

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 189

Introduced by Kauth, 31.

Read first time January 09, 2023

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 38-1042.01, Reissue Revised Statutes of Nebraska, and section
4 38-1075, Revised Statutes Cumulative Supplement, 2022; to define and
5 redefine terms; to change an exemption for natural hair braiding; to
6 provide an exemption for natural hairstyling; and to repeal the
7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1042.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 38-1042.01 (1) Natural hair braiding means the twisting, wrapping,
4 weaving, extending, locking, or braiding of hair by hand or with
5 mechanical devices such as clips, combs, crochet hooks, curlers, curling
6 irons, hairpins, rollers, scissors, blunt-tipped needles, thread, and
7 hair binders.

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

16 (3) Natural hairstyling means to shampoo, condition, dry, arrange,
17 curl, or straighten hair using only mechanical devices such as blow
18 dryers, combs, brushes, curlers, curling irons, blunt-tipped needles,
19 thread, and hair binders. It also includes the use of hair sprays and
20 topical agents, such as balms, oils, and serums, and the styling of hair
21 extensions and wigs.

22 (4) ~~(3)~~ Natural hair braiding and natural hair styling do ~~does~~ not
23 include (a) the application of dyes, reactive chemicals, or other
24 preparations to alter the color of hair or to straighten, curl, or alter
25 the structure of hair or (b) the use of chemical hair joining agents such
26 as synthetic tape, keratin bonds, or fusion bonds. Natural hairstyling
27 does not include cutting hair.

28 Sec. 2. Section 38-1075, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 38-1075 The Cosmetology, Electrology, Esthetics, Nail Technology,
31 and Body Art Practice Act does not apply to or restrict the activities of

1 the following:

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

5 (2) Any person engaging solely in earlobe piercing;

6 (3) Any person engaging ~~solely~~ in natural hair braiding and no other
7 services requiring a license under the Uniform Credentialing Act;

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

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

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

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

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

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

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

29 (11) Any person or licensee engaged in the practice or teaching of
30 manicuring;

31 (12) Any person or licensee engaged in the practice of airbrush

1 tanning or temporary, nonpermanent airbrush tattooing;~~and~~

2 (13) Any person applying cosmetics; and -

3 (14) Any person engaging in natural hairstyling and no other
4 services requiring a license under the Uniform Credentialing Act.

5 Sec. 3. Original section 38-1042.01, Reissue Revised Statutes of
6 Nebraska, and section 38-1075, Revised Statutes Cumulative Supplement,
7 2022, are repealed.