

## LEGISLATIVE BILL 22

Approved by the Governor February 2, 1971

Introduced by C. W. Holmquist, 16th District

AN ACT to amend section 71-208.02, Reissue Revised Statutes of Nebraska, 1943, and section 71-313, Revised Statutes Supplement, 1969, relating to public health; to correct internal references; and to repeal the original sections.

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

Section 1. That section 71-208.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-208.02. (1) Except as provided in subsection ~~(2)~~ (3) of this section, after January 1, 1966, all instruction in barber schools shall be conducted by registered barber instructors or a registered assistant instructor. No person shall be eligible for registration as a barber instructor until he has completed at least two years of college preparation, which shall consist of a minimum of sixty hours earned college credit, or the equivalent thereof, as established by the State Department of Education, which academic work shall be in the humanities, social and natural sciences, business administration, and general methods of education, as specified by the rules and regulations of the board, been actively engaged as a registered barber for at least five years immediately preceding application for registration, passed an examination prescribed by the Board of Barber Examiners, and paid the fees prescribed by section 71-219. One registered barber instructor or assistant instructor shall be employed for each ten students enrolled in the school.

(2) Each barber school shall be permitted one assistant instructor, who shall instruct under the supervision of a registered barber instructor. Each assistant instructor shall be permitted supervision of ten students. The following shall be eligible for registration as assistant instructors: (a) Persons who have been registered as a barber for five years, who are enrolled in college and are credited with not less than six credit hours each semester, in courses specified by rules and regulations of the board; or (b) persons who have completed sixty credit hours, approved by the

board, in a college, and have been registered as a barber for at least three years. A report of college credits earned pursuant to subdivision (a) of this subsection shall be submitted to the board at the end of each college semester. Any assistant instructor registered under the provisions of subdivision (a) of this subsection who fails to maintain the educational advancement program shall have his assistant instructor license voided. College entrance shall begin at the first regular college registration date after acceptance by the board as an assistant instructor.

(3) Each barber school shall employ a licensed physician or registered nurse to give at least one hour instruction per week in sanitation, anatomy, skin diseases, and other subjects requiring specialized medical knowledge.

Sec. 2. That section 71-313, Revised Statutes Supplement, 1969, be amended to read as follows:

71-313. As used in sections 71-313 to 71-339, unless the context otherwise requires:

(1) Cosmetology shall mean any one or combination of practices generally and usually performed by, and known as the occupation of beauty culturists, cosmetologists, hairdressers, or of any other person holding himself out as practicing cosmetology by whatever designation and within the meaning of sections 71-313 to 71-339 and in and upon whatever place or premises, and in particular cosmetology shall mean but not be limited to the following practices, or any one or combination thereof: Arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, or similar work, upon the hair, wig, wiglet, or hair piece of any person by any means, with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, hands, or manicuring the nails of any person; Provided, that nothing in this section shall be interpreted to prevent individuals licensed pursuant to sections-71-204-to--74-339 Chapter 71, articles 2 and 3 from arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, or doing similar work, upon the hair, wig, wiglet, or hair piece of any person by any means, with hands or mechanical or electrical apparatus or appliances:

(2) Cosmetologist shall mean any person, not an

apprentice or a student, following or practicing cosmetology, and who shall have the qualifications provided by sections 71-313 to 71-339 for a cosmetologist;

(3) Managing cosmetologist shall mean a cosmetologist who conducts and manages a beauty salon or school of cosmetology and who shall have the qualifications provided by sections 71-313 to 71-339 for managing cosmetologists;

(4) Manicurist shall mean any person who engages only in the practice of manicuring the nails of any person;

(5) Demonstrator shall mean any person who possesses the qualifications of a cosmetologist but who limits his practice to the performing of cosmetological operations upon persons provided for the purpose of being the subjects or models upon whom demonstrations of such practices are to be performed, such demonstrations to be performed before groups of apprentices, students, cosmetologists, instructors, demonstrators, salon owners or school owners, or any combination thereof;

(6) Apprentice shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a salon registered or licensed under sections 71-313 to 71-339;

(7) Student shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a school registered or licensed under sections 71-313 to 71-339 under the instruction or immediate supervision of an instructor, licensed as such under section 71-313 to 71-339;

(8) Instructor shall mean any person who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly registered school of cosmetology;

(9) Student instructor shall mean a cosmetologist who is receiving instruction in instructor's training in a duly registered school of cosmetology and who shall have the qualifications provided by sections 71-313 to 71-339 for a student instructor;

(10) Beauty salon shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetological or beauty salon or establishment or whether the person practicing cosmetology therein holds himself out as a cosmetologist or beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein;

(11) School of cosmetology shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students but not including a beauty salon within the meaning of sections 71-313 to 71-339;

(12) Place of cosmetology shall mean such place wherein or whereupon cosmetology is practiced on the members of the general public for compensation; and such place wherein or whereupon cosmetology is taught to students shall hereinafter be considered as a school of cosmetology, and any appropriate name herein mentioned may be used for either such beauty salon or for such school of cosmetology, respectively, but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty salon or school of cosmetology, as the case may be, within the meaning of sections 71-313 to 71-339. Either of such establishments shall be entirely distinct and permanently separated from any living quarters and have a separate entrance entering into such establishment;

(13) Board shall mean the Board of Cosmetologist Examiners, as provided for in section 71-316;

(14) Director shall mean the Director of Health for the Department of Health of the State of Nebraska;

(15) Department shall mean the Department of Health of the State of Nebraska; and

(16) Person shall mean any individual, firm, copartnership, corporation, company, association, or joint stock association; and includes any trustee, receiver, assignee or personal representative thereof.

Sec. 3. That original section 71-208.02, Reissue Revised Statutes of Nebraska, 1943, and section 71-313, Revised Statutes Supplement, 1969, are repealed.