

ASSEMBLY, No. 2844

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED MARCH 10, 2014

Sponsored by:
Assemblywoman ANNETTE QUIJANO
District 20 (Union)

SYNOPSIS

Permits chair or booth rentals for the purpose of providing cosmetology and hairstyling services or ancillary services.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning cosmetology and hairstyling and amending and
2 supplementing P.L.1984, c.205.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 3 of P.L.1984, c.205 (C.45:5B-3) is amended to read
8 as follows:

9 3. As used in this act:

10 a. "Barber" means any person who is licensed to engage in any
11 of the practices encompassed in barbering.

12 b. "Barbering" means any one or combination of the following
13 practices when performed on the human body for cosmetic purposes
14 and not for the treatment of disease or physical or mental ailments
15 and when performed for the general public, primarily for male
16 customers:

17 (1) shaving or trimming of the beard, mustache or other facial
18 hair;

19 (2) shampooing, cutting, arranging, relaxing or styling of the
20 hair;

21 (3) singeing, dyeing, tinting, coloring, bleaching of the hair;

22 (4) applying cosmetic preparations, antiseptics, tonics, lotions or
23 creams to the hair, scalp, face or neck;

24 (5) massaging, cleansing or stimulating the face, neck or scalp
25 with or without cosmetic preparations, either by hand, mechanical
26 or electrical appliances; or

27 (6) cutting, fitting, coloring or styling of hairpieces or wigs, to
28 the extent that the services are performed while the wig is being
29 worn by a person.

30 c. "Beautician" means any person who is licensed to engage in
31 any of the practices encompassed in beauty culture.

32 d. "Beauty culture" means any one or combination of the
33 following practices when performed on the human body for
34 cosmetic purposes and not for the treatment of disease or physical
35 or mental ailments and when performed for the general public,
36 primarily for female customers:

37 (1) shampooing, cutting, arranging, dressing, relaxing, curling,
38 permanent waving or styling of the hair;

39 (2) singeing, dyeing, tinting, coloring, bleaching of the hair;

40 (3) applying cosmetic preparations, antiseptics, tonics, lotions,
41 creams or makeup to the hair, scalp, face, neck or upper part of the
42 body;

43 (4) massaging, cleansing, or stimulating the face, scalp, neck or
44 upper part of the body, with or without cosmetic preparations either
45 by hand, mechanical or electrical appliances;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (5) removing superfluous hair from the face, neck, arms, legs or
2 abdomen by the use of depilatories, waxing or tweezers, but not by
3 the use of electrolysis;
- 4 (6) manicuring the fingernails, nail-sculpturing or pedicuring the
5 toenails; or
- 6 (7) cutting, fitting, coloring or styling of hairpieces or wigs to
7 the extent that the services are performed while the wig is being
8 worn by a person.
- 9 e. "Board" means the New Jersey State Board of Cosmetology
10 and Hairstyling.
- 11 f. "Board of Barber Examiners" means the State Board of
12 Barber Examiners established pursuant to P.L.1938, c.197 (C.45:4-
13 27 et seq.).
- 14 g. "Board of Beauty Culture Control" means the Board of
15 Beauty Culture Control established pursuant to Chapter 4A of Title
16 45 of the Revised Statutes.
- 17 h. "Clinic" means a designated portion of a licensed school in
18 which members of the general public may receive cosmetology and
19 hairstyling services from registered students in exchange for a fee
20 which shall be calculated to recoup only the cost of materials used
21 in the performance of those services.
- 22 i. "Cosmetologist-hairstylist" means any person who is
23 licensed to engage in the practices encompassed in cosmetology and
24 hairstyling.
- 25 j. "Cosmetology and hairstyling" means any one or
26 combination of the following practices when performed on the
27 human body for cosmetic purposes and not for the treatment of
28 disease or physical or mental ailments and when performed for the
29 general public, for male or female customers:
- 30 (1) shaving or trimming of the beard, mustache or other facial
31 hair;
- 32 (2) shampooing, cutting, arranging, dressing, relaxing, curling,
33 permanent waving or styling of the hair;
- 34 (3) singeing, dyeing, tinting, coloring, bleaching of the hair;
- 35 (4) applying cosmetic preparations, antiseptics, tonics, lotions,
36 creams or makeup to the hair, scalp, face or neck;
- 37 (5) massaging, cleansing or stimulating the face, neck or upper
38 part of the body, with or without cosmetic preparations, either by
39 hand, mechanical or electrical appliances;
- 40 (6) removing superfluous hair from the face, neck, arms, legs or
41 abdomen by the use of depilatories, waxing or tweezers, but not by
42 the use of electrolysis;
- 43 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
44 toenails;
- 45 (8) cutting, fitting, coloring or styling of hairpieces or wigs to
46 the extent that the services are being performed while the wig is
47 being worn by a person; or

1 (9) hairweaving to the extent that the procedure does not involve
2 the replacement of human hair by means of the insertion of any
3 natural or synthetic fiber hair into the scalp.

4 k. "Manicurist" means a person who holds a license to engage
5 in only the practice of manicuring.

6 l. "Manicuring" means any one or combination of the
7 following practices when performed on the human body for
8 cosmetic purposes and not for the treatment of disease or physical
9 or mental ailments and when performed for the general public, for
10 male or female customers:

11 (1) manicuring of the fingernails;

12 (2) pedicuring of the toenails;

13 (3) nail sculpturing; or

14 (4) removing superfluous hair from the face, neck, arms, legs or
15 abdomen by the use of depilatories, waxing or tweezers, but not by
16 the use of electrolysis.

17 m. "Owner" means any person, corporation, firm or partnership
18 who has a financial interest in a school or shop entitling him to
19 participate in the promotion, management and proceeds thereof. It
20 does not include a person whose connection with a school or shop
21 entitles him only to reasonable salary or wages for services actually
22 rendered.

23 n. "Practicing licensee" means any person who holds a license
24 to practice barbering, beauty culture, cosmetology and hairstyling,
25 manicuring or as a skin care specialist.

26 o. "Registered student" means a person who is engaged in
27 learning and acquiring a knowledge of any of the practices included
28 in the definition of cosmetology and hairstyling, including beauty
29 culture, barbering, manicuring and skin care specialty, under the
30 direction and supervision of a person duly authorized under this act
31 to teach cosmetology and hairstyling and who is enrolled in a
32 program of instruction at a licensed school of cosmetology and
33 hairstyling, completion of which may render him eligible for
34 licensure pursuant to this act but does not mean a person who is
35 enrolled in a public school vocational program in cosmetology and
36 hairstyling approved by the State Board of Education or in any
37 other cosmetology and hairstyling program approved by the State
38 Board of Education.

39 p. "Registration card" means a document issued by the board to
40 a registered student upon receipt of documentation from a licensed
41 school of cosmetology and hairstyling that the student is enrolled.

42 q. "School" means an establishment or place licensed by the
43 board to be maintained for the purpose of teaching cosmetology and
44 hairstyling, beauty culture, barbering, manicuring or skin care
45 specialty to registered students.

46 r. "Senior student" means a registered student who has
47 successfully completed one-half of the total hours of instruction
48 required for licensure as a cosmetologist-hairstylist, beautician,

1 barber, manicurist or skin care specialist in a licensed school of
2 cosmetology and hairstyling, as determined by the board pursuant to
3 regulation, or in any public school vocational training program
4 approved by the State Board of Education.

5 s. "Student permit" means a permit issued to a senior student
6 which enables him to practice cosmetology and hairstyling, beauty
7 culture, barbering, manicuring or skin care specialty, as appropriate,
8 based on the course of instruction in which the student is enrolled,
9 in a school clinic or shop while a registered student at a licensed
10 school of cosmetology and hairstyling or enrolled in an approved
11 vocational training program.

12 t. "Shop" means any fixed establishment or place where one or
13 more persons engage in one or more of the practices included in the
14 definition of cosmetology and hairstyling, barbering, beauty culture,
15 manicuring or skin care specialty.

16 u. "Teacher" means any person who is licensed by the board to
17 give instruction or training in the theory or practice of cosmetology
18 and hairstyling, beauty culture, barbering, manicuring or skin care
19 specialty.

20 v. "Temporary permit" means a permit issued to applicants for
21 licensure awaiting scheduling or results of an examination.

22 w. (Deleted by amendment, P.L.2009, c.162)

23 x. "Skin care specialist" means a person who holds a license to
24 engage in only the practices included in the definition of skin care
25 specialty.

26 y. "Skin care specialty" means any one or combination of the
27 following practices when performed on the male or female human
28 body for cosmetic purposes and not for the treatment of disease or
29 physical or mental ailments and when performed for the general
30 public, primarily for male customers:

31 (1) applying cosmetic preparations, antiseptics, tonics, lotions,
32 creams or makeup to the scalp, face or neck;

33 (2) massaging, cleansing or stimulating the face, neck or upper
34 part of the body, with or without cosmetic preparations, either by
35 hand, mechanical or electrical appliances; or

36 (3) removing superfluous hair from the face, neck, arms, legs or
37 abdomen by the use of depilatories, waxing or tweezers, but not by
38 the use of electrolysis.

39 z. (Deleted by amendment, P.L.2009, c.162)

40 aa. "Chair or booth rental" means a business arrangement
41 entered into by a written contract whereby a practicing licensee
42 rents or leases a chair or booth from the owner of a licensed shop.
43 (cf: P.L.2009, c.162, s.1)

45 2. Section 6 of P.L.1984, c.205 (C.45:5B-6) is amended to read
46 as follows:

47 6. The board shall:

48 a. Review the qualifications of applicants for licensure;

- 1 b. Devise examinations for licensure which include practical
- 2 and written portions;
- 3 c. Administer and grade examinations or employ competent
- 4 examiners to administer and grade examinations but in no case shall
- 5 the board permit a person having any affiliation with a licensed
- 6 school to examine or grade an applicant who has been a registered
- 7 student at the school with which the examiner has an affiliation;
- 8 d. Issue and renew licenses of any cosmetologist-hairstylist,
- 9 beautician, barber, manicurist, skin care specialist, teacher, shop,
- 10 chair or booth rental, or school;
- 11 e. Issue student permits to senior students, which permits shall
- 12 remain valid during the period that the student is registered at a
- 13 licensed school or enrolled in an approved vocational training
- 14 program;
- 15 f. Issue temporary permits to applicants for licensure who are
- 16 awaiting scheduling for or results from an examination;
- 17 g. Issue registration cards to registered students;
- 18 h. Suspend, revoke or refuse to renew a license and exercise
- 19 investigative powers pursuant to the provisions of P.L.1978, c.73
- 20 (C.45:1-14 et seq.);
- 21 i. Appoint and employ an executive director and an assistant
- 22 executive director subject to the approval of the Attorney General,
- 23 and other employees as necessary to carry out the provisions of this
- 24 act;
- 25 j. Determine the duties that the executive director and the
- 26 assistant executive director shall perform;
- 27 k. File with the Attorney General a petition to remove any
- 28 executive director or assistant executive director for cause, which
- 29 petition shall be acted upon by the Attorney General in a manner
- 30 which he deems appropriate;
- 31 l. Establish fees for initial licensure, permits, renewals and
- 32 restoration of licenses as well as for duplication of lost licenses
- 33 pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);
- 34 m. Maintain records of all practicing licensees and all licensed
- 35 teachers. Records shall include the latest work address of each
- 36 licensee, as provided on applications for licensure and renewals
- 37 thereof;
- 38 n. Maintain a record of all registered students and all persons
- 39 holding student permits;
- 40 o. Maintain a record of all shops licensed by the board to offer
- 41 one or more of the services encompassed within the definition of
- 42 cosmetology and hairstyling;
- 43 p. Maintain a record of all schools licensed by the board to
- 44 offer courses of instruction or training in the practice and theory of
- 45 cosmetology and hairstyling, beauty culture, barbering, manicuring
- 46 and skin care specialty to registered students, which courses shall
- 47 be approved by the board for the awarding of credit for licensure;

1 q. Make available for public inspection all records required to
2 be kept pursuant to this section;

3 r. Promulgate regulations governing the practice and teaching
4 of cosmetology and hairstyling, beauty culture, barbering,
5 manicuring and skin care specialty as are necessary to implement
6 this act and to insure that cosmetology and hairstyling services and
7 instruction in those services are being offered both in a manner
8 which is sanitary and safe and in a manner which is not intended to
9 deceive or mislead the general public;

10 s. Promulgate regulations governing the conduct of shops,
11 chair or booth rentals, and schools as are necessary to implement
12 this act and to assure that cosmetology and hairstyling services and
13 instruction in those services are being offered both in a manner that
14 is sanitary and safe, and in a manner not intended to deceive or
15 mislead the general public, students of the schools, or organizations
16 awarding financial aid to the students and to clarify or define any
17 term used in the act and to define any activity included in
18 hairstyling and cosmetology, beauty culture, barbering, manicuring
19 and skin care specialty;

20 t. Review curricula offered by licensed schools in courses of
21 instruction offered to registered students and approve those
22 curricula which offer comprehensive training in cosmetology and
23 hairstyling, beauty culture, barbering, manicuring and skin care
24 specialty;

25 u. Direct the conduct of inspections or investigations of all
26 licensed shops and schools;

27 v. Direct the conduct of inspections or investigations of any
28 premises from which the board may have reason to believe that
29 cosmetology and hairstyling, beauty culture, barbering, manicuring
30 and skin care specialty services are being offered, or that courses of
31 instruction are being offered to registered students; **[and]**

32 w. Establish criteria and standards for education and experience
33 required for licensure ; and

34 x. Maintain a record of all individuals holding chair or booth
35 rental licenses.

36 (cf: P.L.2009, c.162, s.4)

37

38 3. Section 34 of P.L.1984, c.205 (C.45:5B-34) is amended to
39 read as follows:

40 34. All practicing licenses, chair or booth rental licenses, and
41 teachers' licenses issued shall be renewable on a biennial basis on a
42 date determined by the board.

43 (cf: P.L.2009, c.162, s.25)

44

45 4. (New section) No licensed shop owner shall enter into a
46 chair or booth rental arrangement unless the practicing licensee
47 holds a chair or booth rental license as provided in section 5 of
48 P.L. , c. (C.) (pending before the Legislature as this bill).

(1) Make application to the board on forms as it may require;
and

b. The board shall promulgate rules and regulations relating to the information to be submitted for a chair or booth rental license, including information regarding an applicant's compliance with State and federal tax laws.

6. This act shall take effect on the 180th day following enactment.

This bill establishes a new chair or booth rental license for qualifying individuals, who already are licensed by the New Jersey State Board of Cosmetology and Hairstyling to perform cosmetology and hairstyling services or ancillary services, in cases when these individuals engage in a business arrangement entered into by a written contract whereby they rent or lease a chair or booth from the owner of a shop that is licensed by the board. The bill specifically provides that no licensed shop owner shall enter into a chair or booth rental arrangement unless the practicing licensee holds a chair or booth rental license as provided in this bill.

An individual applying for a chair or booth rental license shall: make application to the board on forms as it may require; and pay a fee as required by the board. In addition, the bill stipulates that the board shall promulgate rules and regulations relating to the information to be submitted for a chair or booth rental license, including information regarding an applicant's compliance with State and federal tax laws.

The bill provides that the board shall maintain a record of all individuals holding chair or booth rental licenses, which licenses shall be renewable on a biennial basis.