

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 449**

Introduced by Walz, 15.

Read first time January 18, 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 section
- 3 38-1001, Revised Statutes Cumulative Supplement, 2018; to define a
- 4 term; to prohibit scleral tattooing; to provide a penalty; to
- 5 harmonize provisions; and to repeal the original section.
- 6 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 section 2 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. (1) For purposes of this section, scleral tattooing means  
7 the practice of using needles, scalpels, or other related equipment to  
8 produce an indelible mark or figure on the human eye by scarring or  
9 inserting a pigment on, in, or under:

- 10 (a) The fornix conjunctiva;  
11 (b) The bulbar conjunctiva;  
12 (c) The ocular conjunctiva; or  
13 (d) Another ocular surface.

14 (2) Except as provided in subsection (3) of this section, a person  
15 shall not perform or offer to perform scleral tattooing on another  
16 person.

17 (3) This section does not apply to an act of a health care  
18 professional when the act is performed in the scope of the health care  
19 professional's practice.

20 (4) A person who violates this section is subject to a civil penalty  
21 not to exceed ten thousand dollars for each violation. The department  
22 shall remit the civil penalty to the State Treasurer for distribution in  
23 accordance with Article VII, section 5, of the Constitution of Nebraska.

24 Sec. 3. Original section 38-1001, Revised Statutes Cumulative  
25 Supplement, 2018, is repealed.