

## LEGISLATIVE BILL 83

Approved by the Governor March 21, 1995

Introduced by Cudaback, 36; Bohlke, 33; Hillman, 48; Hudkins, 21; Schimek, 27

AN ACT relating to electrologists; to amend sections 71-340 to 71-343, 71-362, 71-364, 71-368, 71-371, 71-376, 71-377, 71-381, 71-386, 71-387, 71-389, 71-390, 71-392, 71-394, 71-395, 71-396, 71-3,102, 71-3,105 to 71-3,107, 71-3,109, 71-3,110, 71-3,117, 71-3,137, 71-3,139 to 71-3,141, 71-3,145, 71-3,147, 71-3,150, 71-3,159, 71-3,160, 71-3,162 to 71-3,164, 71-3,169, 71-3,174, 71-3,177, and 71-3,179, Reissue Revised Statutes of Nebraska, and sections 71-374, 71-382, and 71-397, Revised Statutes Supplement, 1994; to provide for regulation of electrology; to require licenses, continuing education, and fees; to change provisions relating to regulation of cosmetology; to change the membership of the Board of Cosmetology Examiners; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 71-340, Reissue Revised Statutes of Nebraska, is amended to read:

71-340. Sections 71-340 to 71-3,179 and sections 5 to 10, 20, 28, 39, and 40 of this act shall be known and may be cited as the Nebraska Cosmetology Act.

Sec. 2. Section 71-341, Reissue Revised Statutes of Nebraska, is amended to read:

71-341. The Legislature finds that: (1) A great number of Nebraska citizens regularly demand and receive cosmetology and electrology services; (2) the practice practices of cosmetology and electrology involve involves the use of implements and chemicals that, if used or applied improperly, can be hazardous to human health and safety; (3) inadequate sanitation in the practice of cosmetology or electrology can encourage the spread of contagious diseases, infections, and infestations to the detriment of the health and safety of the public; (4) the knowledge of proper sanitation techniques and the proper use of implements and chemicals can best be gained by rigorous and extensive training in cosmetology and electrology at institutions operated exclusively for such purpose purposes; (5) the need of the public to be served by well-trained persons and the need of cosmetology and electrology students to receive an appropriate education can best be met through the enactment of standards for the approval of schools of cosmetology and schools of electrology; (6) the effectiveness of cosmetology or electrology training and the competency to practice can best be demonstrated by the passage of an impartially administered examination before a person is permitted to practice; (7) continued competency can best be demonstrated by participation in formal programs of continuing education; (8) the establishment and maintenance of a safe environment in places where cosmetology or electrology is practiced can best be ensured through the establishment of operating and sanitary requirements for the safe and sanitary operation of such places; (9) the protection of the health and safety of its citizens is a principal concern and duty of the State of Nebraska; and (10) the reasonable regulation and limitation of a field of practice or occupation for the purpose of protecting the health and safety of the public is a legitimate and justified exercise of the police power of the state.

Sec. 3. Section 71-342, Reissue Revised Statutes of Nebraska, is amended to read:

71-342. The Legislature declares its intent to implement the findings specified in section 71-341 through the Nebraska Cosmetology Act, to regulate the practice and profession practices and professions of cosmetology and electrology and cosmetology and electrology education in all its forms, to limit the practice and teaching of cosmetology or electrology to persons and institutions as stipulated in the Nebraska Cosmetology Act, and to penalize persons violating such act. The Legislature directs that all interpretations of the Nebraska Cosmetology Act be made with full cognizance of the findings and intentions expressed in sections 71-341 and 71-342.

Sec. 4. Section 71-343, Reissue Revised Statutes of Nebraska, is amended to read:

71-343. For purposes of the Nebraska Cosmetology Act, unless the context otherwise requires, the definitions found in sections 71-344 to 71-372 and sections 5 to 10 of this act shall be used.

Sec. 5. Electrologist shall mean a person who engages in the

practice of electrolysis for permanent hair removal.

Sec. 6. Electrology shall mean the art and practice relating to the removal of hair from normal skin of the human body by electrolysis.

Sec. 7. Electrology instructor shall mean a person licensed under the Nebraska Cosmetology Act to teach any or all of the practices of electrology in a school of electrology.

Sec. 8. Electrolysis shall mean the permanent removal of hair by the application of an electrical current to the dermal papilla by a filament to cause decomposition, coagulation, or dehydration within the hair follicle by means of short wave or galvanic current or the blend, as approved by the federal Food and Drug Administration.

Sec. 9. Electrology establishment shall mean a fixed structure or part thereof or any other place in which any or all of the practices of electrology are performed on members of the general public for compensation or where instruction or training in electrology is performed except when such training is nonvocational training.

Sec. 10. School of electrolysis shall mean a school for the education and training of electrologists which the department has approved.

Sec. 11. Section 71-362, Reissue Revised Statutes of Nebraska, is amended to read:

71-362. Nonvocational training shall mean the act of imparting knowledge of or skills in any or all of the practices of cosmetology or electrology to persons not licensed or registered under the Nebraska Cosmetology Act for the purpose of noncommercial use by those receiving such training.

Sec. 12. Section 71-364, Reissue Revised Statutes of Nebraska, is amended to read:

71-364. Practitioner shall mean a person who performs any or all of the practices of cosmetology or electrology for compensation, except manicurists.

Sec. 13. Section 71-368, Reissue Revised Statutes of Nebraska, is amended to read:

71-368. Student shall mean a person registered under the Nebraska Cosmetology Act to engage in the study of any or all of the practices of cosmetology or electrology under the supervision of an instructor or electrology instructor in a school of cosmetology or school of electrology.

Sec. 14. Section 71-371, Reissue Revised Statutes of Nebraska, is amended to read:

71-371. Teaching shall mean the act of imparting and demonstrating knowledge of cosmetology or electrology theory and practices to students or apprentices in an apprentice salon, a school of cosmetology, or a school of electrology by an instructor or student instructor for the purpose of preparing the students or apprentices to engage in the occupations of cosmetology, or skin care, or electrology.

Sec. 15. Section 71-374, Revised Statutes Supplement, 1994, is amended to read:

71-374. (1) Except as provided in subsection (2) of this section, the board shall be composed of eight nine members including two school owners, one licensed instructor, two laypersons, one cosmetologist who is a salon owner and who is not a school owner, one electrologist who is not a licensed cosmetologist, and two cosmetologists who are not school owners. The professional members shall be licensed in Nebraska and maintain such license as well as their establishment licenses in good standing. No school owners, salon owners, electrologists, or cosmetologists may be affiliated with the same establishment.

(2) All members of the Board of Cosmetologist Examiners serving on July 17, 1986, shall continue in office for the remainder of their terms as members of the Board of Cosmetology Examiners. Within sixty days after July 17, 1986; the effective date of this act the State Board of Health shall appoint one school owner layperson for a five-year term, one school owner and one electrologist for a four-year term, one licensed instructor for a three-year term, and one layperson for a five-year term. The first vacancy occurring among the members serving on July 17, 1986; shall be filled by appointing one cosmetologist who is a salon owner for a four-year term. As of July 17, 1995; the State Board of Health shall appoint a second layperson for a five-year term.

(3) Members of the board shall be appointed by the State Board of Health from among nominees submitted by professional associations and other interested parties. A person may nominate himself or herself.

(4) The State Board of Health may remove a member of the board for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual

member's scope of authority, for malfeasance in office, for any cause for which a professional license in the profession involved may be suspended or revoked under the Nebraska Cosmetology Act, or for a lack of licensure in the profession involved.

(5) Vacancies on the board shall be filled in the same manner as original appointments for the remainder of the unexpired term only.

(6) Members of the board, other than the initial members, shall serve for five-year terms, and no member shall serve for more than two consecutive terms excluding any partial term for which he or she may have been appointed.

Sec. 16. Section 71-376, Reissue Revised Statutes of Nebraska, is amended to read:

71-376. The department shall:

(1) With the approval of the board, adopt, promulgate, and revise necessary rules and regulations including procedures for approving cosmetology and electrology establishments;

(2) With the approval of the board, develop standards in cooperation with the owners of cosmetology and electrology establishments to be used in the evaluation and approval of such establishments;

(3) Review such standards at least once every five years;

(4) Survey each licensed cosmetology and electrology establishment every two years for the purpose of determining the establishment's compliance with all relevant laws, rules, and regulations; and

(5) Approve for renewal of its license each cosmetology or electrology establishment found to be operating in compliance with all relevant laws, rules, and regulations.

Sec. 17. Section 71-377, Reissue Revised Statutes of Nebraska, is amended to read:

71-377. The board shall:

(1) Review all reports of alleged violations investigated by the department and recommend action as authorized under the Nebraska Cosmetology Act;

(2) Approve all licensing examinations used;

(3) Serve as consultant to the department in all matters relating to cosmetology or electrology and to the enforcement and implementation of the Nebraska Cosmetology Act; and

(4) Recommend applicants to the department for the professional level position which will be responsible for the daily administration of the Nebraska Cosmetology Act.

Sec. 18. Section 71-381, Reissue Revised Statutes of Nebraska, is amended to read:

71-381. There is hereby created the Cosmetology Cash Fund to receive all money collected from fees pursuant to the Nebraska Cosmetology Act. Expenditures may be made from the Cosmetology Cash Fund to administer the act including, but not limited to:

(1) Expenditures for staff, equipment, supplies, office space, communications, consultants and other professional services, staff travel, and other related expenses involved with the administration of the act and the regulation of cosmetology and electrology;

(2) Per diem, travel, and other related expenses for board members to enable them to perform their required functions;

(3) Expenses necessary to permit board members and staff members to attend national and regional meetings of organizations of state licensing boards. Each board member and professional staff member shall be permitted to attend at least one such meeting each year with expenses paid from the Cosmetology Cash Fund;

(4) Expenses for the conducting of examinations; and

(5) Any other expenses related to the administration of cosmetology and electrology licensure and practice approved by the board and the director.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 19. Section 71-382, Revised Statutes Supplement, 1994, is amended to read:

71-382. Fees shall be set by the board within the dollar ranges provided in this section.

Fee	Initial	Biennial Renewal	Late Renewal Penalty
Cosmetologist license	20-300	16-500	25-75
Esthetician license	10-300	16-500	25-75
<u>Electrologist license</u>	<u>10-300</u>	<u>16-500</u>	<u>25-75</u>

Electrology instructor	10-300	16-500	25-75
Instructor license	10-300	16-500	25-75
Guest artist registration	10-300	--	--
Temporary practitioner registration	5-300	--	--
Cosmetician registration	5-300	--	--
Inactive renewal--cosmetologist	--	16-500	25-75
Inactive renewal--instructor, esthetician	--	16-500	25-75
<u>Inactive renewal--electrologist, electrology instructor</u>	--	16-500	25-75
Cosmetology salon	50-300	20-400	10-35
Skin care salon	40-300	20-400	10-35
Cosmetic establishment	20-300	10-400	5-35
<u>Electrology establishment</u>	<u>40-300</u>	<u>25-400</u>	<u>10-35</u>
Apprentice training salon	100-300	25-400	10-35
School of cosmetology	1000-3000	200-750	25-250
<u>School of electrolysis</u>	<u>500-1000</u>	<u>200-750</u>	<u>25-250</u>
Satellite classroom	250-750	100-400	25-125
Transfer school location within county	250-500	--	--
Duplicate license or registration	5-20	--	--
Certification of grades or hours to another state	5-20	--	--
Continuing education program fee	10-100	--	--
Repeat inspection	30-300	--	--
Home service permit	10-300	20-400	10-35

Sec. 20. Beginning January 1, 1996, no person, group, company, limited liability company, or other entity shall engage in any of the following acts without being duly licensed as required by the Nebraska Cosmetology Act, unless specifically exempted by such act:

(1) To engage in or follow or to advertise or hold oneself out as engaging in or following any of the practices of electrology;

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

(3) To operate or advertise or hold oneself out as operating an establishment in which any of the practices of electrology or the teaching of any of the practices of electrology are carried out.

Sec. 21. Section 71-386, Reissue Revised Statutes of Nebraska, is amended to read:

71-386. (1) All practitioners shall be licensed or registered by the department under the Nebraska Cosmetology Act in a category or categories appropriate to their practice.

(2) Licensure shall be required before any person may engage in the full, unsupervised practice of cosmetology, electrology beginning January 1, 1996, skin care, or teaching, and no person may assume the title of cosmetologist, electrologist beginning January 1, 1996, esthetician, or instructor without first being licensed by the department under the Nebraska Cosmetology Act.

Sec. 22. Section 71-387, Reissue Revised Statutes of Nebraska, is amended to read:

71-387. In order to be licensed by the department by examination, an individual shall meet, and present to the department evidence of meeting, the following requirements:

(1) Has attained the age of seventeen years on or before the beginning date of the examination for which application is being made, as evidenced by a birth certificate, baptismal certificate, or other equivalent document as determined by the department;

(2) Has completed formal education equivalent to a United States high school education, as evidenced by a high school diploma, general educational development certificate, or equivalent document as determined by the department;

(3) Be free of any infectious or contagious disease, as evidenced by a signed statement to such effect by a licensed physician dated no more than three months before the date of the applicant's initial application;

(4) Beginning June 1, 1988, possesses Possesses the ability to identify and respond to emergency situations that could occur in the practice

of cosmetology or electrology, as evidenced by successful completion of a basic first-aid course;

~~(5)~~ (4) Makes complete and proper application to the department, accompanied by the appropriate fee;

~~(6)~~ (5) Possesses a minimum competency in the knowledge and skills necessary to perform the practices for which licensure is sought, as evidenced by successful completion of an examination in the appropriate practices approved by the board and administered by the department;

~~(7)~~ (6) Possesses sufficient ability to read the English language to permit the applicant to practice in a safe manner, as evidenced by successful completion of the written examination; and

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

~~(a) Until May 31, 1988, for licensure as a cosmetologist, the program of studies shall consist of a minimum of two thousand one hundred hours and one thousand five hundred credits;~~

~~(a) For~~ ~~(b)~~ Beginning June 1, 1988, for licensure as a cosmetologist, the program of studies shall consist of a minimum of two thousand one hundred hours and two thousand credits;

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

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

~~(d)~~ ~~(e)~~ For licensure as ~~an~~ a cosmetology instructor, be currently licensed as a cosmetologist in Nebraska, as evidenced by possession of a valid Nebraska cosmetology license;

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

~~(f) For licensure as an electrology instructor, be currently licensed as an electrologist in Nebraska and have practiced electrology actively for at least five years immediately before the application.~~

If any lapse in training of two years or longer occurs, all hours and credits earned shall be forfeited. Hours and credits shall be earned exclusively in either a school of cosmetology, school of electrolysis, or apprentice salon. No hours or credits earned in one type of establishment may be transferred to an establishment of another type. The department shall grant a license in the appropriate category to any person meeting the requirements specified in this section.

Sec. 23. Section 71-389, Reissue Revised Statutes of Nebraska, is amended to read:

71-389. The board shall approve and the department shall cause examinations to be administered as required for licensure under the Nebraska Cosmetology Act for the purpose of establishing the possession of minimum competency in the knowledge and skills required on the part of the applicant.

No person shall be permitted to take an examination for licensure unless he or she has met all the requirements of subdivisions (1) through ~~(5)~~ (4) and ~~(8)~~ (7) of section 71-387, except for persons taking the examination under section 71-395.

The department shall provide at least one year's notice of future examination dates to schools of cosmetology, schools of electrolysis, and apprentice salons. Such establishments shall be responsible for notifying their students and apprentices of upcoming examination dates.

Sec. 24. Section 71-390, Reissue Revised Statutes of Nebraska, is amended to read:

71-390. (1) Examinations approved by the board may be national standardized examinations, but in all cases the examinations shall be related to the knowledge and skills necessary to perform the practices being examined and shall be related to the curricula required to be taught in schools of cosmetology or schools of electrolysis.

(2) The board shall fix the time and place of each examination no less than one year in advance. At least two examinations shall be given annually. All examinations shall be conducted in the city of Lincoln unless ordered otherwise by the department.

(3) If examinations are administered directly by the department, the examination shall be administered by a chief examiner who shall be an employee of the department. Persons serving as examiners for practical examinations administered directly by the department shall hold current licenses in the

field of practice being examined or in cosmetology, except that examiners for instructors' examinations shall each hold an instructor's license, either active or inactive.

(4) Practical examinations shall be conducted in such a manner that the identity of the applicant is not disclosed to the examiners in any way.

(5) In order to successfully complete the examination, an applicant shall obtain an average grade of seventy-five percent on the written examination and an average grade of seventy-five percent with no individual subject grade below sixty-five percent on the practical examination.

(6) For practical examinations administered directly by the department, examination grades shall be approved by the board and the department before they become official. Any disagreements regarding a grade to be given among the examiners shall be settled by the chief examiner. An examiner may appeal such a decision to the Director of the Bureau of Examining Boards.

(7) The department shall keep a permanent record of all grades received in examinations and shall provide any individual a copy of his or her grades upon request without charge.

(8) The department may adopt and promulgate rules and regulations to provide for procedures, development, administration, scoring, and reviewing of examinations and to protect the security of the contents of examination questions and answers in the examination review. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from such service detailed documentation of the process of examination development and maintenance.

Sec. 25. Section 71-392, Reissue Revised Statutes of Nebraska, is amended to read:

71-392. Except for persons taking the examination under section 71-395 or section 28 of this act, no person may take his or her initial examination for licensure more than two years after the date upon which he or she was graduated from the program of studies preparing him or her for such examination.

Sec. 26. Section 71-394, Reissue Revised Statutes of Nebraska, is amended to read:

71-394. The department may waive the requirement for examination and grant a license to any person who meets the requirements of subdivisions (1) through ~~(5)~~ (4) of section 71-387 and who presents proof of the following:

(1) That he or she is currently licensed in the appropriate category in another jurisdiction, that he or she has never been disciplined or had his or her license revoked, and that, so far as the records of the licensing authority of the jurisdiction are concerned, the applicant is entitled to its endorsement. Applicants seeking licensure as instructors in the manner provided in this section shall be licensed as an instructor in another jurisdiction. Persons seeking licensure as cosmetologists in the manner provided in this section shall be licensed as cosmetologists in another jurisdiction. Persons seeking licensure as estheticians in the manner provided in this section shall be licensed as cosmetologists, estheticians, or an equivalent title in another jurisdiction. Persons seeking licensure as electrologists or electrology instructors in the manner provided in this section shall be licensed as electrologists or electrology instructors, respectively, in another jurisdiction;

(2) That such license was issued on the basis of a written and practical examination and the results of the examinations, except that a practical examination shall not be required for an electrologist's or electrology instructor's license; and

(3) That the applicant complies with the hour requirements of subdivision ~~(8)~~ (7) of section 71-387 through any combination of hours earned as a student or apprentice in a cosmetology establishment or an electrology establishment licensed or approved by the jurisdiction in which it was located and hour-equivalents granted for recent work experience, with hour-equivalents recognized as follows:

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

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

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

(d) Each month of full-time practice as an electrologist within the five years immediately preceding application shall be valued as fifty hour-equivalents toward an electrologist's license.

Sec. 27. Section 71-395, Reissue Revised Statutes of Nebraska, is amended to read:

71-395. Applicants for Nebraska licensure who received their training in foreign countries may not be licensed by waiver of examination. In order to be considered eligible to take the examination, they shall meet the requirements of subdivisions (1) through ~~(5)~~ (4) of section 71-387 and, in order to establish equivalency with subdivision ~~(6)~~ (7) of section 71-387, shall present proof satisfactory to the department of one of the following:

- (1) Current licensure or equivalent official recognition of the right to practice in a foreign country; or
- (2) At least five years of practice within the eight years immediately preceding the application.

In all cases such applicants shall take the examination for licensure in the State of Nebraska.

Sec. 28. Any person practicing any of the practices of electrology may apply to the department for the appropriate license without examination if:

- (1) Such application is made prior to January 1, 1996;
- (2) The applicant presents evidence that he or she (a) has been engaged in the practice of electrology in Nebraska for six months prior to the effective date of this act or (b) has completed a board-approved apprenticeship, has passed all of the necessary board-approved examinations, and pays the fee prescribed in section 71-382; and
- (3) The required fee is submitted.

Sec. 29. Section 71-396, Reissue Revised Statutes of Nebraska, is amended to read:

71-396. Every person holding a license or registration issued by the department under the Nebraska Cosmetology Act shall display it in a conspicuous place in his or her principal place of employment, and every cosmetology establishment and electrology establishment shall so display the licenses and registrations of all practitioners there employed.

Sec. 30. Section 71-397, Revised Statutes Supplement, 1994, is amended to read:

71-397. (1) Each license issued under the Nebraska Cosmetology Act shall expire and be subject to renewal every two years. All cosmetology and instructor's licenses shall expire and be subject to renewal on December 31 of each even-numbered year. All esthetician's licenses shall expire and be subject to renewal on September 30 of each even-numbered year. All electrologist's and electrology instructor's licenses issued on or before July 31, 1997, shall expire and be subject to renewal on that date and on July 31 of each odd-numbered year thereafter.

(2) At least thirty days before the expiration of a license, the department shall notify each licensee by a letter addressed to the licensee at the last address contained in the department's records. Any licensee who fails to pay the renewal fee or file a complete application for renewal on or before the date of expiration of the license shall be given a second notice in the same manner, advising him or her that:

(a) The renewal fee has not been received or the application is incomplete;

(b) The license has expired;

(c) The department will suspend action for thirty days following the date of expiration;

(d) If the renewal fee and the additional late renewal fee of twenty-five dollars are or a complete application is received within such thirty-day period, no order of revocation will be entered;

(e) If the inactive renewal fee is received within such thirty-day period, the license will be placed on inactive status and no order of revocation will be entered; and

(f) Upon failure to receive the fee or complete application under either subdivision (d) or (e) of this subsection within such thirty-day period, an order of revocation will be entered.

(3) Any licensee who allows his or her license to expire by failure to renew according to this section may petition the department for reinstatement. Reinstatement may be granted upon the recommendation of the board and upon receipt by the department of a complete application for reinstatement accompanied by all regular renewal fees and the late renewal fee. If application for reinstatement is made more than thirty days after expiration and not more than one year from the date of revocation, the late renewal fee shall be fifty dollars. If application for reinstatement is made

more than one year after revocation, the late renewal fee shall be seventy-five dollars. If an electrology instructor's license has been expired or has been on inactive status for five years or more, such electrology instructor shall retake and pass the electrology instructor's examination before such license is reinstated.

(4) No license may be renewed or reinstated unless the licensee provides evidence of compliance with the continuing education provisions contained in sections 71-3,107 to 71-3,118.

Sec. 31. Section 71-3,102, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,102. (1) An applicant for registration as a standard student or apprentice shall show evidence that he or she attained the age of seventeen years on or before the date of his or her enrollment in a school of cosmetology, a school of electrology, or an apprentice salon, has completed the equivalent of a high school education, has been accepted for enrollment at a school of cosmetology, a school of electrology, or an apprentice salon, and has not undertaken any training in cosmetology without being registered as a student or apprentice.

(2) An applicant for registration as a special study student or apprentice shall show evidence that he or she:

(a) Has attained the age of seventeen years on or before the date of enrollment in a school of cosmetology, a school of electrology, or an apprentice salon;

(b) Has completed the tenth grade;

(c) Has been accepted for enrollment at a school of cosmetology, a school of electrology, or an apprentice salon; and

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

An applicant for registration as a special study student or apprentice shall not have undertaken any training in cosmetology or electrology without being registered as a student or apprentice.

Special study students shall be limited to attending a school of cosmetology, a school of electrology, or an apprentice salon for no more than eight hours per week during the school year.

(3) Proof of age shall consist of a birth certificate, baptismal certificate, or other equivalent document as determined by the department. Evidence of education shall consist of a high school diploma, general educational development certificate, or equivalent document as determined by the department. No school of cosmetology, school of electrology, or apprentice salon shall accept an individual for enrollment who does not provide evidence of meeting the age and education requirements for registration. Each school of cosmetology, school of electrology, or apprentice salon shall submit a complete registration within five days following the first day of courses. No school of cosmetology, school of electrology, or apprentice salon shall continue training an individual for whom the establishment has not submitted a complete registration application within such five-day period. No school of cosmetology, school of electrology, or apprentice salon shall continue to train or enroll a person who has not received his or her registration within thirty days of its submission without the permission of the department.

Sec. 32. Section 71-3,105, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,105. Registration shall be granted for a set period of time and cannot be renewed. Registration as a guest artist shall expire two years following the initial date of issuance. Registration as a cosmetician shall expire two years following the initial date of issuance. Registration as a student, apprentice, or student instructor shall expire upon successful completion of the licensing examination or termination of enrollment in a school of cosmetology, a school of electrology, or an apprentice salon. Registration as a temporary practitioner shall expire six weeks following the written examination date or upon receipt of examination results, whichever occurs first, except that the registration of a temporary practitioner who fails to take the first regularly scheduled examination shall expire immediately after the beginning of the examination unless the board finds that the temporary practitioner was unable to attend the examination due to an emergency or other valid circumstances, in which case the board may extend the registration until six weeks after the date of the next regularly scheduled written examination or upon receipt of the examination results, whichever occurs first. No registration may be extended in such manner more than once.

Sec. 33. Section 71-3,106, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,106. Nothing in the Nebraska Cosmetology Act shall be



construed to apply to or restrict the activities of the following:

(1) Any person holding a current license or certificate issued pursuant to Chapter 71 when engaged in the usual and customary practice of his or her profession or occupation;

~~(2) Any person engaged solely in the practice of electrolysis;~~

~~(3) (2) Any person engaging solely in ear piercing, tattooing, or other invasive beautification practices;~~

(3) ~~(4)~~ Any person when engaged in domestic or charitable administration;

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

(5) ~~(6)~~ Any person practicing within the confines of a hospital, nursing home, massage therapy establishment, funeral establishment, or other similar establishment or facility licensed or otherwise regulated by the department, except that no unlicensed or unregistered person may accept compensation for such practice;

~~(6) (7) Any person providing services during a bona fide emergency;~~

~~(7) (8) Any retail or wholesale establishment or any person engaged in the sale of cosmetics or other beauty products when the products are applied by the customer or when the application of the products is in direct connection with the sale or attempted sale of such products at retail;~~

~~(8) (9) Any person when engaged in nonvocational training; and~~

~~(9) (10) Any retail or wholesale establishment or any person engaged in the practice or teaching of manicuring; and~~

~~(10) A person demonstrating on behalf of a manufacturer or distributor any electrolysis equipment or supplies if such demonstration is performed without charge.~~

Sec. 34. Section 71-3,107, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,107. After January 1, 1989, no licensed practitioner shall renew his or her license to practice unless he or she has obtained, within the biennium immediately preceding the date of expiration of the license, the number of hours of approved continuing education required for his or her type of license as designated in the Nebraska Cosmetology Act and complied with all other requirements of such act. Continuing education shall be measured in terms of hours of participation in an approved continuing education program, and each fifty minutes of participation shall constitute one hour.

The number of hours of approved continuing education required shall be as follows:

(1) For a license to practice cosmetology, sixteen hours;

(2) For a license to practice as an instructor, sixteen hours; and

(3) For a license to practice as an esthetician, eight hours;

~~(4) For a license to practice as an electrologist, eight hours; and~~

~~(5) For a license to practice as an electrology instructor, twenty hours.~~

Sec. 35. Section 71-3,109, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,109. Each continuing education program approved by the board shall provide for the maintenance of the technical skills and knowledge needed to safely practice cosmetology or electrology. Such program shall include at least one of the following: The safe use of various chemical compounds, sanitation techniques, ~~or the knowledge of allergic reactions to chemicals applied to the hair, skin, or nails, or the knowledge of electrolysis.~~

Sec. 36. Section 71-3,110, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,110. The department, with the recommendations from the board, shall adopt and promulgate rules and regulations for the classification and approval of continuing education programs. Such rules and regulations shall include, but not be limited to, a requirement that:

(1) The program relate to the practices of cosmetology or electrology in which the licensee is licensed to engage; and

(2) The program be presented, conducted, and prepared by persons who are considered by the board to be knowledgeable in the subject matter of the program or activity by virtue of education, training, or experience and who are licensed or registered in Nebraska if they are physically present at the program or activity.

Any program offered within the state shall be open to all licensees in the state. Any program offered outside the state shall be approved by the appropriate accrediting body within the state in which it is held or by Nebraska if such jurisdiction does not require approval by an accrediting body.

Sec. 37. Section 71-3,117, Reissue Revised Statutes of Nebraska, is

amended to read:

71-3,117. The following classes of persons shall have a limited exemption from the continuing education requirements of the Nebraska Cosmetology Act:

(1) Any licensee submitting proof that he or she was suffering from a serious or disabling illness or disability that prevented him or her from completing the continuing education requirements shall be exempt for the biennium if, by the renewal date, he or she is able to practice effectively and to attend continuing education seminars. Any licensee who remains unable to practice effectively at his or her regularly scheduled renewal date shall be placed on inactive status. A physician's statement shall be submitted in support of any request for a continuing education exemption based on an illness or disability;

(2) Any licensee submitting proof of service in the regular armed forces of the United States during any part of the immediately preceding biennium shall be exempt for that biennium;

(3) Any person receiving an initial license in Nebraska during the second year of the biennium shall be exempt from the continuing education requirement for that biennium only;

(4) Any licensee submitting proof that he or she has not lived in Nebraska at any time during the six months immediately preceding the date of license renewal and who has not worked in Nebraska at any time during such period shall be exempt for that biennium and shall be placed on inactive status; ~~and~~

(5) An instructor who meets the continuing education requirements for the instructor's license shall be exempt from meeting the continuing education requirements for his or her cosmetologist license for that biennium; ~~and~~

(6) An electrology instructor who meets the continuing education requirements for the electrology instructor's license shall be exempt from meeting the continuing education requirements for his or her electrologist license for that biennium.

Sec. 38. Section 71-3,137, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,137. Any person seeking a license to operate a school of cosmetology or school of electrology shall submit an application to the department. The application shall be on such forms and shall include such information as the department and the board may require. A completed application shall be received by the department at least thirty days before construction or remodeling of the building proposed for use is scheduled to begin. If no construction or remodeling is planned, the application shall be received at least thirty days before the proposed opening of the school.

Sec. 39. Along with the application, the applicant for a license to operate a school of electrology shall submit:

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

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

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

(4) A list of the names and credentials of all licensees to be employed by the school;

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

(6) A completed electrology education evaluation scale;

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

(8) A detailed list of the equipment to be used by the students in the practical course of their studies;

(9) Any additional information the department may require; and

(10) The required fee.

A school's license shall be valid only for the location named in the application. When a school desires to change locations, an application shall be submitted to the department on a form furnished by the department with a fee for amending the school's license. The fee for amending the license of the school shall be the same amount as the fee for renewal of a school of electrology license.

Sec. 40. All epilators used in a school of electrology or in an electrology establishment shall be approved by the federal Food and Drug Administration.

Sec. 41. Section 71-3,139, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,139. Each application for a license to operate a school of cosmetology or school of electrology shall be reviewed by the department for compliance with the requirements of the Nebraska Cosmetology Act. In the event an application is denied, the applicant shall be informed in writing of the grounds for denial and such denial shall not prejudice future applications by the applicant. In the event an application is accepted, the board and the department shall immediately conduct an accreditation inspection of the proposed school. A school passing the inspection shall be issued a license and may begin operation as soon as the inspection results are received. If the proposed school fails the inspection, the applicant shall submit, within fifteen days, evidence of corrective action taken to improve those aspects of operation found deficient. If, after a second inspection to be conducted within thirty days of receipt of evidence, the school does not receive a satisfactory rating, or if evidence is not received within fifteen days, the application may be denied.

Sec. 42. Section 71-3,140, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,140. In order to maintain its license in good standing, each school of cosmetology or school of electrology shall operate in accordance with the following requirements:

(1) The school shall at all times comply with all applicable provisions of the Nebraska Cosmetology Act and all rules and regulations adopted and promulgated under such act;

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

(3) No school shall permit anyone other than a student, student instructor, instructor, or guest artist to perform any of the practices of cosmetology or electrology within its confines or employ, except that such restriction shall not prevent a school from inviting guest teachers who are not licensed or registered to provide lectures to students or student instructors if the guest lecturer does not perform any of the practices of cosmetology or electrology;

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

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

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

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

(a) The current license to operate a school of cosmetology or school of electrology;

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

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

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

(9) The school shall not knowingly permit its students, employees, or clients to use, consume, serve, or in any other manner possess or distribute intoxicating beverages or controlled substances upon its premises during the hours the school is in operation;

(10) Food shall not be consumed in any area where cosmetology or electrology services are being taught or performed or stored in the same area where chemical supplies or used equipment are stored;

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

(12) The school shall maintain space, staff, library, teaching

apparatus, and equipment as established by rules and regulations adopted and promulgated under the Nebraska Cosmetology Act;

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

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

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

(16) The school shall maintain on file the registrations of each student;

(17) The school shall submit a monthly report to the department, on forms established by the department, indicating the students and student instructors enrolled, the hours and credits earned, the instructors employed, the hours of operation, and such other pertinent information as the board and the department shall require. No hours or credits shall be allowed for any student unless such student is duly registered and the hours and credits are reported by the school; and

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

Sec. 43. Section 71-3,141, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,141. In order to maintain its license in good standing, each school of cosmetology or school of electrology shall operate in accordance with the following requirements:

(1) All persons accepted for enrollment as students shall meet the qualifications established in section 71-3,102;

(2) The school shall submit a completed student entrance notification, including the student registration fee, on forms prescribed by the department, for each person enrolling in the school before such person may begin training;

(3) The school shall, at all times the school is in operation, have at least one instructor in the school for each twenty students or fraction thereof enrolled in the school, except that freshman and advanced students shall be taught by different instructors in separate classes;

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

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

(6) All students and student instructors shall be under the supervision of an instructor at all times, except that students shall be under the direct supervision of an instructor or student instructor at all times when cosmetology or electrology services are being taught or performed;

(7) Students shall be classified for reporting purposes as follows:

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

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

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

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

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

(c) A temporary drop shall mean a student who has stopped attending

school for a period of less than three months and has given no indication that he or she intends to drop permanently; and

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

(9) Once a student has been classified as a permanent drop, the department shall keep a record of his or her hours and credits for a period of two years from the last date upon which the student attended school. If, after two years, the student has not reenrolled in a school of cosmetology or school of electrology in Nebraska or transferred his or her hours and credits to a school in another state, all hours and credits earned by the student shall be declared void;

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

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

Sec. 44. Section 71-3,145, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,145. Any student may appeal a determination of a school of cosmetology or school of electrology regarding his or her transfer status, hours, or credits to the board.

Sec. 45. Section 71-3,147, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,147. Each school license issued under the Nebraska Cosmetology Act and each school license in effect upon July 17, 1986, shall expire and be subject to renewal on December 31, 1987, and on December 31 of each odd-numbered year thereafter. The procedure for renewing a school license shall be identical to that for renewing a salon license except that, in addition to all other requirements, the school of cosmetology or school of electrology shall receive a satisfactory rating on an accreditation inspection conducted by the board and the department, in consultation with the State Department of Education, within the six months immediately prior to the date of license renewal.

Any school of cosmetology or school of electrology which has current accreditation from a national accrediting organization approved by the board shall be considered to satisfy the accreditation requirements outlined in this section, except that successful completion of an operation inspection shall be required. Each school of cosmetology or school of electrology, whether or not it is nationally accredited, shall satisfy all curriculum and sanitation requirements outlined in the Nebraska Cosmetology Act to maintain its license.

Any school not able to meet the requirements for license renewal shall have its license placed on inactive status until all deficiencies have been corrected, and the school shall not operate in any manner during the time its license is inactive. If the deficiencies are not corrected within six months of the date of license renewal, the license may be revoked unless the board approves an extension of the time limit. The license of a school that has been revoked or lapsed for any reason shall not be reinstated. An original application for licensure shall be submitted and approved before such school may reopen.

Sec. 46. Section 71-3,150, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,150. The owner of each school of cosmetology or school of electrology shall have full responsibility for ensuring that the school is operated in compliance with all applicable laws and rules and regulations and shall be liable for any and all violations occurring in the school. Each school of cosmetology shall be operated by a manager who shall hold an active instructor's license and who shall be present on the premises of the school no less than thirty-five hours each week. Each manager of a school of electrolysis shall hold an active electrology instructor's license and shall be present on the premises of the school no less than thirty-five hours each week. The manager may have responsibility for the daily operation of the school or satellite classroom and, if so, shall share with the owner liability for any and all violations occurring in the satellite classroom.

Sec. 47. Section 71-3,159, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,159. (1) Practice outside a licensed cosmetology establishment

shall be permitted in the following circumstances:

(a) ~~(1)~~ A registered cosmetician may apply cosmetics or skin care products within the scope of such activity permitted a cosmetician in the home of a client or customer; and

(b) ~~(2)~~ A licensed cosmetology salon or skin care salon may employ licensed cosmetologists and estheticians, according to the licensed activities of the salon, to perform home services by meeting the following requirements:

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

(ii) ~~(b)~~ Any person seeking a home services permit shall submit an application to the department. The application shall be on such forms and shall contain such information as the department and the board may require. A complete application shall be received by the department at least ten days before the proposed date for beginning home services. Along with the application the applicant shall submit evidence of application for liability insurance or bonding.

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

(3) Any licensed electrology establishment may have its licensed electrologist make calls outside of its establishment if the licensed establishment holds a home services permit for electrology from the department to do so. Any establishment seeking such a permit shall submit an application to the department on a form supplied by the department. Such application shall contain such information as the department may require. A complete application shall be received by the department at least ten days before the proposed date for beginning home services.

Sec. 48. Section 71-3,160, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,160. In order to maintain in good standing or renew its home services permit or home services permit for electrology, a salon or electrology establishment shall at all times operate in accordance with all requirements for operation of a salon, maintain its salon license in good standing, and comply with the following requirements:

(1) Clients receiving home services shall be in emergency circumstances which shall generally be defined as any condition sufficiently immobilizing to prevent the client from leaving his or her residence regularly to conduct routine affairs of daily living such as grocery shopping, visiting friends and relatives, attending social events, attending worship services, and other similar activities. Emergency circumstances may include such conditions or situations as:

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

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

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

(d) Having sole responsibility for the care of an invalid dependent requiring constant attention; or

(e) Any other conditions that, in the opinion of the board, meet the general definition of emergency circumstances;

(2) The salon or electrology establishment shall determine that each person receiving home services meets the requirements of subdivision (1) of this section and shall:

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

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

(3) The salon or electrology establishment shall employ or contract with persons licensed under the Nebraska Cosmetology Act to provide home services and shall not permit any person to perform any home services under its authority for which he or she is not licensed;

(4) Each salon or electrology establishment holding a home services permit or home services permit for electrology shall report to the department every six months, as directed by the department, on the current status of each home services client;

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

(6) Each salon or electrology establishment providing home services shall post a daily itinerary for each licensee providing home services. The kit for each licensee shall be available for inspection at the salon or at the

home of the client receiving services.

Sec. 49. Section 71-3,162, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,162. No licensee may perform home services except when employed by or under contract to a salon or electrology establishment holding a valid home services permit or a valid home services permit for electrology.

Sec. 50. Section 71-3,163, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,163. Each home services permit or home services permit for electrology shall be subject to renewal at the same time as the salon or electrology establishment license and shall be renewed upon request of the permitholder if the salon or electrology establishment is operating its home services in compliance with the Nebraska Cosmetology Act and if the salon or electrology establishment license is renewed. No permit that has been revoked or lapsed may be reinstated or transferred to another owner or location.

Sec. 51. Section 71-3,164, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,164. The owner of each salon or electrology establishment holding a home services permit or home services permit for electrology shall have full responsibility for ensuring that the home services are provided in compliance with all applicable laws and rules and regulations and shall be liable for any violations which occur.

Sec. 52. Section 71-3,169, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,169. (1) The department shall conduct inspections as required by the Nebraska Cosmetology Act. Two types of inspections shall be conducted to be known as operation inspections and accreditation inspections. An operation inspection shall be conducted to ascertain that an establishment is operating in full compliance with all laws, rules, and regulations. An accreditation inspection shall be conducted to accomplish the purposes of an operation inspection and to ascertain that a school of cosmetology, a school of electrology, or an apprentice salon is maintaining academic standards and requirements of a quality consistent with the purpose of the Nebraska Cosmetology Act. All accreditation inspections shall be announced at least two weeks prior to the actual inspection.

(2) The board and the department shall adopt and promulgate rules and regulations governing the standards and criteria to be used in the conduct of inspections, the rating system to be used, and the level of achievement necessary to receive a passing grade.

(3) Operation inspections shall be unannounced and shall be conducted during the normal working hours of the establishment. The inspector shall make every effort to gather the information he or she needs to complete the operation inspection in an inconspicuous manner.

(4) At the conclusion of the inspection, the owner or manager of the establishment shall receive a copy of the rating form, which shall be promptly displayed, and a verbal statement of any deficiencies noted.

Sec. 53. Section 71-3,174, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,174. (1) Persons and establishments holding licenses, registrations, or permits under the Nebraska Cosmetology Act shall be subject to the disciplinary actions described in section 71-155 and in sections 71-3,170 to 71-3,173 upon the finding by the director that a violation has occurred.

(2) A person not holding a license, registration, or permit under the Nebraska Cosmetology Act shall, upon conviction of violation of such act, except as specific penalties are otherwise imposed, be guilty of a Class II misdemeanor. Any such person convicted of a second violation of the Nebraska Cosmetology Act, except as specific penalties are otherwise imposed, shall be guilty of a Class I misdemeanor.

(3) Any person engaging in any of the practices of cosmetology or operating a cosmetology establishment or engaging in the practice of electrology or operating an electrology establishment without being duly licensed or registered under the Nebraska Cosmetology Act, any person engaging in the provision of home services without having complied with such act, or any person found to be acting in violation of the Nebraska Cosmetology Act may be restrained by a temporary or permanent injunction.

Sec. 54. Section 71-3,177, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,177. Each of the following may be considered an act of unprofessional conduct when committed by a person licensed or registered under the Nebraska Cosmetology Act:

(1) Performing any of the practices of cosmetology or electrology

for which an individual is not licensed or registered;

(2) Obstructing, interfering, or failing to cooperate with an inspection or investigation conducted by an authorized representative of the department when acting in accordance with the Nebraska Cosmetology Act;

(3) Failing to report to the department a suspected violation of the Nebraska Cosmetology Act;

(4) Aiding and abetting an individual to practice any of the practices of cosmetology or electrology for which he or she is not licensed or registered;

(5) Engaging in any of the practices of cosmetology or electrology for compensation in an unauthorized location;

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

(7) Enrolling a student or apprentice without submitting a complete student entrance notification to the department;

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

(9) Initiating or continuing home services to a client who does not meet the criteria established in the Nebraska Cosmetology Act;

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

(11) Failing, by a school of cosmetology, a school of electrology, or an apprentice salon, to follow its published rules;

(12) Violating, by a school of cosmetology or school of electrology, any federal or state law involving the operation of a vocational school or violating any federal or state law involving participation in any federal or state loan or grant program;

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

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

(15) Engaging in any of the practices of cosmetology or electrology while afflicted with any active case of a serious contagious disease, infection, or infestation, as determined by the department, or in any other circumstances when such practice might be harmful to the health or safety of clients.

Sec. 55. Section 71-3,179, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,179. The department, with the assistance of the board, shall adopt and promulgate all rules, regulations, and guidelines necessary for the administration of the Nebraska Cosmetology Act. In particular, the department shall adopt and promulgate the following rules and regulations:

(1) Minimum standards governing the licensure, relicensure, and discipline of licensees;

(2) Operation of schools of cosmetology, schools of electrology, and apprentice salons, including standards and requirements governing application, curriculum, course of study, hours and credits, staff and faculty, student admission and registration, student instructor and apprentice admission and registration, instruction and supervision, textbooks, transfers, examinations, grading and evaluation, graduation requirements, records, reporting requirements, sanitation, attire, school and salon rules and policies, smoking, subject content, lesson plans, methods of counting and recording hours and credits, library facilities, space requirements, teaching equipment and apparatus, supplies, organization and administration, transfer of location, closing a school, change of ownership or location, scheduling of courses, class size, ratio of instructors to students, clinical experience requirements and locations, inspections, license renewal procedures and requirements, and any other related areas;

(3) Minimum standards governing the licensure, relicensure, discipline of licensees, and operation of satellite classrooms, including movement of students among satellite classrooms and home schools, location of records, ratio of students to instructors, inspections, reporting requirements, and any other related areas;

(4) Minimum standards governing the licensure, relicensure, discipline of licensees, and operation of cosmetology salons and skin care salons, including standards and requirements governing space, facilities, equipment, hours of operation, cleanliness and sanitation, smoking, laundry, storage facilities, instruments, implements, materials and supplies, methods and particular aspects of sanitizing, pets, toilet facilities, water, client files, employment and supervision of temporary practitioners, practices permitted, application, inspection, sale or change of ownership, closing a



salon, records, reporting requirements, license renewal standards and procedures, and any other related areas;

(5) Situations constituting a conflict of interest for board members and procedures for dealing with such situations;

(6) Procedures for the conduct and grading of examinations and performance standards for examinations;

(7) Minimum standards governing the licensure, relicensure, discipline of licensees, and operation of cosmetic establishments including type and amount of instruction provided to cosmeticians or electrologists, safety and sanitary procedures and standards, application, inspection, reporting requirements, license renewal standards and procedures, and any other related areas;

(8) Minimum standards governing the registration, expiration, discipline, and practice of cosmeticians, electrologists, guest artists, students, apprentices, student instructors, and temporary practitioners, including application, supervision, type of training received, locations of practice, reporting requirements, grounds for discipline, and any other related areas;

(9) Criteria and standards for the approval and classification of continuing education programs, including reviewers, material required of applicants, fees, qualifications of presenters, content of programs, verification of programs as approved, verification of hours as reported by licensees, application, nonattendance programs, exemptions, and any other related areas;

(10) Criteria and standards to be used in the conduct of inspections and procedures to be used in the conduct of inspections and investigations, including rating systems, level of achievement necessary to receive a passing grade, conduct of inspections and investigations, and any other related areas;

(11) Minimum standards governing the granting, discipline of, and renewal of home services permits or home services permits for electrology and the provisions of home services; and

(12) Acts constituting unprofessional conduct on the part of licensed and registered practitioners and licensed establishments.

Sec. 56. Original sections 71-340 to 71-343, 71-362, 71-364, 71-368, 71-371, 71-376, 71-377, 71-381, 71-386, 71-387, 71-389, 71-390, 71-392, 71-394, 71-395, 71-396, 71-3,102, 71-3,105 to 71-3,107, 71-3,109, 71-3,110, 71-3,117, 71-3,137, 71-3,139 to 71-3,141, 71-3,145, 71-3,147, 71-3,150, 71-3,159, 71-3,160, 71-3,162 to 71-3,164, 71-3,169, 71-3,174, 71-3,177, and 71-3,179, Reissue Revised Statutes of Nebraska, and sections 71-374, 71-382, and 71-397, Revised Statutes Supplement, 1994, are repealed.