

EFFECTIVE  
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NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

172 NAC 34

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 34 SANITATION AND SAFETY RELATING TO COSMETOLOGY, ESTHETIC,  
AND NAIL TECHNOLOGY SERVICES

001. SCOPE AND AUTHORITY. These regulations apply to the safe practice of cosmetology, esthetics, and nail technology by cosmetologists, nail technicians, and students in cosmetology, esthetic, and nail technology salons and schools as defined in the Cosmetology, Electrology, Esthetics, Nail Technology and Body Art Practice Act.

002. DEFINITIONS. Definitions set out in the Cosmetology, Electrology, Esthetics, Nail Technology and Body Art Practice Act and the following apply to this chapter.

002.01 CLOSED COVERED RECEPTACLE, CONTAINER, BOTTLE, AND DRAWER.

Fits tightly with a lid, door, or shutting of a drawer, and may have vents.

002.02 CONTACT TIME. The amount of moist contact time required for a disinfectant to be effective against the pathogens on the label.

002.03 DISINFECT. The process of making a non-porous item safe for use. Requires the use of a chemical intended to kill bacteria, viruses, or fungus.

002.04 DISINFECTANT. A United States Environmental Protection Agency (EPA) registered bactericidal, virucidal, and fungicidal agent that is approved for use in hospital settings, following label instructions for dilution ratio and contact time.

002.05 DISINFECTION. To remove agents of infection, disease, or infestation by insects or pests, and soil, dust, or foreign material.

002.06 DISINFECTION CONTAINER. A closed receptacle which holds the disinfectant solution.

002.07 DISPOSABLE SUPPLIES. Tools that cannot be disinfected, such as cotton balls or pads, orangewood sticks, card board files, pumice stones, end papers, foil, frost caps, disposable capes, neck strips, single use cosmetic applicators, sponges, or other similar items.

002.08 ELECTRICAL APPLIANCES. Drills or electric files, airbrush machines, polish dryers, gel lights, footbaths or foot spas, paraffin wax warmers, blow dryers, wax warmers, thermal curling irons, microdermabrasion machine, facial machines, and similar portable electric powered appliances.

002.09 ENCLOSED CONTAINER, DRAWER, AND CABINET. Fits tightly with a lid, door, or shutting of a drawer and does not have vents.

002.10 EQUIPMENT OR FURNITURE. Those items needed to operate a salon or a school usually considered stationary, such as, waiting chairs, client chairs, cabinets, sinks, nail technology tables and stools, stations, and facial beds.

002.11 IMPLEMENTS OR TOOLS. Nail files, nail nippers, cuticle pushers, nail clippers, manicure brushes, nail tip cutters, product brushes, nail drill bits, shears, combs, brushes, rollers, perm rods, bobby pins, clippers, tweezers, clippers, razors, comedone extractors, or other similar items.

002.12 PIPED FOOTBATH OR PIPED FOOT SPA. The water in the basin is re-circulated through a plumbing system by water.

002.13 PIPELESS FOOTBATH OR PIPELESS FOOT SPA. The water in the basin is circulated by air.

002.14 STATION. A nail table, client chair, and licensee chair.

002.15 TRASH CONTAINER. A waste receptacle with solid sides, a lid, and a plastic liner.

002.16 WASHABLE IMPLEMENT OR TOOL. A tool that is sanitizable or disinfectable, such as one made of mylar, plastic, metal, or cloth.

003. EMPLOYEE IDENTIFICATION. Each employee providing services must have a government-issued or state-issued photo identification card or document available for viewing by a Department inspector.

004. HAND CLEANLINESS. Licensees, students, and clients must comply with the following cleanliness procedures.

004.01 LICENSEE AND STUDENT HAND CLEANLINESS. Every licensee and student must:

- (A) Wash his or her hands thoroughly with liquid soap and water or an instant hand sanitizer before serving each client.
- (B) If wearing gloves during a service, they must be free of tears or holes and the gloves must be changed upon contamination.

004.02 CLIENT HAND CLEANLINESS. If the client is receiving nail technology services, every client must thoroughly wash his or her hands with liquid soap and water or an instant hand sanitizer before receiving services.

005. PHYSICAL STRUCTURE. The salon or school must be well lighted, well ventilated and kept

in a clean, orderly, sanitary condition at all times.

006. WATER. The salon or school must have hot and cold running water.

007. SAFETY. The salon or school must be maintained in a safe and sanitary condition as follows:

- (A) Floors, floor coverings, walls, woodwork, ceilings, furniture, fixtures, and equipment must be clean and in good repair.
- (B) Floors must be free of unsafe objects and slippery or uneven surfaces.
- (C) Doors, stairways, passageways, aisles, or other means of exit must provide safe and adequate access.
- (D) Electrical appliances must be clean and have no worn or bare wiring.
- (E) Water or product spills on the floor must be removed immediately and the floor dried.

008. RESTROOM FACILITIES. Restrooms must be clean and sanitary and comply with the following requirements:

- (A) The toilets and sinks must be clean and operational.
- (B) The following must be available at all times:
  - (i) Suitable holders for toilet paper.
  - (ii) An adequate supply of toilet paper.
  - (iii) A clean waste receptacle.
  - (iv) A sink with hot and cold running water.
  - (v) Liquid soap.
  - (vi) Single-use disposable towels in an appropriate clean holder or an electric hand dryer.

009. TABLES AND CHAIRS. All tables and chairs must be in good repair and in a sanitary condition at all times.

- (A) All table tops must be disinfected immediately following each client.
- (B) All nail stations and client chairs must be disinfected at the end of the day.

010. LAUNDRY FACILITIES. If the establishment has a laundry facility, it must:

- (A) Be clean, including the washer and dryer.
- (B) Have a receptacle to store soiled towels.

011. STORAGE AND USE OF SUPPLIES, IMPLEMENTS, TOWELS, LINENS, PRODUCTS, EQUIPMENT, AND MATERIALS. The storage and use of various chemicals, supplies, implements, and products used in salons and schools must meet the following requirements:

011.01 CHEMICALS. The storage of chemicals must comply with the following requirements:

- (A) Flammable and combustible chemicals must be stored away from potential sources of ignition such as an open flame or electrical devices.
- (B) All chemicals must be stored in closed bottles or containers and properly labeled.

011.02 STORAGE UNITS. Cabinets, drawers, and containers used for storage of implements and towels must be clean.

011.03 SUPPLIES AND IMPLEMENTS. The following requirements for supplies and implements apply:

- (A) Unused supplies must be stored in a clean, closed container or drawer.

- (B) Used or soiled disposable supplies must be discarded immediately in a clean, closed waste receptacle with a plastic liner.
- (C) Implements that have been used on a client or soiled in any manner must be placed in a properly labeled covered receptacle until disinfected as described in 172 Nebraska Administrative Code (NAC) 34-014.
- (D) Disinfected implements must be stored in a clean closed container or drawer until used.
- (E) Used product application brushes must be cleaned and stored in a clean closed container after each client.
- (F) Tools and implements must not be placed in or on clothes, aprons, pockets, bags, or holsters, or worn by the licensee, and must not come into contact with surfaces that have not been disinfected as described in 172 NAC 34-014.

011.04 TOWELS AND LINENS. The following requirements for towels and linens apply:

- (A) Used or soiled cloth towels and linens must not be used again until laundered and dried.
- (B) Containers for used linens must be covered and have vented sides to reduce the growth of pathogens. Containers used for soiled linens must be disinfected weekly with disinfectant sprays or wipes in accordance with the directions on the manufacturer's label.
- (C) All clean cloth towels and linens must be stored in a clean, covered container, drawer, or cabinet until used.
- (D) Disposable towels must be discarded in a covered waste receptacle immediately following each service.
- (E) All towels used in towel warmers must be washed and dried at end of the day and stored overnight in a clean, covered, closed container.
- (F) Salons and schools using hot steamed towels for services must meet these requirements:
  - (i) Towel warmers must be disinfected daily with a disinfectant wipe or spray;
  - (ii) Towels used in a warmer must be washed with detergent and bleach and dried using a hot dryer setting.
  - (iii) Licensees preparing towels for the warmers must first wash their hands or wear gloves.
  - (iv) Wet towels used in services must be prepared fresh each day. At the end of the day, unused steamed towels must be removed and laundered.
- (G) Towel warmers must be left open overnight to allow unit to dry completely.

011.05 PRODUCTS. Products used in salons and schools must meet the following requirements:

- (A) No product containing methacrylate monomers may be used in the salon or school.
- (B) Artificial nails or nail enhancements must be removed in accordance with manufacturer's directions.
- (C) All liquids, cosmetics, creams, gels, pastes, powders, and other products must be kept in clean, closed containers.
- (D) Original product bottles and containers must have an original manufacturer label.
- (E) When only a portion of the product, except for nail polish, is to be used on a client, the product must be removed from the container by a spatula, scoop, spoon, or dropper so that the product does not come in direct contact with a client or licensee

and the ensure the remaining product is not contaminated.

- (F) If a product is poured into another container, such as a shaker, dispenser pump container, or spray container, the container must be labeled to identify the product. Dappen or acrylic liquid dishes do not need labeling.

011.06 EQUIPMENT AND MATERIALS. Equipment and materials must meet the following requirements:

- (A) No nail dusters or hand dusters must be used.
- (B) Nail buffers can be used if properly disinfected between clients.
- (C) Manicure brushes which are made of plastic or nylon, must be disinfected after each use.
- (D) Client hand supports must have plastic or vinyl coverings.
- (E) A disinfection container must be deep enough to fully immerse implements and tools and must be available in the salon or school for disinfecting implements and tools.
- (F) If providing nail technology services, a trash container must be located at each station.
- (G) Dry use implements made of materials that melt when wet, such as wood or cardboard and nail drill disposable bands must be discarded in a closed waste receptacle immediately after use.
- (H) When providing cosmetology or esthetic services, disinfected brushes, such as plastic, nylon, sable, or natural hair may be used, provided they are sanitized between clients in accordance with the manufacturer's instructions.
- (I) When providing cosmetology services, neck strips or a clean towel must be used under a cape in order to prevent the cape from coming into contact with the skin or hair of each client. A sanitized or disposable cape, 1 per client, may be used in lieu of neck strips or towels.
- (J) Supplies and implements which come in direct contact with a client and cannot be disinfected, such as cotton pads, cotton balls, paper neck strips, orangewood sticks, pads, "Q-tips", sponges, and other similar items, must be disposed of in a covered waste receptacle, with a plastic liner, immediately after use.
- (K) A first aid kit must be available in the salon or school.

012. SAFETY DATA SHEET (SDS). Safety Data Sheets for every product pertaining to cosmetology and esthetics client services, and for every disinfectant, must be accessible at all times to all employees either by paper or electronically.

013. DISINFECTANT MIXING, DISPOSAL, AND LABELING. The mixing, disposal, and labeling of disinfectants must comply with the following requirements:

- (A) All disinfectants must be mixed as directed on the manufacturer's label.
- (B) If the disinfectant becomes contaminated or cloudy, it must be discarded immediately.
- (C) All disinfectant containers must be covered at all times and large enough to completely cover all implements and tools, including the handle, that must be placed in the container.
- (D) A manufacturer's label for all disinfectant concentrate must be available at all times. If a concentrate bottle is emptied, it must remain available until a new bottle is obtained.
- (E) When mixed disinfectant concentrate is placed in a secondary container such as a spray bottle, tub or jar, that container must be labeled to indicate what chemical is in the container.

- (F) Disinfectants must be disposed of in accordance with all local, state and federal standards.

014. METHODS OF DISINFECTION. Salons and schools must comply with the following disinfection methods:

014.01 IMMERSION. The process for disinfecting by immersion is as follows:

- (A) Remove foreign matter.
- (B) Wash hands with liquid soap and water or an instant hand sanitizer.
- (C) Wash implements with hot water and soap.
- (D) Rinse implements after washing.
- (E) Place the implement in a disinfectant.
- (F) The disinfectant solution must be deep enough to completely cover implements.
- (G) The implements must stay in the disinfectant solution for the full contact time as listed on the manufacturer's label.
- (H) All disinfectants used for immersion must be disposed of at the end of the day and fresh disinfectant made at the beginning of each work day. In addition, if the disinfectant becomes contaminated or cloudy, it must be changed immediately.
- (I) Before removing the disinfected implements, wash hands with liquid soap and water or an instant hand sanitizer.
- (J) Air-dry on a sanitary surface for at least 10 minutes, dry with a clean towel, or with an electric air sanitizer.
- (K) Store in a clean enclosed cabinet or covered container reserved for clean implements.

014.02 SPRAY. The process for disinfecting by spray is as follows:

- (A) Remove foreign matter.
- (B) Wash hands with liquid soap and water or an instant hand sanitizer.
- (C) Spray the implement until it is totally saturated with a disinfectant.
- (D) The disinfectant must remain in full contact with the implement as listed on the manufacturer's label.

014.03 DISINFECTANT WIPES. Follow steps (A) through (D) and (J) and (K) in 172 NAC 34-014.01 when using a disinfectant wipe. Wipe surfaces and ensure that all surfaces remain visibly moist for the contact time listed on the label. When using a wipe to clean and a second wipe to disinfect, steps (C) and (D) are not required.

014.04 METAL IMPLEMENTS. All metal implements must be immersed in a disinfectant following the procedures in 172 NAC 34-014.01 except that nail tip cutters may be sprayed with a disinfectant.

014.05 AUTOCLAVE. Autoclave is an acceptable method of disinfection and must comply with the following requirements:

- (A) Autoclave implements in accordance with the manufacturer's instructions.
- (B) Autoclaves must be cleaned and serviced at the frequency recommended by the manufacturer.

014.06 ELECTRICAL APPLIANCES. Electrical appliances such as drills, electric files,

airbrush machines, polish dryers, gel lights, footbaths, foot spas, paraffin wax warmers, clippers, blow dryers, thermal curling irons, microdermabrasion machines, facial machines, and similar portable electric powered appliances must be kept clean at all times. The disinfection process is as follows:

- (A) Remove all foreign matter.
- (B) Spray with a disinfectant or use a disinfectant wipe.
- (C) Wipe dry with a clean towel.

014.07 PIPED AND PIPELESS FOOTBATHS AND FOOT SPAS. Salons and schools must use the following disinfection process for footbaths and foot spas:

04.07(A) AFTER PEDICURES. After every pedicure using piped and pipeless footbaths and foot spas, the following process must be followed:

- (i) Drain water from the basin.
- (ii) Remove all debris from the basin and components, as well as the top and bottom of the footplate, knobs and screen. Use low-sudsing soap or detergent and a non-abrasive brush. Remove all visible residue from the inside of the basin and all other components.
- (iii) Rinse the basin and components with clean water using the sprayer.
- (iv) For pipeless footbaths and foot spas, disinfect all components, screen, surfaces and basin with a disinfectant. Let stand for at least 10 minutes following the manufacturer's recommendations.
- (v) For piped footbaths, foot spas, or portable circulating footbaths, fill the basin with water and a disinfectant and let circulate. The disinfection solution must go everywhere the water was and stay there for at least 10 minutes.
- (vi) Rinse the basin and components again with clean water.
- (vii) Thoroughly dry the basin and all other components with a clean towel.

014.07(B) AFTER PEDICURES USING A DISPOSABLE LINER. After every pedicure when using a disposable liner, the following process must be followed:

- (i) Replace the liner with a new liner for each client.
- (ii) Any time the base of the footbath or foot spa becomes contaminated, the liner must be replaced immediately and the footbath or foot spa must be disinfected.

014.07(C) AT THE END OF THE WORK DAY FOR PIPED FOOTBATHS AND FOOT SPAS. At the end of the work day, the following process must be followed:

- (i) Drain water from the basin.
- (ii) Remove all debris from the basin and components, as well as the top and bottom of the footplate, knobs and screen. Use low-sudsing soap or detergent and a non-abrasive brush. Remove all visible residue from the inside of the basin and all other components.
- (iii) Fill the basin with water and a disinfectant and let run in accordance with manufacturer's disinfecting procedures. Let the water and disinfectant sit in the tub for 6-10 hours, then drain the basin.
- (iv) Fill the basin with clean water and circulate for 5 minutes and drain the basin.
- (v) Rinse the basin and components with clean water using the sprayer and dry with a clean towel.

014.08 UNACCEPTABLE DISINFECTION METHODS. Ultraviolet light and using isopropyl alcohol or hydrogen peroxide are not acceptable disinfection methods.

015. USING PARAFFIN WAX ON A CLIENT'S HANDS OR FEET. When using paraffin wax on a client's hands or feet, the following procedures must be followed:

- (A) Paraffin wax used on one client must not be re-melted and used on another client.
- (B) Paraffin wax must be removed from the machine with a clean, single-use applicator.
- (C) The paraffin wax machine must be kept clean.
- (D) Paraffin wax must be portioned out for each client in a bag or other container, or dispensed in a manner that prevents contamination of the unused supply. All portions used on a client must be disposed of immediately following use.

016. WAX. When using wax on a client during a cosmetology or esthetic service, the following procedures must be followed:

- (A) Wax used on one client must not be re-melted and used on another client.
- (B) Wax must be removed from the machine with a clean single-use applicator.
- (C) The wax machine must be kept clean.

017. BLOOD SPILL PROCEDURES. When a client, licensee, or student injury occurs, the following procedures must be followed:

017.01 CLIENT INJURY. The following process must be followed:

- (A) Stop service.
- (B) Scrub licensee or student hands with liquid soap and water.
- (C) Glove hands of licensee or student.
- (D) Change gloves upon contamination, tearing or penetration.
- (E) Clean client's injured area, as necessary.
- (F) Apply antiseptic or styptic powder or liquid, as necessary; do not use styptic pencils.
- (G) Cover with a band aid or liquid sealant.
- (H) Clean blood spill area.
- (I) Place all disposable contaminated objects and gloves in a plastic bag.
- (J) Dispose of plastic bag in covered waste receptacle.
- (K) Clean hands with liquid soap and water.
- (L) Clean non-disposable tools with a disinfectant.
- (M) Return to service.

017.02 LICENSEE OR STUDENT INJURY. The following process must be followed:

- (A) Stop service.
- (B) Clean injured area with liquid soap and water.
- (C) Apply antiseptic or styptic powder or liquid as necessary; do not use styptic pencils.
- (D) Cover with a band aid or liquid sealant.
- (E) Clean blood spill area, as necessary.
- (F) Place all disposable contaminated objects and gloves, if worn, in a plastic bag.
- (G) Dispose of plastic bag in covered waste receptacle.
- (H) Clean hands with liquid soap and water.
- (I) Clean non-disposable tools with a disinfectant.
- (J) Return to service.

018. HOME SERVICES KITS. The following applies to home service kits:

- (A) Home service kits must be available for inspection at the salon or at the home of the client receiving services.
- (B) The kit and all products in the kit must be maintained in a sanitary condition.
- (C) The kit must contain items required for the service being provided.
- (D) Towels or linens stored in the kit must be in a clean, dust-proof, and waterproof container.
- (E) Used and soiled towels or linens must be placed in a leak-proof container for transport to the laundering site.
- (F) Licensees must use the disinfectant methods described in 172 NAC 34-014 following the service.

019. PROHIBITED IMPLEMENTS, SUPPLIES, PRODUCTS, AND ACTIVITIES. The following implements, supplies, products, and activities are prohibited in salons and schools:

- (A) Credo blades and other implements used for cutting nail beds, corns, or calluses.
- (B) Products containing methacrylate monomers.
- (C) Nail dusters.
- (D) Styptic pencils.
- (E) Coarse nail drill bands.
- (F) Cabinet fumigants.
- (G) Nail services using fish or other living creatures.
- (H) Using individual client implement containers.
- (I) Smoking or vaping on the clinic floor, or any area where salon products or chemical supplies are used or stored.
- (J) Licensees using or consuming intoxicating beverages.
- (K) Unlicensed persons, or credential holders with an expired or inactive license, who are providing cosmetology, esthetic, or nail technology services.