

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 790**

Introduced by Ebke, 32.

Read first time January 04, 2018

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics,
- 2 Nail Technology, and Body Art Practice Act; to amend sections
- 3 38-1001, 38-1004, 38-1017, 38-1036, and 71-203, Reissue Revised
- 4 Statutes of Nebraska; to define and redefine terms; to provide for
- 5 licensure of mobile cosmetology salons and mobile nail technology
- 6 salons; to harmonize provisions; to provide an operative date; and
- 7 to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1001, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 38-1001 Sections 38-1001 to 38-10,171 and sections 4, 5, and 7 to 22  
4 of this act shall be known and may be cited as the Cosmetology,  
5 Electrology, Esthetics, Nail Technology, and Body Art Practice Act.

6 Sec. 2. Section 38-1004, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 38-1004 For purposes of the Cosmetology, Electrology, Esthetics,  
9 Nail Technology, and Body Art Practice Act and elsewhere in the Uniform  
10 Credentialing Act, unless the context otherwise requires, the definitions  
11 found in sections 38-1005 to 38-1056 and sections 4 and 5 of this act  
12 apply.

13 Sec. 3. Section 38-1017, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

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

22 Sec. 4. Mobile cosmetology salon means a self-contained, enclosed  
23 mobile unit licensed under the Cosmetology, Electrology, Esthetics, Nail  
24 Technology, and Body Art Practice Act as a mobile site for the  
25 performance of the practices of cosmetology by persons licensed or  
26 registered under the act.

27 Sec. 5. Mobile nail technology salon means a self-contained,  
28 enclosed mobile unit licensed under the Cosmetology, Electrology,  
29 Esthetics, Nail Technology, and Body Art Practice Act to serve as a  
30 mobile site for the performance of the practices of nail technology by  
31 persons licensed or registered under the act.

1           Sec. 6. Section 38-1036, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           38-1036 Nail technology establishment means a nail technology salon,  
4 a mobile nail technology salon, a nail technology school, or any other  
5 place in which the practices of nail technology are performed on members  
6 of the general public for compensation or in which instruction or  
7 training in the practices of nail technology is given, except when such  
8 practices constitute nonvocational training.

9           Sec. 7. In order to be licensed as a mobile cosmetology salon by  
10 the department, an applicant shall meet, and present to the department  
11 evidence of meeting, the following requirements:

12           (1) The proposed salon is a motor home as defined in section  
13 71-4603;

14           (2) The salon is clearly identified as such to the public by a sign;

15           (3) The salon complies with the sanitary requirements of the  
16 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
17 Practice Act;

18           (4) The entrance into the proposed salon used by the general public  
19 provides safe access by the public;

20           (5) The proposed salon has at least one hundred fifty square feet of  
21 floor space. If more than one practitioner is to be employed in the salon  
22 at the same time, the salon shall contain an additional space of at least  
23 fifty square feet for each additional practitioner;

24           (6) The proposed salon includes a functional sink and toilet  
25 facilities and maintains an adequate supply of clean water and waste  
26 water storage capacity; and

27           (7) The proposed salon shall meet the requirements of the Uniform  
28 Standard Code for Manufactured Homes and Recreational Vehicles and the  
29 rules and regulations adopted and promulgated under the act.

30           Sec. 8. Any person seeking a license to operate a mobile  
31 cosmetology salon shall submit a completed application at least thirty

1 days before remodeling of the motor home proposed for use is scheduled to  
2 begin. If no remodeling is planned, the application shall be submitted at  
3 least thirty days before the proposed opening of the salon for operation.

4 Along with the application the applicant shall submit:

5 (1) A detailed floor plan or blueprint of the proposed salon  
6 sufficient to demonstrate compliance with the requirements of section 7  
7 of this act;

8 (2) Evidence of minimal property damage, bodily injury, and  
9 liability insurance coverage for the proposed salon; and

10 (3) Evidence of insurance coverage which meets the requirements of  
11 the Motor Vehicle Registration Act for the salon.

12 Sec. 9. Each application for a license to operate a mobile  
13 cosmetology salon shall be reviewed by the department for compliance with  
14 the requirements of the Cosmetology, Electrology, Esthetics, Nail  
15 Technology, and Body Art Practice Act. If an application is denied, the  
16 applicant shall be informed in writing of the grounds for denial, and  
17 such denial shall not prejudice future applications by the applicant. If  
18 an application is approved, the department shall issue the applicant a  
19 certificate of consideration to operate a mobile cosmetology salon  
20 pending an operation inspection. The department shall conduct an  
21 operation inspection of each salon issued a certificate of consideration  
22 within six months after the issuance of such certificate. A salon which  
23 passes the inspection shall be issued a permanent license. A salon which  
24 fails the inspection shall submit within fifteen days evidence of  
25 corrective action taken to improve those aspects of operation found  
26 deficient. If evidence is not submitted within fifteen days or if after a  
27 second inspection the salon does not receive a satisfactory rating, it  
28 shall immediately relinquish its certificate of consideration and cease  
29 operation.

30 Sec. 10. In order to maintain its license in good standing, each  
31 mobile cosmetology salon shall operate in accordance with the following

1 requirements:

2 (1) The salon 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 the act;

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

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

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

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

21 (6) The salon shall display in a conspicuous place the following  
22 records:

23 (a) The current license or certificate of consideration to operate a  
24 salon;

25 (b) The current licenses or registrations of all persons employed by  
26 or working in the salon; and

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

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

31 (8) No cosmetology services may be performed in a salon while the

1 salon is moving. The salon must be safely and legally parked in a legal  
2 parking space at all times while clients are present inside the salon;

3 (9) The owner of the salon shall maintain a permanent business  
4 address at which correspondence from the department may be received and  
5 records of appointments, itineraries, license numbers, and vehicle  
6 identification numbers shall be kept for each salon being operated by the  
7 owner. The owner shall make such records available for verification and  
8 inspection by the department; and

9 (10) The salon shall not knowingly permit its employees or clients  
10 to use, consume, serve, or in any manner possess or distribute  
11 intoxicating beverages or controlled substances upon its premises.

12 Sec. 11. The procedure for renewing a mobile cosmetology salon  
13 license shall be in accordance with section 38-143, except that in  
14 addition to all other requirements, the salon shall submit evidence of  
15 minimal property damage, bodily injury, and liability insurance coverage  
16 for the salon and evidence of coverage which meets the requirements of  
17 the Motor Vehicle Registration Act for the salon.

18 Sec. 12. The license of a mobile cosmetology salon that has been  
19 revoked or expired for any reason shall not be reinstated. An original  
20 application for licensure shall be submitted and approved before such  
21 salon may reopen for business.

22 Sec. 13. Each mobile cosmetology salon license issued shall be in  
23 effect solely for the owner or owners and motor home named thereon and  
24 shall expire automatically upon any change of ownership or motor home. An  
25 original application for licensure shall be submitted and approved before  
26 such salon may reopen for business.

27 Sec. 14. The owner of each mobile cosmetology salon shall have full  
28 responsibility for ensuring that the salon is operated in compliance with  
29 all applicable laws, rules, and regulations and shall be liable for any  
30 and all violations occurring in the salon.

31 Sec. 15. In order to be licensed as a mobile nail technology salon

1 by the department, an applicant shall meet, and present to the department  
2 evidence of meeting, the following requirements:

3 (1) The proposed salon is a motor home as defined in section  
4 71-4603;

5 (2) The salon is clearly identified as such to the public by a sign;

6 (3) The salon complies with the sanitary requirements of the  
7 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
8 Practice Act;

9 (4) The entrance into the proposed salon used by the general public  
10 provides safe access by the public;

11 (5) The proposed salon has at least one hundred fifty square feet of  
12 floor space. If more than one practitioner is to be employed in the salon  
13 at the same time, the salon shall contain an additional space of at least  
14 fifty square feet for each additional practitioner;

15 (6) The proposed salon includes a functional sink and toilet  
16 facilities and maintains an adequate supply of clean water and waste  
17 water storage capacity; and

18 (7) The proposed salon shall meet the requirements of the Uniform  
19 Standard Code for Manufactured Homes and Recreational Vehicles and the  
20 rules and regulations adopted and promulgated under the act.

21 Sec. 16. Any person seeking a license to operate a mobile nail  
22 technology salon shall submit a completed application at least thirty  
23 days before remodeling of the motor home proposed for use is scheduled to  
24 begin. If no remodeling is planned, the application shall be submitted at  
25 least thirty days before the proposed opening of the salon for operation.  
26 Along with the application the applicant shall submit:

27 (1) A detailed floor plan or blueprint of the proposed salon  
28 sufficient to demonstrate compliance with the requirements of section 15  
29 of this act;

30 (2) Evidence of minimal property damage, bodily injury, and  
31 liability insurance coverage for the proposed salon; and

1           (3) Evidence of insurance coverage which meets the requirements of  
2 the Motor Vehicle Registration Act for the salon.

3           Sec. 17. Each application for a license to operate a mobile nail  
4 technology salon shall be reviewed by the department for compliance with  
5 the requirements of the Cosmetology, Electrology, Esthetics, Nail  
6 Technology, and Body Art Practice Act. If an application is denied, the  
7 applicant shall be informed in writing of the grounds for denial, and  
8 such denial shall not prejudice future applications by the applicant. If  
9 an application is approved, the department shall issue the applicant a  
10 certificate of consideration to operate a mobile nail technology salon  
11 pending an operation inspection. The department shall conduct an  
12 operation inspection of each salon issued a certificate of consideration  
13 within six months after the issuance of such certificate. A salon which  
14 passes the inspection shall be issued a permanent license. A salon which  
15 fails the inspection shall submit within fifteen days evidence of  
16 corrective action taken to improve those aspects of operation found  
17 deficient. If evidence is not submitted within fifteen days or if after a  
18 second inspection the salon does not receive a satisfactory rating, it  
19 shall immediately relinquish its certificate of consideration and cease  
20 operation.

21           Sec. 18. In order to maintain its license in good standing, each  
22 mobile nail technology salon shall operate in accordance with the  
23 following requirements:

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

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



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

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

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

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

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

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

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

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

22       (8) No nail technology services may be performed in a salon while  
23 the salon is moving. The salon must be safely and legally parked in a  
24 legal parking space at all times while clients are present inside the  
25 salon;

26       (9) The owner of the salon shall maintain a permanent business  
27 address at which correspondence from the department may be received and  
28 records of appointments, itineraries, license numbers, and vehicle  
29 identification numbers shall be kept for each salon being operated by the  
30 owner. The owner shall make such records available for verification and  
31 inspection by the department; and

1       (10) The salon shall not knowingly permit its employees or clients  
2 to use, consume, serve, or in any manner possess or distribute  
3 intoxicating beverages or controlled substances upon its premises.

4       Sec. 19. The procedure for renewing a mobile nail technology salon  
5 license shall be in accordance with section 38-143, except that in  
6 addition to all other requirements, the salon shall submit evidence of  
7 minimal property damage, bodily injury, and liability insurance coverage  
8 for the salon and evidence of coverage which meets the requirements of  
9 the Motor Vehicle Registration Act for the salon.

10       Sec. 20. The license of a mobile nail technology salon that has  
11 been revoked or expired for any reason shall not be reinstated. An  
12 original application for licensure shall be submitted and approved before  
13 such salon may reopen for business.

14       Sec. 21. Each mobile nail technology salon license issued shall be  
15 in effect solely for the owner or owners and motor home named thereon and  
16 shall expire automatically upon any change of ownership or motor home. An  
17 original application for licensure shall be submitted and approved before  
18 such salon may reopen for business.

19       Sec. 22. The owner of each mobile nail technology salon shall have  
20 full responsibility for ensuring that the salon is operated in compliance  
21 with all applicable laws, rules, and regulations and shall be liable for  
22 any and all violations occurring in the salon.

23       Sec. 23. Section 71-203, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25       71-203 The following persons are exempt from the Barber Act while in  
26 the proper discharge of their professional or occupational duties: (1)  
27 Persons authorized by the laws of this state to practice medicine and  
28 surgery; (2) commissioned medical or surgical officers of the United  
29 States military services; (3) registered or licensed practical nurses;  
30 and (4) persons engaged in operating or employed in cosmetology  
31 establishments salons, except that nothing contained in this section

1 shall authorize a cosmetologist to perform barbering as defined in  
2 section 71-202 in any licensed barber shop.

3       Sec. 24. This act becomes operative on January 1, 2019.

4       Sec. 25. Original sections 38-1001, 38-1004, 38-1017, 38-1036, and  
5 71-203, Reissue Revised Statutes of Nebraska, are repealed.