

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 898

Introduced by Fox, 7; Brasch, 16; Campbell, 25; Chambers, 11; Cook, 13;
Crawford, 45; Howard, 9; Kolterman, 24; Riepe, 12; Smith,
14.

Read first time January 11, 2016

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, and 38-1075, Reissue Revised Statutes of Nebraska;
- 4 to define a term; to exempt certain persons from credentialing
- 5 requirements; to harmonize provisions; and to repeal the original
- 6 sections.
- 7 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 section 3 of this act
4 shall be known and may be cited as the Cosmetology, Electrology,
5 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 section 3 of this act apply.

12 Sec. 3. (1) Natural hair braiding means the twisting, wrapping,
13 weaving, extending, locking, or braiding of hair by hand or with
14 mechanical devices such as clips, combs, curlers, curling irons,
15 hairpins, rollers, scissors, needles, thread, and hair binders.

16 (2) Natural hair braiding includes (a) the use of natural or
17 synthetic hair extensions, natural or synthetic hair fibers, decorative
18 beads, and other hair accessories, (b) minor trimming of natural hair or
19 hair extensions incidental to twisting, wrapping, weaving, extending,
20 locking, or braiding hair, (c) the use of topical agents such as
21 conditioners, gels, moisturizers, oils, pomades, and shampoos, and (d)
22 the making of wigs from natural hair, natural fibers, synthetic fibers,
23 and hair extensions.

24 (3) Natural hair braiding does not include (a) the application of
25 dyes, reactive chemicals, or other preparations to alter the color of
26 hair or to straighten, curl, or alter the structure of hair or (b) the
27 use of chemical hair joining agents such as synthetic tape, keratin
28 bonds, or fusion bonds.

29 Sec. 4. Section 38-1075, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 38-1075 The Cosmetology, Electrology, Esthetics, Nail Technology,

1 and Body Art Practice Act does not apply to or restrict the activities of
2 the following:

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

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

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

8 (4 3) Any person when engaged in domestic or charitable
9 administration;

10 (5 4) Any person performing any of the practices of cosmetology or
11 nail technology solely for theatrical presentations or other
12 entertainment functions;

13 (6 5) Any person practicing cosmetology, electrology, esthetics, or
14 nail technology within the confines of a hospital, nursing home, massage
15 therapy establishment, funeral establishment, or other similar
16 establishment or facility licensed or otherwise regulated by the
17 department, except that no unlicensed or unregistered person may accept
18 compensation for such practice;

19 (7 6) Any person providing services during a bona fide emergency;

20 (8 7) Any retail or wholesale establishment or any person engaged in
21 the sale of cosmetics, nail technology products, or other beauty products
22 when the products are applied by the customer or when the application of
23 the products is in direct connection with the sale or attempted sale of
24 such products at retail;

25 (9 8) Any person when engaged in nonvocational training;

26 (10 9) A person demonstrating on behalf of a manufacturer or
27 distributor any cosmetology, nail technology, electrolysis, or body art
28 equipment or supplies if such demonstration is performed without charge;

29 (11 ~~10~~) Any person or licensee engaged in the practice or teaching
30 of manicuring; and

31 (12 ~~11~~) Any person or licensee engaged in the practice of airbrush

1 tanning or temporary, nonpermanent airbrush tattooing.

2 Sec. 5. Original sections 38-1001, 38-1004, and 38-1075, Reissue

3 Revised Statutes of Nebraska, are repealed.