

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB607**

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**Hearing Date:** Thursday February 14, 2019  
**Committee On:** Health and Human Services  
**Introducer:** Kolterman  
**One Liner:** Change provisions relating to nail technology and body art

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

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**Vote Results:**  
**Aye:** 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Mark Kolterman  
Vicki Criswell

Tony Brock  
Pam Rowland  
Becky Pettigrew  
Harold Sims

Marie Nordboe  
Brandi Bentley

**Opponents:**

Laura Ebke

**Neutral:**

**Representing:**

Introducer  
Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology and Body Art; Self  
Self  
Self  
Nebraska Cosmetologists United; Nebraska Salon Owners Association; Politics Beauty and Barber  
Self  
Self

**Representing:**

Platte Institute

**Representing:**

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**Summary of purpose and/or changes:**

LB 607 amends the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art (Cosmetology Act) practice act to add provisions relating to nail technology apprentice salons and guest body artists, in addition to other minor changes.

## Nail Technology Apprentice Salons

Under Sec. 8, a nail technology apprentice salon is defined as a cosmetology or nail salon licensed under the Cosmetology Act to serve as the site for the teaching of the practices of nail technology to nail technology apprentices. (Sec. 8, page 3, lines 25-19.)

Sections 30 to 36 in LB 607 creates a licensure process for nail technology apprentice salons.

- Section 30 details the requirements for licensure such as being a licensed salon, employing nail technology instructors at an appropriate ratio to students, and having space to educate on nail technology. (Sec. 30, page 14, lines 27-31 and page 15, lines 1-6.)

- In addition the application must be received at least 30 days before constructing the salon or before the training of apprentices begins and must include blueprints or floor plans, proof of insurance, the rules and curriculum they plan to use and a proposed schedule of training. (Sec. 32, page 15, lines 7-25.)

- Review and notice requirements by the Department of Health and Human Services (DHHS). (Sec. 32.)

- Provisions for the maintenance and renewal of a license (Sec. 33, page 16, lines 12-25) as well as provisions for revoked or expired licenses. (Sec. 34, page 16, lines 26-30.)

- Licenses are in effect solely for the owner or owners of the premises named on the application and expire with a change in ownership. (Sec. 35, page 16, line 31, and page 17, lines 1-5.)

Several other sections of law are updated where appropriate to include nail technology apprentice salons and nail technology apprentices. (Sections 9, 10, 11, 16, 39.)

The definition of nail technology is also amended in Section 6 to include manicuring and pedicuring in addition to some other minor changes. (Page 3, lines 1-20.)

## Guest Body Artist

Guest body artist is defined in section 4 of LB 607 as a person temporarily registered under the Cosmetology Act to perform body art under the sponsorship of a licensed body art facility or a person licensed under the act to perform body art. (Page 2, lines 18-22.)

LB 607 creates a registration requirement for guest body artists in Section 18 of LB 607. To register a person must comply with the rules and regulations under the Cosmetology Act, be 18 years of age, be sponsored by a licensed facility, complete a blood-borne pathogen course, be licensed or credentialed in another jurisdiction, and apply 30 days before he or she will perform body art in Nebraska. (Sec. 18, page 6, lines 27-31 and page 7, lines 1-9.)

Registration as a guest body artist is required under LB 607 before one can engaged in the performance of body art or use the guest body artist title. Both Neb. Rev. Stat. 38-1061 and 38-1069 are amended to reflect this. (Sec. 19, page 7, lines 23-24 and Sec. 24, page 11, lines 30-31.) Guest body artists may be registered for 14 consecutive calendar days which can be renewed twice in a calendar year. (Sec. 25, page 12, lines 3-5.)

A temporary body art facility is defined in section 18 of LB 607 and means a nonmobile room or space with a dedicated licensed physical address where body art is performed for not more than 72 consecutive hours in conjunction with a single event. (Sec. 24, page 5, line 31, and page 6, lines 1-4.)

LB 607 requires temporary body art facilities to be licensed. (Sec. 27, page 13, lines 11-14.) Licenses may be granted if all applicable requirements of the Cosmetology Act have been met and the facility has been inspected. Licenses will be valid for no more than 72 hours. (Sec. 28, page 13, lines 15-23.)

### Other Changes

LB 607 amends the licensing requirements under the Cosmetology Act by eliminating the English language proficiency requirement under the general licensing provision in Neb. Rev. Stat. 38-1062 (sec. 20, page 8, lines 9-11) and the nail technician licensing provisions in 38-10,128 (Sec. 29, page 14, lines 5-7).

It moves manicuring under the Cosmetology Act by striking its exemption in Neb. Rev. Stat. 38-1075. (Sec. 26, page 13, lines 6-7.) It also amends some language in the definition of manicuring (sec. 5, page 2, lines 24-29) and creates a definition for pedicuring (sec. 12, page 4, lines 21-25.)

Finally, LB 607 updates the language in the Cosmetology Act to replace "color technology" with "cosmetic tattooing" in sections 3, 13, and 19.

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### **Explanation of amendments:**

AM 1462 amends section 19(3) to strike language that would require registration to perform body art. The registration requirement only applies to the title of guest body artist. To perform body art on an ongoing basis in Nebraska you must be licensed. The amendment clarifies this.

Similarly, AM 1462 strikes language requiring registration to perform body art in section 37. Current statutes require licensure.

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Sara Howard, Chairperson