

### **NAC 644.307 LEASE OF SPACE WITHIN PREMISES.**

- 1) The owner of a cosmetological establishment may lease space only to licensed manicurists, electrologists, hair designers, aestheticians and cosmetologists within the premises of the establishment.
- 2) As used in this section, "premises" does not include any area that:
  - a. Has a different entrance from that of the cosmetological establishment and is separated from the establishment by a door that can be locked and surrounding walls that are at least 6 feet high;
  - b. Is located on a floor different from the floor on which the cosmetological establishment is located;
  - c. Is otherwise located to avoid creating the impression that the area is a part of the cosmetological establishment; and
  - d. Is being used for activities that are not under the jurisdiction of the board, including but not limited to, tattooing and body piercing.

## **SANITARY REGULATIONS**

**NAC 644.310 DRINKING CUPS AND FACILITIES.** Each cosmetological establishment or school of cosmetology shall provide disposable cups, where applicable, for the use of patrons and employees. Drinking fountains, coolers and refreshment centers must be located in a clean and sanitary place and must not be located in the restrooms.

**NAC 644.313 DISPOSAL OF WASTE.** In each cosmetological establishment and school of cosmetology:

- 1) All chemical waste material must be deposited in a closed container and disposed of in a fire-retardant container at the close of business each day.
- 2) All other waste must be deposited immediately in waste disposal containers, which, unless they are located near a reception desk or in an office, must be covered at all times.
- 3) Any waste disposal container used to store cigarette ashes or butts must be a metal or fire-retardant container.
- 4) Waste disposal containers must be kept clean.
- 5) Any disposable material which comes into contact with blood or other bodily fluids such as discharge from pustules, pimples, and sebaceous glands, must be disposed of in a sealable plastic bag or in a manner that not only protects the licensee and the client but also others who may come into contact with the material in the future, such as sanitation workers.
- 6) To prevent the possible spread of any blood-borne disease or virus, any disposable sharp objects that come in contact with blood or other bodily fluids must be disposed of in a sealable rigid container that is strong enough to protect the licensee, clients and others who may come into contact with the material in the future from accidental cuts or puncture wounds.

**NAC 644.315 EXHAUST SYSTEMS.** Each cosmetological establishment and school of cosmetology and each room or residence used as a cosmetological establishment, must have a system for exhaust acceptable to the board.

### **NAC 644.320 RESTROOMS.**

- 1) Each cosmetological establishment or school of cosmetology must have fully operable toilets, which are accessible to clients and employees. Each area in which a toilet is located must have a sink with an adequate and readily available supply of hot and cold running water at all times and a mechanical exhaust system for ventilation which completely circulates the air. If the restrooms for the cosmetological establishment are located outside of the cosmetological establishment, the restrooms must be:
  - a. In plain view or clearly marked with appropriate signs, and
  - b. Located within 100 feet of the entrance of the cosmetological establishment and under the same roof as the cosmetological establishment.

- 2) The floor covering in each restroom located in a cosmetological establishment or school of cosmetology must be made of a washable material which is not porous or absorbent, if the operator of the establishment or school is issued a license:
  - a. After July 1, 1992; or
  - b. On or before July 1, 1992, and the establishment or school is sold or a majority interest is transferred after July 1, 1992.

**NAC 644.325 WALLS, FLOORS, CEILINGS, FURNISHINGS, EQUIPMENT AND FIXTURES.** In each cosmetological establishment or school of cosmetology:

- 1) All floors in areas where hair is cut, shampooed or styled, and all walls, must be of a washable material, which is not porous or absorbent. Carpeting is allowed in all other areas of the cosmetological establishment or school of cosmetology, including, without limitation, reception areas and areas for manicuring and aesthetics.
- 2) All walls within a cosmetological establishment or school of cosmetology must be of a washable material, which is not porous or absorbent.
- 3) All walls, floors, woodwork, ceilings, furnishings, equipment and fixtures must be kept clean and in good repair.
- 4) Clippings of hair must not be allowed to accumulate and must be disposed of in a covered waste receptacle immediately after the hair is cut.
- 5) Refuse and waste must not be allowed to accumulate.
- 6) Footbaths used for nail services, including the suction screens where hair, skin and nails accumulate, must be disinfected with a product registered with the Environmental Protection Agency before the footbath may be offered to another client.
- 7) Portable spas, if any, must have separate hoses or tubes, or both, for draining and refilling the spa. All such hoses and tubes must be appropriately marked.

**NAC 644.330 PLUMBING SYSTEM; DISPENSARY.**

- 1) Each cosmetological establishment or school of cosmetology must have suitable permanent plumbing which provides an adequate and readily available supply of hot and cold running water at all times and is permanently connected for drainage of sewage and potable water within the areas where work is performed and supplies dispensed.
- 2) Each cosmetological establishment or school of cosmetology must contain a dispensary sink if the operator of the establishment is issued a license:
  - a. After June 1, 1982; or
  - b. On or before July 1, 1982, and the establishment or school is sold or a majority interest is transferred after June 1, 1982.
- 3) The floor coverings within a distance from all exposed sides of the sink, pedicure spa or dispensary sink that is the same distance as the width of the sink, pedicure or dispensary sink must be made of a washable material which is not porous or absorbent if the operator of the establishment or school is issued a license:
  - a. After July 1, 1992; or
  - b. On or before July 1, 1992, and the establishment or school is sold or a majority interest is transferred after July 1, 1992.

**NAC 644.335 HEADRESTS, SHAMPOO BOWLS; TOWELS AND LINENS; NECK STRIP, TREATMENT TABLES.** In each cosmetological establishment or school of cosmetology:

- 1) The headrest of each chair must be covered with a clean towel or paper sheet for each client.

- 2) The part of a shampoo bowl on which a client's neck rests must be covered with a clean towel during each shampoo. The bowls must be carefully washed, sanitized with an effective disinfectant and all loose hair removed from the drains after each use.
- 3) After a towel or linen has been used once, it must be deposited in a receptacle provided for soiled towels and linens, and must not be stored in any restroom, nor used again until properly laundered and sanitized. All towels, after being laundered and sanitized, must be kept in closed, dust-free cabinets that have fumigants.
- 4) Sanitary neck strips or towels must be wrapped around the neck of the client to prevent all coverings from coming into direct contact with the client. Proper draping of towels must be used for all services, except that sanex strips may be used for dry services.
- 5) Treatment tables must be sanitized after each use with a sanitizing solution acceptable to the board.
- 6) All instruments and supplies, including, without limitation, neck strips, nail files and buffers, that come into direct contact with a client and cannot subsequently be disinfected must be disposed of in a waste receptacle immediately following their use.
- 7) Neck dusters and all other brushes used on a client must be maintained in a clean and sanitary condition.

**NAC 644.340 INSTRUMENTS, IMPLEMENTS AND OTHER TOOLS; DISPOSABLE ARTICLES.** In each cosmetological establishment or school of cosmetology:

- 1) Sanitizing and disinfecting solutions must be available for immediate use at all times and must be registered with the Environmental Protection Agency as a bactericide, fungicide or virucide.
- 2) All instruments, implements and other tools must be cleaned and sanitized in the following manner before use:
  - a. All hair and other adherent foreign material must be removed from the instrument, implement or other tool; and
  - b. The instrument, implement or other tool must be:
    1. Thoroughly washed with soap and hot water;
    2. Rinsed in clear hot water; and
    3. Placed in a covered wet sanitizer which is large enough for complete immersion of the instrument, implement or other tool. And which contains a disinfecting solution registered with the Environmental Protection Agency that is acceptable to the board and utilized in accordance with the manufacturer's instructions.

During each service, all instruments, implements and other tools must be kept free of contamination by immersion in a disinfection solution acceptable to the board.
- 3) All sterilized instruments, implements and other tools not in use, nor in the process of wet sterilization in a wet sterilizer, must be stored in a clean dry sterilizer. A dry sterilizer consists of a clean closed container, drawer or storage unit containing sterilized instruments only.
- 4) An instrument, implement or other tool dropped on the floor or otherwise made unsanitary must be deposited in a separate labeled container for soiled articles only and must not be used until it has been thoroughly sterilized as specified in subsection 2. A container for the disinfectant used that includes the manufacturer's label must be available at all times in the cosmetological establishment or school of cosmetology.
- 5) All electrolysis instruments must be cleaned in the following manner after each use:
  - a. All foreign matter must be removed from the instrument; and
  - b. The instrument must be:
    1. Washed in soap and hot water; and
    2. Rinsed in warm water.
- 6) After cleaning, all electrolysis instruments must be sterilized by one of the following methods:
  - a. Use of a steam sterilizer; or

- b. Use of a dry sterilizer, which is registered and listed with the United States Food and Drug Administration, and is used according to manufacturer's instructions.
- 7) Sterilization equipment must be checked weekly to ensure that it is reaching the temperature required by the manufacturer's instructions.
- 8) All sterilized instruments and sanitary disposable articles must be stored in clean, closed containers which must be free of other articles.

**NAC 644.342 CLIPPERS, VIBRATORS AND OTHER ELECTRICAL INSTRUMENTS.** Clippers, vibrators and other electrical instruments must be disinfected in the following manner before use:

- 1) All foreign matter must be removed: and
- 2) The instrument must be disinfected with a disinfectant that is registered with the Environmental Protection Agency as a bactericide, fungicide or virucide and used according to the manufacturer's instructions.

**NAC 644.345 COSMETICS AND OTHER PREPARATIONS.** In each cosmetological establishment or school of cosmetology:

- 1) Creams, lotions, cosmetics and other preparations used on clients must be kept in closed containers at all times when not in use.
- 2) Powder for the face must be kept in a closed container. The use of powder puffs is prohibited.
- 3) Lotions or liquids used on a client must be poured into a sanitized container and applied to the client using cotton or other type of applicator.
- 4) Creams or other semisolid substances must be dipped from the container with a sanitized article or spatula. Removing such substances with fingers is prohibited.
- 5) Creams, lotions and other preparations must be removed by means of cotton, gauze, facial tissue or other sanitized material.
- 6) Supplies used for service to clients must not be stored in any restroom.
- 7) Cosmetics used in the form of a pencil must be sharpened before each use.
- 8) All bottles and containers must be distinctly and correctly marked with a label which discloses its contents. All articles containing poisonous substances must be distinctly marked as such.

**NAC 644.350 CLEANSING OF HANDS** Every licensee and student in a cosmetological establishment or school of cosmetology must thoroughly wash his hands in an antibacterial liquid before and after serving each client and after each use of the restroom.

**NAC 644.355 OUTER GARMENTS AND FOOTWEAR.**

- 1) In each cosmetological establishment or school of cosmetology, all licensees must wear clean outer garments and adequate footwear at all times when serving a client. Instruments or supplies must not be carried in or on a garment.
- 2) For the purposes of this section, "outer garments" means one garment or a combination of garments which provides adequate protection at least of the torso of the wearer's body from debris, infectious or communicable diseases, infestations of animal parasites and chemical hazards which may injure the body through absorption, inhalation or physical contact. The term includes, without limitation:
  - a. Blouses;
  - b. Shirts;
  - c. Sweaters;
  - d. Smocks;
  - e. Dresses;
  - f. Pants;
  - g. Jeans;
  - h. Bermuda, walking or jean shorts; and
  - i. Tee shirts.

**NAC 644.360 INFECTIOUS OR COMMUNICABLE DISEASES; INFESTATIONS OF ANIMAL PARASITES.**

- 1) A person afflicted with an infectious or communicable disease which may be transmitted during the practice of cosmetology or with an infestation of animal parasites shall not work or train in a cosmetological establishment or school of cosmetology.
- 2) A cosmetological establishment or school of cosmetology shall not knowingly require, permit or allow a student or person licensed by the board, to perform any service on a client who is afflicted with any infectious or communicable disease which may be transmitted to a person who is practicing cosmetology.
- 3) A cosmetological establishment or school of cosmetology shall not require or allow a student or licensee of the board to perform any service on a client who is afflicted with an infestation of animal parasites.

**NAC 644.365 CLIENT WITH INFLAMED OR INFECTED SKIN OR SECRETIONS.** In each cosmetological establishment or school of cosmetology:

- 1) A licensee shall not massage any client upon a surface of the skin or scalp where such skin is inflamed or where a skin infection or eruption is present.
- 2) Licensees shall wear protective gloves while performing any service on a client whose skin shows signs of secretion of any bodily fluids.

**NAC 644.367 RESTRICTIONS ON REMOVAL OF SKIN**

- 1) A cosmetologist or an aesthetician may remove the uppermost layers of the facial skin by any method or means if only the uppermost layers of the skin are removed and the removal is for the purpose of beautification.
- 2) In removing the uppermost layers of skin pursuant to this section, a cosmetologist or an aesthetician:
  - a. May only use products that are commercially available for the removal of facial skin for beautification; and
  - b. Shall not mix or combine any such products unless the mixing or combining is required pursuant to the manufacturer's instructions for the products being mixed or combined.
- 3) A cosmetologist or an aesthetician shall not use any techniques or practices for the removal of skin that affect anything other than the uppermost layers of the facial skin.

**NAC 644.368 PROHIBITED INVASIVE PROCEDURES.**

- 1) Except as otherwise provided in this section, a licensee shall not perform any invasive procedure that includes, without limitation:
  - a. The application of electricity for the sole purpose of contracting a muscle;
  - b. The application of a topical lotion, cream or other substance which affects anything other than the uppermost layers of the skin;
  - c. The penetration of the skin by metal needles; or
  - d. The abrasion of the skin below the uppermost layers of the skin.
- 2) The provisions of paragraph of subsection 1 do not apply to the use of electrolysis needles by a licensed electrologist.
- 3) As used in this section, "invasive procedure" means an act that affects the structure or function of the skin other than the uppermost layers of the skin.

**NAC 644.370 WIGS AND HAIRPIECES.** Wigs and hairpieces must be cleaned with a sanitizing agent approved by the board.

All wigs and hairpieces must be placed on a covered block when restyling.

**NAC 644.372 COSMETIC PRODUCT: PROHIBITED PRODUCTS AND USES.** A cosmetological establishment and school of cosmetology shall not:

- 1) Have on its premises any cosmetic products that contain a hazardous substance which has been banned by the United States Food and Drug Administration for use in cosmetic products; or
- 2) Use a cosmetic product in a manner that has not been approved by the Food and Drug Administration.

**NAC 644.375 PLACE OF PRACTICE: PRIVATE RESIDENCES**

- 1) Cosmetology may be practiced in private residences only when the rooms used for the practice are completely separate from any rooms used for living quarters. The rooms used for the practice must be completely and permanently sealed off from living quarters so that the only entrances to and exits from the portion of the residence used for the practice of cosmetology are from the street. A room used in a private residence for the practice of cosmetology must meet all requirements for cosmetological establishments in NAC 644.310 to 644.385, inclusive, and must:
  - a. Have a ceiling that is not less than 8 feet in height;
  - b. Be equipped to give proper service to clients;
  - c. Have toilets which are separate from any toilets used by residents; and
  - d. Have a sign outside of the building denoting the name of the cosmetological establishment.
- 2) A private residence in which cosmetology is practiced must be located in a geographical area which the practice of cosmetology is practiced must be located in a geographical area which the practice of cosmetology is allowed by local zoning ordinances. If the private residence is not located in such an area, the owner must receive a variance from the appropriate local governing body before applying to the board for a license for the cosmetological establishment.

**FINING SYSTEM**

**NAC 644.700 SCHEDULE OF FINES; DISCIPLINARY HEARINGS.**

The board adopts the following schedule of fines for any violations of the provisions listed:

<u>VIOLATION</u>	<u>FIRST</u>	<u>OFFENSE SECOND</u>	<u>THIRD</u>
<b><u>COSMETOLOGICAL ESTABLISHMENT</u></b>			
Operating establishment without license .....	\$1000	\$1,500	\$2,000
Operating establishment with expired license .....	200	500	
Allowing licensee to work with expired license.....	200	500	
Failure to display license in place of business .....	200	500	
Failure to employ licensed persons.....	1,000	1,500	2,000
Operating establishment without supervision of licensed person .....	200	500	
Operating establishment with animal on premises .....	200	500	

**COSMETOLOGIST OR OTHER LICENSED NATURAL PERSON**

Practicing without a license .....	\$1,000	\$1,500	\$2,000
Practicing with expired license .....	200	500	
Altering or Copying license .....	200	500	
Failure to display license at position of work .....	200	500	
Failure to practice in Cosmetological establishment .....	500	1,000	2,000

**COSMETOLOGICAL APPRENTICE**

Failure to display certificate of registration in plain view .....	100	500	
Failure to wear badge while working .....	100	500	
Working on public without supervising cosmetologist present .....	500	1,000	

**NAC 644.307 LEASE OF SPACE WITHIN PREMISES.**

- 1) The owner of a Cosmetological establishment may lease space only to licensed manicurists, electrologists, hair designers, aestheticians and cosmetologists within the premises of his establishment.
- 2) As used in this section, "premises" does not include any area that:
  - (a) Has a different entrance from that of the cosmetological establishment and is separated from the establishment by a door that can be locked and surrounding walls that are at least 6 feet high;
  - (b) Is located on a floor different from the floor on which the cosmetological establishment is located;
  - (c) Is otherwise located to avoid creating the impression that the area is a part of the cosmetological establishment; and
  - (d) Is being used for activities that are not under the jurisdiction of the board, including but not limited to tattooing and body piercing.

**NAC 644.308 REQUIREMENTS OF LESSEE**

A licensed cosmetologist, aesthetician, electrologist or manicurist who is leasing space from an operator of a cosmetological establishment shall ensure compliance with the requirements set forth in subsection 3 of NAC 644.325 and NAC 644.335 to 644.372, inclusive, 644.380 and 644.385.

**NAC 644.710 ALTERING OR COPYING LICENSE**

A person who alters or copies a license in order to practice in any branch of cosmetology is subject to disciplinary action pursuant to NRS 644.430 to 644.447, inclusive.