

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 561

Introduced by Blood, 3.

Read first time January 17, 2023

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health; to amend section 38-1015,
- 2 Reissue Revised Statutes of Nebraska, and sections 38-1001, 38-1004,
- 3 38-1058, and 38-1061, Revised Statutes Cumulative Supplement, 2022;
- 4 to adopt the Cosmetology Licensure Compact; to define a term; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. COSMETOLOGY LICENSURE COMPACT

2 ARTICLE 1- PURPOSE

3 The purpose of this Compact is to facilitate the interstate practice
4 and regulation of Cosmetology with the goal of improving public access
5 to, and the safety of, Cosmetology Services and reducing unnecessary
6 burdens related to Cosmetology licensure. Through this Compact, the
7 Member States seek to establish a regulatory framework which provides for
8 a new multistate licensing program. Through this new licensing program,
9 the Member States seek to provide increased value and mobility to
10 licensed Cosmetologists in the Member States, while ensuring the
11 provision of safe, effective, and reliable services to the public.

12 This Compact is designed to achieve the following objectives, and
13 the Member States hereby ratify the same intentions by subscribing
14 hereto:

15 A. Provide opportunities for interstate practice by Cosmetologists
16 who meet uniform requirements for multistate licensure;

17 B. Enhance the abilities of Member States to protect public health
18 and safety, and prevent fraud and unlicensed activity within the
19 profession;

20 C. Ensure and encourage cooperation between Member States in the
21 licensure and regulation of the Practice of Cosmetology;

22 D. Support relocating military members and their spouses;

23 E. Facilitate the exchange of information between Member States
24 related to the licensure, investigation, and discipline of the Practice
25 of Cosmetology;

26 F. Provide for the licensure and mobility of the workforce in the
27 profession, while addressing the shortage of workers and lessening the
28 associated burdens on the Member States.

29 ARTICLE 2- DEFINITIONS

30 As used in this Compact, and except as otherwise provided, the
31 following definitions shall govern the terms herein:

1 A. "Active Duty Military" means any individual in full-time duty
2 status in the active uniformed service of the United States including
3 members of the National Guard and Reserve.

4 B. "Adverse Action" means any administrative, civil, equitable, or
5 criminal action permitted by a Member State's laws which is imposed by a
6 State Licensing Authority or other regulatory body against a
7 Cosmetologist, including actions against an individual's license or
8 Authorization to Practice such as revocation, suspension, probation,
9 monitoring of the Licensee, limitation of the Licensee's practice, or any
10 other Encumbrance on a license affecting an individual's ability to
11 participate in the Cosmetology industry, including the issuance of a
12 cease and desist order.

13 C. "Authorization to Practice" means a legal authorization
14 associated with a Multistate License permitting the Practice of
15 Cosmetology in a Remote State, which shall be subject to the enforcement
16 jurisdiction of the State Licensing Authority in that Remote State.

17 D. "Alternative Program" means a non-disciplinary monitoring or
18 prosecutorial diversion program approved by a Member State's State
19 Licensing Authority.

20 E. "Background Check" means the submission of information for an
21 applicant for the purpose of obtaining that applicant's criminal history
22 record information, as further defined in 28 C.F.R. § 20.3(d), from the
23 Federal Bureau of Investigation and the agency responsible for retaining
24 State criminal or disciplinary history in the applicant's Home State.

25 F. "Charter Member State" means Member States who have enacted
26 legislation to adopt this Compact where such legislation predates the
27 effective date of this Compact as defined in Article 13.

28 G. "Commission" means the government agency whose membership
29 consists of all States that have enacted this Compact, which is known as
30 the Cosmetology Licensure Compact Commission, as defined in Article 9,
31 and which shall operate as an instrumentality of the Member States.

1 H. "Cosmetologist" means an individual licensed in their Home State
2 to practice Cosmetology.

3 I. "Cosmetology", "Cosmetology Services", and the "Practice of
4 Cosmetology" mean the care and services provided by a Cosmetologist as
5 set forth in the Member State's statutes and regulations in the State
6 where the services are being provided.

7 J. "Current Significant Investigative Information" means:

8 1. Investigative Information that a State Licensing Authority, after
9 an inquiry or investigation that complies with a Member State's due
10 process requirements, has reason to believe is not groundless and, if
11 proved true, would indicate a violation of that State's laws regarding
12 fraud or the Practice of Cosmetology; or

13 2. Investigative Information that indicates that a Licensee has
14 engaged in fraud or represents an immediate threat to public health and
15 safety, regardless of whether the Licensee has been notified and had an
16 opportunity to respond.

17 K. "Data System" means a repository of information about Licensees,
18 including, but not limited to, license status, Investigative Information,
19 and Adverse Actions.

20 L. "Disqualifying Event" means any event which shall disqualify an
21 individual from holding a Multistate License under this Compact, which
22 the Commission may by Rule or order specify.

23 M. "Encumbered License" means a license in which an Adverse Action
24 restricts the Practice of Cosmetology by a Licensee, or where said
25 Adverse Action has been reported to the Commission.

26 N. "Encumbrance" means a revocation or suspension of, or any
27 limitation on, the full and unrestricted Practice of Cosmetology by a
28 State Licensing Authority.

29 O. "Executive Committee" means a group of delegates elected or
30 appointed to act on behalf of, and within the powers granted to them by,
31 the Commission.

1 P. "Home State" means the Member State which is a Licensee's primary
2 State of residence, and where that Licensee holds an active and
3 unencumbered license to practice Cosmetology.

4 Q. "Investigative Information" means information, records, or
5 documents received or generated by a State Licensing Authority pursuant
6 to an investigation or other inquiry.

7 R. "Jurisprudence Requirement" means the assessment of an
8 individual's knowledge of the laws and rules governing the Practice of
9 Cosmetology in a State.

10 S. "Licensee" means an individual who currently holds a license from
11 a Member State to practice as a Cosmetologist.

12 T. "Member State" means any State that has adopted this Compact.

13 U. "Multistate License" means a license issued by and subject to the
14 enforcement jurisdiction of the State Licensing Authority in a Licensee's
15 Home State, which authorizes the Practice of Cosmetology in Member States
16 and includes Authorizations to Practice Cosmetology in all Remote States
17 pursuant to this Compact.

18 V. "Remote State" means any Member State, other than the Licensee's
19 Home State.

20 W. "Rule" means any rule or regulation promulgated by the Commission
21 under this Compact which has the force of law.

22 X. "Single-State License" means a Cosmetology license issued by a
23 Member State that authorizes practice of Cosmetology only within the
24 issuing State and does not include any authorization outside of the
25 issuing State.

26 Y. "State" means a State, territory, or possession of the United
27 States and the District of Columbia.

28 Z. "State Licensing Authority" means a Member State's regulatory
29 body responsible for issuing Cosmetology licenses or otherwise overseeing
30 the Practice of Cosmetology in that State.

31 ARTICLE 3- MEMBER STATE REQUIREMENTS

1 A. To be eligible to join this Compact, and to maintain eligibility
2 as a Member State, a State must:

3 1. License and regulate Cosmetology;

4 2. Have a mechanism or entity in place to receive and investigate
5 complaints about Licensees practicing in that State;

6 3. Require that Licensees within the State pass a Cosmetology
7 competency examination prior to being licensed to provide Cosmetology
8 Services to the public in that State;

9 4. Require that Licensees satisfy educational or training
10 requirements in Cosmetology prior to being licensed to provide
11 Cosmetology Services to the public in that State;

12 5. Implement procedures for considering one or more of the following
13 categories of information from applicants for licensure: criminal
14 history; disciplinary history; or Background Check. Such procedures may
15 include the submission of information by applicants for the purpose of
16 obtaining an applicant's Background Check as defined herein;

17 6. Participate in the Data System, including through the use of
18 unique identifying numbers;

19 7. Share information related to Adverse Actions with the Commission
20 and other Member States, both through the Data System and otherwise;

21 8. Notify the Commission and other Member States, in compliance with
22 the terms of the Compact and Rules of the Commission, of the existence of
23 Investigative Information or Current Significant Investigative
24 Information in the State's possession regarding a Licensee practicing in
25 that State;

26 9. Comply with such Rules as may be enacted by the Commission to
27 administer the Compact; and

28 10. Accept Licensees from other Member States as established herein.

29 B. Member States may charge a fee for granting a license to practice
30 Cosmetology.

31 C. Individuals not residing in a Member State shall continue to be

1 able to apply for a Member State's Single-State License as provided under
2 the laws of each Member State. However, the Single-State License granted
3 to these individuals shall not be recognized as granting a Multistate
4 License to provide services in any other Member State.

5 D. Nothing in this Compact shall affect the requirements established
6 by a Member State for the issuance of a Single-State License.

7 E. A Multistate License issued to a Licensee by a Home State to a
8 resident of that State shall be recognized by each Member State as
9 authorizing a Licensee to practice Cosmetology in each Member State.

10 F. At no point shall the Commission have the power to define the
11 educational or professional requirements for a license to practice
12 Cosmetology. The Member States shall retain sole jurisdiction over the
13 provision of these requirements.

14 ARTICLE 4- MULTISTATE LICENSE

15 A. To be eligible to apply to their Home State's State Licensing
16 Authority for an initial Multistate License under this Compact, a
17 Licensee must hold an active and unencumbered Single-State License to
18 practice Cosmetology in their Home State.

19 B. Upon the receipt of an application for a Multistate License,
20 according to the Rules of the Commission, a Member State's State
21 Licensing Authority shall ascertain whether the applicant meets the
22 requirements for a Multistate License under this Compact.

23 C. If an applicant meets the requirements for a Multistate License
24 under this Compact and any applicable Rules of the Commission, the State
25 Licensing Authority in receipt of the application shall, within a
26 reasonable time, grant a Multistate License to that applicant, and inform
27 all Member States of the grant of said Multistate License.

28 D. A Multistate License to practice Cosmetology issued by a Member
29 State's State Licensing Authority shall be recognized by each Member
30 State as authorizing the practice thereof as though that Licensee held a
31 Single-State License to do so in each Member State, subject to the

1 restrictions herein.

2 E. A Multistate License granted pursuant to this Compact may be
3 effective for a definite period of time, concurrent with the licensure
4 renewal period in the Home State.

5 F. To maintain a Multistate License under this Compact, a Licensee
6 must:

7 1. Agree to abide by the rules of the State Licensing Authority, and
8 the State scope of practice laws governing the Practice of Cosmetology,
9 of any Member State in which the Licensee provides services;

10 2. Pay all required fees related to the application and process, and
11 any other fees which the Commission may by Rule require; and

12 3. Comply with any and all other requirements regarding Multistate
13 Licenses which the Commission may by Rule provide.

14 G. A Licensee practicing in a Member State is subject to all scope
15 of practice laws governing Cosmetology Services in that State.

16 H. The Practice of Cosmetology under a Multistate License granted
17 pursuant to this Compact will subject the Licensee to the jurisdiction of
18 the State Licensing Authority, the courts, and the laws of the Member
19 State in which the Cosmetology Services are provided.

20 ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

21 A. A Licensee may hold a Multistate License, issued by their Home
22 State, in only one Member State at any given time.

23 B. If a Licensee changes their Home State by moving between two
24 Member States:

25 1. The Licensee shall immediately apply for the reissuance of their
26 Multistate License in their new Home State. The Licensee shall pay all
27 applicable fees and notify the prior Home State in accordance with the
28 Rules of the Commission.

29 2. Upon receipt of an application to reissue a Multistate License,
30 the new Home State shall verify that the Multistate License is active,
31 unencumbered and eligible for reissuance under the terms of the Compact

1 and the Rules of the Commission. The Multistate License issued by the
2 prior Home State will be deactivated and all Member States notified in
3 accordance with the applicable Rules adopted by the Commission.

4 3. If required for initial licensure, the new Home State may require
5 a Background Check as specified in the laws of that State, or the
6 compliance with any Jurisprudence Requirements of the new Home State.

7 4. Notwithstanding any other provision of this Compact, if a
8 Licensee does not meet the requirements set forth in this Compact for the
9 reissuance of a Multistate License by the new Home State, then the
10 Licensee shall be subject to the new Home State requirements for the
11 issuance of a Single-State License in that State.

12 C. If a Licensee changes their primary state of residence by moving
13 from a Member State to a non-Member State, or from a non-Member State to
14 a Member State, then the Licensee shall be subject to the State
15 requirements for the issuance of a Single-State License in the new Home
16 State.

17 D. Nothing in this Compact shall interfere with a Licensee's ability
18 to hold a Single-State License in multiple States; however, for the
19 purposes of this Compact, a Licensee shall have only one Home State, and
20 only one Multistate License.

21 E. Nothing in this Compact shall interfere with the requirements
22 established by a Member State for the issuance of a Single-State License.

23 ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE
24 LICENSING AUTHORITIES

25 A. Nothing in this Compact, nor any Rule or regulation of the
26 Commission, shall be construed to limit, restrict, or in any way reduce
27 the ability of a Member State to enact and enforce laws, regulations, or
28 other rules related to the Practice of Cosmetology in that State, where
29 those laws, regulations, or other rules are not inconsistent with the
30 provisions of this Compact.

31 B. Insofar as practical, a Member State's State Licensing Authority

1 shall cooperate with the Commission and with each entity exercising
2 independent regulatory authority over the Practice of Cosmetology
3 according to the provisions of this Compact.

4 C. Discipline shall be the sole responsibility of the State in which
5 Cosmetology Services are provided. Accordingly, each Member State's State
6 Licensing Authority shall be responsible for receiving complaints about
7 individuals practicing Cosmetology in that State, and for communicating
8 all relevant Investigative Information about any such Adverse Action to
9 the other Member States through the Data System in addition to any other
10 methods the Commission may by Rule require.

11 ARTICLE 7- ADVERSE ACTIONS

12 A. A Licensee's Home State shall have exclusive power to impose an
13 Adverse Action against a Licensee's Multistate License issued by the Home
14 State.

15 B. A Home State may take Adverse Action on a Multistate License
16 based on the Investigative Information, Current Significant Investigative
17 Information, or Adverse Action of a Remote State.

18 C. In addition to the powers conferred by State law, each Remote
19 State's State Licensing Authority shall have the power to:

20 1. Take Adverse Action against a Licensee's Authorization to
21 Practice Cosmetology through the Multistate License in that Member State,
22 provided that:

23 a. Only the Licensee's Home State shall have the power to take
24 Adverse Action against the Multistate License issued by the Home State;
25 and

26 b. For the purposes of taking Adverse Action, the Home State's State
27 Licensing Authority shall give the same priority and effect to reported
28 conduct received from a Remote State as it would if such conduct had
29 occurred within the Home State. In so doing, the Home State shall apply
30 its own State laws to determine the appropriate action.

31 2. Issue cease and desist orders or impose an Encumbrance on a

1 Licensee's Authorization to Practice within that Member State.

2 3. Complete any pending investigations of a Licensee who changes
3 their primary state of residence during the course of such an
4 investigation. The State Licensing Authority shall also be empowered to
5 report the results of such an investigation to the Commission through the
6 Data System as described herein.

7 4. Issue subpoenas for both hearings and investigations that require
8 the attendance and testimony of witnesses, as well as the production of
9 evidence. Subpoenas issued by a State Licensing Authority in a Member
10 State for the attendance and testimony of witnesses or the production of
11 evidence from another Member State shall be enforced in the latter State
12 by any court of competent jurisdiction, according to the practice and
13 procedure of that court applicable to subpoenas issued in proceedings
14 before it. The issuing State Licensing Authority shall pay any witness
15 fees, travel expenses, mileage, and other fees required by the service
16 statutes of the State in which the witnesses or evidence are located.

17 5. If otherwise permitted by State law, recover from the affected
18 Licensee the costs of investigations and disposition of cases resulting
19 from any Adverse Action taken against that Licensee.

20 6. Take Adverse Action against the Licensee's Authorization to
21 Practice in that State based on the factual findings of another Remote
22 State.

23 D. A Licensee's Home State shall complete any pending
24 investigation(s) of a Cosmetologist who changes their primary state of
25 residence during the course of the investigation(s). The Home State shall
26 also have the authority to take appropriate action(s) and shall promptly
27 report the conclusions of the investigations to the Data System.

28 E. If an Adverse Action is taken by the Home State against a
29 Licensee's Multistate License, the Licensee's Authorization to Practice
30 in all other Member States shall be deactivated until all Encumbrances
31 have been removed from the Home State license. All Home State

1 disciplinary orders that impose an Adverse Action against a Licensee's
2 Multistate License shall include a statement that the Cosmetologist's
3 Authorization to Practice is deactivated in all Member States during the
4 pendency of the order.

5 F. Nothing in this Compact shall override a Member State's authority
6 to accept a Licensee's participation in an Alternative Program in lieu of
7 Adverse Action. A Licensee's Multistate License shall be suspended for
8 the duration of the Licensee's participation in any Alternative Program.

9 G. Joint Investigations

10 1. In addition to the authority granted to a Member State by its
11 respective scope of practice laws or other applicable State law, a Member
12 State may participate with other Member States in joint investigations of
13 Licensees.

14 2. Member States shall share any investigative, litigation, or
15 compliance materials in furtherance of any joint or individual
16 investigation initiated under the Compact.

17 ARTICLE 8- ACTIVE DUTY MILITARY AND THEIR SPOUSES

18 Active Duty Military personnel, or their spouses, shall designate a
19 Home State where the individual has a current license to practice
20 Cosmetology in good standing. The individual may retain their Home State
21 designation during any period of service when that individual or their
22 spouse is on active duty assignment.

23 ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY LICENSURE
24 COMPACT COMMISSION

25 A. The Compact Member States hereby create and establish a joint
26 government agency whose membership consists of all Member States that
27 have enacted the Compact known as the Cosmetology Licensure Compact
28 Commission. The Commission is an instrumentality of the Compact Member
29 States acting jointly and not an instrumentality of any one State. The
30 Commission shall come into existence on or after the effective date of
31 the Compact as set forth in Article 13.

1 B. Membership, Voting, and Meetings

2 1. Each Member State shall have and be limited to one (1) delegate
3 selected by that Member State's State Licensing Authority.

4 2. The delegate shall be an administrator of the State Licensing
5 Authority of the Member State or their designee.

6 3. The Commission shall by Rule or bylaw establish a term of office
7 for delegates and may by Rule or bylaw establish term limits.

8 4. The Commission may recommend removal or suspension of any
9 delegate from office.

10 5. A Member State's State Licensing Authority shall fill any vacancy
11 of its delegate occurring on the Commission within 60 days of the
12 vacancy.

13 6. Each delegate shall be entitled to one vote on all matters that
14 are voted on by the Commission.

15 7. The Commission shall meet at least once during each calendar
16 year. Additional meetings may be held as set forth in the bylaws. The
17 Commission may meet by telecommunication, video conference, or other
18 similar electronic means.

19 C. The Commission shall have the following powers:

20 1. Establish the fiscal year of the Commission;

21 2. Establish code of conduct and conflict of interest policies;

22 3. Adopt Rules and bylaws;

23 4. Maintain its financial records in accordance with the bylaws;

24 5. Meet and take such actions as are consistent with the provisions
25 of this Compact, the Commission's Rules, and the bylaws;

26 6. Initiate and conclude legal proceedings or actions in the name of
27 the Commission, provided that the standing of any State Licensing
28 Authority to sue or be sued under applicable law shall not be affected;

29 7. Maintain and certify records and information provided to a Member
30 State as the authenticated business records of the Commission, and
31 designate an agent to do so on the Commission's behalf;

1 8. Purchase and maintain insurance and bonds;

2 9. Borrow, accept, or contract for services of personnel, including,
3 but not limited to, employees of a Member State;

4 10. Conduct an annual financial review;

5 11. Hire employees, elect or appoint officers, fix compensation,
6 define duties, grant such individuals appropriate authority to carry out
7 the purposes of the Compact, and establish the Commission's personnel
8 policies and programs relating to conflicts of interest, qualifications
9 of personnel, and other related personnel matters;

10 12. As set forth in the Commission Rules, charge a fee to a Licensee
11 for the grant of a Multistate License and thereafter, as may be
12 established by Commission Rule, charge the Licensee a Multistate License
13 renewal fee for each renewal period. Nothing herein shall be construed to
14 prevent a Home State from charging a Licensee a fee for a Multistate
15 License or renewals of a Multistate License, or a fee for the
16 jurisprudence requirement if the Member State imposes such a requirement
17 for the grant of a Multistate License;

18 13. Assess and collect fees;

19 14. Accept any and all appropriate gifts, donations, grants of
20 money, other sources of revenue, equipment, supplies, materials, and
21 services, and receive, utilize, and dispose of the same; provided that at
22 all times the Commission shall avoid any appearance of impropriety or
23 conflict of interest;

24 15. Lease, purchase, retain, own, hold, improve, or use any
25 property, real, personal, or mixed, or any undivided interest therein;

26 16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
27 otherwise dispose of any property real, personal, or mixed;

28 17. Establish a budget and make expenditures;

29 18. Borrow money;

30 19. Appoint committees, including standing committees, composed of
31 members, State regulators, State legislators or their representatives,

1 and consumer representatives, and such other interested persons as may be
2 designated in this Compact and the bylaws;

3 20. Provide and receive information from, and cooperate with, law
4 enforcement agencies;

5 21. Elect a Chair, Vice Chair, Secretary and Treasurer and such
6 other officers of the Commission as provided in the Commission's bylaws;

7 22. Establish and elect an Executive Committee, including a chair
8 and a vice chair;

9 23. Adopt and provide to the Member States an annual report;

10 24. Determine whether a State's adopted language is materially
11 different from the model Compact language such that the State would not
12 qualify for participation in the Compact; and

13 25. Perform such other functions as may be necessary or appropriate
14 to achieve the purposes of this Compact.

15 D. The Executive Committee

16 1. The Executive Committee shall have the power to act on behalf of
17 the Commission according to the terms of this Compact. The powers,
18 duties, and responsibilities of the Executive Committee shall include:

19 a. Overseeing the day-to-day activities of the administration of the
20 Compact including compliance with the provisions of the Compact, the
21 Commission's Rules and bylaws, and other such duties as deemed necessary;

22 b. Recommending to the Commission changes to the Rules or bylaws,
23 changes to this Compact legislation, fees charged to Compact Member
24 States, fees charged to Licensees, and other fees;

25 c. Ensuring Compact administration services are appropriately
26 provided, including by contract;

27 d. Preparing and recommending the budget;

28 e. Maintaining financial records on behalf of the Commission;

29 f. Monitoring Compact compliance of Member States and providing
30 compliance reports to the Commission;

31 g. Establishing additional committees as necessary;

1 h. Exercising the powers and duties of the Commission during the
2 interim between Commission meetings, except for adopting or amending
3 Rules, adopting or amending bylaws, and exercising any other powers and
4 duties expressly reserved to the Commission by Rule or bylaw; and

5 i. Other duties as provided in the Rules or bylaws of the
6 Commission.

7 2. The Executive Committee shall be composed of up to seven voting
8 members:

9 a. The chair and vice chair of the Commission and any other members
10 of the Commission who serve on the Executive Committee shall be voting
11 members of the Executive Committee; and

12 b. Other than the chair and vice chair, secretary, and treasurer,
13 the Commission shall elect three voting members from the current
14 membership of the Commission.

15 c. The Commission may elect ex-officio, nonvoting members from a
16 recognized national Cosmetology professional association as approved by
17 the Commission. The Commission's bylaws shall identify qualifying
18 organizations and the manner of appointment if the number of
19 organizations seeking to appoint an ex officio member exceeds the number
20 of members specified in this Article.

21 3. The Commission may remove any member of the Executive Committee
22 as provided in the Commission's bylaws.

23 4. The Executive Committee shall meet at least annually.

24 a. Annual Executive Committee meetings, as well as any Executive
25 Committee meeting at which it does not take or intend to take formal
26 action on a matter for which a Commission vote would otherwise be
27 required, shall be open to the public, except that the Executive
28 Committee may meet in a closed, non-public session of a public meeting
29 when dealing with any of the matters covered under Article 9.F.4.

30 b. The Executive Committee shall give five business days advance
31 notice of its public meetings, posted on its website and as determined to

1 provide notice to persons with an interest in the public matters the
2 Executive Committee intends to address at those meetings.

3 5. The Executive Committee may hold an emergency meeting when acting
4 for the Commission to:

5 a. Meet an imminent threat to public health, safety, or welfare;

6 b. Prevent a loss of Commission or Member State funds; or

7 c. Protect public health and safety.

8 E. The Commission shall adopt and provide to the Member States an
9 annual report.

10 F. Meetings of the Commission

11 1. All meetings of the Commission that are not closed pursuant to
12 Article 9.F.4 shall be open to the public. Notice of public meetings
13 shall be posted on the Commission's website at least thirty (30) days
14 prior to the public meeting.

15 2. Notwithstanding Article 9.F.1, the Commission may convene an
16 emergency public meeting by providing at least twenty-four (24) hours
17 prior notice on the Commission's website, and any other means as provided
18 in the Commission's Rules, for any of the reasons it may dispense with
19 notice of proposed rulemaking under Article 11.L. The Commission's legal
20 counsel shall certify that one of the reasons justifying an emergency
21 public meeting has been met.

22 3. Notice of all Commission meetings shall provide the time, date,
23 and location of the meeting, and if the meeting is to be held or
24 accessible via telecommunication, video conference, or other electronic
25 means, the notice shall include the mechanism for access to the meeting.

26 4. The Commission may convene in a closed, non-public meeting for
27 the Commission to discuss:

28 a. Non-compliance of a Member State with its obligations under the
29 Compact;

30 b. The employment, compensation, discipline or other matters,
31 practices or procedures related to specific employees or other matters

1 related to the Commission's internal personnel practices and procedures;

2 c. Current or threatened discipline of a Licensee by the Commission
3 or by a Member State's Licensing Authority;

4 d. Current, threatened, or reasonably anticipated litigation;

5 e. Negotiation of contracts for the purchase, lease, or sale of
6 goods, services, or real estate;

7 f. Accusing any person of a crime or formally censuring any person;

8 g. Trade secrets or commercial or financial information that is
9 privileged or confidential;

10 h. Information of a personal nature where disclosure would
11 constitute a clearly unwarranted invasion of personal privacy;

12 i. Investigative records compiled for law enforcement purposes;

13 j. Information related to any investigative reports prepared by, on
14 behalf of, or for use of the Commission or other committee charged with
15 responsibility of investigation or determination of compliance issues
16 pursuant to the Compact;

17 k. Legal Advice;

18 l. Matters specifically exempted from disclosure to the public by
19 federal or Member State law; or

20 m. Other matters as promulgated by the Commission by Rule.

21 5. If a meeting, or portion of a meeting, is closed, the presiding
22 officer shall state that the meeting will be closed and reference each
23 relevant exempting provision, and such reference shall be recorded in the
24 minutes.

25 6. The Commission shall keep minutes that fully and clearly describe
26 all matters discussed in a meeting and shall provide a full and accurate
27 summary of actions taken, and the reasons therefore, including a
28 description of the views expressed. All documents considered in
29 connection with an action shall be identified in such minutes. All
30 minutes and documents of a closed meeting shall remain under seal,
31 subject to release only by a majority vote of the Commission or order of

1 a court of competent jurisdiction.

2 G. Financing of the Commission

3 1. The Commission shall pay, or provide for the payment of, the
4 reasonable expenses of its establishment, organization, and ongoing
5 activities.

6 2. The Commission may accept any and all appropriate sources of
7 revenue, donations, and grants of money, equipment, supplies, materials,
8 and services.

9 3. The Commission may levy on and collect an annual assessment from
10 each Member State and impose fees on Licensees of Member States to whom
11 it grants a Multistate License to cover the cost of the operations and
12 activities of the Commission and its staff, which must be in a total
13 amount sufficient to cover its annual budget as approved each year for
14 which revenue is not provided by other sources. The aggregate annual
15 assessment amount for Member States shall be allocated based upon a
16 formula that the Commission shall promulgate by Rule.

17 4. The Commission shall not incur obligations of any kind prior to
18 securing the funds adequate to meet the same; nor shall the Commission
19 pledge the credit of any Member States, except by and with the authority
20 of the Member State.

21 5. The Commission shall keep accurate accounts of all receipts and
22 disbursements. The receipts and disbursements of the Commission shall be
23 subject to the financial review and accounting procedures established
24 under its bylaws. All receipts and disbursements of funds handled by the
25 Commission shall be subject to an annual financial review by a certified
26 or licensed public accountant, and the report of the financial review
27 shall be included in and become part of the annual report of the
28 Commission.

29 H. Qualified Immunity, Defense, and Indemnification

30 1. The members, officers, executive director, employees, and
31 representatives of the Commission shall be immune from suit and

1 liability, both personally and in their official capacity, for any claim
2 for damage to or loss of property or personal injury or other civil
3 liability caused by or arising out of any actual or alleged act, error,
4 or omission that occurred, or that the person against whom the claim is
5 made had a reasonable basis for believing occurred within the scope of
6 Commission employment, duties, or responsibilities; provided that nothing
7 in this paragraph shall be construed to protect any such person from suit
8 or liability for any damage, loss, injury, or liability caused by the
9 intentional or willful or wanton misconduct of that person. The
10 procurement of insurance of any type by the Commission shall not in any
11 way compromise or limit the immunity granted hereunder.

12 2. The Commission shall defend any member, officer, executive
13 director, employee, and representative of the Commission in any civil
14 action seeking to impose liability arising out of any actual or alleged
15 act, error, or omission that occurred within the scope of Commission
16 employment, duties, or responsibilities, or as determined by the
17 Commission that the person against whom the claim is made had a
18 reasonable basis for believing occurred within the scope of Commission
19 employment, duties, or responsibilities; provided that nothing herein
20 shall be construed to prohibit that person from retaining their own
21 counsel at their own expense; and provided further, that the actual or
22 alleged act, error, or omission did not result from that person's
23 intentional or willful or wanton misconduct.

24 3. The Commission shall indemnify and hold harmless any member,
25 officer, executive director, employee, and representative of the
26 Commission for the amount of any settlement or judgment obtained against
27 that person arising out of any actual or alleged act, error, or omission
28 that occurred within the scope of Commission employment, duties, or
29 responsibilities, or that such person had a reasonable basis for
30 believing occurred within the scope of Commission employment, duties, or
31 responsibilities, provided that the actual or alleged act, error, or

1 omission did not result from the intentional or willful or wanton
2 misconduct of that person.

3 4. Nothing herein shall be construed as a limitation on the
4 liability of any Licensee for professional malpractice or misconduct,
5 which shall be governed solely by any other applicable State laws.

6 5. Nothing in this Compact shall be interpreted to waive or
7 otherwise abrogate a Member State's State action immunity or State action
8 affirmative defense with respect to antitrust claims under the Sherman
9 Act, Clayton Act, or any other State or federal antitrust or
10 anticompetitive law or regulation.

11 6. Nothing in this Compact shall be construed to be a waiver of
12 sovereign immunity by the Member States or by the Commission.

13 ARTICLE 10- DATA SYSTEM

14 A. The Commission shall provide for the development, maintenance,
15 operation, and utilization of a coordinated database and reporting
16 system.

17 B. The Commission shall assign each applicant for a Multistate
18 License a unique identifier, as determined by the Rules of the
19 Commission.

20 C. Notwithstanding any other provision of State law to the contrary,
21 a Member State shall submit a uniform data set to the Data System on all
22 individuals to whom this Compact is applicable as required by the Rules
23 of the Commission, including:

24 1. Identifying information;

25 2. Licensure data;

26 3. Adverse Actions against a license and information related
27 thereto;

28 4. Non-confidential information related to Alternative Program
29 participation, the beginning and ending dates of such participation, and
30 other information related to such participation;

31 5. Any denial of application for licensure, and the reason(s) for

1 such denial (excluding the reporting of any criminal history record
2 information where prohibited by law);

3 6. The existence of Investigative Information;

4 7. The existence of Current Significant Investigative Information;

5 and

6 8. Other information that may facilitate the administration of this
7 Compact or the protection of the public, as determined by the Rules of
8 the Commission.

9 D. The records and information provided to a Member State pursuant
10 to this Compact or through the Data System, when certified by the
11 Commission or an agent thereof, shall constitute the authenticated
12 business records of the Commission, and shall be entitled to any
13 associated hearsay exception in any relevant judicial, quasi-judicial, or
14 administrative proceedings in a Member State.

15 E. The existence of Current Significant Investigative Information
16 and the existence of Investigative Information pertaining to a Licensee
17 in any Member State will only be available to other Member States.

18 F. It is the responsibility of the Member States to monitor the
19 database to determine whether Adverse Action has been taken against a
20 Licensee or License applicant. Adverse Action information pertaining to a
21 Licensee or License applicant in any Member State will be available to
22 any other Member State.

23 G. Member States contributing information to the Data System may
24 designate information that may not be shared with the public without the
25 express permission of the contributing State.

26 H. Any information submitted to the Data System that is subsequently
27 expunged pursuant to federal law or the laws of the Member State
28 contributing the information shall be removed from the Data System.

29 ARTICLE 11- RULEMAKING

30 A. The Commission shall promulgate reasonable Rules in order to
31 effectively and efficiently implement and administer the purposes and

1 provisions of the Compact. A Rule shall be invalid and have no force or
2 effect only if a court of competent jurisdiction holds that the Rule is
3 invalid because the Commission exercised its rulemaking authority in a
4 manner that is beyond the scope and purposes of the Compact, or the
5 powers granted hereunder, or based upon another applicable standard of
6 review.

7 B. The Rules of the Commission shall have the force of law in each
8 Member State, provided however that where the Rules of the Commission
9 conflict with the laws of the Member State that establish the Member
10 State's scope of practice laws governing the Practice of Cosmetology as
11 held by a court of competent jurisdiction, the Rules of the Commission
12 shall be ineffective in that State to the extent of the conflict.

13 C. The Commission shall exercise its rulemaking powers pursuant to
14 the criteria set forth in this Article and the Rules adopted thereunder.
15 Rules shall become binding as of the date specified by the Commission for
16 each Rule.

17 D. If a majority of the legislatures of the Member States rejects a
18 Rule or portion of a Rule, by enactment of a statute or resolution in the
19 same manner used to adopt the Compact within four (4) years of the date
20 of adoption of the Rule, then such Rule shall have no further force and
21 effect in any Member State or to any State applying to participate in the
22 Compact.

23 E. Rules shall be adopted at a regular or special meeting of the
24 Commission.

25 F. Prior to adoption of a proposed Rule, the Commission shall hold a
26 public hearing and allow persons to provide oral and written comments,
27 data, facts, opinions, and arguments.

28 G. Prior to adoption of a proposed Rule by the Commission, and at
29 least thirty (30) days in advance of the meeting at which the Commission
30 will hold a public hearing on the proposed Rule, the Commission shall
31 provide a notice of proposed rulemaking:

1 1. On the website of the Commission or other publicly accessible
2 platform;

3 2. To persons who have requested notice of the Commission's notices
4 of proposed rulemaking; and

5 3. In such other way(s) as the Commission may by Rule specify.

6 H. The notice of proposed rulemaking shall include:

7 1. The time, date, and location of the public hearing at which the
8 Commission will hear public comments on the proposed Rule and, if
9 different, the time, date, and location of the meeting where the
10 Commission will consider and vote on the proposed Rule;

11 2. If the hearing is held via telecommunication, video conference,
12 or other electronic means, the Commission shall include the mechanism for
13 access to the hearing in the notice of proposed rulemaking;

14 3. The text of the proposed Rule and the reason therefor;

15 4. A request for comments on the proposed Rule from any interested
16 person; and

17 5. The manner in which interested persons may submit written
18 comments.

19 I. All hearings will be recorded. A copy of the recording and all
20 written comments and documents received by the Commission in response to
21 the proposed Rule shall be available to the public.

22 J. Nothing in this Article shall be construed as requiring a
23 separate hearing on each Rule. Rules may be grouped for the convenience
24 of the Commission at hearings required by this Article.

25 K. The Commission shall, by majority vote of all members, take final
26 action on the proposed Rule based on the rulemaking record and the full
27 text of the Rule.

28 1. The Commission may adopt changes to the proposed Rule provided
29 the changes do not enlarge the original purpose of the proposed Rule.

30 2. The Commission shall provide an explanation of the reasons for
31 substantive changes made to the proposed Rule as well as reasons for

1 substantive changes not made that were recommended by commenters.

2 3. The Commission shall determine a reasonable effective date for
3 the Rule. Except for an emergency as provided in Article 11.L, the
4 effective date of the Rule shall be no sooner than forty-five (45) days
5 after the Commission issuing the notice that it adopted or amended the
6 Rule.

7 L. Upon determination that an emergency exists, the Commission may
8 consider and adopt an emergency Rule with five (5) days' notice, with
9 opportunity to comment, provided that the usual rulemaking procedures
10 provided in the Compact and in this Article shall be retroactively
11 applied to the Rule as soon as reasonably possible, in no event later
12 than ninety (90) days after the effective date of the Rule. For the
13 purposes of this provision, an emergency Rule is one that must be adopted
14 immediately to:

- 15 1. Meet an imminent threat to public health, safety, or welfare;
16 2. Prevent a loss of Commission or Member State funds;
17 3. Meet a deadline for the promulgation of a Rule that is
18 established by federal law or rule; or
19 4. Protect public health and safety.

20 M. The Commission or an authorized committee of the Commission may
21 direct revisions to a previously adopted Rule for purposes of correcting
22 typographical errors, errors in format, errors in consistency, or
23 grammatical errors. Public notice of any revisions shall be posted on the
24 website of the Commission. The revision shall be subject to challenge by
25 any person for a period of thirty (30) days after posting. The revision
26 may be challenged only on grounds that the revision results in a material
27 change to a Rule. A challenge shall be made in writing and delivered to
28 the Commission prior to the end of the notice period. If no challenge is
29 made, the revision will take effect without further action. If the
30 revision is challenged, the revision may not take effect without the
31 approval of the Commission.

1 N. No Member State's rulemaking requirements shall apply under this
2 Compact.

3 ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

4 A. Oversight

5 1. The executive and judicial branches of State government in each
6 Member State shall enforce this Compact and take all actions necessary
7 and appropriate to implement the Compact.

8 2. Venue is proper and judicial proceedings by or against the
9 Commission shall be brought solely and exclusively in a court of
10 competent jurisdiction where the principal office of the Commission is
11 located. The Commission may waive venue and jurisdictional defenses to
12 the extent it adopts or consents to participate in alternative dispute
13 resolution proceedings. Nothing herein shall affect or limit the
14 selection or propriety of venue in any action against a Licensee for
15 professional malpractice, misconduct, or any such similar matter.

16 3. The Commission shall be entitled to receive service of process in
17 any proceeding regarding the enforcement or interpretation of the Compact
18 and shall have standing to intervene in such a proceeding for all
19 purposes. Failure to provide the Commission service of process shall
20 render a judgment or order void as to the Commission, this Compact, or
21 promulgated Rules.

22 B. Default, Technical Assistance, and Termination

23 1. If the Commission determines that a Member State has defaulted in
24 the performance of its obligations or responsibilities under this Compact
25 or the promulgated Rules, the Commission shall provide written notice to
26 the defaulting State. The notice of default shall describe the default,
27 the proposed means of curing the default, and any other action that the
28 Commission may take, and shall offer training and specific technical
29 assistance regarding the default.

30 2. The Commission shall provide a copy of the notice of default to
31 the other Member States.

1 3. If a State in default fails to cure the default, the defaulting
2 State may be terminated from the Compact upon an affirmative vote of a
3 majority of the delegates of the Member States, and all rights,
4 privileges, and benefits conferred on that State by this Compact may be
5 terminated on the effective date of termination. A cure of the default
6 does not relieve the offending State of obligations or liabilities
7 incurred during the period of default.

8 4. Termination of membership in the Compact shall be imposed only
9 after all other means of securing compliance have been exhausted. Notice
10 of intent to suspend or terminate shall be given by the Commission to the
11 governor, the majority and minority leaders of the defaulting State's
12 legislature, the defaulting State's State Licensing Authority, and each
13 of the Member States' State Licensing Authority.

14 5. A State that has been terminated is responsible for all
15 assessments, obligations, and liabilities incurred through the effective
16 date of termination, including obligations that extend beyond the
17 effective date of termination.

18 6. Upon the termination of a State's membership from this Compact,
19 that State shall immediately provide notice to all Licensees who hold a
20 Multistate License within that State of such termination. The terminated
21 State shall continue to recognize all licenses granted pursuant to this
22 Compact for a minimum of one hundred eighty (180) days after the date of
23 said notice of termination.

24 7. The Commission shall not bear any costs related to a State that
25 is found to be in default or that has been terminated from the Compact,
26 unless agreed upon in writing between the Commission and the defaulting
27 State.

28 8. The defaulting State may appeal the action of the Commission by
29 petitioning the United States District Court for the District of Columbia
30 or the federal district where the Commission has its principal offices.
31 The prevailing party shall be awarded all costs of such litigation,

1 including reasonable attorney's fees.

2 C. Dispute Resolution

3 1. Upon request by a Member State, the Commission shall attempt to
4 resolve disputes related to the Compact that arise among Member States
5 and between Member and non-Member States.

6 2. The Commission shall promulgate a Rule providing for both
7 mediation and binding dispute resolution for disputes as appropriate.

8 D. Enforcement

9 1. The Commission, in the reasonable exercise of its discretion,
10 shall enforce the provisions of this Compact and the Commission's Rules.

11 2. By majority vote as provided by Commission Rule, the Commission
12 may initiate legal action against a Member State in default in the United
13 States District Court for the District of Columbia or the federal
14 district where the Commission has its principal offices to enforce
15 compliance with the provisions of the Compact and its promulgated Rules.
16 The relief sought may include both injunctive relief and damages. In the
17 event judicial enforcement is necessary, the prevailing party shall be
18 awarded all costs of such litigation, including reasonable attorney's
19 fees. The remedies herein shall not be the exclusive remedies of the
20 Commission. The Commission may pursue any other remedies available under
21 federal or the defaulting Member State's law.

22 3. A Member State may initiate legal action against the Commission
23 in the United States District Court for the District of Columbia or the
24 federal district where the Commission has its principal offices to
25 enforce compliance with the provisions of the Compact and its promulgated
26 Rules. The relief sought may include both injunctive relief and damages.
27 In the event judicial enforcement is necessary, the prevailing party
28 shall be awarded all costs of such litigation, including reasonable
29 attorney's fees.

30 4. No individual or entity other than a Member State may enforce
31 this Compact against the Commission.

1 ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

2 A. The Compact shall come into effect on the date on which the
3 Compact statute is enacted into law in the seventh Member State.

4 1. On or after the effective date of the Compact, the Commission
5 shall convene and review the enactment of each of the Charter Member
6 States to determine if the statute enacted by each such Charter Member
7 State is materially different than the model Compact statute.

8 a. A Charter Member State whose enactment is found to be materially
9 different from the model Compact statute shall be entitled to the default
10 process set forth in Article 12.

11 b. If any Member State is later found to be in default, or is
12 terminated or withdraws from the Compact, the Commission shall remain in
13 existence and the Compact shall remain in effect even if the number of
14 Member States should be less than seven (7).

15 2. Member States enacting the Compact subsequent to the Charter
16 Member States shall be subject to the process set forth in Article 9.C.24
17 to determine if their enactments are materially different from the model
18 Compact statute and whether they qualify for participation in the
19 Compact.

20 3. All actions taken for the benefit of the Commission or in
21 furtherance of the purposes of the administration of the Compact prior to
22 the effective date of the Compact or the Commission coming into existence
23 shall be considered to be actions of the Commission unless specifically
24 repudiated by the Commission.

25 4. Any State that joins the Compact shall be subject to the
26 Commission's Rules and bylaws as they exist on the date on which the
27 Compact becomes law in that State. Any Rule that has been previously
28 adopted by the Commission shall have the full force and effect of law on
29 the day the Compact becomes law in that State.

30 B. Any Member State may withdraw from this Compact by enacting a
31 statute repealing that State's enactment of the Compact.

1 1. A Member State's withdrawal shall not take effect until one
2 hundred eighty (180) days after enactment of the repealing statute.

3 2. Withdrawal shall not affect the continuing requirement of the
4 withdrawing State's State Licensing Authority to comply with the
5 investigative and Adverse Action reporting requirements of this Compact
6 prior to the effective date of withdrawal.

7 3. Upon the enactment of a statute withdrawing from this Compact, a
8 State shall immediately provide notice of such withdrawal to all
9 Licensees within that State. Notwithstanding any subsequent statutory
10 enactment to the contrary, such withdrawing State shall continue to
11 recognize all licenses granted pursuant to this Compact for a minimum of
12 one hundred eighty (180) days after the date of such notice of
13 withdrawal.

14 C. Nothing contained in this Compact shall be construed to
15 invalidate or prevent any licensure agreement or other cooperative
16 arrangement between a Member State and a non-Member State that does not
17 conflict with the provisions of this Compact.

18 D. This Compact may be amended by the Member States. No amendment to
19 this Compact shall become effective and binding upon any Member State
20 until it is enacted into the laws of all Member States.

21 ARTICLE 14- CONSTRUCTION AND SEVERABILITY

22 A. This Compact and the Commission's rulemaking authority shall be
23 liberally construed so as to effectuate the purposes, and the
24 implementation and administration of the Compact. Provisions of the
25 Compact expressly authorizing or requiring the promulgation of Rules
26 shall not be construed to limit the Commission's rulemaking authority
27 solely for those purposes.

28 B. The provisions of this Compact shall be severable and if any
29 phrase, clause, sentence, or provision of this Compact is held by a court
30 of competent jurisdiction to be contrary to the constitution of any
31 Member State, a State seeking participation in the Compact, or of the

1 United States, or the applicability thereof to any government, agency,
2 person, or circumstance is held to be unconstitutional by a court of
3 competent jurisdiction, the validity of the remainder of this Compact and
4 the applicability thereof to any other government, agency, person, or
5 circumstance shall not be affected thereby.

6 C. Notwithstanding Article 14.B, the Commission may deny a State's
7 participation in the Compact or, in accordance with the requirements of
8 Article 12, terminate a Member State's participation in the Compact, if
9 it determines that a constitutional requirement of a Member State is a
10 material departure from the Compact. Otherwise, if this Compact shall be
11 held to be contrary to the constitution of any Member State, the Compact
12 shall remain in full force and effect as to the remaining Member States
13 and in full force and effect as to the Member State affected as to all
14 severable matters.

15 ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

16 A. Nothing herein shall prevent or inhibit the enforcement of any
17 other law of a Member State that is not inconsistent with the Compact.

18 B. Any laws, statutes, regulations, or other legal requirements in a
19 Member State in conflict with the Compact are superseded to the extent of
20 the conflict.

21 C. All permissible agreements between the Commission and the Member
22 States are binding in accordance with their terms.

23 Sec. 2. Section 38-1001, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 38-1001 Sections 38-1001 to 38-10,172 and section 5 of this act
26 shall be known and may be cited as the Cosmetology, Electrology,
27 Esthetics, Nail Technology, and Body Art Practice Act.

28 Sec. 3. Section 38-1004, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 38-1004 For purposes of the Cosmetology, Electrology, Esthetics,
31 Nail Technology, and Body Art Practice Act and elsewhere in the Uniform

1 Credentialing Act, unless the context otherwise requires, the definitions
2 found in sections 38-1005 to 38-1056 and section 5 of this act apply.

3 Sec. 4. Section 38-1015, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-1015 Cosmetologist means a person licensed under the Cosmetology,
6 Electrology, Esthetics, Nail Technology, and Body Art Practice Act to
7 perform all of the practices of cosmetology or a person holding an
8 authorization to practice under the Cosmetology Licensure Compact.

9 Sec. 5. License or licensure, when used in reference to a
10 requirement that an individual be licensed to practice cosmetology,
11 includes:

12 (1) A license to practice cosmetology issued by the department under
13 the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
14 Practice Act; and

15 (2) Subject to rules and regulations adopted and promulgated under
16 the act, an authorization to practice under the Cosmetology Licensure
17 Compact.

18 Sec. 6. Section 38-1058, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 38-1058 It shall be unlawful for any person, group, company, or
21 other entity to engage in any of the following acts without being duly
22 licensed as required by the Cosmetology, Electrology, Esthetics, Nail
23 Technology, and Body Art Practice Act, or without holding an
24 authorization to practice under the Cosmetology Licensure Compact, unless
25 specifically excepted by such act:

26 (1) To engage in or follow or to advertise or hold oneself out as
27 engaging in or following any of the practices of cosmetology or to act as
28 a practitioner;

29 (2) To engage in or advertise or hold oneself out as engaging in the
30 teaching of any of the practices of cosmetology; or

31 (3) To operate or advertise or hold oneself out as operating a

1 cosmetology establishment in which any of the practices of cosmetology or
2 the teaching of any of the practices of cosmetology are carried out.

3 Sec. 7. Section 38-1061, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 38-1061 (1) All practitioners shall be licensed by the department
6 under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body
7 Art Practice Act, or hold an authorization to practice under the
8 Cosmetology Licensure Compact, in a category or categories appropriate to
9 their practice.

10 (2) Licensure or an authorization to practice under the Cosmetology
11 Licensure Compact shall be required before any person may engage in the
12 full, unsupervised practice or teaching of cosmetology, electrology,
13 esthetics, nail technology, or body art, and no person may assume the
14 title of cosmetologist, electrologist, esthetician, instructor, nail
15 technician, nail technology instructor, esthetics instructor, permanent
16 color technician, tattoo artist, body piercer, or body brander without
17 first being licensed by the department or holding a compact
18 authorization.

19 (3) All licensed and authorized practitioners shall practice in an
20 appropriate licensed establishment or facility.

21 Sec. 8. Original section 38-1015, Reissue Revised Statutes of
22 Nebraska, and sections 38-1001, 38-1004, 38-1058, and 38-1061, Revised
23 Statutes Cumulative Supplement, 2022, are repealed.