

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 755

Introduced by Blood, 3.

Read first time January 08, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 38-10,121, 38-10,160, 71-202.01, and 71-224, Reissue
3 Revised Statutes of Nebraska; to redefine a term; to change
4 provisions relating to the home services permit for certain
5 cosmetology services and the nail technology home services permit;
6 to provide for home barber services permits; to harmonize
7 provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-10,121, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 38-10,121 In order to maintain in good standing or renew its home
4 services permit, a salon shall at all times operate in accordance with
5 all requirements for operation, maintain its license in good standing,
6 and comply with the following requirements:

7 (1)(a) (1) Clients receiving home services shall be in emergency or
8 persistent circumstances which shall generally be defined as any
9 condition sufficiently immobilizing to prevent the client from leaving
10 his or her residence regularly to conduct routine affairs of daily living
11 such as grocery shopping, visiting friends and relatives, attending
12 social events, attending worship services, and other similar activities.

13 (b) Emergency or persistent circumstances may include such
14 conditions or situations as:

15 (i) (a) Chronic illness or injury leaving the client bedridden or
16 with severely restricted mobility;

17 (ii) (b) Extreme general infirmity such as that associated with the
18 aging process;

19 (iii) (c) Temporary conditions including, but not limited to,
20 immobilizing injury and recuperation from serious illness or surgery;

21 (iv) (d) Having sole responsibility for the care of an invalid
22 dependent or a mentally disabled person requiring constant attention; ~~or~~

23 (v) Mental disability that significantly limits the client in areas
24 of functioning described in subdivision (1)(a) of this section; or

25 (vi) (e) Any other conditions that, in the opinion of the
26 department, meet the general definition of emergency or persistent
27 circumstances;

28 (2) The salon shall determine that each person receiving home
29 services meets the requirements of subdivision (1) of this section and
30 shall:

31 (a) Complete a client information form supplied by the department

1 before home services may be provided to any client; and

2 (b) Keep on file the client information forms of all clients it is
3 currently providing with home services or to whom it has provided such
4 services within the past two years;

5 (3) The salon shall employ or contract with persons licensed under
6 the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
7 Practice Act to provide home services and shall not permit any person to
8 perform any home services under its authority for which he or she is not
9 licensed;

10 (4) No client shall be left unattended while any chemical service is
11 in progress or while any electrical appliance is in use; and

12 (5) Each salon providing home services shall post a daily itinerary
13 for each licensee providing home services. The kit for each licensee
14 shall be available for inspection at the salon or at the home of the
15 client receiving services.

16 Sec. 2. Section 38-10,160, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-10,160 In order to maintain in good standing or renew its nail
19 technology home services permit, a nail technology salon shall at all
20 times operate in accordance with all requirements for operation, maintain
21 its license in good standing, and comply with the following requirements:

22 (1)(a) ~~(1)~~ Clients receiving nail technology home services shall be
23 in emergency or persistent circumstances which shall generally be defined
24 as any condition sufficiently immobilizing to prevent the client from
25 leaving his or her residence regularly to conduct routine affairs of
26 daily living such as grocery shopping, visiting friends and relatives,
27 attending social events, attending worship services, and other similar
28 activities.

29 (b) Emergency or persistent circumstances may include such
30 conditions or situations as:

31 (i) ~~(a)~~ Chronic illness or injury leaving the client bedridden or

1 with severely restricted mobility;

2 (ii) ~~(b)~~ Extreme general infirmity such as that associated with the
3 aging process;

4 (iii) ~~(c)~~ Temporary conditions including, but not limited to,
5 immobilizing injury and recuperation from serious illness or surgery;

6 (iv) ~~(d)~~ Having sole responsibility for the care of an invalid
7 dependent or a mentally disabled person requiring constant attention;~~or~~

8 (v) Mental disability that significantly limits the client in areas
9 of functioning described in subdivision (1)(a) of this section; or

10 (vi) ~~(e)~~ Any other conditions that, in the opinion of the
11 department, meet the general definition of emergency or persistent
12 circumstances;

13 (2) The nail technology salon shall determine that each person
14 receiving nail technology home services meets the requirements of
15 subdivision (1) of this section and shall:

16 (a) Complete a client information form supplied by the department
17 before nail technology home services may be provided to any client; and

18 (b) Keep on file the client information forms of all clients it is
19 currently providing with nail technology home services or to whom it has
20 provided such services within the past two years;

21 (3) The nail technology salon shall employ or contract with persons
22 licensed under the Cosmetology, Electrology, Esthetics, Nail Technology,
23 and Body Art Practice Act to provide nail technology home services and
24 shall not permit any person to perform any home services under its
25 authority for which he or she is not licensed;

26 (4) No client shall be left unattended while any chemical service is
27 in progress or while any electrical appliance is in use; and

28 (5) Each nail technology salon providing nail technology home
29 services shall post a daily itinerary for each licensee providing home
30 services. The kit for each licensee shall be available for inspection at
31 the salon or at the home of the client receiving services.

1 Sec. 3. Section 71-202.01, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-202.01 For purposes of the Barber Act, unless the context
4 otherwise requires:

5 (1) Barber shall mean any person who engages in the practice of any
6 act of barbering;

7 (2) Barber pole shall mean a cylinder or pole with alternating
8 stripes of red, white, and blue or any combination of them which run
9 diagonally along the length of the cylinder or pole;

10 (3) Barber shop shall mean (a) an establishment or place of business
11 properly licensed as required by the act where one or more persons
12 properly licensed are engaged in the practice of barbering or (b) a
13 mobile barber shop. Barber shop shall not include barber schools or
14 colleges;

15 (4) Barber school or college shall mean an establishment properly
16 licensed and operated for the teaching and training of barber students;

17 (5) Board shall mean the Board of Barber Examiners;

18 (6) Manager shall mean a licensed barber having control of the
19 barber shop and of the persons working at or employed by the barber shop
20 ~~therein~~;

21 (7) License shall mean a certificate of registration issued by the
22 board;

23 (8) Barber instructor shall mean a teacher of the barber trade as
24 provided in the act;

25 (9) Assistant barber instructor shall mean a teacher of the
26 barbering trade registered as an assistant barber instructor as required
27 by the act;

28 (10) Mobile barber shop shall mean a self-contained, self-
29 supporting, enclosed mobile unit licensed under the act as a mobile site
30 for the performance of the practice of barbering by persons licensed
31 under the act;

1 (11) Registered or licensed barber shall mean a person who has
2 completed the requirements to receive a certificate as a barber and to
3 whom a certificate has been issued;

4 (12) Secretary of the board shall mean the director appointed by the
5 board who shall keep a record of the proceedings of the board;

6 (13) Student shall mean a person attending an approved, licensed
7 barber school or college, duly registered with the board as a student
8 engaged in learning and acquiring any and all of the practices of
9 barbering, and who, while learning, performs and assists any of the
10 practices of barbering in a barber school or college; and

11 (14) Postsecondary barber school or college shall mean an
12 establishment properly licensed and operated for the teaching and
13 training of barber students who have successfully completed high school
14 or its equivalent as determined by successfully passing a general
15 educational development test prior to admittance.

16 Sec. 4. Section 71-224, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-224 Sections 71-201 to 71-255 and sections 5 to 10 of this act
19 shall be known and may be cited as the Barber Act.

20 Sec. 5. (1) A barber shop may employ licensed barbers, according to
21 the licensed activities of the barber shop, to perform home barber
22 services by obtaining a home barber services permit.

23 (2) In order to obtain a home barber services permit from the board,
24 an applicant shall:

25 (a) Hold a current, active barber shop license; and

26 (b) Submit a complete application at least ten days before the
27 proposed date for beginning home barbering services.

28 (3) The board shall issue a home barber services permit to each
29 applicant meeting the requirements set forth in this section.

30 Sec. 6. In order to maintain in good standing or renew its home
31 barber services permit, a barber shop shall at all times operate in

1 accordance with the requirements for operation, maintain its license in
2 good standing, and ensure that the home barber services comply with the
3 following requirements:

4 (1)(a) Clients receiving home barber services shall be in emergency
5 or persistent circumstances which shall generally be defined as any
6 condition sufficiently immobilized to prevent the client from leaving his
7 or her residence regularly to conduct routine affairs of daily living
8 such as grocery shopping, visiting friends and relatives, attending
9 social events, attending worship services, and other similar activities.

10 (b) Emergency or persistent circumstances may include such
11 conditions or situations as:

12 (i) Chronic illness or injury leaving the client bedridden or with
13 severely restricted mobility;

14 (ii) Extreme general infirmity such as that associated with the
15 aging process;

16 (iii) Temporary conditions, including, but not limited to,
17 immobilizing injury and recuperation from serious illness or surgery;

18 (iv) Having sole responsibility for the care of an invalid dependent
19 or a mentally disabled person requiring constant attention;

20 (v) Mental disability that significantly limits the client in areas
21 of functioning described in subdivision (1)(a) of this section; or

22 (vi) Any other condition that, in the opinion of the board, meets
23 the general definition of emergency or persistent circumstances;

24 (2) The barber shop shall determine that each person receiving home
25 barber services meets the requirements of subdivision (1) of this section
26 and shall:

27 (a) Complete a client information form supplied by the board before
28 home barber services may be provided to any client; and

29 (b) Keep on file the client information forms of all clients it is
30 currently providing with home barber services or to whom it has provided
31 such services within the past two years;

1 (3) The barber shop shall employ or contract with barbers licensed
2 under the Barber Act to provide home barber services and shall not permit
3 any person to perform any home barber services under its authority for
4 which he or she is not licensed;

5 (4) No client shall be left unattended while any chemical service is
6 in progress or while any electrical appliance is in use; and

7 (5) Each barber shop providing home barber services shall post a
8 daily itinerary for each barber providing home barber services. The kit
9 used by each barber to provide home barber services shall be available
10 for inspection at the barber shop or at the home of the client receiving
11 the home barber services.

12 Sec. 7. An agent of the board may make an operation inspection in
13 the home of a client if the inspection is limited to the activities,
14 procedures, and materials of the barber providing the home barber
15 services.

16 Sec. 8. No barber may perform home barber services except when
17 employed by or under contract to a barber shop holding a valid home
18 barber services permit.

19 Sec. 9. Each home barber services permit shall be subject to
20 renewal at the same time as the barber shop license and shall be renewed
21 upon request of the permitholder if the barber shop is operating its home
22 barber services in compliance with the Barber Act and if the barber shop
23 license is renewed. No permit that has been revoked or expired may be
24 reinstated or transferred to another owner or location.

25 Sec. 10. The owner of a barber shop holding a home barber services
26 permit shall have full responsibility for ensuring that the home barber
27 services are provided in compliance with all applicable laws and rules
28 and regulations and shall be liable for any violation which occurs.

29 Sec. 11. Original sections 38-10,121, 38-10,160, 71-202.01, and
30 71-224, Reissue Revised Statutes of Nebraska, are repealed.