC 643.150 – in accordance to NRS 643.130 (NRS 643.176).**
4. **Proposed changes to NAC 643.020 – Time limit for Cosmetologists taking examination.**
5. **Proposed changes to NAC 643.025 – Specifying individuals who can sign affidavits.**
6. **Proposed repeal of NAC 643.240 – Omitting approval by the board.**
7. **Proposed changes to NAC 643.450 – Omitting number of times Instructors exam will be given.**
8. **Proposed changes to NAC 643.660 – Allowing 10% of services be done on a mannequin.**
9. **Proposed changes to NAC 643.740 – Updated language.**
10. **Proposed repeal to NAC 643.780 – Updated language.**

Please Note: The Barbers Health and Sanitation Board may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

1. Call to order and roll call of members.

2. Public Comment.

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020). Public comment will be limited to 3 minutes per person. Comments based on viewpoint may not be restricted. Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process of individuals, the Board may refuse to consider public comment. See NRS 233B.126.

3. Review and approval of public hearing dated October 24, 2022. For possible action.

*****PUBLIC HEARING*****

4. New Business

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. **For discussion and possible action.**

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

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. For discussion and possible action.

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. For discussion and possible action.

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. For discussion and possible action.

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. For discussion and possible action.

Sec. 7. NAC 643.240 is hereby amended to read as follows:

643.240 ~~{1.}~~ 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.]~~ For discussion and possible action.

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. For discussion and possible action.

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. ~~[(a)]~~ *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. For discussion and possible action.

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.

For discussion and possible action.

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.

~~{6.}~~ **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.

~~{7.}~~ **6.** Each violation discovered upon inspection constitutes a separate count for the purposes of imposing the fines set forth in this section. For Discussion and possible action.

5. Public Comment.

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020). Public comment will be limited to 3 minutes per person. Comments based on viewpoint may not be restricted. Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process of individuals, the Board may refuse to consider public comment. See NRS 233B.126.

6. *Adjournment

This agenda has been sent to all interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice must request so in writing every 6 months.

For supporting materials please call Antinette Maestas at the Board office (702) 456-4769. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Board at (702) 456-4769, no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED

IN THE FOLLOWING LOCATIONS:

Nevada State Barbers' Health and Sanitation Board Office - 4710 East Flamingo Road, Las Vegas, NV 89121

Nevada State Barbers' Health and Sanitation Board Office – 200 Center Street Ste. 100, Reno, NV, 89501

Nevada State Barbers' Health and Sanitation Board website: www.barber.state.nv.us

Office of the Attorney General – 101 N. Carson Street, Carson City, NV 89701

Office of the Attorney General – Grant Sawyer Bldg., 555 E. Washington Ave., Las Vegas, NV 89101

Nevada State Library and Archives – 100 N. Stewart Street, Carson City, NV 89701

Battle Mountain Branch Library – 625 Broad Street, Battle Mountain, NV 89820

Carson City Library – 900 North Rook Street, Carson City, NV 89701

Clark County Library – 1401 E. Flamingo Road, Las Vegas, NV 89119

Churchill County Library – 553 South Maine Street, Fallon, NV 89406

Douglas County Library – 1625 Library Lane, Minden, NV 89423

Elko County Library – 720 Court Street, Elko, NV 89801

Eureka Branch Library – 210 South Monroe, Eureka, NV 89316

Goldfield Public Library – Fourth & Crook Street, Goldfield, NV 89013

Humboldt County Library – 85 East 5th Street, Winnemucca, NV 89445

Lincoln County Library – 63 Main Street, Pioche, ANV 89043

Lyon County Library – 20 Nevin Way, Yerington, NV 89447

Pershing County Library – 1125 Central Avenue, Lovelock, NV 89419

Storey County Library – 95 South R Street, Virginia City, NV 89440
Washoe County Library – 301 South Center Street, Reno, NV 89501
White Pine County Library – 950 Campton Street, Ely, NV 89301