

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 607

Introduced by Kolterman, 24.

Read first time January 23, 2019

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 38-1008, 38-1033, 38-1035, 38-1037, 38-1040, 38-1041, 38-1044,
4 38-1053, 38-1054, 38-1055, 38-1060, 38-1064, 38-10,167, and
5 38-10,169, Reissue Revised Statutes of Nebraska, and sections
6 38-1001, 38-1004, 38-1061, 38-1062, 38-1066, 38-1067, 38-1069,
7 38-1075, 38-10,128, and 38-10,171, Revised Statutes Cumulative
8 Supplement, 2018; to define and redefine terms; to change provisions
9 relating to permanent color technology and licensure by examination;
10 to provide for registration of a guest body artist and licensure of
11 a temporary body art facility and a nail technology apprentice
12 salon; to harmonize provisions; and to repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1001, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 38-1001 Sections 38-1001 to 38-10,171 and sections 4, 7, 8, 12, 17,
4 25, 27, 28, and 30 to 36 of this act shall be known and may be cited as
5 the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
6 Practice Act.

7 Sec. 2. Section 38-1004, Revised Statutes Cumulative Supplement,
8 2018, is amended to read:

9 38-1004 For purposes of the Cosmetology, Electrology, Esthetics,
10 Nail Technology, and Body Art Practice Act and elsewhere in the Uniform
11 Credentialing Act, unless the context otherwise requires, the definitions
12 found in sections 38-1005 to 38-1056 and sections 4, 7, 8, 12, and 17 of
13 this act apply.

14 Sec. 3. Section 38-1008, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-1008 Body art means body piercing, branding, permanent cosmetic
17 tattooing ~~color technology~~, and tattooing.

18 Sec. 4. Guest body artist means a person temporarily registered
19 under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body
20 Art Practice Act to perform body art under the sponsorship of a licensed
21 body art facility or a person licensed under the act to perform body art.

22 Sec. 5. Section 38-1033, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-1033 Manicuring means the practice of performing any or all of
25 the acts of cutting, filing, buffing, shaping, trimming, polishing,
26 coloring, tinting, or ~~cleansing,~~ reshaping on the natural fingernails of
27 a person, or cleansing or other similar cosmetic or sanitary acts on the
28 natural fingernails, hands, or arms below the elbow ~~or toenails~~ of a
29 person but does not include the practice of nail technology.

30 Sec. 6. Section 38-1035, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1035 Nail technology means (1) performing any or all of the acts
2 of manicuring or pedicuring, (2) attaching, applying, fitting, shaping,
3 or adjusting artificial nails using acrylic, resin, fabric, or gel
4 application systems, (3) ~~(2)~~ sanitizing of the nail bed or nail plate by
5 brushing on or spraying material in preparation for attaching, fitting,
6 shaping, or adjusting artificial nails using acrylic, resin, fabric, or
7 gel application systems, (4) ~~(3)~~ cutting, filing, buffing, shaping,
8 trimming, polishing, coloring, tinting, cleansing, reshaping, or other
9 cosmetic acts on the nails of a person when done in conjunction with the
10 activities described in subdivisions (1) through (3) and ~~(2)~~ of this
11 section, (5) ~~(4)~~ the ability to detect infection, fungus, or nail
12 disorders that contraindicate the application of artificial nails or
13 services performed on natural nails, (6) and ~~(5)~~ cleansing, stimulating,
14 manipulating, exercising, exfoliating, using chemicals to safely reduce
15 callused skin, or similar acts on the hands, ~~or~~ feet, arms, or legs of
16 any person when done in conjunction with the activities described in
17 subdivisions (1) through (3) and ~~(2)~~ of this section, and (7) removing
18 polish, acrylic, resin, fabric, or gel from nails. Nail technology does
19 not include cutting nail beds, corns, or calluses or medical treatment
20 involving the feet, hands, or nails.

21 Sec. 7. Nail technology apprentice means a person engaged in the
22 study of the practice of nail technology under the supervision of a nail
23 technology instructor in an apprentice salon or a nail technology
24 apprentice salon.

25 Sec. 8. Nail technology apprentice salon means a cosmetology salon
26 or a nail technology salon licensed under the Cosmetology, Electrology,
27 Esthetics, Nail Technology, and Body Art Practice Act to serve as the
28 site for the teaching of the practices of nail technology to a nail
29 technology apprentice.

30 Sec. 9. Section 38-1037, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1037 Nail technology instructor means a person licensed under the
2 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
3 Practice Act to teach the practices of nail technology in a school of
4 cosmetology, an apprentice salon, a nail technology school, or nail
5 technology apprentice salon.

6 Sec. 10. Section 38-1040, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-1040 Nail technology student means a person engaged in the study
9 of the practices of nail technology under the supervision of a nail
10 technology instructor in a school of cosmetology, an apprentice salon, a
11 nail technology school, or a nail technology apprentice salon.

12 Sec. 11. Section 38-1041, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-1041 Nail technology student instructor means a person engaged in
15 nail technology instructor's training in a school of cosmetology, an
16 apprentice salon, a nail technology school, or a nail technology
17 apprentice salon to teach nail technology students in a school of
18 cosmetology, an apprentice salon, a nail technology school, or a nail
19 technology apprentice salon under the supervision of a nail technology
20 instructor.

21 Sec. 12. Pedicuring means the practice of performing any or all of
22 the acts of cutting, filing, buffing, shaping, trimming, polishing,
23 coloring, tinting, or reshaping on the natural toenails of a person or
24 cleansing or other similar cosmetic or sanitary acts on the natural
25 toenails, feet, or legs below the knee of a person.

26 Sec. 13. Section 38-1044, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-1044 Permanent cosmetic tattooing ~~color~~ technology means the
29 process of tattooing eyebrows, eyelids, lips, and other parts of the body
30 with beauty marks, hair imitation, scar camouflage, or areola
31 repigmentation, whether permanent, semipermanent, or temporary, by a

1 person other than a licensed physician. Cosmetic tattooing includes any
2 procedure referred to as permanent makeup, microdermapigmentation,
3 micropigment implantation, microblading, or dermagraphics ~~by which the~~
4 ~~skin is marked or colored by insertion of nontoxic dyes or pigments into~~
5 ~~or under the subcutaneous portion of the skin upon the body of a live~~
6 ~~human being so as to form indelible marks for cosmetic purposes.~~

7 Sec. 14. Section 38-1053, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-1053 Tattoo means the indelible decorative mark, figure, or
10 design introduced by insertion of ~~nontoxic dyes or pigments~~ into or under
11 the subcutaneous portion of the skin upon the body of a live human being.

12 Sec. 15. Section 38-1054, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-1054 Tattooing means the process by which the skin is marked or
15 colored by insertion of ~~nontoxic dyes or pigments~~ into or under the
16 subcutaneous portion of the skin upon the body of a live human being so
17 as to form indelible marks for decorative or figurative purposes.

18 Sec. 16. Section 38-1055, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-1055 Teaching means the act of imparting and demonstrating
21 knowledge of cosmetology, nail technology, esthetics, or electrology
22 theory and practices to students, nail technology students, nail
23 technology apprentices, or apprentices in an apprentice salon, a school
24 of cosmetology, a nail technology apprentice salon, a nail technology
25 school, or a school of esthetics by an instructor, an esthetics
26 instructor, a nail technology instructor, a nail technology student
27 instructor, or a student instructor for the purpose of preparing the
28 students, nail technology students, nail technology student instructors,
29 nail technology apprentices, or apprentices to engage in the occupations
30 of cosmetology, nail technology, esthetics, or electrology.

31 Sec. 17. Temporary body art facility means any nonmobile, enclosed

1 room or space with a dedicated physical address licensed by the
2 department where body art is performed or where the business of body art
3 is conducted for a period of time of not more than seventy-two
4 consecutive hours in conjunction with a single event.

5 Sec. 18. Section 38-1060, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-1060 (1) No person shall perform any of the practices of body art
8 or display a sign to, or in any other way, advertise or purport to be
9 engaged in the business of practicing body art unless such person is
10 licensed by, or registered as a guest body artist with, the department.

11 (2) An applicant for licensure in any of the practices of body art
12 shall show to the satisfaction of the department that the applicant:

13 (a) Has complied with the Cosmetology, Electrology, Esthetics, Nail
14 Technology, and Body Art Practice Act and the applicable rules and
15 regulations adopted and promulgated under the act;

16 (b) Is at least eighteen years of age;

17 (c) Has completed formal education equivalent to a United States
18 high school education;

19 (d) Has submitted evidence of training or experience prescribed or
20 approved by the board to ensure the protection of the public in
21 performing the practices of body art for which the applicant is seeking
22 licensure; and

23 (e) Has successfully completed an examination prescribed or approved
24 by the board to test the applicant's knowledge of safety, sanitation, and
25 sterilization techniques and infection control practices and
26 requirements.

27 (3) An applicant for temporary registration as a guest body artist
28 shall show to the satisfaction of the department that the applicant:

29 (a) Has complied with the Cosmetology, Electrology, Esthetics, Nail
30 Technology, and Body Art Practice Act and the applicable rules and
31 regulations adopted and promulgated under the act;

1 (b) Is at least eighteen years of age;

2 (c) Is sponsored by a licensed body art facility or a person
3 licensed under the act to perform body art;

4 (d) Has successfully completed a blood-borne pathogen course within
5 the year prior to application;

6 (e) Is licensed or otherwise credentialed as a body artist in good
7 standing in another jurisdiction; and

8 (f) Has applied at least thirty days prior to when the applicant
9 will perform body art in this state.

10 Sec. 19. Section 38-1061, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 38-1061 (1) All practitioners shall be licensed or registered by the
13 department under the Cosmetology, Electrology, Esthetics, Nail
14 Technology, and Body Art Practice Act in a category or categories
15 appropriate to their practice.

16 (2) Licensure shall be required before any person may engage in the
17 full, unsupervised practice or teaching of cosmetology, electrology,
18 esthetics, nail technology, or body art, and no person may assume the
19 title of cosmetologist, electrologist, esthetician, instructor, nail
20 technician, nail technology instructor, esthetics instructor, permanent
21 cosmetic tattoo artist color technician, tattoo artist, body piercer, or
22 body brander without first being licensed by the department.

23 (3) Registration shall be required before any person may engage in
24 the performance of body art or use the title of guest body artist.

25 (4) {3} All licensed practitioners shall practice in an appropriate
26 licensed establishment or facility.

27 Sec. 20. Section 38-1062, Revised Statutes Cumulative Supplement,
28 2018, is amended to read:

29 38-1062 In order to be licensed by the department by examination, an
30 individual shall meet, and present to the department evidence of meeting,
31 the following requirements:

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

3 (2) Has completed formal education equivalent to a United States
4 high school education;

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

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

12 (4) ~~(5)~~ Has graduated from a school of cosmetology or an apprentice
13 salon in or outside of Nebraska, a school of esthetics in or outside of
14 Nebraska, or a school of electrolysis upon completion of a program of
15 studies appropriate to the practices for which licensure is being sought,
16 as evidenced by a diploma or certificate from the school or apprentice
17 salon to the effect that the applicant has complied with the following:

18 (a) For licensure as a cosmetologist, the program of studies shall
19 consist of a minimum of one thousand eight hundred hours;

20 (b) For licensure as an esthetician, the program of studies shall
21 consist of a minimum of six hundred hours;

22 (c) For licensure as a cosmetology instructor, the program of
23 studies shall consist of a minimum of six hundred hours beyond the
24 program of studies required for licensure as a cosmetologist;

25 (d) For licensure as a cosmetology instructor, be currently licensed
26 as a cosmetologist in Nebraska, as evidenced by possession of a valid
27 Nebraska cosmetology license;

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

30 (f) For licensure as an electrology instructor, be currently
31 licensed as an electrologist in Nebraska and have practiced electrology

1 actively for at least two years immediately before the application; and

2 (g) For licensure as an esthetics instructor, completion of a
3 program of studies consisting of a minimum of three hundred hours beyond
4 the program of studies required for licensure as an esthetician and
5 current licensure as an esthetician in Nebraska.

6 Sec. 21. Section 38-1064, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-1064 (1) The board shall approve and the department shall cause
9 examinations to be administered as required for licensure under the
10 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
11 Practice Act for the purpose of establishing the possession of minimum
12 competency in the knowledge and skills required on the part of the
13 applicant.

14 (2) No person shall be permitted to take an examination for
15 licensure unless he or she has met all the requirements of subdivisions
16 (1), (2), and (4) ~~(5)~~ of section 38-1062 except for persons taking the
17 examination under section 38-1067.

18 Sec. 22. Section 38-1066, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:

20 38-1066 (1) The department may grant a license based on licensure in
21 another jurisdiction to any person who meets the requirements of
22 subdivisions (1) and (2) of section 38-1062 and who presents proof of the
23 following:

24 (a) That he or she is currently licensed in the appropriate category
25 in another jurisdiction and that he or she has never been disciplined or
26 had his or her license revoked. An applicant seeking licensure as an
27 instructor in the manner provided in this section shall be licensed as an
28 instructor in another jurisdiction. An applicant seeking licensure as a
29 cosmetologist in the manner provided in this section shall be licensed as
30 a cosmetologist in another jurisdiction. An applicant seeking licensure
31 as an esthetician in the manner provided in this section shall be

1 licensed as a cosmetologist, an esthetician, or an equivalent title in
2 another jurisdiction. An applicant seeking licensure as an esthetics
3 instructor in the manner provided in this section shall be licensed as a
4 cosmetology instructor, esthetics instructor, or the equivalent in
5 another jurisdiction. An applicant seeking licensure as an electrologist
6 or an electrology instructor in the manner provided in this section shall
7 be licensed as an electrologist or an electrology instructor,
8 respectively, in another jurisdiction;

9 (b) That such license was issued on the basis of an examination and
10 the results of the examination. If an examination was not required for
11 licensure in the other jurisdiction, the applicant shall take the
12 Nebraska examination; and

13 (c) That the applicant complies with the hour requirements of
14 subdivision (4) ~~(5)~~ of section 38-1062 through any combination of hours
15 earned as a student or apprentice in a cosmetology establishment licensed
16 or approved by the jurisdiction in which it was located and hour-
17 equivalents granted for recent work experience, with hour-equivalents
18 recognized as follows:

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

22 (ii) Each month of full-time practice as a cosmetologist within the
23 five years immediately preceding application shall be valued as one
24 hundred hour-equivalents toward a cosmetology license;

25 (iii) Each month of full-time practice as an esthetician within the
26 five years immediately preceding application shall be valued as one
27 hundred hour-equivalents toward an esthetician's license;

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

31 and

1 (v) Each month of full-time practice as an electrologist within the
2 five years immediately preceding application shall be valued as one
3 hundred hour-equivalents toward an electrologist's license.

4 (2) An applicant who is a military spouse may apply for a temporary
5 license as provided in section 38-129.01 and may practice under the
6 temporary license without supervision.

7 Sec. 23. Section 38-1067, Revised Statutes Cumulative Supplement,
8 2018, is amended to read:

9 38-1067 (1) Applicants for Nebraska licensure who received their
10 training in foreign countries may not be licensed by waiver of
11 examination except as provided in section 38-129.01. In order to be
12 considered eligible to take the examination, they shall meet the
13 requirements of subdivisions (1) and (2) of section 38-1062 and, in order
14 to establish equivalency with subdivision (4) ~~(5)~~ of section 38-1062,
15 shall present proof satisfactory to the department of one of the
16 following:

17 (a) Current licensure or equivalent official recognition of the
18 right to practice in a foreign country; or

19 (b) At least five years of practice within the eight years
20 immediately preceding the application.

21 (2) In all cases such applicants shall take the examination for
22 licensure in the State of Nebraska.

23 Sec. 24. Section 38-1069, Revised Statutes Cumulative Supplement,
24 2018, is amended to read:

25 38-1069 A license as a temporary practitioner shall be required
26 before any person may act as a temporary practitioner, and no person
27 shall assume any title indicative of being a temporary practitioner
28 without first being so licensed by the department under the Cosmetology,
29 Electrology, Esthetics, Nail Technology, and Body Art Practice Act.
30 Registration shall be required before any person may act as a guest body
31 artist, and no person shall assume the title of guest body artist without

1 first being registered with the department under the Cosmetology,
2 Electrology, Esthetics, Nail Technology, and Body Art Practice Act.

3 Sec. 25. The department shall register a guest body artist for no
4 more than fourteen consecutive calendar days, which may be renewed up to
5 two times per calendar year.

6 Sec. 26. Section 38-1075, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 38-1075 The Cosmetology, Electrology, Esthetics, Nail Technology,
9 and Body Art Practice Act does not apply to or restrict the activities of
10 the following:

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

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

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

16 (4) Any person when engaged in domestic or charitable
17 administration;

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

21 (6) Any person practicing cosmetology, electrology, esthetics, or
22 nail technology within the confines of a hospital, nursing home, massage
23 therapy establishment, funeral establishment, or other similar
24 establishment or facility licensed or otherwise regulated by the
25 department, except that no unlicensed person may accept compensation for
26 such practice;

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

28 (8) Any retail or wholesale establishment or any person engaged in
29 the sale of cosmetics, nail technology products, or other beauty products
30 when the products are applied by the customer or when the application of
31 the products is in direct connection with the sale or attempted sale of

1 such products at retail;

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

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

6 ~~(11) Any person or licensee engaged in the practice or teaching of~~
7 ~~manicuring;~~

8 ~~(11)~~ ~~(12)~~ Any person or licensee engaged in the practice of airbrush
9 tanning or temporary, nonpermanent airbrush tattooing; and

10 ~~(12)~~ ~~(13)~~ Any person applying cosmetics.

11 Sec. 27. No person shall establish or operate a temporary body art
12 facility in this state unless such facility is licensed by the department
13 under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body
14 Art Practice Act.

15 Sec. 28. The department shall not issue a license for a temporary
16 body art facility until all applicable requirements of the Cosmetology,
17 Electrology, Esthetics, Nail Technology, and Body Art Practice Act for a
18 body art facility have been complied with and the facility has been
19 inspected by the department. The department shall issue a license to
20 operate a temporary body art facility to each qualified applicant.
21 Licensure as a temporary body art facility shall be nontransferable,
22 shall be valid for no more than seventy-two hours, and shall expire
23 immediately following the event as indicated on the license.

24 Sec. 29. Section 38-10,128, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:

26 38-10,128 (1) In order to be licensed as a nail technician or nail
27 technology instructor by examination, an individual shall meet, and
28 present to the department evidence of meeting, the following
29 requirements:

30 (a) ~~(1)~~ He or she has attained the age of seventeen years on or
31 before the beginning date of the examination for which application is

1 being made;

2 ~~(b) (2)~~ He or she has completed formal education equivalent to a
3 United States high school education;

4 ~~(c)~~ He or she has successfully completed the written exam; and

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

8 ~~(d) (4)~~ He or she ~~(i)~~ has graduated from a school of cosmetology, an
9 apprentice salon, a nail technology school, or a nail technology
10 apprentice salon providing a nail technology program or (ii) documents
11 current work status verifying at least three hundred hours of work
12 experience manicuring and pedicuring earned within five years immediately
13 preceding the application for licensure.

14 ~~(2)~~ Evidence of graduation shall include documentation of the total
15 number of hours of training earned and a diploma or certificate from the
16 applicable school or the applicable apprentice salon to the effect that
17 the applicant has complied with the following:

18 (a) For licensure as a nail technician, the program of studies shall
19 consist of three hundred hours; and

20 (b) For licensure as a nail technology instructor, the program of
21 studies shall consist of three hundred hours beyond the program of
22 studies required for licensure as a nail technician and the individual
23 shall be currently licensed as a nail technician in Nebraska as evidenced
24 by possession of a valid Nebraska nail technician license.

25 ~~(3)~~ The department shall grant a license in the appropriate category
26 to any person meeting the requirements specified in this section.

27 Sec. 30. In order to be licensed as a nail technology apprentice
28 salon by the department, an applicant shall meet and present to the
29 department evidence of meeting the following requirements:

30 (1) The proposed nail technology apprentice salon shall hold a
31 current active license as a cosmetology salon or a nail technology salon;

1 (2) The proposed nail technology apprentice salon shall employ or
2 plan to employ one active nail technology instructor for each two
3 apprentices or fraction thereof it enrolls; and

4 (3) The proposed nail technology apprentice salon shall provide an
5 area of not less than one hundred square feet to be used solely for
6 educational purposes.

7 Sec. 31. Any person seeking a license to operate a nail technology
8 apprentice salon shall submit a complete application at least thirty days
9 before construction or remodeling of the building proposed for use is
10 scheduled to begin. If no construction or remodeling is planned, the
11 application shall be received at least thirty days before training of
12 nail technology apprentices is scheduled to begin. Along with the
13 application the applicant shall submit:

14 (1) A detailed floor plan or blueprint of the proposed nail
15 technology apprentice salon sufficient to demonstrate compliance with the
16 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
17 Practice Act;

18 (2) Evidence of minimal property damage, bodily injury, and
19 liability insurance coverage;

20 (3) A copy of the rules the nail technology salon proposes to use
21 for its nail technology apprentices;

22 (4) A copy of the nail technology apprentice contract;

23 (5) A copy of the curriculum proposed to be used; and

24 (6) A proposed schedule of training for each nail technology
25 apprentice.

26 Sec. 32. Each application for a license to operate a nail
27 technology apprentice salon shall be reviewed by the department for
28 compliance with the requirements of the Cosmetology, Electrology,
29 Esthetics, Nail Technology, and Body Art Practice Act. In the event an
30 application is denied, the applicant shall be informed in writing of the
31 grounds for denial and such denial shall not prejudice further

1 applications by the applicant. In the event an application is approved,
2 the department shall immediately conduct an operation inspection of the
3 proposed nail technology apprentice salon. A salon passing the inspection
4 shall be issued a license to operate and may begin training nail
5 technology apprentices upon receipt of notification to such effect. A
6 salon failing the operation inspection shall submit, within fifteen days,
7 evidence of corrective action to improve those aspects of operation found
8 deficient. If, after a second inspection to be conducted within thirty
9 days of receipt of evidence, the salon does not receive a satisfactory
10 rating, or if evidence is not submitted within fifteen days, the
11 application may be denied.

12 Sec. 33. In order to maintain and renew its license in good
13 standing, each nail technology apprentice salon shall operate in
14 accordance with the following requirements:

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

19 (2) The salon shall maintain its salon license in good standing; and

20 (3) The salon shall operate in accordance with all operating
21 requirements and all student requirements of a nail technology school,
22 except that the department, with the recommendation of the board, may
23 adopt and promulgate rules and regulations to modify or waive any such
24 requirements that are deemed not applicable to a nail technology
25 apprentice salon.

26 Sec. 34. The license of a nail technology apprentice salon that has
27 been revoked or expired for any reason may not be reinstated. An original
28 application for licensure shall be submitted and approved before such
29 nail technology apprentice salon may accept nail technology apprentices
30 for training.

31 Sec. 35. Each nail technology apprentice salon license issued shall

1 be in effect solely for the owner or owners and premises named thereon
2 and shall expire automatically upon any change of ownership or location.
3 An original application for licensure shall be submitted and approved
4 before such nail technology apprentice salon may accept nail technology
5 apprentices for training.

6 Sec. 36. The owner of each nail technology apprentice salon shall
7 have full responsibility for ensuring that the nail technology apprentice
8 salon is operated in compliance with all applicable laws, rules, and
9 regulations and shall be liable for any and all violations occurring in
10 the nail technology apprentice salon.

11 Sec. 37. Section 38-10,167, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-10,167 The licensure or registration of persons performing body
14 art or operating a body art facility or a temporary body art facility
15 under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body
16 Art Practice Act shall not be construed to restrict or prohibit a
17 governing body of a county, city, or village from providing further
18 requirements for performing body art or operating a body art facility
19 within its jurisdiction under ordinances at least as stringent as, or
20 more stringent than, the regulations of the act.

21 Sec. 38. Section 38-10,169, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-10,169 (1) The department shall conduct inspections as required
24 by the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
25 Practice Act. Two types of inspections shall be conducted which shall be
26 known as operation inspections and accreditation inspections. An
27 operation inspection shall be conducted to ascertain that an
28 establishment or a facility is operating in full compliance with all
29 laws, rules, and regulations. An accreditation inspection shall be
30 conducted to accomplish the purposes of an operation inspection and to
31 ascertain that a school of cosmetology, a nail technology school, a

1 school of esthetics, a nail technology apprentice salon, or an apprentice
2 salon is maintaining academic standards and requirements of a quality
3 consistent with the purpose of the act. All accreditation inspections
4 shall be announced at least two weeks prior to the actual inspection.

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

10 (3) Operation inspections shall be unannounced and shall be
11 conducted during the normal working hours of the establishment or
12 facility.

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

17 Sec. 39. Section 38-10,171, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 38-10,171 Each of the following may be considered an act of
20 unprofessional conduct when committed by a person licensed or registered
21 under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body
22 Art Practice Act:

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

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

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

31 (4) Aiding and abetting an individual to practice any of the

1 practices regulated under the act for which he or she is not licensed or
2 registered;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Sec. 40. Original sections 38-1008, 38-1033, 38-1035, 38-1037,
11 38-1040, 38-1041, 38-1044, 38-1053, 38-1054, 38-1055, 38-1060, 38-1064,
12 38-10,167, and 38-10,169, Reissue Revised Statutes of Nebraska, and
13 sections 38-1001, 38-1004, 38-1061, 38-1062, 38-1066, 38-1067, 38-1069,
14 38-1075, 38-10,128, and 38-10,171, Revised Statutes Cumulative
15 Supplement, 2018, are repealed.