

LEGISLATIVE BILL 898

Approved by the Governor March 09, 2016

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

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1001, 38-1004, and 38-1075, Reissue Revised Statutes of Nebraska; to define a term; to exempt certain persons from credentialing requirements; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 38-1001, Reissue Revised Statutes of Nebraska, is amended to read:

38-1001 Sections 38-1001 to 38-10171 and section 3 of this act shall be known and may be cited as the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act.

Sec. 2. Section 38-1004, Reissue Revised Statutes of Nebraska, is amended to read:

38-1004 For purposes of the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1005 to 38-1056 and section 3 of this act apply.

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

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

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

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

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

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

(2) Any person engaging solely in earlobe piercing;

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

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

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

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

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

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

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

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

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

(12) 11) Any person or licensee engaged in the practice of airbrush tanning or temporary, nonpermanent airbrush tattooing.

Sec. 5. Original sections 38-1001, 38-1004, and 38-1075, Reissue Revised Statutes of Nebraska, are repealed.