

COMMITTEE REPORT

TO: Patrick O'Donnell
Clerk of the Legislature

FROM: Senator Sara Howard
Chair, Health and Human Services Committee

DATE: 11.13.2020

RE: Health and Human Services Committee Report and Recommendations on
Regulated Occupations within Committee Jurisdiction – Barbers and Barber
Instructors

GENERAL INFORMATION

- I. Occupation Regulated
 - A) Barbers and Barber Instructors

- II. Name of Occupational Board Responsible for Enforcement
 - A) Board of Barber Examiners

- III. Public Purpose and Assumptions Underlying License Creation
 - A) The mission of the Board of Barber Examiners is to examine and provide for the licensing of qualified barbers and barber instructors, to enforce the sanitary rules regulating barber shops and schools, to develop and approve barber school curriculum and post-secondary educational requirements for barber instructors, to investigate and resolve consumer complaints and provide the public with a healthy and safe shop environment.

- IV. Number of Regulated Professionals in Nebraska
 - A) As of June 30, 2019, there were 1,342 licensed barbers, 21 licensed instructors, and 3 assistant instructors.

BOARD MEMBERSHIPS AND MEETINGS

- I. Number of Members
 - A) There are three members of the Board of Barber Examiners.

- II. Who Appoints Members of the Board / Is Legislative Approval Required?
 - A) The Governor appoints the members of the board. Legislative approval is not required.

III. Term Length

- A) The length of term for service on the Board of Barber Examiners is three years, on a rotating basis.

IV. Qualifications for Membership of the Board

- A) The qualifications for membership on the Board of Barber Examiners is found in Nebraska Revised Statutes Section [71-221](#). “Each member shall be a practicing barber who has followed the occupation of barbering in this state for at least five years prior to his appointment, and who is actually engaged in the practice of barbering during the term of his appointment.”

V. The Number of Meetings Required Per Fiscal Year (FY) / Meetings Actually Held

- A) For FY 2014-2015: Meetings Required – 4; Meetings Held – 5.
- B) For FY 2015-2016: Meetings Required – 4; Meetings Held – 4.
- C) For FY 2016-2017: Meetings Required – 4; Meetings Held – 4.
- D) For FY 2017-2018: Meetings Required – 4; Meetings Held – 4.
- E) For FY 2018-2019: Meetings Required – 4; Meetings Held – 4.

VI. Annual Budget Information for the Previous Five Years

- A) The Board of Barber Examiners is entirely self-funded. No state funds are expended to operate the Board of Barber Examiners.
- B) For FY 2014-2015: \$129,318
- C) For FY 2015-2016: \$125,750
- D) For FY 2016-2017: \$133,509
- E) For FY 2017-2018: \$138,433
- F) For FY 2018-2019: \$138,154

VII. Statement from Occupational Board on Effectiveness of Regulations

- A) “The Board of Barber Examiners believes the occupational regulations governing the barber industry is vitally important due to the strict sanitation regulations within them. The primary function of the Board is to oversee the health and safety of the public with focus on sanitation practices in the barber shop. Sanitation is a major part of the curriculum taught in licensed barber schools, instilling the practice of proper sanitation throughout the educational experience.

“Our agency is required by statute to inspect each licensed barber shop at least once every license period and barber schools are inspected at least four times per fiscal year. These inspections focus on all areas of

sanitation practices. Disinfecting tools and equipment used by the barber as well as cleaning all aspects of the shop or school. A failing score issued by our agency during an inspection will result in action must be taken by the offender to correct any deficiencies found during the inspection. Barber shops and school must follow the safe and sanitary practices defined in the Rules and Regulations created by the Barber Board. Improper sanitation by a barber shop or school can lead to the spread of disease or harmful virus's from client to client or staff to client. Our office handles all complaints filed by the public, as risks to others and the complaints are dealt with in an investigational matter.

“Regulations concerning minimum requirements for curriculum offered by barber schools are to give the barber student the proper skills when performing acts of barbering on clients. Many of the tools used for barber services can cause harm to a client if they are not properly used. The same is true when educating a barber student on the uses of chemicals on a client. In summary, the Board feels that the current regulations created by the Barber Board are enacted to protect the public and the barber. In 2018, The Nebraska Board of Barber Examiners did a major revision of the rules and regulations relating to barbering, to reduce any duplication of regulation or statute and to lessen the burden placed on licensees or potential licensees.”

AUTHORIZATION

- I. Statutory Authorization
 - A) The practice of barbering may be found in the Barber Act, which is found in sections [71-201 through 71-255](#) of the Nebraska Revised Statutes. Statutory Authorization for the Board comes from Nebraska Revised Statutes Sections [71-225](#) and [71-228](#). Spending Authority comes from Nebraska Revised Statutes Section [71-237](#). See Appendix A.
- II. Other Authorization
 - A) The rules and regulations the Board of Barber Examiners oversees are included in the [Nebraska Administrative Code, Title 51](#).

CREDENTIALING

- I. Number of Licenses, Certifications, or Registrations Issued In Past Five Years
 - A) The Board of Barber Examiners issues a two-year renewable license for barbers and barber instructors (along with barber shops, barber schools, and booth permits).
 - B) The total number of new barber licenses issued from July 1, 2014 through June 30, 2019 is 180. The total number of new barber instructor licenses issued for the same time period is 4. The total number of licenses for

barbers, due to renewals of previous licenses, is 1,342. The total number of licenses for barber instructors, due to renewal of previous licenses, is 21.

- II. Number of Licenses, Certifications, or Registrations Denied in Past Five Years
 - A) There have been 27 licenses denied in the past five years.
 - B) Reasons for Licenses Denied: License denial is due to lack of proper documents supporting licensure, or lack of proper training. Many denials were because of little to no barber training from a barber school.

- III. Number of Licenses, Certifications, or Registrations Revoked in Past Five Years
 - A) There were no licenses revoked in the past five years.

- IV. Number of Licenses, Certifications, or Registrations Penalized in Past Five Years
 - A) There were no licenses penalized in the past five years.
 - B) Reasons for Licenses Penalized: Not Applicable – One barber shop was closed due to failure of sanitation requirements.

- V. Comparison of How Other States Regulate This Occupation
 - A) All of the states in the United States have regulations regarding barbers and barber shops. Many of the standards set by the Nebraska Board of Barber Examiners are similar to other state barber boards, especially concerning sanitation practices.

Regulations set by states concerning licensure may differ from state to state, as a Nebraska Barber License will allow the license holder to perform chemical services, while some of the other states do not. The states that offer a license to barbers to only cut hair and shave, will often require fewer hours of school training, versus a state that allows barbers to perform chemical services. While Nebraska does not enforce a fine to licensees for not following regulations, other states do enforce a fine.

In summary, all states do have regulations or statutes on sanitation for barbers, which may vary from state to state, depending on the type of licenses offered and how violations are handled.

VI. What Is The Potential Harm if This Occupation Is No Longer Licensed, Certified, or Regulated?

- A) If the occupation is no longer licensed, there could be a major spread of virus or disease, due to unsanitary conditions. Furthermore, the instruments and chemicals utilized require training and experience to mitigate potential harm and danger to the public.

COMMITTEE RECOMMENDATION ON CONTINUATION, MODIFICATION, OR TERMINATION OF OCCUPATIONAL REGULATIONS

Regulated occupations under the purview of the Health and Human Services Committee are unique in that through the Nebraska Regulation of Health Professions Act (Neb. Rev. Stat. Sections 71-6201 to 71-6229), health professions which are not licensed or regulated, or health professions that wish to change their scope of practice, go through a three-stage credentialing process.

Credentialing review is a three-stage process conducted by the following review bodies in the following order:

- 1) The review of an ad hoc technical review committee appointed by the Director of the Division of Public Health;
- 2) The review of the State Board of Health;
- 3) The review of the Director of the Division of Public Health.

The three review bodies each create their own independent report on each proposal. All reports created by the review process are available to members of the Health and Human Services Committee to assist them during their review of any bills that might arise from credentialing review proposals. These reports include recommendations regarding the level of licensure of the health profession. These reports are advisory to the Legislature, and only the action of the Legislature may create changes in the regulatory status of a profession. These reports represent expert input into possible public health and safety aspects of credentialing review proposals, and the nine-month process is overseen by those with experience in the provision of health-related or medical services.

The licenses, certifications, and registrations overseen by the Board of Barbers Examiners are intended to protect the health, safety, and welfare of Nebraskans. As a whole, regulation of the barbering industry is appropriate and balanced and does not need modification at this time.

APPENDIX A

STATUTES PERTAINING TO THE BARBER ACT

71-201. Practice of barbering; barber shop; barber school; license required; renewal; disciplinary actions; prohibited acts.

No person shall practice or attempt to practice barbering without a license issued pursuant to the Barber Act by the board. It shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a licensed barber.

No person, partnership, limited liability company, or corporation shall operate a barber shop or barber school until a license has been obtained for that purpose from the board. If the applicant is an individual, the application shall include the applicant's social security number. No person shall lease space on the premises of a barber shop to engage in the practice of barbering as an independent contractor or a self-employed person without obtaining a booth rental permit as provided in section 71-219.05. All barber shop licenses and booth rental permits shall be issued on or before June 30 of each even-numbered year, shall be effective as of July 1 of each even-numbered year, shall be valid for two years, and shall expire on June 30 of the next succeeding even-numbered year.

Any barber shop which fails to renew its license or any person who fails to renew his or her booth rental permit on or before the expiration date may renew such license or booth rental permit by payment of the renewal fee and a late renewal fee established by the board within sixty days after such date or such other time period as the board establishes.

Any barber shop or barber school license and any booth rental permit may be suspended, revoked, or denied renewal by the board for violation of any provision of the statutes or any rule or regulation of the board pertaining to the operation or sanitation of barber shops, barber schools, or booths under a booth rental permit after due notice and hearing before the board.

No person, partnership, limited liability company, or corporation shall use the title of barber or barber shop or indicate in any way that such person or entity offers barbering services unless such person or entity is licensed pursuant to the act. No person, partnership, limited liability company, or corporation shall hold itself out as a barber shop or indicate in any way that such person or entity offers barbering services unless such person or entity and the personnel who purport to offer barbering services in association with such person or entity are licensed pursuant to the act.

No person, partnership, limited liability company, or corporation shall display a barber pole or use a barber pole or the image of a barber pole in its advertising unless such person or entity is licensed to provide barbering services pursuant to the act and the display or use of such barber pole or barber pole image is to indicate that the person or entity is offering barbering services.

Source: Laws 1927, c. 163, § 1, p. 427; Laws 1929, c. 154, § 1, p. 533; C.S.1929, § 71-2001; R.S.1943, § 71-201; Laws 1957, c. 294, § 1, p. 1053; Laws 1963, c. 409, § 2, p. 1315; Laws 1965, c. 417, § 1, p. 1329; Laws 1971, LB 1020, § 1; Laws 1978, LB 722, § 1; Laws 1983, LB 87, § 14; Laws 1993, LB 121, § 421; Laws 1993, LB 226, § 1; Laws 1996, LB 1044, § 481; Laws 1997, LB 622, § 85; Laws 1997, LB 752, § 164; Laws 2009, LB195, § 53.

71-202. Barbering, defined.

Any one or any combination of the following practices, when done upon the human body by the use of chemical products for cosmetic or grooming purposes and not for the treatment of disease or physical or mental ailments, on any person, other than a member of the immediate family, shall constitute the practice of barbering: (1) Shaving or trimming the beard or cutting the hair; (2) dressing, arranging, styling, curling, waving, straightening, and relaxing of the hair by chemical or mechanical means; (3) giving face and scalp massages or treatment with oils, creams, lotions, or other preparations either by hand, mechanical appliances, or electrical appliances, including the applying of chemical and toiletry preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, neck, or upper part of the body; (4) patterning, fitting, cleaning, styling, coloring, waving, or other similar work upon hair pieces or wigs; and (5) shampooing, bleaching, coloring, rinsing, hair weaving, or similar work upon the hair.

Source: Laws 1927, c. 163, § 2, p. 427; C.S.1929, § 71-2002; R.S.1943, § 71-202; Laws 1965, c. 417, § 2, p. 1329; Laws 1971, LB 1020, § 4; Laws 1973, LB 5, § 1; Laws 1978, LB 722, § 2; Laws 1993, LB 226, § 2.

71-202.01. Terms, defined.

For purposes of the Barber Act, unless the context otherwise requires:

- (1) Barber shall mean any person who engages in the practice of any act of barbering;
- (2) Barber pole shall mean a cylinder or pole with alternating stripes of red, white, and blue or any combination of them which run diagonally along the length of the cylinder or pole;
- (3) Barber shop shall mean (a) an establishment or place of business properly licensed as required by the act where one or more persons properly licensed are engaged in the practice of barbering or (b) a mobile barber shop. Barber shop shall not include barber schools or colleges;
- (4) Barber school or college shall mean an establishment properly licensed and operated for the teaching and training of barber students;
- (5) Board shall mean the Board of Barber Examiners;

- (6) Manager shall mean a licensed barber having control of the barber shop and of the persons working at or employed by the barber shop;
- (7) License shall mean a certificate of registration issued by the board;
- (8) Barber instructor shall mean a teacher of the barber trade as provided in the act;
- (9) Assistant barber instructor shall mean a teacher of the barbering trade registered as an assistant barber instructor as required by the act;
- (10) Mobile barber shop shall mean a self-contained, self-supporting, enclosed mobile unit licensed under the act as a mobile site for the performance of the practice of barbering by persons licensed under the act;
- (11) Registered or licensed barber shall mean a person who has completed the requirements to receive a certificate as a barber and to whom a certificate has been issued;
- (12) Secretary of the board shall mean the director appointed by the board who shall keep a record of the proceedings of the board;
- (13) Student shall mean a person attending an approved, licensed barber school or college, duly registered with the board as a student engaged in learning and acquiring any and all of the practices of barbering, and who, while learning, performs and assists any of the practices of barbering in a barber school or college; and
- (14) Postsecondary barber school or college shall mean an establishment properly licensed and operated for the teaching and training of barber students who have successfully completed high school or its equivalent as determined by successfully passing a general educational development test prior to admittance.

Source: Laws 1971, LB 1020, § 5; Laws 1978, LB 722, § 3; Laws 1983, LB 87, § 15; Laws 1993, LB 226, § 3; Laws 2011, LB46, § 1; Laws 2016, LB842, § 1; Laws 2018, LB731, § 79; Laws 2020, LB755, § 24.

Effective Date: November 14, 2020

71-203. Barbering; exemptions.

The following persons are exempt from the Barber Act while in the proper discharge of their professional or occupational duties: (1) Persons authorized by the laws of this state to practice medicine and surgery; (2) commissioned medical or surgical officers of the United States military services; (3) registered or licensed practical nurses; and (4) persons engaged in operating or employed in cosmetology establishments, except that nothing contained in this section shall authorize a cosmetologist to perform barbering as defined in section 71-202 in any licensed barber shop.

Source: Laws 1927, c. 163, § 3, p. 428; Laws 1929, c. 154, § 2, p. 534; C.S.1929, § 71-2003; R.S.1943, § 71-203; Laws 1963, c. 409, § 3, p. 1316; Laws 1971, LB 1020, § 6; Laws 1978, LB 722, § 4; Laws 1997, LB 622, § 86; Laws 2018, LB731, § 80.

71-204. Barber; certificate; qualifications required.

A person is qualified to receive a certificate of registration to practice barbering (1) who has a diploma showing graduation from high school or an equivalent education as determined by passing a general education development test; (2) who is at least seventeen years of age; (3) who has completed one thousand eight hundred hours of training in a barber school or college; (4) who has graduated from a barber school or college approved by the Board of Barber Examiners; and (5) who has passed an examination conducted by the Board of Barber Examiners to determine his or her fitness to practice barbering.

Source: Laws 1927, c. 163, § 4, p. 428; Laws 1929, c. 154, § 3, p. 535; C.S.1929, § 71-2004; R.S.1943, § 71-204; Laws 1963, c. 409, § 4, p. 1317; Laws 1965, c. 417, § 3, p. 1330; Laws 1983, LB 87, § 16; Laws 1984, LB 900, § 1; Laws 1986, LB 318, § 143; Laws 2018, LB731, § 81.

71-207.01. Barber school; application to open; fee.

Application for authority to open a new barber school shall be made to the Board of Barber Examiners, on forms to be prescribed by the board, and shall be accompanied by the fee prescribed in section 71-219.

Source: Laws 1963, c. 409, § 8, p. 1318.

71-207.02. Barber school; application for certificate of registration; proof required; factors to be considered in passing on application.

Every applicant for a certificate of registration to operate a new barber school shall offer proof sufficient to the board that the establishment of such new barber school will not be detrimental to the public welfare. In considering whether the establishment of a new barber school will be detrimental to the public welfare the board shall consider the need for barber school facilities or additional barber school facilities, as the case may be, in the community where the proposed barber school is to be located, giving particular consideration to:

- (1) The economic character of the community;
- (2) The adequacy of existing barber shops and barber schools in that community;
- (3) The ability of the community to support the proposed barber school;
- (4) The character of adjacent communities and the extent to which the establishment of the proposed barber school would draw patrons from such adjacent communities; and

(5) The social and economic effect of the establishment of a barber school on the community where it is proposed to be located, and on the adjacent communities.

Source: Laws 1963, c. 409, § 9, p. 1318.

71-208. Barber school or college; requirements for approval; course of instruction; standards set by rules and regulations.

The Legislature finds that, through licensing of barber schools, the Board of Barber Examiners approves barbering programs which lead to a certificate or diploma in Nebraska. No barber school or college shall be approved by the board unless (1)(a) a barber school or college that operates as a postsecondary barber school or college requires, as a prerequisite to admission, high school graduation or its equivalent as determined by successfully passing a general educational development test or (b) a barber school or college that does not operate as a postsecondary barber school or college requires, as a prerequisite to graduation from such school or college, high school graduation or its equivalent as determined by successfully passing a general educational development test, (2) as a prerequisite to graduation it requires a course of instruction of not less than one thousand eight hundred hours, to be completed in not more than ten hours in any one working day, and (3) the barber school or college meets the standards of the Barber Act and any rules and regulations of the board. Such course of instruction shall include scientific fundamentals for barbering, hygiene, massaging, sterilization, haircutting, and shaving, except that when a barber school or college is a part of a high school accredited by the State Board of Education or the University of Nebraska, the Board of Barber Examiners shall provide in its rules and regulations that credit in the barber school or college shall be given for hours spent and courses pursued in the high school and that credit shall be given for courses in barbering taken in high school prior to formal enrollment in such barber school or college.

Source: Laws 1927, c. 163, § 6, p. 429; Laws 1929, c. 154, § 5, p. 536; C.S.1929, § 71-2008; R.S.1943, § 71-208; Laws 1945, c. 166, § 1(1), p. 532; Laws 1957, c. 294, § 3, p. 1054; Laws 1963, c. 409, § 10, p. 1319; Laws 1971, LB 1020, § 9; Laws 1978, LB 722, § 6; Laws 1997, LB 622, § 87; Laws 1999, LB 272, § 21; Laws 2016, LB842, § 2; Laws 2018, LB731, § 82.

71-208.01. Barber school or college; payment of wages, commissions, or gratuities forbidden; operation of barber shop in connection with school or college, prohibited.

No school or college of barbering shall be approved by the Board of Barber Examiners which shall pay any wages, commissions, or gratuities of any kind to barber students for barber work while in training or while enrolled as students in such school or college. No barber shop shall be operated by or in connection with any barber school or college.

Source: Laws 1945, c. 166, § 1(2), p. 533; Laws 1957, c. 294, § 4, p. 1054; Laws 1971, LB 1020, § 10; Laws 2011, LB46, § 2.

71-208.02. Barber school; registered instructors and assistants; qualifications.

(1) All instruction in barber schools shall be conducted by registered barber instructors or registered assistant barber instructors.

(2) A person shall be eligible for registration as a barber instructor if:

(a) He or she has completed at least eighteen hours of college credit at or above the postsecondary level, including at least three credit hours each in (i) methods of teaching, (ii) curriculum development, (iii) special vocational needs, (iv) educational psychology, (v) speech communications, and (vi) introduction to business;

(b) He or she has been a licensed and actively practicing barber for the one year immediately preceding application, except that for good cause the board may waive the requirement that the applicant be an actively practicing barber for one year or that such year immediately precede application;

(c) He or she has served as a registered assistant barber instructor under the supervision of an active, full-time, registered barber instructor, as provided in subsection (5) of this section, for one year immediately preceding application for registration, except that for good cause the board may waive the requirement that such year immediately precede application;

(d) He or she has passed an examination prescribed by the board; and

(e) He or she has paid the fees prescribed by section 71-219.

(3) One registered barber instructor or assistant barber instructor shall be employed for each fifteen students, or fraction thereof, enrolled in a barber school, except that each barber school shall have not less than two instructors, one of whom shall be a registered barber instructor, regardless of the number of students. Additional assistant barber instructors shall be permitted on a working ratio of two assistant barber instructors for every registered barber instructor. A barber school operated by a nonprofit organization which neither charges any tuition to its students nor makes any charge to the persons upon whom work is performed shall not be required to have more than one instructor, regardless of the number of students, which instructor shall be a registered barber instructor.

(4) No student at a barber school shall be permitted to do any practical work upon any person unless a registered barber instructor or registered assistant barber instructor is on the premises and supervising the practical work being performed.

(5)(a) A person shall be eligible for registration as an assistant barber instructor if he or she has paid the fee prescribed by section 71-219, has been a licensed and actively practicing barber for one year, and is currently enrolled or will enroll at the first regular college enrollment date after registration under this section in an educational program leading to completion of the hours required under subsection (2) of this section.

(b) A person registered pursuant to subdivision (a) of this subsection shall serve as an assistant barber instructor under direct supervision, except that he or she may serve as an assistant barber instructor under indirect supervision if:

(i) He or she has completed nine college credit hours, including three credit hours each in methods of teaching, curriculum development, and special vocational needs; and

(ii) He or she has completed one year of instructor training under the direct inhouse supervision of an active, full-time, registered barber instructor or in lieu thereof has completed the requirements of a barber instructor course developed or approved by the board. The board may develop such courses or approve courses developed by educational institutions or other entities which meet requirements established by the board in rules and regulations.

(c) A report of college credits earned pursuant to subsection (2) of this section shall be submitted to the board at the end of each academic year. Registration as an assistant barber instructor shall be renewed in each even-numbered year and shall be valid for three years from the date of registration if the registrant pursues without interruption the educational program described in subsection (2) of this section. A registrant who fails to so maintain such program shall have his or her registration revoked. Any such registration that has been revoked shall be reinstated if all renewal fees have been paid and other registration requirements of this subsection are met.

(6) A person who is a registered barber instructor before September 9, 1993, may continue to practice as a registered barber instructor on and after such date without meeting the changes in the registration requirements of this section imposed by Laws 1993, LB 226. A person who is a registered assistant barber instructor before September 9, 1993, and who seeks to register as a barber instructor on or after September 9, 1993, may meet the requirements for registration as a barber instructor either as such requirements existed before such date or as such requirements exist on or after such date.

Source: Laws 1963, c. 409, § 11, p. 1320; Laws 1965, c. 417, § 4, p. 1330; Laws 1971, LB 22, § 1; Laws 1971, LB 1020, § 11; Laws 1983, LB 87, § 17; Laws 1993, LB 226, § 4; Laws 2009, LB195, § 54.

71-208.03. Barber school; services; performed by regularly enrolled students.

All barbering services performed in a barber school shall be entirely performed by regularly enrolled students.

Source: Laws 1963, c. 409, § 12, p. 1320.

71-208.04. Barber school or college; bond; conditions; exceptions.

Each barber school or college shall at all times keep and maintain in full force and effect a surety bond with a reputable bonding company licensed to do business in the State of

Nebraska for the benefit of all of its students, sufficient in amount to insure to such students a refund of any portion of their tuition paid but not used, in the event that the school or college discontinues operations for any reason prior to the time that the student has completed his or her education at the school or college, except that such requirement shall not apply to (1) a barber school or college operated by a nonprofit organization which neither charges any tuition to its students nor makes any charge to the persons upon whom such work is performed or (2) a barber school or college which participates in the assessment program established under sections 85-1654 to 85-1658 relating to the Tuition Recovery Cash Fund.

Source: Laws 1963, c. 409, § 13, p. 1320; Laws 1971, LB 1020, § 12; Laws 1999, LB 121, § 1.

71-208.06. Registered barber instructor; license; expiration.

The license as a registered barber instructor shall be issued on or before June 30 of each even-numbered year effective as of July 1 of each even-numbered year and shall expire as provided in section 71-216. The license application shall include the applicant's social security number.

Source: Laws 1971, LB 1020, § 14; Laws 1997, LB 752, § 165; Laws 2009, LB195, § 55.

71-208.07. Barber instructor; inactive status; renewal of registration; failure to renew for five years; effect.

Any barber instructor on inactive status or who withdraws from the active practice of barber instructing may renew his or her registration within five years of its expiration date upon the payment of the required restoration fee. Any barber instructor who fails to renew his or her registration for five consecutive years shall be required to successfully complete the examination for issuance of a new registration.

Source: Laws 1975, LB 66, § 4; Laws 1978, LB 722, § 8; Laws 1993, LB 226, § 5.

71-208.08. Barber school or college; cosmetologists; barbers; course hours; credit.

(1) Cosmetologists licensed in the State of Nebraska attending a barber school or college may be given credit of one thousand hours of training applied toward the course hours required for graduation.

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

Source: Laws 1978, LB 722, § 7; Laws 2018, LB731, § 83.

71-209. Examinations; application; fee.

Each applicant for an examination shall (1) make application to the Board of Barber Examiners on blank forms prepared and furnished by the board, such application to contain the applicant's social security number and proof under the applicant's oath of the particular qualifications of the applicant; (2) furnish to the board two portrait-type photographs of the applicant at least passport size but not to exceed three by five inches showing a sufficient portion of the applicant's face with sufficient clarity so as to permit the Board of Barber Examiners to identify the applicant, each of which photographs shall be signed by the applicant, one such photograph to accompany the application and to be attached thereto, and one to be returned to the applicant, to be presented to the board when the applicant appears for examination; and (3) pay to the board the required fee. The applicant shall not be entitled to the return of the required fee by reason of his or her failure to report for the examination.

Source: Laws 1927, c. 163, § 7, p. 429; C.S.1929, § 71-2009; R.S.1943, § 71-209; Laws 1963, c. 409, § 14, p. 1320; Laws 1971, LB 1020, § 15; Laws 1978, LB 722, § 9; Laws 1997, LB 752, § 166.

71-210. Examinations; scope; when and where held; reexamination.

The Board of Barber Examiners shall conduct examinations of applicants for certificates of registration to practice as registered barber instructors and registered barbers, not less than four times each year at such time and places as the board may determine. The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written test, and shall embrace the subjects usually taught in schools of barbering approved by the board. If the applicant fails either the practical demonstration or the written test, reexamination shall be necessary for only the test that was failed. Every student entering a recognized school must have the date of his or her entrance registered with the board.

Source: Laws 1927, c. 163, § 8, p. 429; C.S.1929, § 71-210; R.S.1943, § 71-210; Laws 1963, c. 409, § 15, p. 1321; Laws 1978, LB 722, § 10; Laws 1983, LB 87, § 18.

71-211. Certificates of registration; kinds; issuance; when authorized.

Whenever the provisions of sections 71-201 to 71-224 have been complied with, the Board of Barber Examiners shall issue a certificate of registration as a registered barber instructor or registered barber, or a certificate of approval of a barber school.

Source: Laws 1927, c. 163, § 9, p. 430; C.S.1929, § 71-211; R.S.1943, § 71-211; Laws 1963, c. 409, § 16, p. 1321; Laws 1983, LB 87, § 19.

71-211.01. Licensee; license expired while serving in armed forces; reinstatement; requirements.

All licensees provided for in the Barber Act whose valid licenses have expired while serving in the armed forces of the United States may have such licenses reinstated without further examination upon their return from the armed forces and payment of the necessary fees, if the request for reinstatement was made to the board within ninety days after discharge from the armed forces. Any licensee requesting reinstatement must accompany such request with a copy of his or her discharge from the armed forces.

Source: Laws 1971, LB 1020, § 16; Laws 1997, LB 622, § 88.

71-212. Practice of barbering in another state or country; eligibility to take examination; successive examinations; failure to appear; notice of next regular examination.

A person who (1) is of good moral character and temperate habits, (2) has a diploma showing graduation from high school or its equivalent as determined by successfully passing a general educational development test, and (3) has a license and certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by the Barber Act, shall upon payment of the required fee be given an examination by the board at the next regular examination to determine his or her fitness to receive a certificate of registration to practice barbering. If any person fails to pass a required examination, he or she shall be entitled to submit himself or herself for examination by the board at the next examination given by the board. If he or she fails at the third examination, no further examination shall be granted. If an applicant fails to appear when requested for an examination, he or she shall be notified by the board as to the time of the next regular examination, at which he or she shall appear.

Source: Laws 1927, c. 163, § 10, p. 430; Laws 1929, c. 154, § 6, p. 536; C.S.1929, § 71-2012; R.S.1943, § 71-212; Laws 1957, c. 294, § 5, p. 1055; Laws 1963, c. 409, § 17, p. 1321; Laws 1971, LB 1020, § 17; Laws 1972, LB 1183, § 3; Laws 1978, LB 722, § 11; Laws 1997, LB 622, § 89; Laws 1999, LB 272, § 22.

71-215. Certificate of registration; certificate of approval of schools; how and where displayed.

Every holder of a certificate of registration shall display it in a conspicuous place within the work area of the barber shop. The certificate of approval of a barber school and certificate of registration as a registered barber instructor employed by the school shall be conspicuously displayed on the premises of the school.

Source: Laws 1927, c. 163, § 12, p. 432; C.S.1929, § 71-2016; R.S.1943, § 71-215; Laws 1963, c. 409, § 19, p. 1322; Laws 1971, LB 1020, § 19.

71-216. Registered barber instructor, assistant barber instructor, or barber; barber school; renewal of registration or license; barber on inactive status; renewal of license; failure to renew for five years; effect.

Every registered barber instructor and licensed barber who continues in active practice or service shall on or before June 30 of each even-numbered year renew his or her license or registration and pay the required fee. Such license or registration shall be effective as of July 1 of each even-numbered year and shall terminate on June 30 of the next succeeding even-numbered year.

Every registered assistant barber instructor shall, subject to the requirements of section 71-208.02, renew his or her registration on or before its expiration date during the period of its validity established by such section and pay the required fee.

Every barber school shall on or before June 30 of each even-numbered year obtain renewal of its license and pay the required fee. Such renewal shall be effective as of July 1 of each even-numbered year and shall expire on June 30 of the next succeeding even-numbered year.

Any licensed barber, registered barber instructor, registered assistant barber instructor, or barber school which fails to renew his, her, or its license or registration on or before the expiration date may renew such license or registration by payment of the renewal fee and a late renewal fee established by the board within sixty days after such date or such other time period as the board establishes.

Any barber on inactive status or who withdraws from the active practice of barbering may renew his or her license within five years of its expiration date upon the payment of the required restoration fee. Any barber who fails to renew his or her license for five consecutive years shall be required to successfully complete the examination for issuance of a new license.

Source: Laws 1927, c. 163, § 13, p. 432; C.S.1929, § 71-2017; R.S.1943, § 71-216; Laws 1963, c. 409, § 20, p. 1323; Laws 1965, c. 417, § 5, p. 1331; Laws 1971, LB 1020, § 20; Laws 1975, LB 66, § 2; Laws 1978, LB 722, § 12; Laws 1983, LB 87, § 20; Laws 1993, LB 226, § 6; Laws 2009, LB195, § 56.

71-216.01. Applicant; certificate; examination; failure to pass; effect.

A graduate from a school of barbering who fails to pass a satisfactory examination may take the examination next time that the examination is given by the Board of Barber Examiners without being required to take any further course of study. Should the applicant fail the examination a second time, the applicant shall be required to complete a further course of study of not less than five hundred hours to be completed within three months of not more than ten hours in any one working day in a school of barbering approved by the Board of Barber Examiners before the applicant may be permitted to take the examination a third time.

Source: Laws 1927, c. 163, § 5A, p. 429; C.S.1929, § 71-2007; R.S.1943, § 71-207; Laws 1963, c. 409, § 7, p. 1318; R.R.S.1943, § 71-207; Laws 1971, LB 1020, § 30; Laws 1983, LB 87, § 21.

71-217. Barbering; certificate; denial, suspension, or revocation; grounds.

The board may either refuse to issue or renew or may suspend or revoke any certificate of registration or approval for any one or a combination of the following causes: (1) Conviction of a felony shown by a certified copy of the record of the court of conviction; (2) gross malpractice or gross incompetency; (3) continued practice by a person knowingly having an infectious or contagious disease; (4) advertising by means of knowingly false or deceptive statements or in violation of section 71-223.02; (5) advertising, practicing, or attempting to practice under a trade name or any name other than one's own; (6) habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs; (7) immoral or unprofessional conduct; (8) violation of any of the provisions of sections 71-201 to 71-237 or of any valid regulation promulgated by the board pertaining to service charges, sanitation, and the elimination of unfair practices; and (9) any check presented to the board as a fee for either an original license or renewal license or for examination for license or any other fee authorized in sections 71-201 to 71-237 which is returned to the State Treasurer unpaid.

Source: Laws 1927, c. 163, § 14, p. 432; C.S.1929, § 71-2018; R.S.1943, § 71-217; Laws 1945, c. 166, § 2, p. 533; Laws 1961, c. 388, § 3, p. 1060; Laws 1963, c. 409, § 21, p. 1323; Laws 1983, LB 87, § 22; Laws 1996, LB 1044, § 482; Laws 1997, LB 622, § 90.

71-218. Certificate; refusal, suspension, or revocation; notice; hearing; powers of board; powers of district court.

The Board of Barber Examiners may not refuse to renew, suspend, or revoke any certificate of registration or approval under the provisions of section 71-217 unless the person accused has been given at least twenty days' notice in writing of the charge against him and a public hearing by the board. Upon the hearing of any such proceeding, the board may administer oaths and may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers. Any district court, or any judge of the district court, either in term time or in vacation, upon application either of the accused or of the board may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension or revocation of certificates of registration or approval.

Source: Laws 1927, c. 163, § 15, p. 433; C.S.1929, § 71-2019; R.S.1943, § 71-218; Laws 1963, c. 409, § 22, p. 1324; Laws 1978, LB 722, § 13.

71-219. Barbering fees; set by board; enumerated.

The board shall set the fees to be paid:

- (1) By an applicant for an examination to determine his or her fitness to receive a license to practice barbering or a registration as a barber instructor and for the issuance of the license or registration;
- (2) By an applicant for registration as an assistant barber instructor;
- (3) For the renewal of a license to practice barbering and for restoration of an inactive license;
- (4) For the renewal of a registration to practice as a barber instructor and for the restoration of an inactive registration;
- (5) For renewal of a registration to practice as an assistant barber instructor;
- (6) For late renewal of a license issued under the Barber Act;
- (7) For an application for a license to establish a barber shop or barber school and for the issuance of a license;
- (8) For the transfer of license or change of ownership of a barber shop or barber school;
- (9) For renewal of a barber license, barber instructor registration, barber shop license, or barber school license;
- (10) For an application for a temporary license to conduct classes of instruction in barbering;
- (11) For an affidavit for purposes of reciprocity or for issuance of a certification of licensure for purposes of reciprocity;
- (12) For an application for licensure without examination pursuant to section 71-239.01 and for the issuance of a license pursuant to such section;
- (13) For issuance of a booth rental permit under section 71-219.05;
- (14) For the sale of listings or labels; and
- (15) For a returned check because of insufficient funds or no funds.

Source: Laws 1927, c. 163, § 16, p. 433; Laws 1929, c. 154, § 8, p. 537; C.S.1929, § 71-2020; Laws 1933, c. 121, § 1, p. 490; C.S.Supp.,1941, § 71-2020; R.S.1943, § 71-219; Laws 1953, c. 238, § 6, p. 827; Laws 1957, c. 294, § 7, p. 1056; Laws 1963, c. 409, § 23, p. 1324; Laws 1965, c. 417, § 6, p. 1332; Laws 1971, LB 1020, § 21; Laws 1972, LB 1183, § 4; Laws 1975, LB 66, § 3; Laws 1978, LB 722, § 14; Laws 1983, LB 87, § 23; Laws 1993, LB 226, § 7; Laws 2009, LB195, § 57.

71-219.01. Application for license to operate barber school or college; form; contents; transfer; fees.

Application for a license to operate a barber school or college shall be made on a form furnished by the board. It shall contain such information relative to ownership, management, instructors, number of students, and other data concerning such business as may be required by the board. The board shall collect, in addition to the approval fee, a fee in an amount set by the board for every barber school opened after August 27, 1971. The fee for approval of a barber school or college, the fee for reinstatement of a delinquent license, and the fee for the transfer of license or change of ownership of a barber school or college shall be set by the board. No fee shall be collected if the change in ownership is caused by a present license owner incorporating.

Source: Laws 1971, LB 1020, § 22; Laws 1975, LB 66, § 6; Laws 1997, LB 622, § 91; Laws 2009, LB195, § 58.

71-219.02. Application for license to establish a barber shop; form; contents; transfer; fees; inspection.

Application for a license to establish a barber shop shall be made on a form furnished by the board. It shall contain such information relative to ownership, management, sanitation, and other data concerning such business as may be required by the board. The board shall collect with such application, in addition to the license fee, a fee to be set by the board. A fee shall be collected for the transfer of license or change of ownership of a barber shop, but no fee shall be collected if the ownership results merely from a present license holder incorporating his or her business. Every barber shop shall be called upon by the state barber inspector at least once each licensing period for the purpose of inspection in order to be eligible for a permit to conduct a barber shop, and no license shall be issued unless all deficiencies found by inspection of such shop have been corrected.

Source: Laws 1975, LB 66, § 5; Laws 1978, LB 722, § 15; Laws 1997, LB 622, § 92; Laws 2009, LB195, § 59.

71-219.03. Board of Barber Examiners; set fees; manner; annual report.

The Board of Barber Examiners shall set the fees at a level sufficient to provide for all expenses and salaries of the board authorized in section 71-222 and in such a manner that unnecessary surpluses are avoided. The board shall annually file a report with the Attorney General and the Legislative Fiscal Analyst stating the amount of the fees set by the board. Such report shall be submitted on or before July 1 of each year. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically.

Source: Laws 1975, LB 66, § 7; Laws 2012, LB782, § 102; Laws 2020, LB381, § 58.
Operative Date: January 1, 2021

71-219.04. Barber shop or school; reinspection; fees.

When it is necessary for an inspector to reinspect a barber shop or barber school to determine if a violation has been corrected, there shall be a fee assessed to the barber, barber shop owner, instructor, or barber school owner for the first, second, and third callback inspection. The fees shall be an amount set by the board.

Source: Laws 1983, LB 87, § 13; Laws 1997, LB 622, § 93.

71-219.05. Barber shop; booth rental permit; application; form; contents; issuance; notice of change of work address.

(1) Any barber who leases space on the premises of a barber shop to engage in the practice of barbering as an independent contractor or a self-employed person shall obtain a booth rental permit.

(2) An application for a booth rental permit shall be made on a form furnished by the board and shall include the applicant's name, barber license number, telephone number, and work address, whether the applicant is an independent contractor or a self-employed person, and such other information as the board deems necessary. The applicant's mailing address shall be the work address shown on the permit application.

(3) The board shall issue a booth rental permit upon receipt of an application containing the information required under subsection (2) of this section and the fee established pursuant to section 71-219.

(4) The holder of a booth rental permit shall provide the board with ten days' written notice before changing his or her work address.

Source: Laws 2009, LB195, § 60.

71-220. Violation; penalty.

Any person, firm, or corporation, their agents or servants, who shall violate any of the provisions of sections 71-201 to 71-237 shall be deemed guilty of a Class III misdemeanor.

Source: Laws 1927, c. 163, § 17, p. 434; Laws 1929, c. 154, § 9, p. 538; C.S.1929, § 71-2021; R.S.1943, § 71-220; Laws 1957, c. 294, § 8, p. 1057; Laws 1971, LB 1020, § 23; Laws 1977, LB 39, § 147.

71-220.01. Violation; nuisance; abatement or other relief.

A violation of the Barber Act by any person shall constitute a nuisance and the board, acting in the name of the state, shall be authorized to file suit in the district court of the district in which the alleged violation occurred for the purpose of seeking an abatement of such nuisance and for such other relief as the court may deem appropriate to grant.

The procedure in the district court shall be the same as the procedure for matters in equity in the district court of Nebraska.

Source: Laws 1971, LB 1020, § 24; Laws 1997, LB 622, § 94.

71-221. Board of Barber Examiners; established; members; qualifications; terms; appointment; removal.

A board, to be known as the Board of Barber Examiners, is hereby established, to consist of three members appointed by the Governor. Each member shall be a practicing barber who has followed the occupation of barbering in this state for at least five years prior to his appointment, and who is actually engaged in the practice of barbering during the term of his appointment. The members of the first board appointed shall serve for three years, two years, and one year, respectively, as appointed, and members appointed thereafter shall serve for three years. The Governor may remove a member for cause. Members appointed to fill vacancies caused by death, resignation or removal, shall serve during the unexpired term of their predecessors.

Source: Laws 1927, c. 163, § 18, p. 434; C.S.1929, § 71-2022; R.S.1943, § 71-221; Laws 1963, c. 409, § 24, p. 1325; Laws 1971, LB 1020, § 25.

71-222. Board; officers; compensation; expenses; records; reports; employees.

The board shall annually elect a president and vice president, and the board shall appoint a director who shall serve as secretary of the board. The board shall be furnished with suitable quarters in the State Capitol or elsewhere. It shall adopt and use a common seal for the authentication of its orders and records. The secretary of the board shall keep a record of all proceedings of the board. A majority of the board, in a meeting duly assembled, may perform and exercise all the duties and powers devolving upon the board. Each member of the board shall receive a compensation of seventy-five dollars per diem and shall be reimbursed for expenses incurred in the discharge of his or her duties as provided in sections 81-1174 to 81-1177, not to exceed two thousand dollars per annum. Salaries and expenses shall be paid only from the fund created by fees collected in the administration of the Barber Act, and no other funds or state money except as collected in the administration of the act shall be drawn upon to pay the expense of administration. The board shall report each year to the Governor a full statement of its receipts and expenditures and also a full statement of its work during the year, together with such recommendations as it may deem expedient. The board may employ one field inspector and such other inspectors, clerks, and other assistants as it may deem necessary to carry out the act and prescribe their qualifications. No owner, agent, or employee of any barber school shall be eligible to membership on the board.

Source: Laws 1927, c. 163, § 19, p. 435; C.S.1929, § 71-2023; Laws 1933, c. 121, § 2, p. 491; C.S.Supp.,1941, § 71-2023; R.S.1943, § 71-222; Laws 1957, c. 294, § 9, p. 1057; Laws 1963, c. 409, § 25, p. 1326; Laws 1971, LB 1020, § 26; Laws 1972, LB 1183, § 5;

Laws 1978, LB 722, § 16; Laws 1981, LB 204, § 113; Laws 1993, LB 226, § 8; Laws 2020, LB381, § 59.

Operative Date: January 1, 2021

71-222.01. Director; serve at pleasure of board; salary; qualifications; bond or insurance; premium.

The director, under the supervision of the Board of Barber Examiners, shall administer the provisions of sections 71-201 to 71-237, and shall serve at the pleasure of the board. His or her salary shall be fixed by the board. The director shall devote full time to the duties of his office. No person shall be eligible to the office of director who has not been engaged in the active practice of barbering as a registered barber in the state for at least five years immediately preceding his appointment. No member of the Board of Barber Examiners shall be eligible to the office of director during his or her term. The director shall be bonded or insured as required by section 11-201. The premium shall be paid as an expense of the board.

Source: Laws 1963, c. 409, § 26, p. 1326; Laws 1965, c. 417, § 7, p. 1333; Laws 1971, LB 1020, § 27; Laws 1978, LB 722, § 18; Laws 1978, LB 653, § 25; Laws 2004, LB 884, § 34.

71-222.02. Board of Barber Examiners Fund; created; use; investment.

All funds collected in the administration of the Barber Act shall be remitted to the State Treasurer for credit to the Board of Barber Examiners Fund which is hereby created and which shall be expended only for the administration of the act, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Board of Barber Examiners Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source: Laws 1963, c. 409, § 27, p. 1327; Laws 1969, c. 584, § 68, p. 2387; Laws 1995, LB 7, § 73; Laws 2009, First Spec. Sess., LB3, § 44.

71-223. Board; rules and regulations; inspections; record of proceedings.

The board shall have authority to adopt and promulgate reasonable rules and regulations for the administration of the provisions of sections 71-201 to 71-224. Any member of the board, its agents, or its assistants shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the board shall be furnished to the owner or manager of each barber shop and barber school, and it shall be posted in a conspicuous place in such barber shop or barber school. The board shall keep a record of proceedings relating to the issuance, refusal, renewal, suspension, and revocation of registrations and licenses and inspections. Such record shall also contain the name, place of business, and residence of each registered barber instructor and licensed barber and the date and number of his or her registration or license.

Source: Laws 1927, c. 163, § 20, p. 435; C.S.1929, § 71-2024; R.S.1943, § 71-223; Laws 1963, c. 409, § 28, p. 1327; Laws 1993, LB 226, § 9.

71-223.01. Barber shops and barber schools; sanitary requirements; inspections.

The board shall by rules and regulations duly adopted prescribe sanitary requirements for barber shops and barber schools. The board or its employees shall regularly inspect all barber shops and barber schools in this state to insure compliance with such regulations. Such sanitary requirements and inspections shall include all activities, in addition to barbering as defined in section 71-202, taking place on the licensed premises. A written report of each such inspection made shall be submitted to the board. Each school or barber shop shall be called upon at least once each licensing period for the purpose of inspection prior to the issuance of its license to be eligible for renewal of certification or registration.

Source: Laws 1963, c. 409, § 29, p. 1328; Laws 1971, LB 1020, § 28; Laws 1978, LB 722, § 18; Laws 1996, LB 1044, § 483; Laws 1997, LB 622, § 95; Laws 1999, LB 121, § 2; Laws 2009, LB195, § 61.

71-223.02. Barber schools; sign required; advertising requirements.

A barber school shall display a sign indicating that it is a barber school. The sign shall be clearly visible at the main entrance. A sign shall be displayed in the clinical area indicating that all services are performed by students. A barber school which advertises the performance of any barber service shall advertise, in as conspicuous a manner as such advertisement of services, that all services are performed by students.

Source: Laws 1963, c. 409, § 30, p. 1328; Laws 1993, LB 226, § 10.

71-223.04. Class of instruction; temporary permit; issuance; requirements; fee; period valid; bond.

Any person who desires to conduct any class or classes of instruction, other than a free demonstration, shall, before engaging in such instruction, make application to the Board of Barber Examiners for a temporary permit authorizing the applicant to conduct such class or classes. In order to be qualified for such temporary license, the applicant must (1) hold a valid license as a registered barber in some state in the United States; (2) have filed with the Board of Barber Examiners an application setting forth the type of classes to be conducted, the period of time the classes will be conducted, the place in which such classes are to be conducted, and the amount of tuition, if any, to be charged; and (3) pay the fee set by the board for issuance of a temporary permit. Upon being satisfied that the applicant does hold a valid license as a barber in some state in the United States, is qualified to conduct such classes, and has made arrangements to conduct such classes in facilities which otherwise meet the requirements as to health and sanitation required of a barber school in the State of Nebraska, the board shall issue a temporary license to such applicant to permit the conducting of such classes. The

license shall be valid only for the classes and times set forth in the application. Before such application is delivered to an applicant other than a barber or barber school or college currently licensed in Nebraska, the applicant must post with the Board of Barber Examiners a good and sufficient surety bond, issued by a reputable bonding company licensed to do business in the State of Nebraska, for the benefit of the persons taking such class or classes in a sufficient amount to assure to such students a refund of any portion of their tuition paid but not used, in the event that such class or classes shall discontinue operation for any reason prior to the time that all of such classes have been conducted.

Source: Laws 1971, LB 1020, § 29; Laws 1978, LB 722, § 19.

71-224. Act, how cited.

Sections 71-201 to 71-261 shall be known and may be cited as the Barber Act.

Source: Laws 1927, c. 163, § 23, p. 436; C.S.1929, § 71-2027; R.S.1943, § 71-224; Laws 1971, LB 1020, § 31; Laws 1993, LB 226, § 11; Laws 2009, LB195, § 62; Laws 2018, LB731, § 91; Laws 2020, LB755, § 25.

Effective Date: November 14, 2020

71-225. Legislative declarations.

The Legislature declares that: (1) The provisions and regulations of the Barber Act are enacted in the interest of public health, public safety, and the general welfare; and (2) the skilled trade of barbering and the operation of barber shops is affected with a public interest.

Source: Laws 1945, c. 174, § 1, p. 554; Laws 1957, c. 294, § 10, p. 1058; Laws 1978, LB 722, § 20; Laws 1997, LB 622, § 96.

71-227. Board; investigate conditions and practices; notice and hearing; order.

Whenever it appears to the board that practices prevail among barbers which tend to impair the health or efficiency of barbers or to endanger the health or safety of their patrons, the board shall investigate and determine whether such conditions or practices prevail. If such conditions or practices exist or are at risk of occurring, the board may, by official order and after due notice and hearing, adopt and promulgate rules and regulations to promote the purposes of the Barber Act.

Source: Laws 1945, c. 174, § 3, p. 555; Laws 1978, LB 722, § 21; Laws 1997, LB 622, § 97.

71-228. Board; practice and procedure in accordance with rules and regulations.

The practice and procedure of the board, with respect to any investigation authorized by sections 71-225 to 71-237, shall be in accordance with rules and regulations to be promulgated by the board, which shall provide for reasonable notice to all persons

affected by the orders to be made by the board and an opportunity for any such persons to be heard, either in person or by counsel, and introduce testimony in their behalf at any hearing to be held for that purpose.

Source: Laws 1945, c. 174, § 4(1), p. 555.

71-230. Board; oaths; witnesses; fees; compel testimony to be given; subpoena; serving of papers by sheriff.

For the purpose of any investigation or hearing which the board is authorized to conduct, the board, or any member thereof, shall have power to administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. In case of the disobedience of any person in complying with any order of the board, or a subpoena issued by the board or any of its members, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of any district court of the county in which the person resides, on application by any member of the board, shall compel obedience by attachment proceedings as for contempt, as in the case of the disobedience of a subpoena issued from such court or a refusal to testify therein. The sheriff of the county in which such person resides shall serve all orders and subpoenas herein referred to. Each witness who shall appear in obedience to a subpoena before the board or a member thereof, shall receive for his or her attendance the fees provided for witnesses in civil cases in the district court of this state and mileage at the rate provided in section 81-1176 for state employees, which shall be paid upon the presentation of proper vouchers, approved by any two members of the board. No witnesses subpoenaed at the instance of a party other than the board or one of its members, shall be entitled to compensation unless the board shall certify that his or her testimony was material to the matter investigated.

Source: Laws 1945, c. 174, § 4(3), p. 556; Laws 1981, LB 204, § 114.

71-231. Board; investigations; matters to be considered.

In making any investigation as to conditions existing in the barber trade, the board shall give due consideration to (1) the costs incurred in the particular county under investigation with regard to the adequacy of the income of barber shop operators to assure full compliance with all sanitary regulations imposed by any law of this state and (2) healthful working conditions in barber shops.

Source: Laws 1945, c. 174, § 4(4), p. 556; Laws 1957, c. 294, § 12, p. 1059.

71-232. Board; adopt rules and regulations.

The board shall adopt and promulgate and enforce all rules, regulations, and orders necessary to carry out the Barber Act.

Source: Laws 1945, c. 174, § 5, p. 557; Laws 1978, LB 722, § 22; Laws 1997, LB 622, § 98.

71-234. Certificate of registration; board; suspend or revoke; notice; hearing.

The Board of Barber Examiners may suspend or revoke the certificate of registration of any barber who has violated any order of the board promulgated hereunder; *Provided*, no certificate of registration shall be suspended or revoked by the board until (1) the person accused has been given at least twenty days' notice in writing of the charge against him and (2) a public hearing is had by the board.

Source: Laws 1945, c. 174, § 7, p. 557.

71-235. Appeal; procedure.

Any licensee, considering himself or herself aggrieved by any action of the board taken pursuant to the Barber Act may appeal the action of the board, and the appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 1945, c. 174, § 8, p. 557; Laws 1963, c. 409, § 32, p. 1328; Laws 1988, LB 352, § 120.

71-237. Expenses of administration; how paid.

All expenses incidental to the administration of sections 71-225 to 71-237 shall be paid from the funds of the Board of Barber Examiners in the manner and form governing other expenditures of that board.

Source: Laws 1945, c. 174, § 11, p. 558.

71-238. Reciprocal licensure agreements; board; powers.

The board may negotiate reciprocal agreements for licensure with any other state or country for licensed barbers and registered barber instructors.

Source: Laws 1983, LB 87, § 1; Laws 1993, LB 226, § 12.

71-239. Foreign licenses; recognition; board; powers.

For purposes of recognizing licenses which have been issued in other states or countries to practice barbering as a licensed barber or registered barber instructor, the board may:

- (1) Enter into a reciprocal agreement with any state which is certified to it by the proper examining board under the provisions of section 71-240; and
- (2) Provide for licensure without examination as provided in section 71-239.01.

Source: Laws 1983, LB 87, § 2; Laws 1993, LB 226, § 13; Laws 2009, LB195, § 63.

71-239.01. Foreign licenses; recognition; licensure without examination; application; form; contents; issuance; appeal.

(1) The board may issue a license without examination to a person licensed in a state, territory, or country with which the board has not entered into a reciprocal agreement under section 71-239 as provided in this section.

(2) An applicant for licensure without examination under subsection (1) of this section shall file with the board (a) an application on a form provided by the board, (b) a copy of the license issued by the state, territory, or country in which the applicant is licensed, (c) the applicant's social security number, (d) documents demonstrating that the requirements for licensure in such state, territory, or country are substantially equivalent to the requirements for licensure under the Barber Act, and (e) the fee required pursuant to section 71-219.

(3) The board shall review each application and the documents submitted under this section and determine within sixty days after receiving such application and documentation whether to issue a license without examination to the applicant. The board shall notify the applicant of its decision within ten days after the date of making the decision. If the board determines not to issue a license without examination to the applicant, he or she may appeal the decision of the board and the appeal shall be in accordance with the Administrative Procedure Act.

(4) The board may adopt and promulgate rules and regulations to carry out this section.

Source: Laws 2009, LB195, § 64.

71-240. Board; review foreign licensing requirements.

The Board of Barber Examiners shall at least once each year review the licensing requirements of other states or countries which issue licenses to practice barbering in the various classifications in which the board conducts examinations for licenses in this state. The board shall examine such requirements and, after making such other inquiries as it deems necessary, shall certify the states and countries having substantially equivalent requirements to those existing in this state for the practice of barbering and with which such board desires to enter into a reciprocal licensure agreement.

Source: Laws 1983, LB 87, § 3.

71-241. Board; reciprocal agreement; conditions.

In negotiating any reciprocal agreement, the Board of Barber Examiners shall be governed by the following:

(1) When the laws of any state or country or the rules of the authorities of such state or country place any requirement or disability upon any person licensed in this state to practice barbering which affects the right of such person to be licensed or to practice his or her profession in such other state, then the same requirement or disability shall be placed upon any person licensed in such state or country when applying for a license to practice in this state; and

(2) When any examining board has established by rule any special conditions upon which reciprocal agreements shall be entered into, as provided in section 71-242, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to practice barbering in any classification in which such examining board conducts examinations.

Source: Laws 1983, LB 87, § 4.

71-242. Reciprocal agreement; applicant for licensure or registration; requirements; failure to qualify; effect.

The board shall not enter into any reciprocal agreement with any state or country with reference to the practice of barbering as a licensed barber or registered barber instructor for which the board conducts examinations unless every person licensed or registered in such state or country when applying for a license to practice in this state shall show:

(1) That the requirements for licensure or registration were substantially equal to those in force in this state at the time such license was issued; or

(2) Upon due proof that such applicant has continuously practiced the practices or occupation for which application for a license is made at least three years immediately prior to such application.

The applicant shall also pay the fee set pursuant to section 71-219 and provide his or her social security number.

Except as provided in section 71-239.01, any applicant who fails to qualify for such exemption because his or her study or training outside this state does not fulfill the requirements of this section shall receive credit for the number of hours of study and training successfully completed in the particular state where he or she is registered or licensed, and he or she shall be qualified for the examination upon completion of such supplementary study and training in an accredited school of barbering in this state as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in an accredited school in this state only. For the purposes of this section, each six months of practice outside of this state of the practices or occupation for which application for a license is made shall be deemed the equivalent of one hundred hours of study and training required in this state in order to qualify for the practice of barbering.

Source: Laws 1983, LB 87, § 5; Laws 1993, LB 226, § 14; Laws 1997, LB 752, § 167; Laws 2009, LB195, § 65.

71-243. Reciprocal agreement; terminated; when.

When the requirements for a license in any state or country with which this state has a reciprocal agreement as authorized by section 71-239 are changed by any law or rule of the authorities of such state so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state or country shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated.

Source: Laws 1983, LB 87, § 6.

71-244. License granted under reciprocal agreement; when.

The Board of Barber Examiners shall, upon presentation of a certification of licensure to practice barbering as a registered barber or instructor by the duly constituted authority of another state or country, with which this state has established reciprocal relations as authorized by section 71-239, and subject to the rules of the board, license such applicant to practice in this state unless an examination is required under section 71-242.

Source: Laws 1983, LB 87, § 7.

71-245. Reciprocal license; provisions applicable.

The provisions of the Barber Act, relating to applications, transmittal of the names of eligible candidates, certification of successful applicants, and issuance of licenses thereto, in the case of regular examinations, apply as far as applicable to applicants for a reciprocal license or for a license issued without examination pursuant to section 71-239.01.

Source: Laws 1983, LB 87, § 8; Laws 1997, LB 622, § 99; Laws 2009, LB195, § 66.

71-246. Reciprocal requirements and disabilities; applicable; when.

When the laws or the rules of the authorities of a state or country place any requirement or disability upon any person holding a diploma or certificate from any school or college of barbering in this state in which barbering is taught, which affects the right of such person to be licensed in such state, the same requirement or disability shall be placed upon any person holding a diploma or certificate from a similar school or college situated in that state when applying for a license to practice in this state.

Source: Laws 1983, LB 87, § 9.

71-247. Reciprocity; board; establish rules.

The Board of Barber Examiners shall have the power to establish the necessary rules for carrying out the reciprocal relations with other states or countries which are authorized by sections 71-238 to 71-246.

Source: Laws 1983, LB 87, § 10.

71-248. Licensee; change of residence; certified statement.

Any licensee who desires to change his or her residence to that of another state or country shall, upon application to the Board of Barber Examiners and payment of the legal fee, receive a certified statement that he or she is a duly licensed practitioner in this state.

Source: Laws 1983, LB 87, § 11.

71-249. Mobile barber shop; license; requirements.

In order to be licensed as a mobile barber shop by the board, an applicant shall, in addition to the requirements of the Barber Act, meet, and present to the board evidence of meeting, the following requirements:

(1) The proposed barber shop is a self-contained, self-supporting, enclosed mobile unit;

(2)(a)(i) The mobile unit has a global positioning system tracking device that enables the board to track the location of the barber shop over the Internet;

(ii) The device is on board the mobile unit and functioning at all times the barber shop is in operation or open for business; and

(iii) The owner of the barber shop provides the board with all information necessary to track the barber shop over the Internet; or

(b) The owner of the barber shop submits to the board, in a manner specified by the board, a weekly itinerary showing the dates, exact locations, and times that barbering services are scheduled to be provided. The owner shall submit the itinerary not less than seven calendar days prior to the beginning of the service described in the itinerary and shall submit to the board any changes in the itinerary not less than twenty-four hours prior to the change. A barber shop shall follow the itinerary in providing service and notify the board of any changes;

(3) The barber shop is clearly identified as such to the public by a sign;

(4) The barber shop complies with the sanitary requirements of the Barber Act and the rules and regulations adopted and promulgated under the act;

(5) The entrance into the proposed barber shop used by the general public provides safe access by the public; and

(6) The proposed barber shop includes a functional sink and toilet facilities and maintains an adequate supply of clean water and wastewater storage capacity.

Source: Laws 2018, LB731, § 84.

71-250. Mobile barber shop license; application.

Any person seeking a license to operate a mobile barber shop shall submit a completed application to the board as provided in section 71-219.02, and along with the application, the applicant shall submit a detailed floor plan or blueprint of the proposed barber shop sufficient to demonstrate compliance with the requirements of section 71-249.

Source: Laws 2018, LB731, § 85.

71-251. Mobile barber shop; application; review; denial; inspection.

In addition to the requirements of the Barber Act, each application for a license to operate a mobile barber shop shall be reviewed by the board for compliance with the requirements of the Barber Act. If an application is denied, the applicant shall be informed in writing of the grounds for denial, and such denial shall not prejudice future applications by the applicant. If an application is approved, the board shall issue the applicant a certificate of consideration to operate a mobile barber shop pending an operation inspection. The board shall conduct an operation inspection of each barber shop issued a certificate of consideration within six months after the issuance of such certificate. A barber shop which passes the inspection shall be issued a license. A barber shop which fails the inspection shall submit within fifteen days evidence of corrective action taken to improve those aspects of operation found deficient. If evidence is not submitted within fifteen days or if after a second inspection the barber shop does not receive a satisfactory rating, it shall immediately relinquish its certificate of consideration and cease operation.

Source: Laws 2018, LB731, § 86.

71-252. Mobile barber shop; operating requirements.

In order to maintain its license in good standing, each mobile barber shop shall operate in accordance with the following requirements:

- (1) The barber shop shall at all times comply with all applicable provisions of the Barber Act and all rules and regulations adopted and promulgated under the act;
- (2) The barber shop owner or his or her agent shall notify the board of any change of ownership, name, or office address and if a barber shop is permanently closed;
- (3) No barber shop shall permit any unlicensed person to perform any of the practices of barbering within its confines or employment;

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

(5) The barber shop shall permit any duly authorized agent of the board to conduct an operation inspection or investigation at any time during the normal operating hours of the barber shop, without prior notice, and the owner and manager shall assist the inspector by providing access to all areas of the barber shop, all personnel, and all records requested by the inspector;

(6) The barber shop shall display in a conspicuous place the following records:

(a) The current license or certificate of consideration to operate a barber shop; and

(b) The current licenses of all persons licensed under the act who are employed by or working in the barber shop;

(7) No barbering practices may be performed in a barber shop while the barber shop is moving. The barber shop must be safely and legally parked in a legal parking space at all times while clients are present inside the barber shop. A barber shop shall not park or conduct business within three hundred feet of another licensed barber shop. The board is not responsible for monitoring for enforcement of this subdivision but may discipline a license for a reported and verified violation; and

(8) The owner of the barber shop shall maintain a permanent business address at which correspondence from the board may be received and records of appointments, license numbers, and vehicle identification numbers shall be kept for each barber shop being operated by the owner. The owner shall make such records available for verification and inspection by the board.

Source: Laws 2018, LB731, § 87.

71-253. Mobile barber shop license; revocation or expiration; effect.

The license of a mobile barber shop that has been revoked or expired for any reason shall not be reinstated. An original application for licensure shall be submitted and approved before such barber shop may reopen for business.

Source: Laws 2018, LB731, § 88.

71-254. Mobile barber shop license; change of ownership or mobile unit; effect.

Each mobile barber shop license issued shall be in effect solely for the owner or owners and the mobile unit named thereon and shall expire automatically upon any change of ownership or mobile unit. An original application for licensure shall be submitted and approved before such barber shop may reopen for business.

Source: Laws 2018, LB731, § 89.

71-255. Mobile barber shop; owner liability.

The owner of each mobile barber shop shall have full responsibility for ensuring that the barber shop is operated in compliance with all applicable laws, rules, and regulations and shall be liable for any and all violations occurring in the barber shop.

Source: Laws 2018, LB731, § 90.

71-256. Home barber services permit; issuance.

(1) A barber shop may employ licensed barbers, according to the licensed activities of the barber shop, to perform home barber services by obtaining a home barber services permit.

(2) In order to obtain a home barber services permit from the board, an applicant shall:

(a) Hold a current, active barber shop license; and

(b) Submit a complete application at least ten days before the proposed date for beginning home barbering services.

(3) The board shall issue a home barber services permit to each applicant meeting the requirements set forth in this section.

Source: Laws 2020, LB755, § 26.

Effective Date: November 14, 2020

71-257. Home barber services permit; requirements.

In order to maintain in good standing or renew its home barber services permit, a barber shop shall at all times operate in accordance with the requirements for operation, maintain its license in good standing, and ensure that the home barber services comply with the following requirements:

(1)(a) Clients receiving home barber services shall be in emergency or persistent circumstances which shall generally be defined as any condition sufficiently immobilizing to prevent the client from leaving the client's residence regularly to conduct routine affairs of daily living such as grocery shopping, visiting friends and relatives, attending social events, attending worship services, and other similar activities.

(b) Emergency or persistent circumstances may include such conditions or situations as:

(i) Chronic illness or injury leaving the client bedridden or with severely restricted mobility;

(ii) Extreme general infirmity such as that associated with the aging process;

(iii) Temporary conditions, including, but not limited to, immobilizing injury and recuperation from serious illness or surgery;

(iv) Having sole responsibility for the care of an invalid dependent or a mentally disabled person requiring constant attention;

(v) Mental disability that significantly limits the client in areas of functioning described in subdivision (1)(a) of this section; or

(vi) Any other condition that, in the opinion of the board, meets the general definition of emergency or persistent circumstances;

(2) The barber shop shall determine that each person receiving home barber services meets the requirements of subdivision (1) of this section and shall:

(a) Complete a client information form supplied by the board before home barber services may be provided to any client; and

(b) Keep on file the client information forms of all clients it is currently providing with home barber services or to whom it has provided such services within the past two years;

(3) The barber shop shall employ or contract with barbers licensed under the Barber Act to provide home barber services and shall not permit any person to perform any home barber services under its authority for which the person is not licensed;

(4) No client shall be left unattended while any chemical service is in progress or while any electrical appliance is in use; and

(5) Each barber shop providing home barber services shall post a daily itinerary for each barber providing home barber services. The kit used by each barber to provide home barber services shall be available for inspection at the barber shop or at the home of the client receiving the home barber services.

Source: Laws 2020, LB755, § 27.

Effective Date: November 14, 2020

71-258. Client; home inspection; limitations.

An agent of the board may make an operation inspection in the home of a client if the inspection is limited to the activities, procedures, and materials of the barber providing the home barber services.

Source: Laws 2020, LB755, § 28.

Effective Date: November 14, 2020

71-259. Home barber services; requirements.

No barber may perform home barber services except when employed by or under contract to a barber shop holding a valid home barber services permit.

Source: Laws 2020, LB755, § 29.

Effective Date: November 14, 2020

71-260. Home barber services permit; renewal; revocation or expiration; effect.

Each home barber services permit shall be subject to renewal at the same time as the barber shop license and shall be renewed upon request of the permit holder if the barber shop is operating its home barber services in compliance with the Barber Act and if the barber shop license is renewed. No permit that has been revoked or expired may be reinstated or transferred to another owner or location.

Source: Laws 2020, LB755, § 30.

Effective Date: November 14, 2020

71-261. Home barber services permit; owner; liability.

The owner of a barber shop holding a home barber services permit shall have full responsibility for ensuring that the home barber services are provided in compliance with all applicable laws and rules and regulations and shall be liable for any violation which occurs.

Source: Laws 2020, LB755, § 31.

Effective Date: November 14, 2020