

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 367**

Introduced by Hunt, 8.

Read first time January 16, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend
- 2 sections 38-101, 38-178, and 38-2894, Revised Statutes Cumulative
- 3 Supplement, 2024; to prohibit conversion therapy; to provide for
- 4 disciplinary sanctions under the Uniform Credentialing Act; to
- 5 provide for a deceptive trade practice; to define terms; to prohibit
- 6 the use of funds for conversion therapy; to harmonize provisions;
- 7 and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 38-101, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           38-101 Sections 38-101 to 38-1,148 and section 3 of this act and the  
4 following practice acts shall be known and may be cited as the Uniform  
5 Credentialing Act:

- 6           (1) The Advanced Practice Registered Nurse Practice Act;
- 7           (2) The Alcohol and Drug Counseling Practice Act;
- 8           (3) The Athletic Training Practice Act;
- 9           (4) The Audiology and Speech-Language Pathology Practice Act;
- 10          (5) The Behavior Analyst Practice Act;
- 11          (6) The Certified Nurse Midwifery Practice Act;
- 12          (7) The Certified Registered Nurse Anesthetist Practice Act;
- 13          (8) The Chiropractic Practice Act;
- 14          (9) The Clinical Nurse Specialist Practice Act;
- 15          (10) The Cosmetology, Electrology, Esthetics, Nail Technology, and  
16 Body Art Practice Act;
- 17          (11) The Dentistry Practice Act;
- 18          (12) The Dialysis Patient Care Technician Registration Act;
- 19          (13) The Emergency Medical Services Practice Act;
- 20          (14) The Environmental Health Specialists Practice Act;
- 21          (15) The Funeral Directing and Embalming Practice Act;
- 22          (16) The Genetic Counseling Practice Act;
- 23          (17) The Hearing Instrument Specialists Practice Act;
- 24          (18) The Licensed Practical Nurse-Certified Practice Act until  
25 November 1, 2017;
- 26          (19) The Massage Therapy Practice Act;
- 27          (20) The Medical Nutrition Therapy Practice Act;
- 28          (21) The Medical Radiography Practice Act;
- 29          (22) The Medicine and Surgery Practice Act;
- 30          (23) The Mental Health Practice Act;
- 31          (24) The Nurse Practice Act;

- 1 (25) The Nurse Practitioner Practice Act;
- 2 (26) The Nursing Home Administrator Practice Act;
- 3 (27) The Occupational Therapy Practice Act;
- 4 (28) The Optometry Practice Act;
- 5 (29) The Perfusion Practice Act;
- 6 (30) The Pharmacy Practice Act;
- 7 (31) The Physical Therapy Practice Act;
- 8 (32) The Podiatry Practice Act;
- 9 (33) The Psychology Practice Act;
- 10 (34) The Respiratory Care Practice Act;
- 11 (35) The Surgical First Assistant Practice Act; and
- 12 (36) The Veterinary Medicine and Surgery Practice Act.

13 If there is any conflict between any provision of sections 38-101 to  
14 38-1,148 and section 3 of this act and any provision of a practice act,  
15 the provision of the practice act shall prevail except as otherwise  
16 specifically provided in section 38-129.02.

17 **Sec. 2.** Section 38-178, Revised Statutes Cumulative Supplement,  
18 2024, is amended to read:

19 38-178 Except as otherwise provided in sections 38-1,119 to  
20 38-1,123, a credential to practice a profession may be issued subject to  
21 discipline, denied, refused renewal, or have other disciplinary measures  
22 taken against it in accordance with section 38-183, 38-185, or 38-186 on  
23 any of the following grounds:

24 (1) Misrepresentation of material facts in procuring or attempting  
25 to procure a credential;

26 (2) Immoral or dishonorable conduct evidencing unfitness to practice  
27 the profession in this state;

28 (3) Abuse of, dependence on, or active addiction to alcohol, any  
29 controlled substance, or any mind-altering substance;

30 (4) Failure to comply with a treatment program or an aftercare  
31 program, including, but not limited to, a program entered into under the

1 Licensee Assistance Program established pursuant to section 38-175;

2 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or  
3 federal law, or (b) a crime in any jurisdiction which, if committed  
4 within this state, would have constituted a misdemeanor or felony under  
5 Nebraska law and which has a rational connection with the fitness or  
6 capacity of the applicant or credential holder to practice the  
7 profession;

8 (6) Practice of the profession (a) fraudulently, (b) beyond its  
9 authorized scope, (c) with gross incompetence or gross negligence, or (d)  
10 in a pattern of incompetent or negligent conduct;

11 (7) Practice of the profession while the ability to practice is  
12 impaired by alcohol, controlled substances, drugs, mind-altering  
13 substances, physical disability, mental disability, or emotional  
14 disability;

15 (8) Physical or mental incapacity to practice the profession as  
16 evidenced by a legal judgment or a determination by other lawful means;

17 (9) Illness, deterioration, or disability that impairs the ability  
18 to practice the profession;

19 (10) Permitting, aiding, or abetting the practice of a profession or  
20 the performance of activities requiring a credential by a person not  
21 credentialed to do so;

22 (11) Performing or offering to perform scleral tattooing as defined  
23 in section 38-10,172 by a person not credentialed to do so;

24 (12) Having had his or her credential denied, refused renewal,  
25 limited, suspended, revoked, or disciplined in any manner similar to  
26 section 38-196 by another state or jurisdiction based upon acts by the  
27 applicant or credential holder similar to acts described in this section;

28 (13) Use of untruthful, deceptive, or misleading statements in  
29 advertisements, including failure to comply with section 38-124;

30 (14) Conviction of fraudulent or misleading advertising or  
31 conviction of a violation of the Uniform Deceptive Trade Practices Act;

1 (15) Distribution of intoxicating liquors, controlled substances, or  
2 drugs for any other than lawful purposes;

3 (16) Violations of the Uniform Credentialing Act or the rules and  
4 regulations relating to the particular profession;

5 (17) Unlawful invasion of the field of practice of any profession  
6 regulated by the Uniform Credentialing Act which the credential holder is  
7 not credentialed to practice;

8 (18) Violation of the Uniform Controlled Substances Act or any rules  
9 and regulations adopted pursuant to the act;

10 (19) Failure to file a report required by section 38-1,124,  
11 38-1,125, or 71-552;

12 (20) Failure to maintain the requirements necessary to obtain a  
13 credential;

14 (21) Violation of an order issued by the department;

15 (22) Violation of an assurance of compliance entered into under  
16 section 38-1,108;

17 (23) Failure to pay an administrative penalty;

18 (24) Unprofessional conduct as defined in section 38-179;

19 (25) Violation of the Automated Medication Systems Act;

20 (26) Failure to comply with section 38-1,147; ~~or~~

21 (27) Violation of the Preborn Child Protection Act; ~~or~~

22 (28) Providing conversion therapy, gender identity conversion  
23 therapy, or sexual orientation conversion therapy in violation of section  
24 3 of this act.

25 **Sec. 3.** (1) Except as provided in subsection (4) of this section, a  
26 person holding a credential under the Medicine and Surgery Practice Act,  
27 the Mental Health Practice Act, the Nurse Practice Act, the Pharmacy  
28 Practice Act, or the Psychology Practice Act shall not provide conversion  
29 therapy, gender identity conversion therapy, or sexual orientation  
30 conversion therapy to any individual under nineteen years of age.

31 (2) For purposes of this section:

1       (a)(i) Conversion therapy means a practice that seeks to change an  
2 individual's sexual orientation or gender identity; and

3       (ii) Conversion therapy does not mean a practice that does not seek  
4 to change an individual's sexual orientation or gender identity and that:

5       (A) Is neutral with respect to sexual orientation and gender  
6 identity;

7       (B) Provides assistance to a patient or client undergoing gender  
8 transition;

9       (C) Provides acceptance, support, and understanding to a patient or  
10 client;

11       (D) Facilitates a patient's or client's ability to cope, develop  
12 social support, and explore or understand the patient or client; or

13       (E) Addresses unlawful or unsafe sexual activities in a manner that  
14 is neutral with respect to sexual orientation and gender identity;

15       (b) Gender identity conversion therapy means any psychotherapy,  
16 counseling, or treatment, the goal of which is to alter the gender-  
17 related identity of an individual so that such individual's gender  
18 identity, appearance, expression, or behavior is eliminated, reduced, or  
19 redirected to the individual's assigned sex at birth; and

20       (c) Sexual orientation conversion therapy means any psychotherapy,  
21 counseling, or treatment, the goal of which is to alter the sexual or  
22 romantic attraction, desire, or behavior of an individual toward other  
23 individuals of the same sex so that the attraction and behavior of such  
24 individual is eliminated, reduced, or redirected toward individuals of  
25 the opposite sex.

26       (3) A violation of subsection (1) of this section shall constitute a  
27 deceptive trade practice under the Uniform Deceptive Trade Practices Act  
28 and shall be subject to any remedies or penalties available for a  
29 violation of such act.

30       (4) This section does not apply to a practice or treatment conducted  
31 by a clergy member or religious counselor who is acting in a pastoral or

1 religious capacity and not in the capacity of a health care professional.

2 (5) No state funds or funds belonging to a political subdivision of  
3 this state shall be expended for the purpose of:

4 (a) Conducting conversion therapy, gender identity conversion  
5 therapy, or sexual orientation conversion therapy;

6 (b) Referring an individual for conversion therapy, gender identity  
7 conversion therapy, or sexual orientation conversion therapy; or

8 (c) Providing health benefits coverage for conversion therapy,  
9 gender identity conversion therapy, or sexual orientation conversion  
10 therapy.

11 **Sec. 4.** Section 38-2894, Revised Statutes Cumulative Supplement,  
12 2024, is amended to read:

13 38-2894 (1) A registration to practice as a pharmacy technician may  
14 be denied, refused renewal, removed, or suspended or have other  
15 disciplinary measures taken against it by the department, with the  
16 recommendation of the board, for failure to meet the requirements of or  
17 for violation of any of the provisions of subdivisions (1) through (18)  
18 and (20) through (28) ~~(27)~~ of section 38-178 and sections 38-2890 to  
19 38-2897 or the rules and regulations adopted under such sections.

20 (2) If the department proposes to deny, refuse renewal of, or remove  
21 or suspend a registration, it shall send the applicant or registrant a  
22 notice setting forth the action to be taken and the reasons for the  
23 determination. The denial, refusal to renew, removal, or suspension shall  
24 become final thirty days after mailing the notice unless the applicant or  
25 registrant gives written notice to the department of his or her desire  
26 for an informal conference or for a formal hearing.

27 (3) Notice may be served by any method specified in section  
28 25-505.01, or the department may permit substitute or constructive  
29 service as provided in section 25-517.02 when service cannot be made with  
30 reasonable diligence by any of the methods specified in section  
31 25-505.01.

1           (4) Pharmacy technicians may participate in the Licensee Assistance  
2 Program described in section 38-175.

3           **Sec. 5.** Original sections 38-101, 38-178, and 38-2894, Revised  
4 Statutes Cumulative Supplement, 2024, are repealed.