

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 794

Introduced by Riepe, 12.

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 38-1086 and 38-10,142, Reissue Revised Statutes of Nebraska; to
- 4 change provisions relating to intoxicating beverages in salons; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1086, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1086 In order to maintain its license in good standing, each
4 salon shall operate in accordance with the following requirements:

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

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

13 (3) No salon shall permit any unlicensed or unregistered person to
14 perform any of the practices of cosmetology within its confines or
15 employment;

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

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

24 (6) The salon shall display in a conspicuous place the following
25 records:

26 (a) The current license or certificate of consideration to operate a
27 salon;

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

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

31 (7) At no time shall a salon employ more employees than permitted by

1 the square footage requirements of the Cosmetology, Electrology,
2 Esthetics, Nail Technology, and Body Art Practice Act; ~~and~~

3 (8) The salon shall not knowingly permit its employees ~~or clients~~ to
4 use, or consume, serve, or in any manner possess or distribute
5 intoxicating beverages ~~or controlled substances~~ upon its premises; and -

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

9 Sec. 2. Section 38-10,142, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-10,142 In order to maintain its license in good standing, each
12 nail technology salon shall operate in accordance with the following
13 requirements:

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

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

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

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

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

1 all personnel, and all records requested by the inspector;

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

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

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

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

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

11 (8) The nail technology salon shall not knowingly permit its
12 employees ~~or clients~~ to use, ~~or consume, serve, or in any manner possess~~
13 ~~or distribute~~ intoxicating beverages ~~or controlled substances~~ upon its
14 premises; ~~and -~~

15 (9) The nail technology salon shall not knowingly permit its
16 employees or clients to use, consume, serve, or in any manner possess or
17 distribute controlled substances upon its premises.

18 Sec. 3. Original sections 38-1086 and 38-10,142, Reissue Revised
19 Statutes of Nebraska, are repealed.