

AMENDMENTS TO LB1107

Introduced by Health and Human Services.

1           1. Strike the original sections and insert the following new  
2 sections:

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

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

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

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

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

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

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

1           38-1028 Esthetics salon means a fixed structure or part thereof  
2 licensed under the Cosmetology, Electrology, Esthetics, Nail Technology,  
3 and Body Art Practice Act to serve as the site for the performance of any  
4 or all of the practices of esthetics by persons licensed ~~or registered~~  
5 under such act.

6           Sec. 5. Section 38-1038, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8           38-1038 Nail technology salon means a fixed structure or part  
9 thereof licensed under the Cosmetology, Electrology, Esthetics, Nail  
10 Technology, and Body Art Practice Act to serve as the site for the  
11 performance of the practices of nail technology by persons licensed ~~or~~  
12 ~~registered~~ under the act.

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

15           38-1043 Nonvocational training means the act of imparting knowledge  
16 of or skills in any or all of the practices of cosmetology, nail  
17 technology, esthetics, or electrology to persons not licensed ~~or~~  
18 ~~registered~~ under the Cosmetology, Electrology, Esthetics, Nail  
19 Technology, and Body Art Practice Act for the purpose of noncommercial  
20 use by those receiving such training.

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

23           38-1058 It shall be unlawful for any person, group, company, or  
24 other entity to engage in any of the following acts without being duly  
25 licensed ~~or registered~~ as required by the Cosmetology, Electrology,  
26 Esthetics, Nail Technology, and Body Art Practice Act, unless  
27 specifically excepted by such act:

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

31           (2) To engage in or advertise or hold oneself out as engaging in the

1 teaching of any of the practices of cosmetology; or

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

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

7 38-1061 (1) All practitioners shall be licensed ~~or registered~~ by the  
8 department under the Cosmetology, Electrology, Esthetics, Nail  
9 Technology, and Body Art Practice Act in a category or categories  
10 appropriate to their practice.

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

18 (3) All licensed practitioners shall practice in an appropriate  
19 licensed establishment or facility.

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

22 38-1062 In order to be licensed by the department by examination, an  
23 individual shall meet, and present to the department evidence of meeting,  
24 the following requirements:

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

27 (2) Has completed formal education equivalent to a United States  
28 high school education;

29 (3) Possesses a minimum competency in the knowledge and skills  
30 necessary to perform the practices for which licensure is sought, as  
31 evidenced by successful completion of an examination in the appropriate

1 practices approved by the board and administered by the department;

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

5 (5) Has graduated from a school of cosmetology or an apprentice  
6 salon in or outside of Nebraska, a school of esthetics in or outside of  
7 Nebraska, or a school of electrolysis upon completion of a program of  
8 studies appropriate to the practices for which licensure is being sought,  
9 as evidenced by a diploma or certificate from the school or apprentice  
10 salon to the effect that the applicant has complied with the following:

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

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

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

20 (d) For licensure as a cosmetology instructor, be currently licensed  
21 as a cosmetologist in Nebraska, as evidenced by possession of a valid  
22 Nebraska cosmetology license;

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

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

28 (g) For licensure as an esthetics instructor, completion of a  
29 program of studies consisting of a minimum of three hundred hours beyond  
30 the program of studies required for licensure as an esthetician and  
31 current licensure as an esthetician in Nebraska.

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

3           38-1063 ~~A complete application for examination shall be postmarked~~  
4 ~~no later than fifteen days before the beginning of the examination for~~  
5 ~~which application is being made. Applications received after such date~~  
6 ~~shall be considered as applications for the next scheduled examination.~~  
7 No application for any type of licensure ~~or registration~~ shall be  
8 considered complete unless all information requested in the application  
9 has been supplied, all seals and signatures required have been obtained,  
10 and all supporting and documentary evidence has been received by the  
11 department.

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

14           38-1065 (1) Examinations approved by the board may be national  
15 standardized examinations, but in all cases the examinations shall be  
16 related to the knowledge and skills necessary to perform the practices  
17 being examined and shall be related to the curricula required to be  
18 taught in schools of cosmetology, schools of esthetics, or schools of  
19 electrolysis.

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

21           (2) ~~(3)~~ Practical examinations may be offered as either written or  
22 hands-on and shall be conducted in such a manner that the identity of the  
23 applicant is not disclosed to the examiners in any way.

24           (3) ~~(4)~~ In order to successfully complete the examination, an  
25 applicant shall obtain an average grade of seventy-five percent on all  
26 examinations.

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

29           38-1066 (1) The department may grant a license based on licensure in  
30 another jurisdiction to any person who meets the requirements of  
31 subdivisions (1) and (2) of section 38-1062 and who presents proof of the

1 following:

2 (a) That he or she is currently licensed in the appropriate category  
3 in another jurisdiction and that he or she has never been disciplined or  
4 had his or her license revoked. An applicant seeking licensure as an  
5 instructor in the manner provided in this section shall be licensed as an  
6 instructor in another jurisdiction. An applicant seeking licensure as a  
7 cosmetologist in the manner provided in this section shall be licensed as  
8 a cosmetologist in another jurisdiction. An applicant seeking licensure  
9 as an esthetician in the manner provided in this section shall be  
10 licensed as a cosmetologist, an esthetician, or an equivalent title in  
11 another jurisdiction. An applicant seeking licensure as an esthetics  
12 instructor in the manner provided in this section shall be licensed as a  
13 cosmetology instructor, esthetics instructor, or the equivalent in  
14 another jurisdiction. An applicant seeking licensure as an electrologist  
15 or an electrology instructor in the manner provided in this section shall  
16 be licensed as an electrologist or an electrology instructor,  
17 respectively, in another jurisdiction;

18 (b) That such license was issued on the basis of an examination and  
19 the results of the examination. If an examination was not required for  
20 licensure in the other jurisdiction, the applicant shall take the  
21 Nebraska examination; and

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

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

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

5 (iii) Each month of full-time practice as an esthetician within the  
6 five years immediately preceding application shall be valued as one  
7 hundred hour-equivalents toward an esthetician's license;

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

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

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

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

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

31 Sec. 14. Section 38-1070, Revised Statutes Supplement, 2017, is

1 amended to read:

2 38-1070 An individual making application for ~~registration or a~~  
3 temporary license, other than a temporary license issued as provided in  
4 section 38-129.01, shall meet, and present to the department evidence of  
5 meeting, the requirements for the specific type of ~~registration or~~  
6 license applied for.

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

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

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

22 38-1074 ~~(1) Registration and temporary licensure shall be granted~~  
23 ~~for a set period of time and cannot be renewed.~~

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

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

28 ~~(4) Registration as a student, apprentice, or student instructor shall~~  
29 ~~expire upon successful completion of the licensing examination or~~  
30 ~~termination of enrollment in a school of cosmetology, a school of~~  
31 ~~esthetics, or an apprentice salon.~~



1 ~~(5) Licensure as a temporary practitioner shall expire eight weeks~~  
2 ~~following the date of issuance or upon receipt of examination results,~~  
3 ~~whichever occurs first. The , except that the license of a temporary~~  
4 ~~practitioner who fails to take the first scheduled examination shall~~  
5 ~~expire immediately unless the department finds that the temporary~~  
6 ~~practitioner was unable to attend the examination due to an emergency or~~  
7 ~~other valid circumstances, in which case the department may extend the~~  
8 ~~license an additional eight weeks or until receipt of the examination~~  
9 ~~results, whichever occurs first. No license may be extended in such~~  
10 ~~manner more than once.~~

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

13 38-1075 The Cosmetology, Electrology, Esthetics, Nail Technology,  
14 and Body Art Practice Act does not apply to or restrict the activities of  
15 the following:

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

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

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

21 (4) Any person when engaged in domestic or charitable  
22 administration;

23 (5) Any person performing any of the practices of cosmetology or  
24 nail technology solely for theatrical presentations or other  
25 entertainment functions;

26 (6) Any person practicing cosmetology, electrology, esthetics, or  
27 nail technology within the confines of a hospital, nursing home, massage  
28 therapy establishment, funeral establishment, or other similar  
29 establishment or facility licensed or otherwise regulated by the  
30 department, except that no unlicensed or unregistered person may accept  
31 compensation for such practice;

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

2 (8) Any retail or wholesale establishment or any person engaged in  
3 the sale of cosmetics, nail technology products, or other beauty products  
4 when the products are applied by the customer or when the application of  
5 the products is in direct connection with the sale or attempted sale of  
6 such products at retail;

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

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

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

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

15 (13) Any person applying cosmetics.

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

18 38-1086 In order to maintain its license in good standing, each  
19 salon shall operate in accordance with the following requirements:

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

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

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

31 (4) The salon shall display a name upon, over, or near the entrance

1 door distinguishing it as a salon;

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

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

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

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

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

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

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

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

23 38-1097 In order to be licensed as a school of cosmetology by the  
24 department, an applicant shall meet and present to the department  
25 evidence of meeting the following requirements:

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

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

30 (3) The proposed school shall contain at least three thousand five  
31 hundred square feet of floor space and facilities, staff, apparatus, and

1 equipment appropriate to its projected enrollment in accordance with the  
2 standards established by rule and regulation; and

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

6 A school of cosmetology is not required to be licensed as a school  
7 of esthetics in order to provide an esthetics training program or as a  
8 school of nail technology in order to provide a nail technology training  
9 program.

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

12 38-1099 Along with the application the applicant for a license to  
13 operate a school of cosmetology or school of esthetics shall submit:

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

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

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

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

22 (5) A list of the names and credentials of all licensees to be  
23 employed by the school, ~~and the name and qualifications of the school~~  
24 ~~manager;~~

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

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

30 ~~(8) A schedule of proposed hours of operation and class and course~~  
31 ~~scheduling.~~

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

3           38-10,100 In order to be licensed as a school of esthetics by the  
4 department, an applicant shall meet and present to the department  
5 evidence of meeting the following requirements:

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

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

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

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

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

20           38-10,102 In order to maintain its license in good standing, each  
21 school of cosmetology or school of esthetics shall operate in accordance  
22 with the following requirements:

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

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

31           (3) No school shall permit anyone other than a student, student

1 instructor, or instructor, ~~or guest artist~~ to perform any of the  
2 practices of cosmetology or esthetics within its confines or employ,  
3 except that such restriction shall not prevent a school from inviting  
4 guest educators ~~teachers~~ who are not licensed ~~or registered~~ to provide  
5 education ~~lectures~~ to students or student instructors if the guest  
6 educator ~~lecturer~~ does not perform any of the practices of cosmetology or  
7 esthetics;

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

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

15 (6) The school shall permit any duly authorized agent of the  
16 department to conduct an operation inspection or investigation at any  
17 time during the normal operating hours of the school without prior  
18 notice, and the owner or manager shall assist the inspector by providing  
19 access to all areas of the school, all personnel, and all records  
20 requested by the inspector;

21 (7) The school shall display in a conspicuous place the following  
22 records:

23 (a) The current license to operate a school of cosmetology or school  
24 of esthetics;

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

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

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

31 (9) The school shall not knowingly permit its students, employees,

1 or clients to use, consume, serve, or in any other manner possess or  
2 distribute intoxicating beverages or controlled substances upon its  
3 premises;

4 (10) No instructor or student instructor shall perform, and no  
5 school shall permit such person to perform, any of the practices of  
6 cosmetology or esthetics on the public in a school of cosmetology or  
7 school of esthetics other than that part of the practical work which  
8 pertains directly to the teaching of practical subjects to students or  
9 student instructors and in no instance shall complete cosmetology or  
10 esthetics services be provided for a client unless done in a  
11 demonstration class of theoretical or practical studies;

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

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

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

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

26 (15) The school shall maintain on file the enrollment of each  
27 student;

28 (16) The school shall maintain a report indicating the students and  
29 student instructors enrolled, the hours ~~and credits~~ earned, the  
30 instructors employed, the hours of operation, and such other pertinent  
31 information as required by the department. ~~No hours or credits shall be~~

1 ~~allowed for any student unless such student is duly registered and the~~  
2 ~~hours and credits are reported by the school; and~~

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

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

18 38-10,103 In order to maintain a school or apprentice salon license  
19 in good standing, each school or apprentice salon shall operate in  
20 accordance with the following:

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

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

31 (i) Has attained the age of seventeen years on or before the date of



1 enrollment in a school of cosmetology, a school of esthetics, or an  
2 apprentice salon;

3 (ii) Has completed the tenth grade;

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

6 (iv) Is actively continuing his or her formal high school education  
7 on a full-time basis as determined by the department.

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

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

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

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

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

28 38-10,104 In order to maintain its license in good standing, each  
29 school of cosmetology or school of esthetics shall operate in accordance  
30 with the following requirements:

31 (1) All persons accepted for enrollment as students shall meet the

1 qualifications established in section 38-10,103;

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

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

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

14 (5) All students and student instructors shall be under the  
15 supervision of an instructor at all times, except that students shall be  
16 under the direct supervision of an instructor or student instructor at  
17 all times when cosmetology or esthetics services are being taught or  
18 performed and student instructors may independently supervise students  
19 after successfully completing at least one-half of the required  
20 instructor program;

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

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

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

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

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

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

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

6           ~~(d) A permanent drop shall mean a student who has stopped attending~~  
7 ~~school for a period of three months or more or one who has stopped~~  
8 ~~attending for a shorter time but has informed the school in writing of~~  
9 ~~his or her intention to drop permanently;~~

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

13           ~~(6) (9)~~ No student shall be permitted by the school to train or work  
14 in a school in any manner for more than ten hours a day; and

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

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

24           38-10,105 A student may transfer from one school of cosmetology ~~in~~  
25 ~~Nebraska~~ to another school at any time without penalty if all tuition  
26 obligations to the school from which the student is transferring have  
27 been honored and if the student secures a letter from the school from  
28 which he or she is transferring stating that the student has not left any  
29 unfulfilled tuition obligations and stating the number of hours and  
30 ~~credits~~ earned by the student at such school, including any hours and  
31 ~~credits~~ the student transferred into that school, and the dates of

1 attendance of the student at that school. The student may not begin  
2 training at the new school until such conditions have been fulfilled. The  
3 school to which the student is transferring shall be entitled to receive  
4 from the student's previous school, upon request, ~~credit books and any~~  
5 ~~and~~ all records pertaining to the student.

6 Sec. 26. Section 38-10,107, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

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

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

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

28 38-10,108 No school of cosmetology shall at any time enroll more  
29 than three ~~two~~ student instructors for each full-time instructor actively  
30 working in and employed by the school.

31 Sec. 28. Section 38-10,112, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-10,112 ~~(1)~~ The owner of each school of cosmetology or school of  
3 esthetics shall have full responsibility for ensuring that the school is  
4 operated in compliance with all applicable laws and rules and regulations  
5 and shall be liable for any and all violations occurring in the school.

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

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

17 38-10,120 ~~(1)~~ Practice outside a licensed cosmetology establishment  
18 shall be permitted in the following circumstances:

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

22 ~~(1)~~ ~~(b)~~ A licensed cosmetology salon or esthetics salon may employ  
23 licensed cosmetologists and estheticians, according to the licensed  
24 activities of the salon, to perform home services by meeting the  
25 following requirements:

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

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

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

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

5           38-10,128 In order to be licensed as a nail technician or nail  
6 technology instructor by examination, an individual shall meet, and  
7 present to the department evidence of meeting, the following  
8 requirements:

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

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

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

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

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

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

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

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

5           38-10,129 No application for any type of licensure ~~or registration~~  
6 shall be considered complete unless all information requested on the  
7 application form has been supplied, all seals and signatures required  
8 have been obtained, and all supporting and documentary evidence has been  
9 received by the department.

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

12          38-10,131 (1) Examinations approved by the board may be national  
13 standardized examinations, but in all cases the examinations shall be  
14 related to the knowledge and skills necessary to perform the practices  
15 being examined and shall be related to the curricula required to be  
16 taught in nail technology programs.

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

18          (2) ~~(3)~~ In order to successfully complete the examination, an  
19 applicant shall obtain an average grade of seventy-five percent on the  
20 written examination.

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

23          38-10,132 (1) The department may grant a license based on licensure  
24 in another jurisdiction to a nail technician or nail technology  
25 instructor who presents proof of the following:

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

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

29           (c) He or she is currently licensed as a nail technician or its  
30 equivalent or as a nail technology instructor or its equivalent in  
31 another jurisdiction and he or she has never been disciplined or had his

1 or her license revoked;

2 (d) For licensure as a nail technician, evidence of completion ~~:(i)~~  
3 ~~Completion~~ of a program of nail technician studies consisting of a  
4 ~~minimum of not less than one hundred fifty hours and not more than three~~  
5 ~~hundred hours, as set by the board,~~ and successful passage of a written  
6 examination. If a written examination was not required for licensure in  
7 another jurisdiction, the applicant must take the Nebraska written  
8 examination. Each month of full-time practice as a nail technician within  
9 the five years immediately preceding application shall be valued as  
10 equivalent to one hundred hours toward a nail technician license; and ~~or~~

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

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

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

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

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



1           38-10,133 Every person holding a license ~~or registration~~ in nail  
2 technology issued by the department under the Cosmetology, Electrology,  
3 Esthetics, Nail Technology, and Body Art Practice Act shall display it in  
4 a conspicuous place in his or her principal place of employment, and  
5 every nail technology establishment shall so display the then current  
6 licenses ~~and registrations~~ of all practitioners there employed.

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

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

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

23           38-10,142 In order to maintain its license in good standing, each  
24 nail technology salon shall operate in accordance with the following  
25 requirements:

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

30           (2) The nail technology salon owner or his or her agent shall notify  
31 the department at least thirty days prior to any change of ownership,

1 name, or address, and at least one week prior to closure, except in  
2 emergency circumstances as determined by the department;

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

6 (4) The nail technology salon shall display a name upon, over, or  
7 near the entrance door distinguishing it as a nail technology salon;

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

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

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

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

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

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

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

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

30 38-10,147 In order to be licensed as a nail technology school by the  
31 department, an applicant shall meet, and present to the department

1 evidence of meeting, the following requirements:

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

4 (2) The proposed school shall have a contracted enrollment of  
5 students;

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

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

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

14 38-10,150 Along with the application, an applicant for a license to  
15 operate a nail technology school shall submit:

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

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

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

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

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

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

29 ~~(7) A schedule of proposed hours of operation and class and course~~  
30 ~~scheduling; and~~

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

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

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

6 38-10,152 In order to maintain its license in good standing, each  
7 nail technology school shall operate in accordance with the following  
8 requirements:

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

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

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

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

29 (5) The school shall display in a conspicuous place within the  
30 clinic area a sign reading: All services in this school are performed by  
31 students who are training in nail technology. A notice to such effect

1 shall also appear in all advertising conducted by the school for its  
2 clinic services;

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

9 (7) The school shall display in a conspicuous place the following  
10 records:

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

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

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

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

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

23 (10) No nail technology instructor or nail technology student  
24 instructor shall perform, and no school shall permit such person to  
25 perform, any of the practices of nail technology on the public in a nail  
26 technology school other than that part of the practical work which  
27 pertains directly to the teaching of practical subjects to nail  
28 technology students or nail technology student instructors, and complete  
29 nail technology services shall not be provided for a client unless done  
30 in a demonstration class of theoretical or practical studies;

31 (11) The school shall maintain space, staff, library, teaching

1 apparatus, and equipment as established by rules and regulations adopted  
2 and promulgated under the act;

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

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

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

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

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

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

29 38-10,153 In order to maintain its license in good standing, each  
30 nail technology school shall operate in accordance with the following  
31 requirements:

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

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

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

7 (c) He or she has not undertaken any training in nail technology in  
8 this state after January 1, 2000, without being enrolled as a nail  
9 technology student;

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

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

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

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

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

20 ~~(3) Proof of age shall consist of a birth certificate, baptismal~~  
21 ~~certificate, or other equivalent document as determined by the~~  
22 ~~department. Evidence of education shall consist of a high school diploma,~~  
23 ~~general educational development certificate, transcript from a college or~~  
24 ~~university, or equivalent document as determined by the department. No~~  
25 nail technology school shall accept an individual for enrollment who does  
26 not provide evidence of meeting the age and education requirements ~~for~~  
27 ~~registration;~~

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

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

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

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

12 (8) All nail technology students and nail technology student  
13 instructors shall be under the supervision of a cosmetology instructor,  
14 nail technology instructor, or nail technology student instructor at all  
15 times when nail technology services are being taught or performed;

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

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

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

26 38-10,154 Nail technology students or nail technology student  
27 instructors may transfer from one nail technology school ~~in Nebraska~~ to  
28 another school at any time.

29 The school to which the student is transferring shall be entitled to  
30 receive from the student's previous school, upon request, any and all  
31 records pertaining to the student after all financial obligations of the



1 student to the previous school are met.

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

4 38-10,156 No nail technology school shall at any time enroll more  
5 than two ~~one~~ nail technology student instructors ~~instructor~~ for each  
6 full-time nail technology instructor or cosmetology instructor actively  
7 working in and employed by the school.

8 Sec. 43. Section 38-10,171, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

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

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

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

20 (3) Failing to report to the department a suspected violation of the  
21 act;

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

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

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

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

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

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

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

6           (11) Failing, by a school of cosmetology, a nail technology school,  
7 a school of esthetics, or an apprentice salon, to follow its published  
8 rules;

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

13           (13) Knowingly permitting any person under supervision to violate  
14 any law, rule, or regulation or knowingly permitting any establishment or  
15 facility under supervision to operate in violation of any law, rule, or  
16 regulation;

17           (14) Receiving two unsatisfactory inspection reports within any  
18 sixty-day period;

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

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

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

31           Sec. 44. Section 71-204, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 71-204 A person is qualified to receive a certificate of  
3 registration to practice barbering (1) who has a diploma showing  
4 graduation from high school or an equivalent education as determined by  
5 passing a general education development test; (2) who is at least  
6 seventeen years of age; (3) who has completed one ~~two~~ thousand eight ~~one~~  
7 hundred hours of training in a barber school or college; (4) who has  
8 graduated from a barber school or college approved by the Board of Barber  
9 Examiners; and (5) who has passed an examination conducted by the Board  
10 of Barber Examiners to determine his or her fitness to practice  
11 barbering, ~~which examination shall be taken within two years after the~~  
12 ~~date of entry into barbering school.~~

13 Sec. 45. Section 71-208, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15 71-208 The Legislature finds that, through licensing of barber  
16 schools, the Board of Barber Examiners approves barbering programs which  
17 lead to a certificate or diploma in Nebraska. No barber school or college  
18 shall be approved by the board unless (1)(a) a barber school or college  
19 that operates as a postsecondary barber school or college requires, as a  
20 prerequisite to admission, high school graduation or its equivalent as  
21 determined by successfully passing a general educational development test  
22 or (b) a barber school or college that does not operate as a  
23 postsecondary barber school or college requires, as a prerequisite to  
24 graduation from such school or college, high school graduation or its  
25 equivalent as determined by successfully passing a general educational  
26 development test, (2) as a prerequisite to graduation it requires a  
27 course of instruction of not less than one ~~two~~ thousand eight ~~one~~ hundred  
28 hours, to be completed in a ~~period of not less than one year,~~ of not more  
29 than ten hours in any one working day, and (3) the barber school or  
30 college meets the standards of the Barber Act and any rules and  
31 regulations of the board. Such course of instruction shall include

1 scientific fundamentals for barbering, hygiene, massaging, sterilization,  
2 haircutting, and shaving, except that when a barber school or college is  
3 a part of a high school accredited by the State Board of Education or the  
4 University of Nebraska, the Board of Barber Examiners shall provide in  
5 its rules and regulations that credit in the barber school or college  
6 shall be given for hours spent and courses pursued in the high school and  
7 that credit shall be given for courses in barbering taken in high school  
8 prior to formal enrollment in such barber school or college.

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

11 71-208.08 (1) Cosmetologists licensed in the State of Nebraska  
12 attending a barber school or college may of barbering shall be given  
13 credit of one thousand hours of training applied ~~credit~~ toward the course  
14 hours required for graduation.

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

18 Sec. 47. Original sections 38-1005, 38-1017, 38-1018, 38-1028,  
19 38-1038, 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1065, 38-1069,  
20 38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100,  
21 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,107, 38-10,108,  
22 38-10,112, 38-10,120, 38-10,128, 38-10,129, 38-10,131, 38-10,133,  
23 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153,  
24 38-10,154, 38-10,156, 38-10,171, 71-204, and 71-208.08, Reissue Revised  
25 Statutes of Nebraska, section 71-208, Revised Statutes Cumulative  
26 Supplement, 2016, and sections 38-1066, 38-1070, and 38-10,132, Revised  
27 Statutes Supplement, 2017, are repealed.

28 Sec. 48. The following sections are outright repealed: Sections  
29 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072, 38-1091,  
30 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and 38-10,155,  
31 Reissue Revised Statutes of Nebraska.