

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 343

Introduced by Riepe, 12; at the request of the Governor.

Read first time January 12, 2017

Committee:

1 A BILL FOR AN ACT relating to health and human services; to amend
2 sections 38-1005, 38-1017, 38-1018, 38-1028, 38-1038, 38-1043,
3 38-1058, 38-1061, 38-1062, 38-1063, 38-1066, 38-1069, 38-1070,
4 38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100,
5 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,112, 38-10,120,
6 38-10,128, 38-10,129, 38-10,133, 38-10,135, 38-10,142, 38-10,147,
7 38-10,150, 38-10,152, 38-10,153, 38-10,171, 38-1509, 38-1512, and
8 38-1703, Reissue Revised Statutes of Nebraska, and section 71-208,
9 Revised Statutes Cumulative Supplement, 2016; to change and
10 eliminate definitions in the Cosmetology, Electrology, Esthetics,
11 Nail Technology, and Body Art Practice Act; to eliminate provisions
12 relating to cosmeticians, cosmetic establishments, electrology
13 establishments, guest artists, guest body artists, students, and
14 schools; to change licensure requirements for cosmetologists, nail
15 technicians, instructors, audiologists, massage therapists, and
16 barbers; to change and eliminate operating requirements for salons
17 and schools; to eliminate liability of managers as prescribed; to
18 harmonize provisions; to repeal the original sections; and to
19 outright repeal sections 38-1013, 38-1014, 38-1022, 38-1029,
20 38-1030, 38-1071, 38-1072, 38-1091, 38-1092, 38-1093, 38-1094,
21 38-1095, 38-1096, 38-10,106, and 38-10,155, Reissue Revised Statutes
22 of Nebraska.

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

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

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

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

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

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

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

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

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

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

1 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (g) For licensure as an esthetics instructor, (i) completion of a
25 program of studies consisting of a minimum of three hundred hours beyond
26 the program of studies required for licensure as an esthetician and
27 current licensure as an esthetician in Nebraska or (ii) current licensure
28 as an esthetician in Nebraska and two years of experience as an
29 esthetician immediately prior to application for a license as an
30 esthetics instructor.

31 Sec. 10. Section 38-1063, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-1063 A complete application for examination shall be postmarked
3 no later than fifteen days before the beginning of the examination for
4 which application is being made. Applications received after such date
5 shall be considered as applications for the next scheduled examination.
6 No application for any type of licensure ~~or registration~~ shall be
7 considered complete unless all information requested in the application
8 has been supplied, all seals and signatures required have been obtained,
9 and all supporting and documentary evidence has been received by the
10 department.

11 Sec. 11. Section 38-1066, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-1066 The department may grant a license based on licensure in
14 another jurisdiction to any person who meets the requirements of
15 subdivisions (1) and (2) of section 38-1062 and who presents proof of the
16 following:

17 (1) That he or she is currently licensed in the appropriate category
18 in another jurisdiction and that he or she has never been disciplined or
19 had his or her license revoked. An applicant seeking licensure as an
20 instructor in the manner provided in this section shall be licensed as an
21 instructor in another jurisdiction. An applicant seeking licensure as a
22 cosmetologist in the manner provided in this section shall be licensed as
23 a cosmetologist in another jurisdiction. An applicant seeking licensure
24 as an esthetician in the manner provided in this section shall be
25 licensed as a cosmetologist, an esthetician, or an equivalent title in
26 another jurisdiction. An applicant seeking licensure as an esthetics
27 instructor in the manner provided in this section shall be licensed as a
28 cosmetology instructor, esthetics instructor, or the equivalent in
29 another jurisdiction. An applicant seeking licensure as an electrologist
30 or an electrology instructor in the manner provided in this section shall
31 be licensed as an electrologist or an electrology instructor,

1 respectively, in another jurisdiction;

2 (2) That such license was issued on the basis of an examination and
3 the results of the examination. If an examination was not required for
4 licensure in the other jurisdiction, the applicant shall take the
5 Nebraska examination; and

6 (3) That the applicant complies with the hour requirements of
7 subdivision (5) of section 38-1062 through any combination of hours
8 earned as a student or apprentice in a cosmetology establishment ~~or an~~
9 ~~electrology establishment~~ licensed or approved by the jurisdiction in
10 which it was located and hour-equivalents granted for recent work
11 experience, with hour-equivalents recognized as follows:

12 (a) Each month of full-time practice as an instructor within the
13 five years immediately preceding application shall be valued as one
14 hundred hour-equivalents toward an instructor's license or a cosmetology
15 license and one hundred hour-equivalents toward an esthetician's license;

16 (b) Each month of full-time practice as a cosmetologist within the
17 five years immediately preceding application shall be valued as one
18 hundred hour-equivalents toward a cosmetology license and one hundred
19 hour-equivalents toward an esthetician's license;

20 (c) Each month of full-time practice as an esthetician within the
21 five years immediately preceding application shall be valued as one
22 hundred hour-equivalents toward an esthetician's license;

23 (d) Each month of full-time practice as an esthetics instructor
24 within the five years immediately preceding application shall be valued
25 as one hundred hour-equivalents toward an esthetics instructor's license;

26 and

27 (e) Each month of full-time practice as an electrologist within the
28 five years immediately preceding application shall be valued as one
29 hundred hour-equivalents toward an electrologist's license.

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

1 38-1069 ~~Registration shall be required before any person may act as~~
2 ~~a guest artist, guest body artist, cosmetician, student, apprentice, or~~
3 ~~student instructor, and no person shall assume any title indicative of~~
4 ~~any of such areas of activity without first being registered or licensed~~
5 ~~by the department under the Cosmetology, Electrology, Esthetics, Nail~~
6 ~~Technology, and Body Art Practice Act.~~ A license as a temporary
7 practitioner shall be required before any person may act as a temporary
8 practitioner, and no person shall assume any title indicative of being a
9 temporary practitioner without first being so licensed by the department
10 under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body
11 Art Practice Act act.

12 Sec. 13. Section 38-1070, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-1070 An individual making application for ~~registration or a~~
15 temporary license shall meet, and present to the department evidence of
16 meeting, the requirements for the specific type of ~~registration or~~
17 license applied for.

18 Sec. 14. Section 38-1073, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-1073 An applicant for licensure as a temporary practitioner shall
21 show evidence that his or her completed application for regular licensure
22 has been accepted by the department, that he or she has not failed any
23 portion of the licensure examination, and that he or she has been
24 accepted for work in a licensed cosmetology establishment under the
25 supervision of a licensed practitioner. ~~An individual registered as a~~
26 ~~temporary practitioner on December 1, 2008, shall be deemed to be~~
27 ~~licensed as a temporary practitioner under the Cosmetology, Electrology,~~
28 ~~Esthetics, Nail Technology, and Body Art Practice Act on such date. The~~
29 ~~temporary practitioner may continue to practice under such registration~~
30 ~~as a temporary license until it would have expired under its terms.~~

31 Sec. 15. Section 38-1074, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-1074 ~~(1) Registration and temporary licensure shall be granted~~
3 ~~for a set period of time and cannot be renewed.~~

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

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

8 ~~(4) Registration as a student, apprentice, or student instructor shall~~
9 ~~expire upon successful completion of the licensing examination or~~
10 ~~termination of enrollment in a school of cosmetology, a school of~~
11 ~~esthetics, or an apprentice salon.~~

12 ~~(5) Licensure as a temporary practitioner shall expire eight weeks~~
13 ~~following the date of issuance or upon receipt of examination results,~~
14 ~~whichever occurs first, except that the license of a temporary~~
15 ~~practitioner who fails to take the first scheduled examination shall~~
16 ~~expire immediately unless the department finds that the temporary~~
17 ~~practitioner was unable to attend the examination due to an emergency or~~
18 ~~other valid circumstances, in which case the department may extend the~~
19 ~~license an additional eight weeks or until receipt of the examination~~
20 ~~results, whichever occurs first. No license may be extended in such~~
21 ~~manner more than once.~~

22 Sec. 16. Section 38-1075, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-1075 The Cosmetology, Electrology, Esthetics, Nail Technology,
25 and Body Art Practice Act does not apply to or restrict the activities of
26 the following:

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

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

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

1 (4) Any person when engaged in domestic or charitable
2 administration;

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

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

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

13 (8) Any retail or wholesale establishment or any person engaged in
14 the sale of cosmetics, nail technology products, or other beauty products
15 when the products are applied by the customer or when the application of
16 the products is in direct connection with the sale or attempted sale of
17 such products at retail;

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

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

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

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

26 (13) Any person applying cosmetics.

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

29 38-1086 In order to maintain its license in good standing, each
30 salon shall operate in accordance with the following requirements:

31 (1) The salon shall at all times comply with all applicable

1 provisions of the Cosmetology, Electrology, Esthetics, Nail Technology,
2 and Body Art Practice Act and all rules and regulations adopted and
3 promulgated under such act;

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

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

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

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

19 (6) The salon shall display in a conspicuous place the following
20 records:

21 (a) The current license or certificate of consideration to operate a
22 salon;

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

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

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

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

1 Sec. 18. Section 38-1097, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1097 In order to be licensed as a school of cosmetology 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 fifteen ~~full-time~~ students;

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

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

17 A school of cosmetology is not required to be licensed as a school
18 of esthetics in order to provide an esthetics training program or as a
19 school of nail technology in order to provide a nail technology training
20 program.

21 Sec. 19. Section 38-1099, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-1099 Along with the application the applicant for a license to
24 operate a school of cosmetology or school of esthetics shall submit:

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

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

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

31 (4) A copy of the school rules and the student contract; and

1 (5) A list of the names and credentials of all licensees to be
2 employed by the school, ~~and the name and qualifications of the school~~
3 ~~manager;~~

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

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

9 ~~(8) A schedule of proposed hours of operation and class and course~~
10 ~~scheduling.~~

11 Sec. 20. Section 38-10,100, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-10,100 In order to be licensed as a school of esthetics by the
14 department, an applicant shall meet and present to the department
15 evidence of meeting the following requirements:

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

18 (2) The proposed school shall have a contracted enrollment of at
19 ~~least four but not more than six students for each licensed esthetics~~
20 ~~instructor on the staff of the proposed school;~~

21 (3) The proposed school shall contain adequate ~~at least one thousand~~
22 ~~square feet of~~ floor space and facilities, staff, apparatus, and
23 ~~equipment appropriate to its projected enrollment in accordance with the~~
24 ~~standards established by rule and regulation; and~~

25 (4) The proposed school shall not have ~~the same entrance as or~~
26 ~~direct access to a cosmetology salon, an esthetics salon, or a nail~~
27 ~~technology salon.~~

28 Sec. 21. Section 38-10,102, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-10,102 In order to maintain its license in good standing, each
31 school of cosmetology or school of esthetics shall operate in accordance

1 with the following requirements:

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

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

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

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

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

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

31 (7) The school shall display in a conspicuous place the following

1 records:

2 (a) The current license to operate a school of cosmetology or school
3 of esthetics;

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

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

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

10 (8) ~~(9)~~ The school shall not knowingly permit its students,
11 employees, or clients to use, consume, serve, or in any other manner
12 possess or distribute intoxicating beverages or controlled substances
13 upon its premises;

14 (9) ~~(10)~~ No instructor or student instructor shall perform, and no
15 school shall permit such person to perform, any of the practices of
16 cosmetology or esthetics on the public in a school of cosmetology or
17 school of esthetics other than that part of the practical work which
18 pertains directly to the teaching of practical subjects to students or
19 student instructors and in no instance shall complete cosmetology or
20 esthetics services be provided for a client unless done in a
21 demonstration class of theoretical or practical studies;

22 (10) ~~(11)~~ The school shall maintain space, staff, library, teaching
23 apparatus, and equipment as established by rules and regulations adopted
24 and promulgated under the act;

25 (11) ~~(12)~~ The school shall keep a daily record of the attendance and
26 clinical performance of each student and student instructor;

27 (12) ~~(13)~~ The school shall maintain regular class and instructor
28 hours and shall require the minimum curriculum;

29 (13) ~~(14)~~ The school shall establish and maintain criteria and
30 standards for student grading, evaluation, and performance and shall
31 award a certificate or diploma to a student only upon completing a full

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

5 (14) ~~(15)~~ The school shall maintain on file the enrollment of each
6 student;

7 (15) ~~(16)~~ The school shall maintain a report indicating the students
8 and student instructors enrolled, the hours and credits earned, the
9 instructors employed, the hours of operation, and such other pertinent
10 information as required by the department. ~~No hours or credits shall be~~
11 ~~allowed for any student unless such student is duly registered and the~~
12 ~~hours and credits are reported by the school; and~~

13 (16) ~~(17)~~ The school shall print and provide to each student a copy
14 of the school rules, which shall not be inconsistent with the
15 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
16 Practice Act, the Uniform Credentialing Act, or the rules and regulations
17 adopted and promulgated under either act and which shall include policies
18 of the school with respect to tuition, reimbursement, conduct,
19 attendance, grading, earning of hours and credits, demerits, penalties,
20 dismissal, graduation requirements, dress, and other information
21 sufficient to advise the student of the standards he or she will be
22 required to maintain. The department may review any school's rules to
23 determine their consistency with the intent and content of the
24 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
25 Practice Act and the rules and regulations and may overturn any school
26 rules found not to be in accord.

27 Sec. 22. Section 38-10,103, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 38-10,103 In order to maintain a school or apprentice salon license
30 in good standing, each school or apprentice salon shall operate in
31 accordance with the following:

1 (1) Every person accepted for enrollment as a standard student or
2 apprentice shall show evidence that he or she attained the age of
3 seventeen years on or before the date of his or her enrollment in a
4 school of cosmetology, a school of esthetics, or an apprentice salon, has
5 completed the equivalent of a high school education, has been accepted
6 for enrollment at a school of cosmetology, a school of esthetics, or an
7 apprentice salon, and has not undertaken any training in cosmetology or
8 esthetics without being enrolled as a student or apprentice;

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

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

14 (ii) Has completed the tenth grade;

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

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

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

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

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

29 (4) No school of cosmetology, school of esthetics, or apprentice
30 salon shall accept an individual for enrollment who does not provide
31 evidence of meeting the age and education requirements.—Proof of age

1 ~~shall consist of a birth certificate, baptismal certificate, or other~~
2 ~~equivalent document as determined by the department. Evidence of~~
3 ~~education shall consist of a high school diploma, general educational~~
4 ~~development certificate, transcript from a college or university, or~~
5 ~~equivalent document as determined by the department.~~

6 Sec. 23. Section 38-10,104, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-10,104 In order to maintain its license in good standing, each
9 school of cosmetology or school of esthetics shall operate in accordance
10 with the following requirements:

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

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

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

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

25 (5) All students and student instructors shall be under the
26 supervision of an instructor at all times, except that students shall be
27 under the direct supervision of an instructor or student instructor at
28 all times when cosmetology or esthetics services are being taught or
29 performed and student instructors may independently supervise students
30 after successfully completing at least one-half of the required
31 instructor program;

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

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

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

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

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

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

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

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

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

24 ~~(6) (9) No student shall be permitted by the school to train or work~~
25 ~~in a school in any manner for more than ten hours a day; and~~

26 ~~(7) (10) The school shall not credit a student or student instructor~~
27 ~~with hours and credits except when such hours and credits were earned in~~
28 ~~the study or practice of cosmetology or esthetics in accordance with the~~
29 ~~required curriculum. Hours and credits shall be credited on a daily~~
30 ~~basis. Once credited, hours or credits cannot be removed or disallowed~~
31 ~~except by the department upon a finding that the hours or credits have~~

1 been wrongfully allowed.

2 Sec. 24. Section 38-10,105, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 38-10,105 A student may transfer from one school of cosmetology in
5 Nebraska to another school at any time. The school shall provide a
6 transcript showing without penalty if all tuition obligations to the
7 school from which the student is transferring have been honored and if
8 the student secures a letter from the school from which he or she is
9 transferring stating that the student has not left any unfulfilled
10 tuition obligations and stating the number of hours and credits earned by
11 the student at such school, including any hours and credits the student
12 transferred into that school, and the dates of attendance of the student
13 at that school. The student may not begin training at the new school
14 until such conditions have been fulfilled. The school to which the
15 student is transferring shall be entitled to receive from the student's
16 previous school, upon request, credit books and any and all records
17 pertaining to the student.

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

20 38-10,112 (1) The owner of each school of cosmetology or school of
21 esthetics shall have full responsibility for ensuring that the school is
22 operated in compliance with all applicable laws and rules and regulations
23 and shall be liable for any and all violations occurring in the school.

24 (2) Each school of cosmetology shall be operated by a manager who
25 shall hold an active instructor's license and who shall be present on the
26 premises of the school no less than thirty-five hours each week. Each
27 manager of a school of esthetics shall hold an active esthetics
28 instructor's license and shall be present on the premises of the school
29 no less than thirty-five hours each week. The manager may have
30 responsibility for the daily operation of the school or satellite
31 classroom and, if so, shall share with the owner liability for any and

1 ~~all violations occurring in the school or satellite classroom.~~

2 Sec. 26. Section 38-10,120, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 38-10,120 ~~(1) Practice outside a licensed cosmetology establishment~~
5 ~~shall be permitted in the following circumstances:~~

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

9 (1) (b) A licensed cosmetology salon or esthetics salon may employ
10 licensed cosmetologists and estheticians, according to the licensed
11 activities of the salon, to perform home services by meeting the
12 following requirements:

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

15 (b) (ii) Any person seeking a home services permit shall submit a
16 complete application at least ten days before the proposed date for
17 beginning home services. Along with the application the applicant shall
18 submit evidence of liability insurance or bonding.

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

21 Sec. 27. Section 38-10,128, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-10,128 In order to be licensed as a nail technician or nail
24 technology instructor by examination, an individual shall meet, and
25 present to the department evidence of meeting, the following
26 requirements:

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

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

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

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

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

12 (b) For licensure as a nail technology instructor, the program of
13 studies shall consist of ~~a minimum of not less than one hundred fifty~~
14 ~~hours~~ and not more than two ~~three~~ hundred hours, as set by the board,
15 beyond the program of studies required for licensure as a nail technician
16 and the individual shall be currently licensed as a nail technician in
17 Nebraska as evidenced by possession of a valid Nebraska nail technician
18 license.

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

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

23 38-10,129 No application for any type of licensure ~~or registration~~
24 shall be considered complete unless all information requested on the
25 application form has been supplied, all seals and signatures required
26 have been obtained, and all supporting and documentary evidence has been
27 received by the department.

28 Sec. 29. Section 38-10,133, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-10,133 Every person holding a license ~~or registration~~ in nail
31 technology issued by the department under the Cosmetology, Electrology,

1 Esthetics, Nail Technology, and Body Art Practice Act shall display it in
2 a conspicuous place in his or her principal place of employment, and
3 every nail technology establishment shall so display the then current
4 licenses ~~and registrations~~ of all practitioners there employed.

5 Sec. 30. Section 38-10,135, Reissue Revised Statutes of Nebraska, is
6 amended to read:

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

19 Sec. 31. Section 38-10,142, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-10,142 In order to maintain its license in good standing, each
22 nail technology salon shall operate in accordance with the following
23 requirements:

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

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

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

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

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

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

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

16 (b) The current licenses ~~or registrations~~ of all persons employed by
17 or working in the nail technology salon; and

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

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

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

25 Sec. 32. Section 38-10,147, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-10,147 In order to be licensed as a nail technology school by the
28 department, an applicant shall meet, and present to the department
29 evidence of meeting, the following requirements:

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

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

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

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

9 Sec. 33. Section 38-10,150, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-10,150 Along with the application, an applicant for a license to
12 operate a nail technology school shall submit:

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

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

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

19 (4) A copy of the school rules and the student contract; and

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

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

25 ~~(7) A schedule of proposed hours of operation and class and course~~
26 ~~scheduling; and~~

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

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

31 Sec. 34. Section 38-10,152, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-10,152 In order to maintain its license in good standing, each
3 nail technology school shall operate in accordance with the following
4 requirements:

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

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

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

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

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

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

1 access to all areas of the school, all personnel, and all records
2 requested by the inspector;

3 (7) The school shall display in a conspicuous place the following
4 records:

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

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

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

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

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

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

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

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

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

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

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

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

21 Sec. 35. Section 38-10,153, Reissue Revised Statutes of Nebraska, is
22 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (6) The school shall not permit any nail technology student to
30 render clinical services on members of the public with or without fees
31 until such student has satisfactorily completed the beginning curriculum,

1 except that the department may establish guidelines by which it may
2 approve such practices as part of the beginning curriculum;

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

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

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

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

18 Sec. 36. Section 38-10,171, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-10,171 Each of the following may be considered an act of
21 unprofessional conduct when committed by a person licensed ~~or registered~~
22 under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body
23 Art Practice Act:

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

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

30 (3) Failing to report to the department a suspected violation of the
31 act;

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

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

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

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

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

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

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

16 (11) Failing, by a school of cosmetology, a nail technology school,
17 a school of esthetics, or an apprentice salon, to follow its published
18 rules;

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

23 (13) Knowingly permitting any person under supervision to violate
24 any law, rule, or regulation or knowingly permitting any establishment or
25 facility under supervision to operate in violation of any law, rule, or
26 regulation;

27 (14) Receiving two unsatisfactory inspection reports within any
28 sixty-day period;

29 (15) Engaging in any of the practices regulated under the act while
30 afflicted with any active case of a serious contagious disease,
31 infection, or infestation, as determined by the department, or in any

1 other circumstances when such practice might be harmful to the health or
2 safety of clients;

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

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

10 Sec. 37. Section 38-1509, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-1509 (1) Except as otherwise provided in this section, no ~~No~~
13 person shall engage in the sale of or practice of fitting hearing
14 instruments or display a sign or in any other way advertise or represent
15 himself or herself as a person who practices the fitting and sale or
16 dispensing of hearing instruments unless he or she holds an unsuspended,
17 unrevoked hearing instrument specialist license issued by the department
18 as provided in the Hearing Instrument Specialists Practice Act. A hearing
19 instrument specialist license shall confer upon the holder the right to
20 select, fit, and sell hearing instruments. A person holding a license
21 issued under the act prior to August 30, 2009, may continue to practice
22 under such license until it expires under the terms of the license.

23 (2) A licensed audiologist who maintains a practice pursuant to
24 licensure as an audiologist in which hearing instruments are regularly
25 dispensed or who intends to maintain such a practice shall ~~also~~ be exempt
26 from the requirement to be licensed as a hearing instrument specialist
27 ~~pursuant to subsection (4) of section 38-1512.~~

28 (3) Nothing in the act shall prohibit a corporation, partnership,
29 limited liability company, trust, association, or other like organization
30 maintaining an established business address from engaging in the business
31 of selling or offering for sale hearing instruments at retail without a

1 license if it employs only properly licensed natural persons in the
2 direct sale and fitting of such products.

3 (4) Nothing in the act shall prohibit the holder of a hearing
4 instrument specialist license from the fitting and sale of wearable
5 instruments or devices designed for or offered for the purpose of
6 conservation or protection of hearing.

7 Sec. 38. Section 38-1512, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-1512 (1) Any person may obtain a hearing instrument specialist
10 license under the Hearing Instrument Specialists Practice Act by
11 successfully passing a qualifying examination if the applicant:

12 (a) Is at least twenty-one years of age; and

13 (b) Has an education equivalent to a four-year course in an
14 accredited high school.

15 (2) The qualifying examination shall consist of written and
16 practical tests. The examination shall not be conducted in such a manner
17 that college training is required in order to pass. Nothing in this
18 examination shall imply that the applicant is required to possess the
19 degree of medical competence normally expected of physicians.

20 (3) The department shall give examinations approved by the board. A
21 minimum of two examinations shall be offered each calendar year.

22 ~~(4) The department shall issue a hearing instrument specialist~~
23 ~~license without examination to a licensed audiologist who maintains a~~
24 ~~practice pursuant to licensure as an audiologist in which hearing~~
25 ~~instruments are regularly dispensed or who intends to maintain such a~~
26 ~~practice upon application to the department, proof of licensure as an~~
27 ~~audiologist, and payment of a twenty-five-dollar fee.~~

28 Sec. 39. Section 38-1703, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-1703 Approved massage therapy school means (1) one which is
31 approved by the board, (2) one which requires for admission a diploma

1 from an accredited high school or its equivalent, (3) one which has
2 attached to its staff a regularly licensed physician and employs one or
3 more competent massage therapists as instructors, and (4) one which has a
4 minimum requirement of a continuous course of study and training of not
5 less than five hundred ~~one thousand~~ hours distributed over a term of not
6 less than nine months. Such study and training shall consist of at least
7 one hundred hours of each of the following: Physiology; anatomy; and
8 kinesiology ~~massage; pathology; hydrotherapy; hygiene and practical~~
9 ~~demonstration; and health service management. The remaining three hundred~~
10 ~~hours shall be obtained in subject areas related to the clinical practice~~
11 ~~of massage therapy.~~

12 Sec. 40. Section 71-208, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

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

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

8 Sec. 41. Original sections 38-1005, 38-1017, 38-1018, 38-1028,
9 38-1038, 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1066, 38-1069,
10 38-1070, 38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100,
11 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,112, 38-10,120,
12 38-10,128, 38-10,129, 38-10,133, 38-10,135, 38-10,142, 38-10,147,
13 38-10,150, 38-10,152, 38-10,153, 38-10,171, 38-1509, 38-1512, and
14 38-1703, Reissue Revised Statutes of Nebraska, and section 71-208,
15 Revised Statutes Cumulative Supplement, 2016, are repealed.

16 Sec. 42. The following sections are outright repealed: Sections
17 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072, 38-1091,
18 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and 38-10,155,
19 Reissue Revised Statutes of Nebraska.