

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB1107

Hearing Date: Friday February 02, 2018
Committee On: Health and Human Services
Introducer: Linehan
One Liner: Change provisions relating to barber licensing and the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Lou Ann Linehan
Carol Dawson
Paul Dunning
Ashley Sheckler
Linda Pochop
Jackie Hornig
Patrick Butler
Pam Rowland

Ken Allen

Opponents:

Neutral:

Greg Howard
Jane Nims

Representing:

Introducer
Xenon Academy
Self
Xenon Academy
Xenon Academy
Self
Floyd's 99 Barbershop
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
Nebraska Board of Barber Examiners

Representing:

Representing:

College of Hair Design
Joseph's College

Summary of purpose and/or changes:

LB 1107 provides updates to the Cosmetology, Esthetics, and Nail Technology Act, reduces hours for licensure for Barbers, Cosmetologists, Estheticians, and Nail Technologists.

SECTION BY SECTION:

Section 1: Amends Section 38-1005 to remove registration for apprentice for practice of cosmetology.

Section 2: Amends Section 38-1017 to eliminate cosmetic establishment from the definition of a "cosmetology establishment."

Section 3: Amends Section 38-1018 to eliminate reference to registration from the definition of "cosmetology salon."

Section 4: Amends Section 38-1028 to eliminate reference to registration from the definition of "esthetics salon."

Section 5: Amends Section 38-1038 eliminate reference to registration from the definition of "nail technology salon."

Section 6: Amends Section 38-1043 to eliminate reference to registration from the definition of "nonvocational training."

Section 7: Amends Section 38-1058 to eliminate reference to registration for engagement in acts without a license under the Cosmetology, Electrology, Esthetics, Nail Technology and Body Art Practice Act.

Section 8: Amends Section 38-1061 to eliminate registration under the Cosmetology, Electrology, Esthetics, Nail Technology and Body Art Practice Act.

Section 9: Amends Section 38-1062 to reduce licensure hours from 2100 hours to 1800 hours and eliminates 2000 credits requirement for cosmetologist. Eliminates credit requirement for esthetician licensure. Reduces licensure hours from 925 to 600 beyond cosmetology license to be a cosmetology instructor.

Section 10: Amends Section 38-1063 to eliminate reference to registration for requirements in an application for examination.

Section 11: Amends Section 38-1065 to strike requirement for how often annual examination occurs.

Section 12: Amends Section 38-1066 to eliminate electrology establishment from reciprocity requirements.

Section 13: Amends Section 38-1069 to eliminate requirement that a person must be registered before a person may act as a guest artist, guest body artist, cosmetician, student, apprentice or student instructor.

Section 14: Amends Section 38-1070 to eliminate registration for temporary license.

Section 15: Amends Section 38-1073 to eliminate references to an individual who is registered as a temporary practitioner on December 1, 2008 is deemed to be "licensed" as a temporary practitioner.

Section 16: Amends Section 38-1074 to remove the expiration dates for registration as a guest artist, cosmetician, student, apprentice, or student instructor.

Section 17: Amends Section 38-1075 to remove registration requirement on individual who is uncredentialed to accept compensation lack of registration.

Section 18: Amends Section 38-1086 to remove registration requirement on salon's ability to permit an unlicensed person to perform practice of cosmetology. Removes references to clients using, or consuming intoxicating beverages or controlled substances.

Section 19: Amends Section 38-1097 to eliminate requirement that the enrollment of at least fifteen students must be full-time students.

Section 20: Amends Section 38-1099 to eliminate requirement to submit the name and qualifications of the school manager, complete student entrance notifications and contracts for all persons proposed as students or student instructors, a completed cosmetology education or esthetics education evaluation scale and a schedule of proposed hours of operation and class and course scheduling within the application for a license to operate a school of cosmetology or school of esthetics.

Section 21: Amends Section 38-10,100 to remove the ratio of students to instructors, remove the square footage requirement and remove a duplicative statement regarding access to salons for an esthetics school.

Section 22: Amends Section 38-10, 102 to remove the term guest artist, change the word employ to employment, change the term guest teachers to guest educators, remove the restriction that the guest educator cannot perform any of the practices of cosmetology or esthetics, removes reference to registration, removes the requirement that a student shall not receive his or her certificate or diploma of completion from the school unless he or she has satisfied or made an agreement to satisfy all outstanding financial obligations to the school, removes the requirement that no hours or credits shall be allowed for any student unless the student is registered and the hours/credits have been reported by the school.

Section 23: Amends Section 38-10,103 to add apprentice salon to salons that teach students. Removes proof of age document requirements.

Section 24: Amends Section 38-10,104 to strike reference to 38-10,100. Removes classification of students for reporting purposes.

Section 25: Amends Section 38-10,105 removes reference to tuition obligations. Adds school will provide a transcript which shows the hours earned by the student when student transfers to another school.

Section 26: Amends Section 38-10,107 to increase credits given from 1000 to 1200 for cosmetologists attending a barber school or barber attending cosmetology school in the state.

Section 27: Amends Section 38-10,108 to increase ratio of student instructors to full-time instructors from three to two.

Section 28: Amends Section 38-10,112 to removes the liability the manager shares with the owner of a cosmetology or esthetics school.

Section 29: Amends Section 38-10,120 to remove the registration reference for practicing outside a licensed cosmetology establishment.

Section 30: Amends Section 38-10,128 to strikes minimum hour requirement of 150 hours to not more than 300 hours for a nail technician. Strike minimum hour requirement of 150 hours to not more than 300 hours beyond the hours required for a nail technician for licensure as a nail technology instructor.

Section 31: Amends Section 38-10-129 to remove reference to registration.

Section 32: Amends Section 38-10-131 to strike requirement for how often annual examination occurs.

Section 33: Amends Section 38-10,132 to strike requirement for minimum licensure standards for licensure from another jurisdiction.

Section 34: Amends Section 38-10,133 to remove reference to registration for nail technology.

Section 35: Amends Section 38-10,135 to remove reference to an individual who is registered as a temporary practitioner on December 1, 2008 is deemed to be licensed as a temporary practitioner.

Section 36: Amends Sections 38-10,142 to remove reference to unregistered persons and reference to registrations. Removes references to clients using, or consuming intoxicating beverages. Retains the nail salon shall not allow its employees to use or consume alcohol or controlled substances upon the salon premises. Strikes ability to service, possess or distribute intoxicating beverages or controlled substances upon its premises.

Section 37: Section 38-10,147 - no statutory changes.

Section 38: Amends Section 38-10,150 to apply for a license to operate a nail technology school removes reference to registration. Adds requirement for application for license to operate nail technology school. Removes requirement to provide the name and qualifications of the school manager. Removes requirement for a completed nail technology education evaluation scale. Removes requirement to provide a schedule of proposed hours of operation and class and course scheduling. Removes requirement of additional information the Department may require.

Section 39: Amends Section 38-10,152 to changes guest teacher to guest educator. Allows a guest educator to provide nail technology serves during his or her class of instruction.

Section 40: Amends Section 38-10,153 to remove proof of age document requirements. Removes reference to registration.

Section 41: Amends Section 38-10,154 to add requirement to obtain records once all financial obligations are met or arrangements have been made to satisfy obligations.

Section 42: Amends Section 38-10,156 to increase ratio of student to instructor.

Section 43: Amends Section 38-10,171 to remove reference to registration regarding unprofessional conduct.

Section 44: Amends Section 71-204 to reduce hours of training from 2100 to 1900 hours. Strikes requirement regarding when exam needs to be taken.

Section 45: Amends Section 71-208 to reduce hours for graduation from 2100 to 1900.

Section 46: Amends Section 71-208.08 to increase credits given from 1000 to 1200 for cosmetologists attending a barber school or barber attending cosmetology school in the state.

Section 47: Repeals Sections 38-1005, 38-1017, 38-1018, 38-1028, 38-1038, 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1065, 38-1069, 38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100, 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,107, 38-10,108, 14 38-10,112, 38-10,120, 38-10,128, 38-10,129, 38-10,131, 38-10,133, 15 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 16 38-10,154, 38-10,156, 38-10,171, 71-204, 71-208.08, 71-208, 38-1066, 38-1070, and 38-10,132.

Section 48: Repeals Sections 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072, 38-1091, 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and 38-10,155.

Explanation of amendments:

AM 2293 to LB 1107 includes provisions of LB 1107, LB 1042, and LB 794:

SECTION BY SECTION:

Section 1: (Pg. 1) Section 1 of LB 1107 as amended by AM 2293

Section 2: (Pg. 1) Section 2 of LB 1107 as amended by AM 2293

Section 3: (Pg. 1) Section 3 of LB 1107 as amended by AM 2293

Section 4: (Pgs. 1-2) Section 4 of LB 1107 as amended by AM 2293

Section 5: (Pg. 2) Section 1 of LB 1042 as amended by AM 1732; Section 5 of LB 1107 as amended by AM 2293

Section 6: (Pg. 2) Section 6 of LB 1107 as amended by AM 2293

Section 7: (Pgs. 2-3) Section 7 of LB 1107 as amended by AM 2293

Section 8: (Pg. 3) Section 8 of LB 1107 as amended by AM 2293

Section 9: (Pgs. 3-5) Section 9 in LB 1107 as amended by AM 2293

Section 10: (Pg. 5) Section 10 of LB 1107 as amended by AM 2293

Section 11: (Pg. 5) Section 11 of LB 1107 as amended by AM 2293

Section 12: (Pgs. 5-7) Section 12 of LB 1107 as amended by AM 2293

Section 13: (Pg. 7) Section 13 of LB 1107 as amended by AM 2293

Section 14: (Pgs. 7-8) Section 14 of LB 1107 as amended by AM 2293

Section 15: (Pg. 8) Section 15 of LB 1107 as amended by AM 2293

Section 16: (Pgs. 8-9) Section 16 of LB 1107 as amended by AM 2293

Section 17: (Pgs. 9-10) Section 17 of LB 1107 as amended by AM 2293

Section 18: (Pgs. 10-11) Section 18 of LB 1107 as amended by AM 2293, Section 1 of LB 794 as amended by AM 2000

Section 19: (Pg. 11-12) Section 19 of LB 1107 as amended by AM 2293

Section 20: (Pg.12) Section 20 of LB 1107 as amended by AM 2293

Section 21: (Pg. 13) Section 21 of LB 1107 as amended by AM 2293

Section 22: (Pgs. 13-16) Section 22 of LB 1107 as amended by AM 2293

Section 23: (Pgs. 16-17) Section 23 of LB 1107 as amended by AM 2293

Section 24: (Pgs. 17-19) Section 24 of LB 1107 as amended by AM 2293

Section 25: (Pgs. 19-20) Section 25 of LB 1107 as amended by AM 2293

Section 26: (Pg. 20) Section 26 of LB 1107 as amended by AM 2293

Section 27: (Pg. 20) Section 27 of LB 1107 as amended by AM 2293

Section 28: (Pgs. 20-21) Section 28 of LB 1107 as amended by AM 2293

Section 29: (Pg. 21-22) Section 29 of LB 1107 as amended by AM 2293

Section 30: (Pgs. 22-23) Section 2 of LB 1042 as amended by AM 1732

Section 31: (Pg. 23) Section 3 of LB 1042 as amended by AM 1732

Section 32: (Pg. 23) Section 4 of LB 1042 as amended by AM 1732

Section 33: (Pgs. 23-24) Section 5 of LB 1042 as amended by AM 1732

Section 34: (Pgs. 24-25) Section 34 of LB 1107 as amended by AM 2293

Section 35: (Pg. 25) Section 6 of LB 1042 as amended by AM 1732

Section 36: (Pgs. 25-26) Section 7 of LB 1042 as amended by AM 1732; Section 2 of LB 794 as amended by AM 2000

Section 37: (Pgs. 26-27) Section 8 of LB 1042 as amended by AM 1732

Section 38: (Pgs. 27-28) Section 9 of LB 1042 as amended by AM 1732

Section 39: (Pgs. 28-30) Section 10 of LB 1042 as amended by AM 1732

Section 40: (Pgs. 30-32) Section 11 of LB 1042 as amended by AM 1732

Section 41: (Pgs. 32-33) Section 12 of LB 1042 as amended by AM 1732

Section 42: (Pgs. 33) Section 13 of LB 1042 as amended by AM 1732

Section 43: (Pgs. 33-34) Section 43 of LB 1107 as amended by AM 2293

Section 44: (Pgs. 34-35) Section 44 of LB 1107 as amended by AM 2293

Section 45: (Pgs. 35-36) Section 45 of LB 1107 as amended by AM 2293 - Changes hours from 1900 to 1800 for barber requirements

Section 46: (Pg. 36) Section 46 of LB 1107 as amended by AM 2293 - Changes hours from 1200 to 1000 for cosmetologists attending a barber school or barber attending cosmetology school in the state

Section 47: Repealer

Section 48: Repealer

Merv Riepe, Chairperson