

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1107

Introduced by Linehan, 39.

Read first time January 18, 2018

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to health and human services; to amend
2 sections 38-1005, 38-1017, 38-1018, 38-1028, 38-1038, 38-1043,
3 38-1058, 38-1061, 38-1062, 38-1063, 38-1065, 38-1069, 38-1073,
4 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100, 38-10,102,
5 38-10,103, 38-10,104, 38-10,105, 38-10,107, 38-10,108, 38-10,112,
6 38-10,120, 38-10,128, 38-10,129, 38-10,131, 38-10,133, 38-10,135,
7 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 38-10,154,
8 38-10,156, 38-10,171, 71-204, and 71-208.08, Reissue Revised
9 Statutes of Nebraska, section 71-208, Revised Statutes Cumulative
10 Supplement, 2016, and sections 38-1066, 38-1070, and 38-10,132,
11 Revised Statutes Supplement, 2017; to change and eliminate
12 definitions in the Cosmetology, Electrology, Esthetics, Nail
13 Technology, and Body Art Practice Act; to eliminate provisions
14 relating to cosmeticians, cosmetic establishments, electrology
15 establishments, guest artists, guest body artists, students, and
16 schools; to change licensure requirements for cosmetologists, nail
17 technicians, instructors, and barbers; to change and eliminate
18 operating requirements for salons and schools; to eliminate
19 liability of managers as prescribed; to harmonize provisions; to
20 repeal the original sections; and to outright repeal sections
21 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072,
22 38-1091, 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and
23 38-10,155, Reissue Revised Statutes of Nebraska.

1 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1005, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1005 Apprentice means a person engaged ~~registered under the~~
4 ~~Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art~~
5 ~~Practice Act to engage~~ in the study of any or all of the practices of
6 cosmetology under the supervision of an instructor in an apprentice
7 salon.

8 Sec. 2. Section 38-1017, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-1017 Cosmetology establishment means a cosmetology salon,
11 esthetics salon, school of cosmetology, school of esthetics, apprentice
12 salon, ~~cosmetic establishment,~~ or any other place in which any or all of
13 the practices of cosmetology are performed on members of the general
14 public for compensation or in which instruction or training in any or all
15 of the practices of cosmetology is given, except when such practices
16 constitute nonvocational training.

17 Sec. 3. Section 38-1018, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 38-1018 Cosmetology salon means a fixed structure or part thereof
20 licensed under the Cosmetology, Electrology, Esthetics, Nail Technology,
21 and Body Art Practice Act to serve as the site for the performance of any
22 or all of the practices of cosmetology by persons licensed ~~or registered~~
23 under such act.

24 Sec. 4. Section 38-1028, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-1028 Esthetics salon means a fixed structure or part thereof
27 licensed under the Cosmetology, Electrology, Esthetics, Nail Technology,
28 and Body Art Practice Act to serve as the site for the performance of any
29 or all of the practices of esthetics by persons licensed ~~or registered~~
30 under such act.

31 Sec. 5. Section 38-1038, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-1038 Nail technology salon means a fixed structure or part
3 thereof licensed under the Cosmetology, Electrology, Esthetics, Nail
4 Technology, and Body Art Practice Act to serve as the site for the
5 performance of the practices of nail technology by persons licensed ~~or~~
6 ~~registered~~ under the act.

7 Sec. 6. Section 38-1043, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-1043 Nonvocational training means the act of imparting knowledge
10 of or skills in any or all of the practices of cosmetology, nail
11 technology, esthetics, or electrology to persons not licensed ~~or~~
12 ~~registered~~ under the Cosmetology, Electrology, Esthetics, Nail
13 Technology, and Body Art Practice Act for the purpose of noncommercial
14 use by those receiving such training.

15 Sec. 7. Section 38-1058, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-1058 It shall be unlawful for any person, group, company, or
18 other entity to engage in any of the following acts without being duly
19 licensed ~~or~~ ~~registered~~ as required by the Cosmetology, Electrology,
20 Esthetics, Nail Technology, and Body Art Practice Act, unless
21 specifically excepted by such act:

22 (1) To engage in or follow or to advertise or hold oneself out as
23 engaging in or following any of the practices of cosmetology or to act as
24 a practitioner;

25 (2) To engage in or advertise or hold oneself out as engaging in the
26 teaching of any of the practices of cosmetology; or

27 (3) To operate or advertise or hold oneself out as operating a
28 cosmetology establishment in which any of the practices of cosmetology or
29 the teaching of any of the practices of cosmetology are carried out.

30 Sec. 8. Section 38-1061, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1061 (1) All practitioners shall be licensed ~~or registered~~ by the
2 department under the Cosmetology, Electrology, Esthetics, Nail
3 Technology, and Body Art Practice Act in a category or categories
4 appropriate to their practice.

5 (2) Licensure shall be required before any person may engage in the
6 full, unsupervised practice or teaching of cosmetology, electrology,
7 esthetics, nail technology, or body art, and no person may assume the
8 title of cosmetologist, electrologist, esthetician, instructor, nail
9 technician, nail technology instructor, esthetics instructor, permanent
10 color technician, tattoo artist, body piercer, or body brander without
11 first being licensed by the department.

12 (3) All licensed practitioners shall practice in an appropriate
13 licensed establishment or facility.

14 Sec. 9. Section 38-1062, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-1062 In order to be licensed by the department by examination, an
17 individual shall meet, and present to the department evidence of meeting,
18 the following requirements:

19 (1) Has attained the age of seventeen years on or before the
20 beginning date of the examination for which application is being made;

21 (2) Has completed formal education equivalent to a United States
22 high school education;

23 (3) Possesses a minimum competency in the knowledge and skills
24 necessary to perform the practices for which licensure is sought, as
25 evidenced by successful completion of an examination in the appropriate
26 practices approved by the board and administered by the department;

27 (4) Possesses sufficient ability to read the English language to
28 permit the applicant to practice in a safe manner, as evidenced by
29 successful completion of the written examination; and

30 (5) Has graduated from a school of cosmetology or an apprentice
31 salon in or outside of Nebraska, a school of esthetics in or outside of

1 Nebraska, or a school of electrolysis upon completion of a program of
2 studies appropriate to the practices for which licensure is being sought,
3 as evidenced by a diploma or certificate from the school or apprentice
4 salon to the effect that the applicant has complied with the following:

5 (a) For licensure as a cosmetologist, the program of studies shall
6 consist of a minimum of one ~~two~~ thousand eight ~~one~~ hundred hours ~~and two~~
7 ~~thousand credits~~;

8 (b) For licensure as an esthetician, the program of studies shall
9 consist of a minimum of six hundred hours ~~and six hundred credits~~;

10 (c) For licensure as a cosmetology instructor, the program of
11 studies shall consist of a minimum of six ~~nine~~ hundred ~~twenty-five~~ hours
12 beyond the program of studies required for licensure as a cosmetologist
13 ~~earned in a period of not less than six months~~;

14 (d) For licensure as a cosmetology instructor, be currently licensed
15 as a cosmetologist in Nebraska, as evidenced by possession of a valid
16 Nebraska cosmetology license;

17 (e) For licensure as an electrologist, the program of studies shall
18 consist of a minimum of six hundred hours ~~and six hundred credits~~;

19 (f) For licensure as an electrology instructor, be currently
20 licensed as an electrologist in Nebraska and have practiced electrology
21 actively for at least two years immediately before the application; and

22 (g) For licensure as an esthetics instructor, completion of a
23 program of studies consisting of a minimum of three hundred hours beyond
24 the program of studies required for licensure as an esthetician and
25 current licensure as an esthetician in Nebraska.

26 Sec. 10. Section 38-1063, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-1063 ~~A complete application for examination shall be postmarked~~
29 ~~no later than fifteen days before the beginning of the examination for~~
30 ~~which application is being made. Applications received after such date~~
31 ~~shall be considered as applications for the next scheduled examination.~~

1 No application for any type of licensure ~~or registration~~ shall be
2 considered complete unless all information requested in the application
3 has been supplied, all seals and signatures required have been obtained,
4 and all supporting and documentary evidence has been received by the
5 department.

6 Sec. 11. Section 38-1065, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-1065 (1) Examinations approved by the board may be national
9 standardized examinations, but in all cases the examinations shall be
10 related to the knowledge and skills necessary to perform the practices
11 being examined and shall be related to the curricula required to be
12 taught in schools of cosmetology, schools of esthetics, or schools of
13 electrolysis.

14 ~~(2) At least two examinations shall be given annually.~~

15 (2) ~~(3)~~ Practical examinations may be offered as either written or
16 hands-on and shall be conducted in such a manner that the identity of the
17 applicant is not disclosed to the examiners in any way.

18 (3) ~~(4)~~ In order to successfully complete the examination, an
19 applicant shall obtain an average grade of seventy-five percent on all
20 examinations.

21 Sec. 12. Section 38-1066, Revised Statutes Supplement, 2017, is
22 amended to read:

23 38-1066 (1) The department may grant a license based on licensure in
24 another jurisdiction to any person who meets the requirements of
25 subdivisions (1) and (2) of section 38-1062 and who presents proof of the
26 following:

27 (a) That he or she is currently licensed in the appropriate category
28 in another jurisdiction and that he or she has never been disciplined or
29 had his or her license revoked. An applicant seeking licensure as an
30 instructor in the manner provided in this section shall be licensed as an
31 instructor in another jurisdiction. An applicant seeking licensure as a

1 cosmetologist in the manner provided in this section shall be licensed as
2 a cosmetologist in another jurisdiction. An applicant seeking licensure
3 as an esthetician in the manner provided in this section shall be
4 licensed as a cosmetologist, an esthetician, or an equivalent title in
5 another jurisdiction. An applicant seeking licensure as an esthetics
6 instructor in the manner provided in this section shall be licensed as a
7 cosmetology instructor, esthetics instructor, or the equivalent in
8 another jurisdiction. An applicant seeking licensure as an electrologist
9 or an electrology instructor in the manner provided in this section shall
10 be licensed as an electrologist or an electrology instructor,
11 respectively, in another jurisdiction;

12 (b) That such license was issued on the basis of an examination and
13 the results of the examination. If an examination was not required for
14 licensure in the other jurisdiction, the applicant shall take the
15 Nebraska examination; and

16 (c) That the applicant complies with the hour requirements of
17 subdivision (5) of section 38-1062 through any combination of hours
18 earned as a student or apprentice in a cosmetology establishment ~~or an~~
19 ~~electrology establishment~~ licensed or approved by the jurisdiction in
20 which it was located and hour-equivalents granted for recent work
21 experience, with hour-equivalents recognized as follows:

22 (i) Each month of full-time practice as an instructor within the
23 five years immediately preceding application shall be valued as one
24 hundred hour-equivalents toward an instructor's license ~~or a cosmetology~~
25 ~~license and one hundred hour-equivalents toward an esthetician's license;~~

26 (ii) Each month of full-time practice as a cosmetologist within the
27 five years immediately preceding application shall be valued as one
28 hundred hour-equivalents toward a cosmetology license ~~and one hundred~~
29 ~~hour-equivalents toward an esthetician's license;~~

30 (iii) Each month of full-time practice as an esthetician within the
31 five years immediately preceding application shall be valued as one

1 hundred hour-equivalents toward an esthetician's license;

2 (iv) Each month of full-time practice as an esthetics instructor
3 within the five years immediately preceding application shall be valued
4 as one hundred hour-equivalents toward an esthetics instructor's license;
5 and

6 (v) Each month of full-time practice as an electrologist within the
7 five years immediately preceding application shall be valued as one
8 hundred hour-equivalents toward an electrologist's license.

9 (2) An applicant who is a military spouse may apply for a temporary
10 license as provided in section 38-129.01 and may practice under the
11 temporary license without supervision.

12 Sec. 13. Section 38-1069, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 ~~38-1069 Registration shall be required before any person may act as~~
15 ~~a guest artist, guest body artist, cosmetician, student, apprentice, or~~
16 ~~student instructor, and no person shall assume any title indicative of~~
17 ~~any of such areas of activity without first being registered or licensed~~
18 ~~by the department under the Cosmetology, Electrology, Esthetics, Nail~~
19 ~~Technology, and Body Art Practice Act. A license as a temporary~~
20 ~~practitioner shall be required before any person may act as a temporary~~
21 ~~practitioner, and no person shall assume any title indicative of being a~~
22 ~~temporary practitioner without first being so licensed by the department~~
23 ~~under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body~~
24 ~~Art Practice Act act.~~

25 Sec. 14. Section 38-1070, Revised Statutes Supplement, 2017, is
26 amended to read:

27 38-1070 An individual making application for ~~registration or~~ a
28 temporary license, other than a temporary license issued as provided in
29 section 38-129.01, shall meet, and present to the department evidence of
30 meeting, the requirements for the specific type of ~~registration or~~
31 license applied for.

1 Sec. 15. Section 38-1073, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1073 An applicant for licensure as a temporary practitioner shall
4 show evidence that his or her completed application for regular licensure
5 has been accepted by the department, that he or she has not failed any
6 portion of the licensure examination, and that he or she has been
7 accepted for work in a licensed cosmetology establishment under the
8 supervision of a licensed practitioner. ~~An individual registered as a~~
9 ~~temporary practitioner on December 1, 2008, shall be deemed to be~~
10 ~~licensed as a temporary practitioner under the Cosmetology, Electrology,~~
11 ~~Esthetics, Nail Technology, and Body Art Practice Act on such date. The~~
12 ~~temporary practitioner may continue to practice under such registration~~
13 ~~as a temporary license until it would have expired under its terms.~~

14 Sec. 16. Section 38-1074, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-1074 ~~(1) Registration and temporary licensure shall be granted~~
17 ~~for a set period of time and cannot be renewed.~~

18 ~~(2) Registration as a guest artist shall expire two years following the~~
19 ~~initial date of issuance.~~

20 ~~(3) Registration as a cosmetician shall expire two years following the~~
21 ~~initial date of issuance.~~

22 ~~(4) Registration as a student, apprentice, or student instructor shall~~
23 ~~expire upon successful completion of the licensing examination or~~
24 ~~termination of enrollment in a school of cosmetology, a school of~~
25 ~~esthetics, or an apprentice salon.~~

26 ~~(5) Licensure as a temporary practitioner shall expire eight weeks~~
27 ~~following the date of issuance or upon receipt of examination results,~~
28 ~~whichever occurs first. The , except that the license of a temporary~~
29 ~~practitioner who fails to take the first scheduled examination shall~~
30 ~~expire immediately unless the department finds that the temporary~~
31 ~~practitioner was unable to attend the examination due to an emergency or~~

1 ~~other valid circumstances, in which case the department may extend the~~
2 ~~license an additional eight weeks or until receipt of the examination~~
3 ~~results, whichever occurs first. No license may be extended in such~~
4 ~~manner more than once.~~

5 Sec. 17. Section 38-1075, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-1075 The Cosmetology, Electrology, Esthetics, Nail Technology,
8 and Body Art Practice Act does not apply to or restrict the activities of
9 the following:

10 (1) Any person holding a current license or certificate issued
11 pursuant to the Uniform Credentialing Act when engaged in the usual and
12 customary practice of his or her profession or occupation;

13 (2) Any person engaging solely in earlobe piercing;

14 (3) Any person engaging solely in natural hair braiding;

15 (4) Any person when engaged in domestic or charitable
16 administration;

17 (5) Any person performing any of the practices of cosmetology or
18 nail technology solely for theatrical presentations or other
19 entertainment functions;

20 (6) Any person practicing cosmetology, electrology, esthetics, or
21 nail technology within the confines of a hospital, nursing home, massage
22 therapy establishment, funeral establishment, or other similar
23 establishment or facility licensed or otherwise regulated by the
24 department, except that no unlicensed ~~or unregistered~~ person may accept
25 compensation for such practice;

26 (7) Any person providing services during a bona fide emergency;

27 (8) Any retail or wholesale establishment or any person engaged in
28 the sale of cosmetics, nail technology products, or other beauty products
29 when the products are applied by the customer or when the application of
30 the products is in direct connection with the sale or attempted sale of
31 such products at retail;

1 (9) Any person when engaged in nonvocational training;

2 (10) A person demonstrating on behalf of a manufacturer or
3 distributor any cosmetology, nail technology, electrolysis, or body art
4 equipment or supplies if such demonstration is performed without charge;

5 (11) Any person or licensee engaged in the practice or teaching of
6 manicuring; ~~and~~

7 (12) Any person or licensee engaged in the practice of airbrush
8 tanning or temporary, nonpermanent airbrush tattooing; and -

9 (13) Any person applying cosmetics.

10 Sec. 18. Section 38-1086, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-1086 In order to maintain its license in good standing, each
13 salon shall operate in accordance with the following requirements:

14 (1) The salon shall at all times comply with all applicable
15 provisions of the Cosmetology, Electrology, Esthetics, Nail Technology,
16 and Body Art Practice Act and all rules and regulations adopted and
17 promulgated under such act;

18 (2) The salon owner or his or her agent shall notify the department
19 at least thirty days prior to any change of ownership, name, or address,
20 and within one week if a salon is permanently closed, except in emergency
21 circumstances as determined by the department;

22 (3) No salon shall permit any unlicensed ~~or unregistered~~ person to
23 perform any of the practices of cosmetology within its confines or
24 employment;

25 (4) The salon shall display a name upon, over, or near the entrance
26 door distinguishing it as a salon;

27 (5) The salon shall permit any duly authorized agent of the
28 department to conduct an operation inspection or investigation at any
29 time during the normal operating hours of the salon, without prior
30 notice, and the owner and manager shall assist the inspector by providing
31 access to all areas of the salon, all personnel, and all records

1 requested by the inspector;

2 (6) The salon shall display in a conspicuous place the following
3 records:

4 (a) The current license or certificate of consideration to operate a
5 salon;

6 (b) The current licenses ~~or registrations~~ of all persons employed by
7 or working in the salon; and

8 (c) The rating sheet from the most recent operation inspection;

9 (7) At no time shall a salon employ more employees than permitted by
10 the square footage requirements of the Cosmetology, Electrology,
11 Esthetics, Nail Technology, and Body Art Practice Act; and

12 (8) The salon shall not knowingly permit its employees ~~or clients~~ to
13 use or , ~~consume, serve, or in any manner possess or distribute~~
14 intoxicating beverages or controlled substances upon its premises.

15 Sec. 19. Section 38-1097, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-1097 In order to be licensed as a school of cosmetology by the
18 department, an applicant shall meet and present to the department
19 evidence of meeting the following requirements:

20 (1) The proposed school shall be a fixed permanent structure or part
21 of one;

22 (2) The proposed school shall have a contracted enrollment of at
23 least ~~ten~~ fifteen full-time or part-time students;

24 (3) The proposed school shall contain at least three thousand five
25 hundred square feet of floor space and facilities, staff, apparatus, and
26 equipment appropriate to its projected enrollment in accordance with the
27 standards established by rule and regulation; and

28 (4) The proposed school shall not have the same entrance as or
29 direct access to a cosmetology salon, esthetics salon, or nail technology
30 salon.

31 A school of cosmetology is not required to be licensed as a school

1 of esthetics in order to provide an esthetics training program or as a
2 school of nail technology in order to provide a nail technology training
3 program.

4 Sec. 20. Section 38-1099, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-1099 Along with the application the applicant for a license to
7 operate a school of cosmetology or school of esthetics shall submit:

8 (1) A detailed floor plan or blueprint of the proposed school
9 building sufficient to show compliance with the relevant rules and
10 regulations;

11 (2) Evidence of minimal property damage, personal injury, and
12 liability insurance coverage for the proposed school;

13 (3) A copy of the curriculum to be taught for all courses;

14 (4) A copy of the school catalog, handbook, or policies ~~rules~~ and
15 the student contract; and

16 (5) A list of the names and credentials of all licensees to be
17 employed by the school, ~~and the name and qualifications of the school~~
18 ~~manager;~~

19 ~~(6) Complete student entrance notifications and contracts for all~~
20 ~~persons proposed as students or student instructors, which shall be~~
21 ~~submitted fifteen days prior to opening;~~

22 ~~(7) A completed cosmetology education or esthetics education~~
23 ~~evaluation scale, as applicable; and~~

24 ~~(8) A schedule of proposed hours of operation and class and course~~
25 ~~scheduling.~~

26 Sec. 21. Section 38-10,100, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-10,100 In order to be licensed as a school of esthetics by the
29 department, an applicant shall meet and present to the department
30 evidence of meeting the following requirements:

31 (1) The proposed school shall be a fixed permanent structure or part

1 of one;

2 (2) The proposed school shall have a contracted enrollment of at
3 least four full-time or part-time ~~but not more than six~~ students ~~for each~~
4 ~~licensed esthetics instructor on the staff of the proposed school;~~

5 (3) The proposed school shall contain at least one thousand square
6 feet of floor space and facilities, staff, apparatus, and equipment
7 appropriate to its projected enrollment in accordance with the standards
8 established by rule and regulation; and

9 (4) The proposed school shall not have the same entrance as or
10 direct access to a cosmetology salon, an esthetics salon, or a nail
11 technology salon.

12 Sec. 22. Section 38-10,102, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-10,102 In order to maintain its license in good standing, each
15 school of cosmetology or school of esthetics shall operate in accordance
16 with the following requirements:

17 (1) The school shall at all times comply with all applicable
18 provisions of the Cosmetology, Electrology, Esthetics, Nail Technology,
19 and Body Art Practice Act and all rules and regulations adopted and
20 promulgated under such act;

21 (2) The school owner or owners or the authorized agent thereof shall
22 notify the department at least thirty days prior to any change of
23 ownership, name, or address, and at least sixty days prior to closure,
24 except in emergency circumstances as determined by the department;

25 (3) No school shall permit anyone other than a student, student
26 instructor, or ~~instructor, or guest artist~~ to perform any of the
27 practices of cosmetology or esthetics within its confines or employ,
28 except that such restriction shall not prevent a school from inviting
29 guest educators ~~teachers~~ who are not licensed ~~or registered~~ to provide
30 education ~~lectures~~ to students or student instructors if the guest
31 educator ~~lecturer~~ does not perform any of the practices of cosmetology or

1 esthetics;

2 (4) The school shall display a name upon or near the entrance door
3 designating it as a school of cosmetology or a school of esthetics;

4 (5) The school shall display in a conspicuous place within the
5 clinic area a sign reading: All services in this school are performed by
6 students who are training in cosmetology or esthetics, as applicable. A
7 notice to such effect shall also appear in all advertising conducted by
8 the school for its clinic services;

9 (6) The school shall permit any duly authorized agent of the
10 department to conduct an operation inspection or investigation at any
11 time during the normal operating hours of the school without prior
12 notice, and the owner or manager shall assist the inspector by providing
13 access to all areas of the school, all personnel, and all records
14 requested by the inspector;

15 (7) The school shall display in a conspicuous place the following
16 records:

17 (a) The current license to operate a school of cosmetology or school
18 of esthetics;

19 (b) The current licenses ~~or registrations~~ of all persons licensed
20 under the act, except students, employed by or working in the school; and

21 (c) The rating sheet from the most recent accreditation inspection;

22 (8) At no time shall a school enroll more students than permitted by
23 the act or the rules and regulations adopted and promulgated under the
24 act;

25 (9) The school shall not knowingly permit its students, employees,
26 or clients to use, consume, serve, or in any other manner possess or
27 distribute intoxicating beverages or controlled substances upon its
28 premises;

29 (10) No instructor or student instructor shall perform, and no
30 school shall permit such person to perform, any of the practices of
31 cosmetology or esthetics on the public in a school of cosmetology or

1 school of esthetics other than that part of the practical work which
2 pertains directly to the teaching of practical subjects to students or
3 student instructors and in no instance shall complete cosmetology or
4 esthetics services be provided for a client unless done in a
5 demonstration class of theoretical or practical studies;

6 (11) The school shall maintain space, staff, library, teaching
7 apparatus, and equipment as established by rules and regulations adopted
8 and promulgated under the act;

9 (12) The school shall keep a daily record of the attendance and
10 clinical performance of each student and student instructor;

11 (13) The school shall maintain regular class and instructor hours
12 and shall require the minimum curriculum;

13 (14) The school shall establish and maintain criteria and standards
14 for student grading, evaluation, and performance and shall award a
15 certificate or diploma to a student only upon completing a full course of
16 study in compliance with such standards, except that no student shall
17 receive such certificate or diploma until he or she has satisfied or made
18 an agreement with the school to satisfy all outstanding financial
19 obligations to the school;

20 (15) The school shall maintain on file the enrollment of each
21 student;

22 (16) The school shall maintain a report indicating the students and
23 student instructors enrolled, the hours and ~~credits~~ earned, the
24 instructors employed, the hours of operation, and such other pertinent
25 information as required by the department. ~~No hours or credits shall be~~
26 ~~allowed for any student unless such student is duly registered and the~~
27 ~~hours and credits are reported by the school;~~ and

28 (17) The school shall print and provide to each student a copy of
29 the school rules, which shall not be inconsistent with the Cosmetology,
30 Electrology, Esthetics, Nail Technology, and Body Art Practice Act, the
31 Uniform Credentialing Act, or the rules and regulations adopted and

1 promulgated under either act and which shall include policies of the
2 school with respect to tuition, reimbursement, conduct, attendance,
3 grading, earning of hours ~~and credits~~, demerits, penalties, dismissal,
4 graduation requirements, dress, and other information sufficient to
5 advise the student of the standards he or she will be required to
6 maintain. The department may review any school's rules to determine their
7 consistency with the intent and content of the Cosmetology, Electrology,
8 Esthetics, Nail Technology, and Body Art Practice Act and the rules and
9 regulations and may overturn any school rules found not to be in accord.

10 Sec. 23. Section 38-10,103, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-10,103 In order to maintain a school or apprentice salon license
13 in good standing, each school or apprentice salon shall operate in
14 accordance with the following:

15 (1) Every person accepted for enrollment as a standard student or
16 apprentice shall show evidence that he or she attained the age of
17 seventeen years on or before the date of his or her enrollment in a
18 school of cosmetology, a school of esthetics, or an apprentice salon, has
19 completed the equivalent of a high school education, has been accepted
20 for enrollment at a school of cosmetology, a school of esthetics, or an
21 apprentice salon, and has not undertaken any training in cosmetology or
22 esthetics without being enrolled as a student or apprentice;

23 (2)(a) Every person accepted for enrollment as a special study
24 student or apprentice shall show evidence that he or she:

25 (i) Has attained the age of seventeen years on or before the date of
26 enrollment in a school of cosmetology, a school of esthetics, or an
27 apprentice salon;

28 (ii) Has completed the tenth grade;

29 (iii) Has been accepted for enrollment at a school of cosmetology, a
30 school of esthetics, or an apprentice salon; and

31 (iv) Is actively continuing his or her formal high school education

1 on a full-time basis as determined by the department.

2 (b) An applicant for enrollment as a special study student or
3 apprentice shall not have undertaken any training in cosmetology or
4 esthetics without being enrolled as a student or apprentice.

5 (c) Special study students shall be limited to attending a school of
6 cosmetology, a school of esthetics, or an apprentice salon for no more
7 than eight hours per week during the school year;

8 (3) Every person accepted for enrollment as a student instructor
9 shall show evidence of current licensure as a cosmetologist or
10 esthetician in Nebraska and completion of formal education equivalent to
11 a United States high school education; and

12 (4) No school of cosmetology, school of esthetics, or apprentice
13 salon shall accept an individual for enrollment who does not provide
14 evidence of meeting the age and education requirements. ~~Proof of age~~
15 ~~shall consist of a birth certificate, baptismal certificate, or other~~
16 ~~equivalent document as determined by the department. Evidence of~~
17 ~~education shall consist of a high school diploma, general educational~~
18 ~~development certificate, transcript from a college or university, or~~
19 ~~equivalent document as determined by the department.~~

20 Sec. 24. Section 38-10,104, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 38-10,104 In order to maintain its license in good standing, each
23 school of cosmetology or school of esthetics shall operate in accordance
24 with the following requirements:

25 (1) All persons accepted for enrollment as students shall meet the
26 qualifications established in section 38-10,103;

27 (2) The school shall, at all times the school is in operation, have
28 at least one instructor in the school for each twenty students or
29 fraction thereof enrolled in the school, except (a) that freshman and
30 advanced students shall be taught by different instructors in separate
31 classes and (b) as provided in section 38-10,100;

1 (3) The school shall not permit any student to render clinical
2 services on members of the public with or without fees until such student
3 has satisfactorily completed the freshman curriculum, except that the
4 board may establish guidelines by which it may approve such practices as
5 part of the freshman curriculum;

6 (4) No school shall pay direct compensation to any of its students.
7 Student instructors may be paid as determined by the school;

8 (5) All students and student instructors shall be under the
9 supervision of an instructor at all times, except that students shall be
10 under the direct supervision of an instructor or student instructor at
11 all times when cosmetology or esthetics services are being taught or
12 performed and student instructors may independently supervise students
13 after successfully completing at least one-half of the required
14 instructor program;

15 ~~(6) Students shall be classified for reporting purposes as follows:~~

16 ~~(a) A full-time student shall mean one who regularly trains at least~~
17 ~~eight hours a day during the normal school week, including normal excused~~
18 ~~absences as defined in the school rules; and~~

19 ~~(b) A part-time student shall mean any student not classified as a~~
20 ~~full-time student;~~

21 ~~(7) Students no longer attending the school shall be classified for~~
22 ~~reporting purposes as follows:~~

23 ~~(a) A graduate shall mean a student who has completed his or her~~
24 ~~hours and credits, has satisfied all school requirements, and has been~~
25 ~~granted a certificate or diploma by the school;~~

26 ~~(b) A transfer shall mean a student who has transferred to another~~
27 ~~school in Nebraska or in another state;~~

28 ~~(c) A temporary drop shall mean a student who has stopped attending~~
29 ~~school for a period of less than three months and has given no indication~~
30 ~~that he or she intends to drop permanently; and~~

31 ~~(d) A permanent drop shall mean a student who has stopped attending~~

1 ~~school for a period of three months or more or one who has stopped~~
2 ~~attending for a shorter time but has informed the school in writing of~~
3 ~~his or her intention to drop permanently;~~

4 ~~(8) Once a student has been classified as a permanent drop, the~~
5 ~~school shall keep a record of his or her hours and credits for a period~~
6 ~~of two years from the last date upon which the student attended school;~~

7 ~~(6) (9) No student shall be permitted by the school to train or work~~
8 ~~in a school in any manner for more than ten hours a day; and~~

9 ~~(7) (10) The school shall not credit a student or student instructor~~
10 ~~with hours and credits except when such hours and credits were earned in~~
11 ~~the study or practice of cosmetology, or esthetics, nail technology, or~~
12 ~~barbering in accordance with the required curriculum. Hours and credits~~
13 ~~shall be credited on a daily basis. Once credited, hours or credits~~
14 ~~cannot be removed or disallowed except by the department upon a finding~~
15 ~~that the hours or credits have been wrongfully allowed.~~

16 Sec. 25. Section 38-10,105, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-10,105 A student may transfer from one school of cosmetology ~~in~~
19 ~~Nebraska~~ to another school at any time without penalty if all tuition
20 obligations to the school from which the student is transferring have
21 been honored and if the student secures a letter from the school from
22 which he or she is transferring stating that the student has not left any
23 unfulfilled tuition obligations and stating the number of hours ~~and~~
24 ~~credits~~ earned by the student at such school, including any hours ~~and~~
25 ~~credits~~ the student transferred into that school, and the dates of
26 attendance of the student at that school. The student may not begin
27 training at the new school until such conditions have been fulfilled. The
28 school to which the student is transferring shall be entitled to receive
29 from the student's previous school, upon request, ~~credit books and any~~
30 ~~and~~ all records pertaining to the student.

31 Sec. 26. Section 38-10,107, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-10,107 (1) Barbers licensed in the State of Nebraska attending a
3 school of cosmetology may be given credit of one thousand two hundred
4 hours of training applied toward the course hours required for graduation
5 ~~Any person holding a current barbering license issued by the appropriate~~
6 ~~authority in Nebraska shall be entitled to waive one thousand hours upon~~
7 ~~enrolling in a complete course of cosmetology training in a school of~~
8 ~~cosmetology. The school shall determine, based upon the knowledge and~~
9 ~~experience of the student, which one thousand hours of training shall be~~
10 ~~waived for the student. The school shall determine, based upon the~~
11 ~~knowledge and experience of the student, how many credits to waive and~~
12 ~~which credits are to be waived for the student, except that no fewer than~~
13 ~~five hundred credits and no more than one thousand credits may be waived~~
14 ~~for any such student. No hours shall be waived for a licensed barber~~
15 ~~enrolling in an esthetician training course or program.~~

16 (2) Cosmetologists licensed in the State of Nebraska attending a
17 barber school or college may be given credit of one thousand two hundred
18 hours of training applied toward the course hours required for
19 graduation.

20 Sec. 27. Section 38-10,108, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 38-10,108 No school of cosmetology shall at any time enroll more
23 than three ~~two~~ student instructors for each full-time instructor actively
24 working in and employed by the school.

25 Sec. 28. Section 38-10,112, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-10,112 (1) The owner of each school of cosmetology or school of
28 esthetics shall have full responsibility for ensuring that the school is
29 operated in compliance with all applicable laws and rules and regulations
30 and shall be liable for any and all violations occurring in the school.

31 (2) Each school of cosmetology or school of esthetics shall be

1 operated by a manager ~~who shall hold an active instructor's license and~~
2 who shall be present on the premises of the school no less than thirty-
3 five hours each week. ~~Each manager of a school of esthetics shall hold an~~
4 ~~active esthetics instructor's license and shall be present on the~~
5 ~~premises of the school no less than thirty five hours each week.~~ The
6 manager may have responsibility for the daily operation of the school or
7 satellite classroom ~~and, if so, shall share with the owner liability for~~
8 ~~any and all violations occurring in the school or satellite classroom.~~

9 Sec. 29. Section 38-10,120, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-10,120 ~~(1) Practice outside a licensed cosmetology establishment~~
12 ~~shall be permitted in the following circumstances:~~

13 ~~(a) A registered cosmetician may apply cosmetics or esthetics~~
14 ~~products within the scope of such activity permitted a cosmetician in the~~
15 ~~home of a client or customer; and~~

16 (1) ~~(b)~~ A licensed cosmetology salon or esthetics salon may employ
17 licensed cosmetologists and estheticians, according to the licensed
18 activities of the salon, to perform home services by meeting the
19 following requirements:

20 (a) ~~(i)~~ In order to be issued a home services permit by the
21 department, an applicant shall hold a current active salon license; and

22 (b) ~~(ii)~~ Any person seeking a home services permit shall submit a
23 complete application at least ten days before the proposed date for
24 beginning home services. Along with the application the applicant shall
25 submit evidence of liability insurance or bonding.

26 (2) The department shall issue a home services permit to each
27 applicant meeting the requirements set forth in this section.

28 Sec. 30. Section 38-10,128, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-10,128 In order to be licensed as a nail technician or nail
31 technology instructor by examination, an individual shall meet, and

1 present to the department evidence of meeting, the following
2 requirements:

3 (1) He or she has attained the age of seventeen years on or before
4 the beginning date of the examination for which application is being
5 made;

6 (2) He or she has completed formal education equivalent to a United
7 States high school education;

8 (3) He or she possesses sufficient ability to read the English
9 language to permit the applicant to practice in a safe manner, as
10 evidenced by successful completion of the written examination; and

11 (4) He or she has graduated from a school of cosmetology or nail
12 technology school providing a nail technology program. Evidence of
13 graduation shall include documentation of the total number of hours of
14 training earned and a diploma or certificate from the school to the
15 effect that the applicant has complied with the following:

16 (a) For licensure as a nail technician, the program of studies shall
17 consist of ~~a minimum of not less than one hundred fifty hours and not~~
18 ~~more than three hundred hours, as set by the board;~~ and

19 (b) For licensure as a nail technology instructor, the program of
20 studies shall consist of ~~a minimum of not less than one hundred fifty~~
21 ~~hours and not more than three hundred hours, as set by the board,~~ beyond
22 the program of studies required for licensure as a nail technician and
23 the individual shall be currently licensed as a nail technician in
24 Nebraska as evidenced by possession of a valid Nebraska nail technician
25 license.

26 The department shall grant a license in the appropriate category to
27 any person meeting the requirements specified in this section.

28 Sec. 31. Section 38-10,129, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-10,129 No application for any type of licensure ~~or registration~~
31 shall be considered complete unless all information requested on the

1 application form has been supplied, all seals and signatures required
2 have been obtained, and all supporting and documentary evidence has been
3 received by the department.

4 Sec. 32. Section 38-10,131, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-10,131 (1) Examinations approved by the board may be national
7 standardized examinations, but in all cases the examinations shall be
8 related to the knowledge and skills necessary to perform the practices
9 being examined and shall be related to the curricula required to be
10 taught in nail technology programs.

11 ~~(2) At least two examinations shall be given annually.~~

12 (2) ~~(3)~~ In order to successfully complete the examination, an
13 applicant shall obtain an average grade of seventy-five percent on the
14 written examination.

15 Sec. 33. Section 38-10,132, Revised Statutes Supplement, 2017, is
16 amended to read:

17 38-10,132 (1) The department may grant a license based on licensure
18 in another jurisdiction to a nail technician or nail technology
19 instructor who presents proof of the following:

20 (a) He or she has attained the age of seventeen years;

21 (b) He or she has completed formal education equivalent to a United
22 States high school education;

23 (c) He or she is currently licensed as a nail technician or its
24 equivalent or as a nail technology instructor or its equivalent in
25 another jurisdiction and he or she has never been disciplined or had his
26 or her license revoked;

27 (d) For licensure as a nail technician, evidence of completion ~~(i)~~
28 ~~Completion~~ of a program of nail technician studies consisting of a
29 ~~minimum of not less than one hundred fifty hours and not more than three~~
30 ~~hundred hours, as set by the board,~~ and successful passage of a written
31 examination. If a written examination was not required for licensure in

1 another jurisdiction, the applicant must take the Nebraska written
2 examination. Each month of full-time practice as a nail technician within
3 the five years immediately preceding application shall count as the
4 equivalent of one hundred hours toward a license; and ~~or~~

5 ~~(ii) At least twelve months of practice as a nail technician~~
6 ~~following issuance of such license in another jurisdiction; and~~

7 (e) For licensure as a nail technology instructor, evidence of
8 completion ~~:(i) Completion~~ of a program of studies consisting of a
9 ~~minimum of not less than one hundred fifty hours and not more than three~~
10 ~~hundred hours, as set by the board,~~ beyond the program of studies
11 required for licensure in another jurisdiction as a nail technician,
12 successful passage of a written examination, and current licensure as a
13 nail technician in Nebraska as evidenced by possessing a valid Nebraska
14 nail technician license. If a written examination was not required for
15 licensure as a nail technology instructor, the applicant must take the
16 Nebraska written examination. Each month of full-time practice as a nail
17 technology instructor within the five years immediately preceding
18 application shall count as the equivalent of one hundred hours toward a
19 license. ~~;~~ ~~or~~

20 ~~(ii) At least twelve months of practice as a nail technology~~
21 ~~instructor following issuance of such license in another jurisdiction.~~

22 (2) An applicant who is a military spouse may apply for a temporary
23 license as provided in section 38-129.01.

24 Sec. 34. Section 38-10,133, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-10,133 Every person holding a license ~~or registration~~ in nail
27 technology issued by the department under the Cosmetology, Electrology,
28 Esthetics, Nail Technology, and Body Art Practice Act shall display it in
29 a conspicuous place in his or her principal place of employment, and
30 every nail technology establishment shall so display the then current
31 licenses ~~and registrations~~ of all practitioners there employed.

1 Sec. 35. Section 38-10,135, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-10,135 An applicant for licensure as a nail technology temporary
4 practitioner shall show evidence that his or her completed application
5 for regular licensure has been accepted by the department, that he or she
6 has not failed any portion of the licensure examination, and that he or
7 she has been accepted for work in a licensed nail technology or
8 cosmetology establishment under the supervision of a licensed nail
9 technician or licensed cosmetologist. ~~An individual registered as a
10 temporary practitioner on December 1, 2008, shall be deemed to be
11 licensed as a temporary practitioner under the Cosmetology, Electrology,
12 Esthetics, Nail Technology, and Body Art Practice Act on such date. The
13 temporary practitioner may continue to practice under such registration
14 as a license until it would have expired under its terms.~~

15 Sec. 36. Section 38-10,142, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-10,142 In order to maintain its license in good standing, each
18 nail technology salon shall operate in accordance with the following
19 requirements:

20 (1) The nail technology salon shall at all times comply with all
21 applicable provisions of the Cosmetology, Electrology, Esthetics, Nail
22 Technology, and Body Art Practice Act and all rules and regulations
23 adopted and promulgated under such act;

24 (2) The nail technology salon owner or his or her agent shall notify
25 the department at least thirty days prior to any change of ownership,
26 name, or address, and at least one week prior to closure, except in
27 emergency circumstances as determined by the department;

28 (3) No nail technology salon shall permit any unlicensed or
29 ~~unregistered~~ person to perform any of the practices of nail technology
30 within its confines or employment;

31 (4) The nail technology salon shall display a name upon, over, or

1 near the entrance door distinguishing it as a nail technology salon;

2 (5) The nail technology salon shall permit any duly authorized agent
3 of the department to conduct an operation inspection or investigation at
4 any time during the normal operating hours of the nail technology salon,
5 without prior notice, and the owner and manager shall assist the
6 inspector by providing access to all areas of the nail technology salon,
7 all personnel, and all records requested by the inspector;

8 (6) The nail technology salon shall display in a conspicuous place
9 the following records:

10 (a) The current license or certificate of consideration to operate a
11 nail technology salon;

12 (b) The current licenses ~~or registrations~~ of all persons licensed
13 under the act who are employed by or working in the nail technology
14 salon; and

15 (c) The rating sheet from the most recent operation inspection;

16 (7) At no time shall a nail technology salon employ more employees
17 than permitted by the square footage requirements of the act; and

18 (8) The nail technology salon shall not knowingly permit its
19 employees ~~or clients~~ to use or , ~~consume, serve, or in any manner possess~~
20 ~~or distribute~~ intoxicating beverages or controlled substances upon its
21 premises.

22 Sec. 37. Section 38-10,147, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-10,147 In order to be licensed as a nail technology school by the
25 department, an applicant shall meet, and present to the department
26 evidence of meeting, the following requirements:

27 (1) The proposed school shall be a fixed, permanent structure or
28 part of one;

29 (2) The proposed school shall have a contracted enrollment of
30 students;

31 (3) The proposed school shall contain at least five hundred square

1 feet of floor space and facilities, staff, apparatus, and equipment
2 appropriate to its projected enrollment in accordance with the standards
3 established by rule and regulation; and

4 (4) The proposed school shall not have the same entrance as or
5 direct access to a cosmetology salon or nail technology salon.

6 Sec. 38. Section 38-10,150, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-10,150 Along with the application, an applicant for a license to
9 operate a nail technology school shall submit:

10 (1) A detailed floor plan or blueprint of the proposed school
11 building sufficient to show compliance with the relevant rules and
12 regulations;

13 (2) Evidence of minimal property damage, personal injury, and
14 liability insurance coverage for the proposed school;

15 (3) A copy of the curriculum to be taught for all courses;

16 (4) A copy of the school catalog, handbook, or policies ~~rules~~ and
17 the student contract; and

18 (5) A list of the names and credentials of all persons licensed ~~or~~
19 ~~registered~~ under the Cosmetology, Electrology, Esthetics, Nail
20 Technology, and Body Art Practice Act to be employed by the school, and
21 ~~the name and qualifications of the school manager;~~

22 ~~(6) A completed nail technology education evaluation scale;~~

23 ~~(7) A schedule of proposed hours of operation and class and course~~
24 ~~scheduling; and~~

25 ~~(8) Any additional information the department may require.~~

26 A nail technology school's license shall be valid only for the
27 location named in the application. When a school desires to change
28 locations, it shall comply with section 38-10,158.

29 Sec. 39. Section 38-10,152, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 38-10,152 In order to maintain its license in good standing, each

1 nail technology school shall operate in accordance with the following
2 requirements:

3 (1) The school shall at all times comply with all applicable
4 provisions of the Cosmetology, Electrology, Esthetics, Nail Technology,
5 and Body Art Practice Act and all rules and regulations adopted and
6 promulgated under such act;

7 (2) The school owner or owners or their authorized agent shall
8 notify the department at least thirty days prior to any change of
9 ownership, name, or address, and at least sixty days prior to closure,
10 except in emergency circumstances as determined by the department;

11 (3) No school shall permit anyone other than a nail technology
12 student, nail technology student instructor, or nail technology
13 instructor to perform any of the practices of nail technology within its
14 confines or employment ~~employ~~, except that such restriction shall not
15 prevent a school from inviting guest educators ~~teachers~~ who are not
16 licensed ~~or registered~~ to provide education ~~lectures~~ to students or
17 student instructors if the guest educator ~~lecturer~~ does not perform any
18 of the practices of nail technology;

19 (4) The school shall display a name upon or near the entrance door
20 designating it as a nail technology school;

21 (5) The school shall display in a conspicuous place within the
22 clinic area a sign reading: All services in this school are performed by
23 students who are training in nail technology. A notice to such effect
24 shall also appear in all advertising conducted by the school for its
25 clinic services;

26 (6) The school shall permit any duly authorized agent of the
27 department to conduct an operation inspection or investigation at any
28 time during the normal operating hours of the school without prior
29 notice, and the owner or manager shall assist the inspector by providing
30 access to all areas of the school, all personnel, and all records
31 requested by the inspector;

1 (7) The school shall display in a conspicuous place the following
2 records:

3 (a) The current license to operate a nail technology school;

4 (b) The current licenses ~~or registrations~~ of all persons licensed ~~or~~
5 ~~registered~~ under the act, except students, employed by or working in the
6 school; and

7 (c) The rating sheet from the most recent accreditation inspection;

8 (8) At no time shall a school enroll more students than permitted by
9 the act or the rules and regulations adopted and promulgated under the
10 act;

11 (9) The school shall not knowingly permit its students, employees,
12 or clients to use, consume, serve, or in any other manner possess or
13 distribute intoxicating beverages or controlled substances upon its
14 premises;

15 (10) No nail technology instructor or nail technology student
16 instructor shall perform, and no school shall permit such person to
17 perform, any of the practices of nail technology on the public in a nail
18 technology school other than that part of the practical work which
19 pertains directly to the teaching of practical subjects to nail
20 technology students or nail technology student instructors, and complete
21 nail technology services shall not be provided for a client unless done
22 in a demonstration class of theoretical or practical studies;

23 (11) The school shall maintain space, staff, library, teaching
24 apparatus, and equipment as established by rules and regulations adopted
25 and promulgated under the act;

26 (12) The school shall keep a daily record of the attendance and
27 clinical performance of each student and student instructor;

28 (13) The school shall maintain regular class and instructor hours
29 and shall require the minimum curriculum;

30 (14) The school shall establish and maintain criteria and standards
31 for student grading, evaluation, and performance and shall award a

1 certificate or diploma to a student only upon completing a full course of
2 study in compliance with such standards, except that no student shall
3 receive such certificate or diploma until he or she has satisfied or made
4 an agreement with the school to satisfy all outstanding financial
5 obligations to the school;

6 (15) The school shall maintain on file the enrollment of each
7 student; and

8 (16) The school shall print and provide to each student a copy of
9 the school rules, which shall not be inconsistent with the act or with
10 the rules and regulations adopted and promulgated under such act and
11 which shall include policies of the school with respect to tuition,
12 reimbursement, conduct, attendance, grading, earning of hours—and
13 ~~credits~~, demerits, penalties, dismissal, graduation requirements, dress,
14 and other information sufficient to advise the student of the standards
15 he or she will be required to maintain. The department may review any
16 school's rules to determine their consistency with the intent and content
17 of the act and the rules and regulations and may overturn any school
18 rules found not to be in accord.

19 Sec. 40. Section 38-10,153, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-10,153 In order to maintain its license in good standing, each
22 nail technology school shall operate in accordance with the following
23 requirements:

24 (1) Every person accepted for enrollment as a standard student shall
25 meet the following qualifications:

26 (a) He or she has attained the age of seventeen years on or before
27 the date of his or her enrollment in a nail technology school;

28 (b) He or she has completed the equivalent of a high school
29 education; and

30 (c) He or she has not undertaken any training in nail technology in
31 this state after January 1, 2000, without being enrolled as a nail

1 technology student;

2 (2)(a) Every person accepted for enrollment as a special study nail
3 technology student shall meet the following requirements:

4 (i) He or she has attained the age of seventeen years on or before
5 the date of enrollment in a nail technology school;

6 (ii) He or she has completed the tenth grade; and

7 (iii) He or she is actively continuing his or her formal high school
8 education on a full-time basis as determined by the department.

9 (b) Special study nail technology students shall be limited to
10 attending a nail technology school for no more than eight hours per week
11 during the school year;

12 ~~(3) Proof of age shall consist of a birth certificate, baptismal~~
13 ~~certificate, or other equivalent document as determined by the~~
14 ~~department. Evidence of education shall consist of a high school diploma,~~
15 ~~general educational development certificate, transcript from a college or~~
16 ~~university, or equivalent document as determined by the department. No~~
17 nail technology school shall accept an individual for enrollment who does
18 not provide evidence of meeting the age and education requirements ~~for~~
19 registration;

20 (4) Every person accepted for enrollment as a nail technology
21 student instructor shall show evidence of current licensure as a nail
22 technician in Nebraska and completion of formal education equivalent to a
23 United States high school education;

24 (5) The school shall, at all times the school is in operation, have
25 at least one nail technology instructor in the school for each twenty
26 students or fraction thereof enrolled in the school;

27 (6) The school shall not permit any nail technology student to
28 render clinical services on members of the public with or without fees
29 until such student has satisfactorily completed the beginning curriculum,
30 except that the department may establish guidelines by which it may
31 approve such practices as part of the beginning curriculum;

1 (7) No school shall pay direct compensation to any of its nail
2 technology students. Nail technology student instructors may be paid as
3 determined by the school;

4 (8) All nail technology students and nail technology student
5 instructors shall be under the supervision of a cosmetology instructor,
6 nail technology instructor, or nail technology student instructor at all
7 times when nail technology services are being taught or performed;

8 (9) No student shall be permitted by the school to train or work in
9 a school in any manner for more than ten hours a day; and

10 (10) The school shall not credit a nail technology student or nail
11 technology student instructor with hours except when such hours were
12 earned in the study or practice of nail technology in accordance with the
13 required curriculum. Hours shall be credited on a daily basis. Once
14 credited, hours cannot be removed or disallowed except by the department
15 upon a finding that the hours have been wrongfully allowed.

16 Sec. 41. Section 38-10,154, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-10,154 Nail technology students or nail technology student
19 instructors may transfer from one nail technology school ~~in Nebraska~~ to
20 another school at any time.

21 The school to which the student is transferring shall be entitled to
22 receive from the student's previous school, upon request, any and all
23 records pertaining to the student once all financial obligations are met
24 or arrangements have been made to satisfy the obligations.

25 Sec. 42. Section 38-10,156, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-10,156 No nail technology school shall at any time enroll more
28 than two ~~one~~ nail technology student instructors ~~instructor~~ for each
29 full-time nail technology instructor or cosmetology instructor actively
30 working in and employed by the school.

31 Sec. 43. Section 38-10,171, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-10,171 Each of the following may be considered an act of
3 unprofessional conduct when committed by a person licensed ~~or registered~~
4 under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body
5 Art Practice Act:

6 (1) Performing any of the practices regulated under the act for
7 which an individual is not licensed ~~or registered~~ or operating an
8 establishment or facility without the appropriate license;

9 (2) Obstructing, interfering, or failing to cooperate with an
10 inspection or investigation conducted by an authorized representative of
11 the department when acting in accordance with the act;

12 (3) Failing to report to the department a suspected violation of the
13 act;

14 (4) Aiding and abetting an individual to practice any of the
15 practices regulated under the act for which he or she is not licensed ~~or~~
16 registered;

17 (5) Engaging in any of the practices regulated under the act for
18 compensation in an unauthorized location;

19 (6) Engaging in the practice of any healing art or profession for
20 which a license is required without holding such a license;

21 (7) Enrolling a student or an apprentice without obtaining the
22 appropriate documents prior to enrollment;

23 (8) Knowingly falsifying any student or apprentice record or report;

24 (9) Initiating or continuing home services to a client who does not
25 meet the criteria established in the act;

26 (10) Knowingly issuing a certificate of completion or diploma to a
27 student or an apprentice who has not completed all requirements for the
28 issuance of such document;

29 (11) Failing, by a school of cosmetology, a nail technology school,
30 a school of esthetics, or an apprentice salon, to follow its published
31 rules;

1 (12) Violating, by a school of cosmetology, nail technology school,
2 or school of esthetics, any federal or state law involving the operation
3 of a vocational school or violating any federal or state law involving
4 participation in any federal or state loan or grant program;

5 (13) Knowingly permitting any person under supervision to violate
6 any law, rule, or regulation or knowingly permitting any establishment or
7 facility under supervision to operate in violation of any law, rule, or
8 regulation;

9 (14) Receiving two unsatisfactory inspection reports within any
10 sixty-day period;

11 (15) Engaging in any of the practices regulated under the act while
12 afflicted with any active case of a serious contagious disease,
13 infection, or infestation, as determined by the department, or in any
14 other circumstances when such practice might be harmful to the health or
15 safety of clients;

16 (16) Violating any rule or regulation relating to the practice of
17 body art; and

18 (17) Performing body art on or to any person under eighteen years of
19 age (a) without the prior written consent of the parent or court-
20 appointed guardian of such person, (b) without the presence of such
21 parent or guardian during the procedure, or (c) without retaining a copy
22 of such consent for a period of five years.

23 Sec. 44. Section 71-204, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 71-204 A person is qualified to receive a certificate of
26 registration to practice barbering (1) who has a diploma showing
27 graduation from high school or an equivalent education as determined by
28 passing a general education development test; (2) who is at least
29 seventeen years of age; (3) who has completed one ~~two~~ thousand nine ~~one~~
30 hundred hours of training in a barber school or college; (4) who has
31 graduated from a barber school or college approved by the Board of Barber

1 Examiners; and (5) who has passed an examination conducted by the Board
2 of Barber Examiners to determine his or her fitness to practice
3 barbering, ~~which examination shall be taken within two years after the~~
4 ~~date of entry into barbering school.~~

5 Sec. 45. Section 71-208, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 71-208 The Legislature finds that, through licensing of barber
8 schools, the Board of Barber Examiners approves barbering programs which
9 lead to a certificate or diploma in Nebraska. No barber school or college
10 shall be approved by the board unless (1)(a) a barber school or college
11 that operates as a postsecondary barber school or college requires, as a
12 prerequisite to admission, high school graduation or its equivalent as
13 determined by successfully passing a general educational development test
14 or (b) a barber school or college that does not operate as a
15 postsecondary barber school or college requires, as a prerequisite to
16 graduation from such school or college, high school graduation or its
17 equivalent as determined by successfully passing a general educational
18 development test, (2) as a prerequisite to graduation it requires a
19 course of instruction of not less than one ~~two~~ thousand nine ~~one~~ hundred
20 hours, to be completed in a ~~period of not less than one year,~~ of not more
21 than ten hours in any one working day, and (3) the barber school or
22 college meets the standards of the Barber Act and any rules and
23 regulations of the board. Such course of instruction shall include
24 scientific fundamentals for barbering, hygiene, massaging, sterilization,
25 haircutting, and shaving, except that when a barber school or college is
26 a part of a high school accredited by the State Board of Education or the
27 University of Nebraska, the Board of Barber Examiners shall provide in
28 its rules and regulations that credit in the barber school or college
29 shall be given for hours spent and courses pursued in the high school and
30 that credit shall be given for courses in barbering taken in high school
31 prior to formal enrollment in such barber school or college.

1 Sec. 46. Section 71-208.08, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-208.08 (1) Cosmetologists licensed in the State of Nebraska
4 attending a barber school or college may of barbering shall be given
5 credit of one thousand two hundred hours of training applied credit
6 toward the course hours required for graduation.

7 (2) Barbers licensed in the State of Nebraska attending a school of
8 cosmetology may be given credit of one thousand two hundred hours of
9 training applied toward the course hours required for graduation.

10 Sec. 47. Original sections 38-1005, 38-1017, 38-1018, 38-1028,
11 38-1038, 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1065, 38-1069,
12 38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100,
13 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,107, 38-10,108,
14 38-10,112, 38-10,120, 38-10,128, 38-10,129, 38-10,131, 38-10,133,
15 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153,
16 38-10,154, 38-10,156, 38-10,171, 71-204, and 71-208.08, Reissue Revised
17 Statutes of Nebraska, section 71-208, Revised Statutes Cumulative
18 Supplement, 2016, and sections 38-1066, 38-1070, and 38-10,132, Revised
19 Statutes Supplement, 2017, are repealed.

20 Sec. 48. The following sections are outright repealed: Sections
21 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072, 38-1091,
22 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and 38-10,155,
23 Reissue Revised Statutes of Nebraska.