

[First Reprint]

ASSEMBLY, No. 3754

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED APRIL 5, 2018

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SYNOPSIS

Exempts persons providing hair braiding services from licensure requirement; requires registration of hair braiding establishments.

CURRENT VERSION OF TEXT

As amended on August 27, 2018 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 9/28/2018)

1 AN ACT concerning licensure requirements for certain cosmetology
2 and hairstyling practices, ¹**requiring the registration of hair**
3 **braiding establishments** establishing a limited license for hair
4 braiding¹, and amending and supplementing P.L.1984, c.205.

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

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

11 3. As used in this act:

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

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

19 (1) shaving or trimming of the beard, mustache or other facial
20 hair;

21 (2) shampooing, cutting, arranging, relaxing or styling of the
22 hair;

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

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

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

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

32 ¹**"Barbering" shall not mean the practice of hair braiding when**
33 **performed for the general public.**¹

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

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

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

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

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

Matter enclosed in superscript numerals has been adopted as follows:

¹**Assembly amendments adopted in accordance with Governor's recommendations August 27, 2018.**

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

1 (6) 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 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
5 toenails;

6 (8) cutting, fitting, coloring or styling of hairpieces or wigs to
7 the extent that the services are being performed while the wig is
8 being worn by a person~~;~~ or~~]~~ .

9 (9) ~~hairweaving to the extent that the procedure does not~~
10 ~~involve the replacement of human hair by means of the insertion of~~
11 ~~any natural or synthetic fiber hair into the scalp.] (Deleted by~~
12 ~~amendment, P.L. , c.) (pending before the Legislature as this~~
13 ~~bill)~~

14 ¹~~["Cosmetology and hairstyling" shall not mean the practice of~~
15 ~~hair braiding when performed for the general public.]¹~~

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

18 l. "Manicuring" means any one or combination of the
19 following practices when performed on the human body for
20 cosmetic purposes and not for the treatment of disease or physical
21 or mental ailments and when performed for the general public, for
22 male or female customers:

23 (1) manicuring of the fingernails;

24 (2) pedicuring of the toenails;

25 (3) nail sculpturing; or

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

29 ¹~~["Manicuring" shall not mean the practice of hair braiding~~
30 ~~when performed for the general public.]¹~~

31 m. "Owner" means any person, corporation, firm or partnership
32 who has a financial interest in a school or shop entitling him to
33 participate in the promotion, management and proceeds thereof. It
34 does not include a person whose connection with a school or shop
35 entitles him only to reasonable salary or wages for services actually
36 rendered. "Owner" shall also mean any person, corporation, firm or
37 partnership who has a financial interest in a hair braiding
38 ¹[establishment] shop¹ entitling the person, corporation, firm or
39 partnership to participate in the promotion, management and
40 proceeds thereof.

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

44 o. "Registered student" means a person who is engaged in
45 learning and acquiring a knowledge of any of the practices included
46 in the definition of cosmetology and hairstyling, including beauty
47 culture, barbering, manicuring and skin care specialty, under the
48 direction and supervision of a person duly authorized under this act

1 to teach cosmetology and hairstyling and who is enrolled in a
2 program of instruction at a licensed school of cosmetology and
3 hairstyling, completion of which may render him eligible for
4 licensure pursuant to this act but does not mean a person who is
5 enrolled in a public school vocational program in cosmetology and
6 hairstyling approved by the State Board of Education or in any
7 other cosmetology and hairstyling program approved by the State
8 Board of Education.

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

12 q. "School" means an establishment or place licensed by the
13 board to be maintained for the purpose of teaching cosmetology and
14 hairstyling, beauty culture, barbering, manicuring¹, hair braiding¹
15 or skin care specialty to registered students.

16 r. "Senior student" means a registered student who has
17 successfully completed one-half of the total hours of instruction
18 required for licensure as a cosmetologist-hairstylist, beautician,
19 barber, manicurist or skin care specialist in a licensed school of
20 cosmetology and hairstyling, as determined by the board pursuant to
21 regulation, or in any public school vocational training program
22 approved by the State Board of Education.

23 s. "Student permit" means a permit issued to a senior student
24 which enables him to practice cosmetology and hairstyling, beauty
25 culture, barbering, manicuring or skin care specialty, as appropriate,
26 based on the course of instruction in which the student is enrolled,
27 in a school clinic or shop while a registered student at a licensed
28 school of cosmetology and hairstyling or enrolled in an approved
29 vocational training program.

30 t. "Shop" means any fixed establishment or place where one or
31 more persons engage in one or more of the practices included in the
32 definition of cosmetology and hairstyling, barbering, beauty culture,
33 manicuring¹, hair braiding¹ or skin care specialty.

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

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

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

41 x. "Skin care specialist" means a person who holds a license to
42 engage in only the practices included in the definition of skin care
43 specialty.

44 y. "Skin care specialty" means any one or combination of the
45 following practices when performed on the male or female human
46 body for cosmetic purposes and not for the treatment of disease or
47 physical or mental ailments and when performed for the general
48 public, primarily for male customers:

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

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

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

9 ¹["Skin care specialty" shall not mean the practice of hair
10 braiding when performed for the general public.]"¹

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

12 aa. ¹"Hair braider" or "hair braiding specialist" means a person
13 who holds a license to engage in only the practice of hair braiding.

14 bb.¹ "Hair braiding" means the twisting, wrapping, weaving,
15 extending, locking, or braiding of hair by hand or with mechanical
16 devices. "Hair braiding" may include the use of: natural or
17 synthetic hair extensions or fibers, decorative beads, and other hair
18 accessories; minor trimming of natural hair or hair extensions
19 incidental to twisting, wrapping, weaving, extending, locking, or
20 braiding hair; making of wigs from natural hair, natural or synthetic
21 fibers, and hair extensions; and the use of topical agents in
22 conjunction with performing hair braiding, including conditioners,
23 gels, moisturizers, oils, pomades, and shampoos.

24 ¹[bb.] cc.¹ "Committee" means the Hair Braiding Establishment
25 Advisory Committee established pursuant ¹to¹ section 3 of
26 P.L. , c. (C.) (pending before the Legislature as this bill).

27 ¹[cc. "Hair braiding establishment" means any fixed
28 establishment or place where one or more persons engage in the
29 practice of hair braiding for the general public registered pursuant
30 to P.L. , c. (C.) (pending before the Legislature as this
31 bill).]"¹

32 (cf: P.L.2009, c.162, s.1)

34 ¹[2.Section 7 of P.L.1984, c.205 (C.45:5B-7) is amended to read
35 as follows:

36 7. No person shall render any of the services encompassed
37 within the definition of cosmetology and hairstyling, beauty culture,
38 barbering, manicuring and skin care specialty services, without first
39 having secured a license from the board which permits the offering
40 of that service in accordance with the authority provided by the
41 license, except for the following persons when acting within the
42 scope of their profession or occupation:

43 a. Persons authorized by the laws of this State to practice
44 medicine and surgery, dentistry, chiropractic and acupuncture;

45 b. Registered nurses, licensed practical nurses, nurses' aides,
46 physical therapists, physical therapy assistants, and other licensed
47 health care professionals;

1 c. Personnel employed by, and providing services in facilities
2 regulated by, the United States Department of Veterans Affairs or
3 the United States Department of Defense;

4 d. Persons employed to render cosmetology and hairstyling
5 services in the course of and incidental to the business of employers
6 engaged in the theatrical, radio, television or motion picture
7 production industries, modeling or photography;

8 e. Persons employed to demonstrate, recommend or administer
9 cosmetic preparations, lotions, creams, makeup or perfume intended
10 for home use for the purposes of effecting retail sales if those
11 persons neither accept payment from the consumer for that
12 demonstration nor make the demonstration contingent upon the
13 purchase of any product or service; **[or]**

14 f. Senior students holding a student permit; provided that those
15 services are rendered in a school clinic or licensed shop during
16 hours that the student does not have scheduled classes; or

17 g. Persons who engage in the practice of hair braiding when
18 performed for the general public for compensation.

19 (cf: P.L.2009, c.162, s.5)**】¹**
20

21 ¹**【**3. (New section) a. There is created within the Division
22 of Consumer Affairs in the Department of Law and Public Safety,
23 under the New Jersey State Board of Cosmetology and Hairstyling,
24 a Hair Braiding Establishment Advisory Committee. The
25 committee shall consist of six members who are residents of the
26 State as follows: three members who own or operate a hair braiding
27 establishment in this State, two members who hold practicing
28 licenses issued by the board, and one public member.

29 b. The Governor shall appoint the members with the advice and
30 consent of the Senate. Each member shall be appointed for a term
31 of three years, except that of the members first appointed, three
32 shall serve for a term of three years, two shall serve for a term of
33 two years and one shall serve for a term of one year. Each member
34 shall hold office until a successor member has been qualified and
35 appointed. Any vacancy in the membership of the committee shall
36 be filled for the unexpired term in the manner provided for in the
37 original appointment. No member of the committee may serve
38 more than two successive terms in addition to any unexpired term to
39 which the member has been appointed.

40 c. Members of the committee shall be reimbursed for expenses
41 and provided with office and meeting facilities and personnel
42 required for the proper conduct of the business of the committee.

43 d. The committee shall organize within 30 days after the
44 appointment of its members and shall annually elect from its
45 members a chairperson and a vice-chairperson, and may appoint a
46 secretary, who need not be a member of the committee. The
47 committee shall meet at least twice a year and may hold additional

1 meetings as necessary to discharge its duties. A majority of the
2 committee membership shall constitute a quorum.】¹

3
4 ¹【4. (New section) The committee shall have the following
5 powers and duties:

6 a. issue and renew registrations to owners of hair braiding
7 establishments pursuant to the provisions of P.L. , c. (C.)
8 (pending before the Legislature as this bill);

9 b. suspend, revoke or fail to renew the registration of an owner
10 who operates a hair braiding establishment pursuant to the
11 provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

12 c. maintain a record of every owner who operates a hair
13 braiding establishment in this State, their place of business, place of
14 residence, the date and number of their registration, and any other
15 information the committee deems necessary;

16 d. prescribe or change the charges for registration, renewal and
17 other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et
18 seq.);

19 e. in consultation with the board, establish minimum criteria
20 for the physical premises and the operation of hair braiding
21 establishments;

22 f. in consultation with the board, establish standards for initial
23 and periodic inspections of hair braiding establishments consistent
24 with the provisions of P.L. , c. (C.) (pending before the
25 Legislature as this bill); and

26 g. promulgate rules and regulations to carry out matters
27 delegated to the committee by the board concerning any provisions
28 of P.L.1984, c.205 (C.45:5B-1 et seq.) or P.L. , c. (C.)
29 (pending before the Legislature as this bill), in conformance with
30 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
31 et seq.).】¹

32
33 ¹【5. (New section) a. A person, corporation, firm or
34 partnership intending to operate a hair braiding establishment shall:

35 (1) make application for initial registration to the committee on
36 forms as it may require demonstrating that the physical premises
37 and the operation of the hair braiding establishment will meet
38 minimum criteria as established by the committee;

39 (2) permit an initial inspection of the premises of the hair
40 braiding establishment; and

41 (3) pay a registration fee as may be required by the committee;

42 b. No person, corporation, firm or partnership shall operate an
43 establishment that permits persons to engage in the practice of hair
44 braiding for the general public which is not duly registered pursuant
45 to P.L. , c. (C.) (pending before the Legislature as this bill).

46 c. Nothing contained in P.L. , c. (C.) (pending before
47 the Legislature as this bill) shall be construed to preclude the owner

1 of a hair braiding establishment from also engaging the practice of
2 hair braiding in the owner's hair braiding establishment.】¹

3
4 ¹【6.(New section) a. An official, authorized by the committee or
5 the board, may enter and inspect a hair braiding establishment
6 during all operating hours without prior notice. If conducting an
7 inspection, the official shall inspect and copy records of the hair
8 braiding establishment, inspect the premises and pertinent
9 equipment, and inspect any other files, objects, and facilities of the
10 hair braiding establishment relating to a violation of
11 P.L. , c. (C.) (pending before the Legislature as this bill).

12 b. Every owner of a hair braiding establishment shall either
13 remain on the premises of the hair braiding establishment, or
14 provide a representative of the owner who remains on the premises,
15 during all operating hours. Every owner or representative of the
16 owner shall permit an inspection of the hair braiding establishment
17 by any official authorized to conduct an inspection by the
18 committee or the board, as provided by this section.

19 c. If a hair braiding establishment is located within an owner's
20 residence or located within an office space or facility shared with
21 other business entities, the official conducting the inspection shall
22 have independent and sufficient legal justification before inspecting
23 areas not used for the purposes of the hair braiding establishment.】¹

24
25 ¹【7. (New section) It shall be unlawful for a hair braiding
26 establishment or an owner of a hair braiding establishment to
27 engage in the following practices:

28 a. advertise in a manner which would tend to mislead
29 consumers of hair braiding;

30 b. advertise, operate, or attempt to operate a hair braiding
31 establishment in a manner that indicates that it renders any of the
32 services encompassed within the definition of cosmetology and
33 hairstyling, beauty culture, barbering, manicuring or skin care
34 specialty;

35 c. aid, abet, or permit the operation of a hair braiding
36 establishment that is not registered pursuant to P.L. , c. (C.)
37 (pending before the Legislature as this bill), or to aid, abet, or
38 permit a person or persons to engage in the practice of hair braiding
39 for the general public in a hair braiding establishment that is not
40 registered pursuant to P.L. , c. (C.) (pending before the
41 Legislature as this bill);

42 d. maintain a hair braiding establishment in a manner which is
43 unsafe or unsanitary;

44 e. fail to permit an inspection of a hair braiding establishment
45 by an official authorized to conduct an inspection by the committee
46 or the board; or

47 f. fail to maintain, in a conspicuous place, a copy of its hair
48 braiding establishment registration.】¹

1 ¹【8. (New section) Hair braiding establishment registrations
2 shall be renewed within 90 days following expiration. All hair
3 braiding establishment registrations shall be renewable on a
4 biennial basis on a date determined by the committee. No hair
5 braiding establishment registration may be restored after 90 days
6 and an application for initial registration shall be submitted.】¹

7
8 ¹【9. (New section) An owner of a hair braiding establishment
9 shall notify the committee prior to initiating a change of location, a
10 change of ownership, or any other change the committee may
11 determine pursuant to regulation. The owner of the hair braiding
12 establishment shall submit to the committee an application for
13 initial registration. If a change of ownership results from the death
14 or disability of a principal shareholder in a corporation, or partner
15 in a partnership which holds the hair braiding establishment
16 registration, the new owner shall notify the committee within six
17 months after the change has been effected. For purposes of this
18 section, a change of ownership shall be deemed to have occurred if
19 more than 50 percent of the outstanding stock or other financial
20 interest is transferred.】¹

21
22 ¹2. Section 4 of P.L.1984, c.205 (C.45:5B-4) is amended to read
23 as follows:

24 4. There is created within the Division of Consumer Affairs in
25 the Department of Law and Public Safety the New Jersey State
26 Board of Cosmetology and Hairstyling. The board shall consist of
27 **【11】** 13 members who are residents of the State, three of whom
28 shall be public members, two appointed pursuant to subsection b. of
29 section 2 of P.L.1971, c.60 (C.45:1-2.2) and one additional public
30 member, and one of whom shall be a State executive department
31 member appointed pursuant to subsection c. of section 2 of
32 P.L.1971, c.60 (C.45:1-2.2). Of the remaining **【seven】** nine
33 members, six shall hold practicing licenses issued by the board and
34 shall have been engaged in the practice of beauty culture, barbering
35 or cosmetology and hairstyling for at least five years prior to their
36 appointments, but shall not have been engaged in the conduct of or
37 teaching at a licensed school of beauty culture or cosmetology and
38 hairstyling, and two shall own or operate a hair braiding shop in this
39 State. The remaining one member appointed by the board created
40 by this act shall hold a teacher's license issued by the board and
41 shall have been engaged in the teaching of beauty culture or
42 cosmetology and hairstyling or shall have been involved in the
43 conduct of a licensed school of beauty culture or school of
44 cosmetology and hairstyling in this State for at least five years prior
45 to the appointment.¹

46 (cf: P.L.2009, c.162, s.2)

- 1 ¹3. Section 6 of P.L.1984, c.205 (C.45:5B-6) is amended to read
2 as follows:
- 3 6. The board shall:
- 4 a. Review the qualifications of applicants for licensure;
- 5 b. Devise examinations for licensure which include practical
6 and written portions;
- 7 c. Administer and grade examinations or employ competent
8 examiners to administer and grade examinations but in no case shall
9 the board permit a person having any affiliation with a licensed
10 school to examine or grade an applicant who has been a registered
11 student at the school with which the examiner has an affiliation;
- 12 d. Issue and renew licenses of any cosmetologist-hairstylist,
13 beautician, barber, manicurist, skin care specialist, teacher, shop, or
14 school;
- 15 e. Issue student permits to senior students, which permits shall
16 remain valid during the period that the student is registered at a
17 licensed school or enrolled in an approved vocational training
18 program;
- 19 f. Issue temporary permits to applicants for licensure who are
20 awaiting scheduling for or results from an examination;
- 21 g. Issue registration cards to registered students;
- 22 h. Suspend, revoke or refuse to renew a license and exercise
23 investigative powers pursuant to the provisions of P.L.1978, c.73
24 (C.45:1-14 et seq.);
- 25 i. Appoint and employ an executive director and an assistant
26 executive director subject to the approval of the Attorney General,
27 and other employees as necessary to carry out the provisions of this
28 act;
- 29 j. Determine the duties that the executive director and the
30 assistant executive director shall perform;
- 31 k. File with the Attorney General a petition to remove any
32 executive director or assistant executive director for cause, which
33 petition shall be acted upon by the Attorney General in a manner
34 which he deems appropriate;
- 35 l. Establish fees for initial licensure, permits, renewals and
36 restoration of licenses as well as for duplication of lost licenses
37 pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);
- 38 m. Maintain records of all practicing licensees and all licensed
39 teachers. Records shall include the latest work address of each
40 licensee, as provided on applications for licensure and renewals
41 thereof;
- 42 n. Maintain a record of all registered students and all persons
43 holding student permits;
- 44 o. Maintain a record of all shops licensed by the board to offer
45 one or more of the services encompassed within the definition of
46 cosmetology and hairstyling;
- 47 p. Maintain a record of all schools licensed by the board to
48 offer courses of instruction or training in the practice and theory of

1 cosmetology and hairstyling, beauty culture, barbering, manicuring,
2 hair braiding and skin care specialty to registered students, which
3 courses shall be approved by the board for the awarding of credit
4 for licensure;

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

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

14 s. Promulgate regulations governing the conduct of shops and
15 schools as are necessary to implement this act, including, but not
16 limited to, regulations that ensure that all schools offer instruction
17 on cosmetology and hairstyling, beauty culture, barbering,
18 manicuring, hair braiding and skin care specialty by instructors who
19 are knowledgeable in the practice and teaching of cosmetology and
20 hairstyling, beauty culture, barbering, manicuring, hair braiding and
21 skin care specialty, as the case may be, and to assure that
22 cosmetology and hairstyling services and instruction in those
23 services are being offered both in a manner that is sanitary and safe,
24 and in a manner not intended to deceive or mislead the general
25 public, students of the schools, or organizations awarding financial
26 aid to the students and to clarify or define any term used in the act
27 and to define any activity included in hairstyling and cosmetology,
28 beauty culture, barbering, manicuring, hair braiding and skin care
29 specialty;

30 t. Review curricula offered by licensed schools in courses of
31 instruction offered to registered students and approve those
32 curricula which offer comprehensive training in cosmetology and
33 hairstyling, beauty culture, barbering, manicuring, hair braiding and
34 skin care specialty;

35 u. Direct the conduct of inspections or investigations of all
36 licensed shops and schools;

37 v. Direct the conduct of inspections or investigations of any
38 premises from which the board may have reason to believe that
39 cosmetology and hairstyling, beauty culture, barbering, manicuring,
40 hair braiding and skin care specialty services are being offered, or
41 that courses of instruction are being offered to registered students;
42 and

43 w. Establish criteria and standards for education and experience
44 required for licensure.¹

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

46
47 ¹4. Section 7 of P.L.1984, c.205 (C.45:5B-7) is amended to read
48 as follows:

1 7. No person shall render any of the services encompassed
2 within the definition of cosmetology and hairstyling, beauty culture,
3 barbering, manicuring, hair braiding and skin care specialty
4 services, without first having secured a license from the board
5 which permits the offering of that service in accordance with the
6 authority provided by the license, except for the following persons
7 when acting within the scope of their profession or occupation:

8 a. Persons authorized by the laws of this State to practice
9 medicine and surgery, dentistry, chiropractic and acupuncture;

10 b. Registered nurses, licensed practical nurses, nurses' aides,
11 physical therapists, physical therapy assistants, and other licensed
12 health care professionals;

13 c. Personnel employed by, and providing services in facilities
14 regulated by, the United States Department of Veterans Affairs or
15 the United States Department of Defense;

16 d. Persons employed to render cosmetology and hairstyling
17 services in the course of and incidental to the business of employers
18 engaged in the theatrical, radio, television or motion picture
19 production industries, modeling or photography;

20 e. Persons employed to demonstrate, recommend or administer
21 cosmetic preparations, lotions, creams, makeup or perfume intended
22 for home use for the purposes of effecting retail sales if those
23 persons neither accept payment from the consumer for that
24 demonstration nor make the demonstration contingent upon the
25 purchase of any product or service; or

26 f. Senior students holding a student permit; provided that those
27 services are rendered in a school clinic or licensed shop during
28 hours that the student does not have scheduled classes.¹

29 (cf: P.L.2009, c.162, s.5)

30
31 ¹5. Section 8 of P.L.1984, c.205 (C.45:5B-8) is amended to read
32 as follows:

33 8. No person shall offer or render any of the services
34 encompassed within the definition of cosmetology and hairstyling,
35 beauty culture, barbering, manicuring, hair braiding and skin care
36 specialty services, in a place which is not licensed as a shop or
37 school, except that a practicing licensee, duly licensed pursuant to
38 this act, may render the services which he is licensed to offer:

39 a. Upon patients in hospitals, nursing homes, and other
40 licensed health care facilities;

41 b. Upon inmates and residents of institutions of the Department
42 of Corrections or the Department of Human Services;

43 c. Upon an invalid or handicapped person in the person's place
44 of residence, if the practicing licensee is sponsored by a licensed
45 shop and a record of those services is maintained by that shop;

46 d. Upon performers or models, prior to, in anticipation of or
47 during a performance; or

1 e. Upon potential consumers of cosmetic preparations, lotions,
2 creams, makeup or perfume which are intended for home use if the
3 application of the product is made for the purposes of effecting a
4 retail sale and the person neither accepts payment from the
5 consumer for the service, nor makes the provision of the service
6 contingent upon the purchase of any product or service.

7 Nothing contained in this section shall be construed to preclude a
8 student enrolled in a school of cosmetology and hairstyling licensed
9 in this State, or in a public school approved by the State Board of
10 Education to offer a vocational program in cosmetology and
11 hairstyling, or a student enrolled in a cosmetology and hairstyling
12 program approved by the State Board of Education, from engaging
13 in any activities incident to the instruction provided in such school
14 or program.¹

15 (cf: P.L.2009, c.162, s.6)

16
17 ¹6. Section 9 of P.L.1984, c.205 (C.45:5B-9) is amended to read
18 as follows:

19 9. No person, firm, corporation, partnership or other legal
20 entity shall operate, maintain or use premises for the offering of or
21 rendering of any one or more of the services encompassed in the
22 definition of cosmetology and hairstyling, beauty culture, barbering,
23 manicuring, hair braiding and skin care specialty without first
24 having secured a shop license from the board.¹

25 (cf: P.L.2009, c.162, s.7)

26
27 ¹7. Section 10 of P.L.1984, c.205 (C.45:5B-10) is amended to
28 read as follows:

29 10. No person, firm, corporation, partnership or other legal
30 entity shall operate, maintain or use premises at which courses of
31 instruction in cosmetology and hairstyling, beauty culture,
32 barbering, manicuring, hair braiding and skin care specialty services
33 are offered to registered students without first having secured a
34 school license from the board. Nothing herein shall prohibit the
35 offering of educational programs and courses in cosmetology and
36 hairstyling, beauty culture, barbering, manicuring, hair braiding and
37 skin care specialty to practicing licensees or teachers at unlicensed
38 premises. However, no course offered at an unlicensed premises
39 shall be recognized by the board in satisfaction of licensure
40 eligibility requirements. All educational programs and courses
41 offered at unlicensed premises shall be conducted by practicing
42 licensees.¹

43 (cf: P.L.2009, c.162, s.8)

44
45 ¹8. Section 11 of P.L.1984, c.205 (C.45:5B-11) is amended to
46 read as follows:

1 11. A shop licensed by the board shall employ at least one
2 experienced practicing licensee to generally oversee the
3 management of the shop. The practicing licensee shall:

4 a. Hold a cosmetologist-hairstylist license and have three years
5 of experience as a cosmetologist-hairstylist; or

6 b. (1) If the shop performs only beauty culture services, hold a
7 cosmetologist-hairstylist or beauty culture license and have three
8 years of experience as a cosmetologist-hairstylist or beautician; or

9 (2) If the shop performs only barbering services, hold a
10 cosmetologist-hairstylist or barbering license and have three years
11 of experience as a cosmetologist-hairstylist or barber; or

12 c. If the shop performs only manicuring services, hold a
13 cosmetologist-hairstylist, beautician or manicurist license and have
14 three years of experience as a cosmetologist-hairstylist, beautician
15 or manicurist; or

16 d. If a shop performs only skin care specialty services, hold a
17 cosmetologist-hairstylist, beautician or skin care specialty license
18 and have three years of experience as a cosmetologist-hairstylist,
19 beautician or skin care specialist; or

20 e. If a shop performs only hair braiding services, hold a
21 cosmetologist-hairstylist, beautician or hair braiding license and
22 have three years of experience as a cosmetologist-hairstylist,
23 beautician or hair braiding specialist.

24 A shop which satisfies the requirements of this section by
25 employing a practicing licensee who holds a beautician, barber,
26 manicuring, hair braiding or skin care specialty license is precluded
27 from employing senior students other than those being trained in the
28 practice for which the practicing licensee holds a license unless the
29 shop also employs a practicing licensee who holds a license as a
30 cosmetologist-hairstylist and has at least three years of experience
31 as a cosmetologist-hairstylist.¹

32 (cf: P.L.2009, c.162, s.9)

33

34 ^{19.} Section 12 of P.L.1984, c.205 (C.45:5B-12) is amended to
35 read as follows:

36 12. In addition to any practice declared unlawful pursuant to
37 P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for any
38 person to engage in the following practices:

39 a. Advertise in a manner which would tend to mislead
40 consumers of cosmetology and hairstyling, beauty culture,
41 barbering, manicuring, hair braiding or skin care specialty services;

42 b. Advertise, practice or attempt to practice under another's
43 name or trade name;

44 c. Continue to practice while knowingly having an infectious,
45 contagious or communicable disease which could reasonably be
46 expected to be transmitted during the course of rendering
47 cosmetology and hairstyling, beauty culture, barbering, manicuring,
48 hair braiding or skin care specialty services;

1 d. Engage in fraudulent practices for the purpose of securing
2 financial aid from any institution or agency offering that aid to
3 students of cosmetology and hairstyling, beauty culture, barbering,
4 manicuring, hair braiding or skin care specialty;

5 e. Aid, abet, or knowingly permit a person not licensed
6 pursuant to this act to render any of the services encompassed
7 within the definition of cosmetology and hairstyling, beauty culture,
8 barbering, manicuring, hair braiding or skin care specialty;

9 f. Fail to display a practicing license at any place at which the
10 licensee renders services; or

11 g. Engage in one or more of the practices included in the
12 definition of cosmetology and hairstyling, beauty culture, barbering,
13 manicuring, hair braiding or skin care specialty, in premises not
14 licensed as a shop or a school, except as provided in section 8 of
15 this act.¹

16 (cf: P.L.2009, c.162, s.10)

17
18 ¹10. Section 14 of P.L.1995, c.82 (C.45:5B-12.1) is amended to
19 read as follows:

20 14. a. No person shall represent himself or hold himself out
21 as engaging in the practices encompassed in cosmetology and
22 hairstyling, beauty culture, barbering, manicuring, hair braiding or
23 skin care specialty, unless licensed under this act.

24 b. No person shall use the title or designation “cosmetologist-
25 hairstylist,” “beautician,” “barber,” “manicurist,” “hair braider or
26 hair braiding specialist” or “skin care specialist” or any other title
27 or designation suggesting that the person is a cosmetologist-
28 hairstylist, beautician, barber, manicurist, hair braider or skin care
29 specialist unless licensed under this act, and unless the title or
30 designation corresponds to the license held by the person pursuant
31 to this act.¹

32 (cf: P.L.2009, c.162, s.11)

33
34 ¹11. Section 13 of P.L.1984, c.205 (C.45:5B-13) is amended to
35 read as follows:

36 13. In addition to any practice declared unlawful pursuant to
37 P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a
38 licensed shop or shop owner to engage in the following practices:

39 a. Advertise in a manner which would tend to mislead
40 consumers of cosmetology and hairstyling, beauty culture,
41 barbering, manicuring, hair braiding or skin care specialty services;

42 b. Advertise, operate a shop or attempt to operate a shop under
43 another's name or trademark;

44 c. Knowingly permit any practicing licensee to render services
45 when that licensee has an infectious, contagious or communicable
46 disease which could reasonably be expected to be transmitted
47 during the course of rendering cosmetology and hairstyling, beauty

1 culture, barbering, manicuring, hair braiding or skin care specialty
2 services;

3 d. Aid, abet or permit a person not licensed pursuant to this act
4 to render any of the services encompassed within the definition of
5 cosmetology and hairstyling, beauty culture, barbering, manicuring,
6 hair braiding or skin care specialty;

7 e. Maintain a shop in a manner which is unsafe or unsanitary;

8 f. Fail to display, in a conspicuous place, its shop license; or

9 g. Fail to employ one person with the required experience as
10 provided in section 11 of this act.¹

11 (cf: P.L.2009, c.162, s.12)

12

13 ¹12. Section 14 of P.L.1984, c.205 (C.45:5B-14) is amended to
14 read as follows:

15 14. In addition to any practice declared unlawful pursuant to
16 P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a
17 licensed school or school owner to engage in the following
18 practices:

19 a. Advertise in a manner which would tend to mislead potential
20 students or consumers of cosmetology and hairstyling, beauty
21 culture, barbering, manicuring, hair braiding or skin care specialty
22 services offered within the school's clinic;

23 b. Advertise, operate a school or attempt to open a school
24 under another's name or trade name;

25 c. Permit students to practice upon each other or members of
26 the public while knowingly having an infectious, contagious or
27 communicable disease which could reasonably be expected to be
28 transmitted during the course of teaching or rendering cosmetology
29 and hairstyling, beauty culture, barbering, manicuring, hair braiding
30 or skin care specialty services;

31 d. Permit teachers to demonstrate cosmetology and hairstyling,
32 beauty culture, barbering, manicuring, hair braiding or skin care
33 specialty services on students while knowingly having an
34 infectious, contagious or communicable disease which could
35 reasonably be expected to be transmitted during the course of
36 teaching or rendering cosmetology and hairstyling, beauty culture,
37 barbering, manicuring, hair braiding or skin care specialty services;

38 e. Engage in fraudulent practices for the purpose of securing
39 financial aid from any institution or agency offering aid to students
40 of cosmetology and hairstyling, beauty culture, barbering,
41 manicuring, hair braiding or skin care specialty;

42 f. Aid, abet, or permit a person not licensed pursuant to this act
43 to teach any of the services encompassed within the definition of
44 cosmetology and hairstyling, beauty culture, barbering, manicuring,
45 hair braiding or skin care specialty to registered students;

46 g. Maintain any premises from which the practice of
47 cosmetology and hairstyling, beauty culture, barbering, manicuring,
48 hair braiding or skin care specialty is offered, or the teaching of

1 cosmetology and hairstyling, beauty culture, barbering, manicuring,
2 hair braiding or skin care specialty is offered in a manner which is
3 unsanitary or unsafe;

4 h. Fail to display, in a conspicuous place, its school license;

5 i. Fail to maintain accurate records of attendance by any
6 registered student for at least five years after the student's
7 enrollment ends, which records shall be subject to inspection by the
8 board;

9 j. Fail to notify the board on forms it may prescribe of any
10 student who obtains a leave of absence, fails to attend classes for a
11 period of more than 90 consecutive days or withdraws from school;
12 or

13 k. Fail to maintain the required bond during all periods of
14 operation.¹

15 (cf: P.L.2009, c.162, s.13)

16

17 ¹13. Section 15 of P.L.1984, c.205 (C.45:5B-15) is amended to
18 read as follows:

19 15. In addition to any practice declared unlawful pursuant to
20 P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a
21 licensed teacher to engage in the following practices:

22 a. Advertise in a manner which would tend to mislead potential
23 students or consumers of cosmetology and hairstyling, beauty
24 culture, barbering, manicuring, hair braiding or skin care specialty
25 services offered in the school clinic;

26 b. Advertise, teach or attempt to open a school under another
27 person's name;

28 c. Knowingly permit students to practice upon each other or
29 members of the public while having an infectious, contagious or
30 communicable disease which could reasonably be expected to be
31 transmitted during the course of rendering cosmetology and
32 hairstyling, beauty culture, barbering, manicuring, hair braiding or
33 skin care specialty services;

34 d. Demonstrate cosmetology and hairstyling, beauty culture,
35 barbering, manicuring, hair braiding or skin care specialty services
36 on students while knowingly having an infectious, contagious or
37 communicable disease which could reasonably be expected to be
38 transmitted during the course of rendering cosmetology and
39 hairstyling, beauty culture, barbering, manicuring, hair braiding or
40 skin care specialty services;

41 e. Engage in fraudulent practices for the purpose of securing
42 financial aid from any institution or agency offering aid to students
43 of cosmetology and hairstyling, beauty culture, barbering,
44 manicuring, hair braiding or skin care specialty;

45 f. Aid, abet or permit a person not licensed pursuant to this act
46 to teach any of the services included in the definition of
47 cosmetology and hairstyling, beauty culture, barbering, manicuring,
48 hair braiding or skin care specialty to registered students;

1 g. Teach cosmetology and hairstyling, beauty culture,
2 barbering, manicuring, hair braiding or skin care specialty in a
3 manner which is unsatisfactory or unsafe;

4 h. Fail to display in a conspicuous place a valid teacher's
5 license at the school; or

6 i. Fail to accurately and truthfully record attendance by
7 registered students.¹

8 (cf: P.L.2009, c.162, s.14)

9

10 ¹14. Section 16 of P.L.1984, c.205 (C.45:5B-16) is amended to
11 read as follows:

12 16. Each applicant for initial licensure as a practicing licensee
13 shall submit to the board satisfactory evidence, on forms as the
14 board requires, that he:

15 a. Is of good moral character;

16 b. Is at least 17 years of age;

17 c. Does not have any communicable, contagious or infectious
18 disease which could reasonably be expected to be transmitted
19 during the course of rendering cosmetology and hairstyling, beauty
20 culture, barbering, manicuring, hair braiding or skin care specialty
21 services; and

22 d. Has successfully completed high school or has successfully
23 passed an examination developed by the General Education
24 Development (GED) Testing Service.¹

25 (cf: P.L.2009, c.162, s.15)

26

27 ¹15. (New section) a. An applicant seeking initial licensure as
28 a hair braiding specialist who demonstrates to the satisfaction of the
29 board that the applicant has at least three years of prior experience
30 as a hair braider shall:

31 (1) Demonstrate successful completion of a course of instruction
32 in hair braiding, the curriculum for which shall be established by
33 the board pursuant to regulation but which shall not exceed 40
34 hours of instruction and shall include training in sanitization,
35 decontamination, and infection control at:

36 (i) a school of cosmetology and hairstyling licensed in this
37 State; or

38 (ii) a public school approved by the State Board of Education to
39 offer a vocational program in cosmetology and hairstyling, beauty
40 culture, hair braiding, or other cosmetology and hairstyling, beauty
41 culture or hair braiding program approved by the State Board of
42 Education; or

43 (iii) a school of cosmetology and hairstyling, beauty culture or
44 hair braiding licensed in another state or foreign country which, in
45 the opinion of the board, offers curricula which are substantially
46 similar to that offered at licensed schools within this State; and

47 (2) Take and pass an examination conducted by the board.

1 b. An applicant seeking initial licensure as a hair braiding
2 specialist who cannot demonstrate to the satisfaction of the board
3 that the applicant has at least three years of prior experience as a
4 hair braider shall:

5 (1) Demonstrate successful completion of a course of instruction
6 in hair braiding, the curriculum for which shall be established by
7 the board pursuant to regulation but which shall not exceed 50
8 hours of instruction and shall include training in sanitization,
9 decontamination and infection control, and technique, at:

10 (i) a school of cosmetology and hairstyling licensed in this
11 State; or

12 (ii) a public school approved by the State Board of Education to
13 offer a vocational program in cosmetology and hairstyling, beauty
14 culture, hair braiding, or other cosmetology and hairstyling, beauty
15 culture or hair braiding program approved by the State Board of
16 Education; or

17 (iii) a school of cosmetology and hairstyling, beauty culture or
18 hair braiding licensed in another state or foreign country which, in
19 the opinion of the board, offers curricula which are substantially
20 similar to that offered at licensed schools within this State; and

21 (2) Take and pass an examination conducted by the board.¹
22

23 ¹16. Section 25 of P.L.1984, c.205 (C.45:5B-25) is amended to
24 read as follows:

25 25. To be eligible to obtain a student permit, an applicant shall
26 submit to the board satisfactory evidence that he:

27 a. Is a senior student in a course of instruction in cosmetology
28 and hairstyling, beauty culture, barbering, manicuring, hair braiding
29 or skin care, as appropriate; and

30 b. Does not have a communicable, contagious or infectious
31 disease which could reasonably be expected to be transmitted
32 during the course of rendering cosmetology and hairstyling, beauty
33 culture, barbering, manicuring, hair braiding or skin care specialty
34 services.

35 All permits shall remain valid only during the period that the
36 student is registered at a licensed school of cosmetology and
37 hairstyling or enrolled in an approved vocational program and shall
38 expire upon a student's graduation, withdrawal or leave of absence
39 from the school or program for more than 90 consecutive days.¹

40 (cf: P.L.2009, c.162, s.22)
41

42 ¹17. Section 28 of P.L.1984, c.205 (C.45:5B-28) is amended to
43 read as follows:

44 28. Applicants possessing a license to render services in
45 another state or a foreign country, which services are included
46 within the definition of cosmetology and hairstyling as set forth in
47 this act, may be issued a license as a cosmetologist-hairstylist,
48 beautician, barber, manicurist, hair braiding or skin care specialist,

1 as appropriate, without examination, provided, however, that the
2 state or country has established eligibility criteria substantially
3 similar to those established in this State, and the applicant has paid
4 a fee as required by the board and submitted certification from the
5 licensing jurisdiction. A person possessing a license to practice
6 cosmetology and hairstyling, beauty culture, barbering, manicuring,
7 hair braiding or skin care specialty services issued by a licensing
8 authority from another state or a foreign country which has
9 established eligibility criteria with respect to cosmetology and
10 hairstyling, beauty culture, barbering, manicuring, hair braiding or
11 skin care specialty training which are, in the opinion of the board,
12 less stringent than those required in this State may, nevertheless, be
13 eligible for licensure without examination, if he can present
14 satisfactory evidence of prior practical experience of three years
15 working in a licensed shop in the practice in which the applicant is
16 seeking licensure.¹

17 (cf: P.L.2009, c.162, s.28)

18
19 ¹18. Section 31 of P.L.1984, c.205 (C.45:5B-31) is amended to
20 read as follows:

21 31. a. A person, corporation, firm or partnership intending to
22 open a shop shall:

23 (1) Make application to the board on forms as it may require
24 demonstrating that the physical premises and the operation of the
25 shop will meet minimum criteria as established by the board;

26 (2) Permit an inspection of the premises;

27 (3) Pay a fee as may be required by the board;

28 (4) Employ a practicing licensee with the required experience
29 pursuant to section 11 of P.L.1984, c.205 (C.45:5B-11).

30 b. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.)
31 shall be construed to preclude a person, corporation, firm or
32 partnership from obtaining a shop license for a shop which offers
33 only manicuring services as enumerated in subsection l. of section 3
34 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for a
35 manicuring shop license complies with the requirements of
36 subsection a. of this section. The minimum criteria established by
37 the board by regulation for such a shop shall be appropriate to the
38 practice offered by the shop, without regard to the practices not
39 offered by the shop.

40 c. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.)
41 shall be construed to preclude a person, corporation, firm or
42 partnership from obtaining a shop license for a shop which offers
43 only skin care specialty services as enumerated in subsection y. of
44 section 3 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for
45 a skin care specialty shop license complies with the requirements of
46 subsection a. of this section. The minimum criteria established by
47 the board by regulation for such a shop shall be appropriate to the

1 practice offered by the shop, without regard to the practices not
2 offered by the shop.

3 d. Nothing contained in this act shall be construed to preclude a
4 person, corporation, firm or partnership from obtaining a shop
5 license for a shop which offers only beauty culture services as
6 enumerated in subsection d. of section 3 of P.L.1984, c.205
7 (C.45:5B-3); provided the applicant for a beauty culture shop
8 license complies with the requirements of subsection a. of this
9 section. The minimum criteria established by the board by
10 regulation for such a shop shall be appropriate to the practice
11 offered by the shop, without regard to the practices not offered by
12 the shop.

13 e. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.)
14 shall be construed to preclude a person, corporation, firm or
15 partnership from obtaining a shop license for a shop which offers
16 only barbering services as enumerated in subsection b. of section 3
17 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for a barber
18 shop license complies with the requirements of subsection a. of this
19 section. The minimum criteria established by the board by
20 regulation for such a shop shall be appropriate to the practice
21 offered by the shop, without regard to the practices not offered by
22 the shop.

23 f. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.)
24 shall be construed to preclude a person, corporation, firm or
25 partnership from obtaining a shop license for a shop which offers
26 only hair braiding services as enumerated in subsection bb. of
27 section 3 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for
28 a hair braiding shop license complies with the requirements of
29 subsection a. of this section. The minimum criteria established by
30 the board by regulation for such a shop shall be appropriate to the
31 practice offered by the shop, without regard to the practices not
32 offered by the shop.¹

33 (cf: P.L.2009, c.162, s.24)

34

35 ¹19. Section 35 of P.L.1984, c.205 (C.45:5B-35) is amended to
36 read as follows:

37 35. Shop and school licenses shall be renewed within 90 days
38 following expiration. All shop licenses and school licenses issued
39 shall be renewable on a biennial basis on a date determined by the
40 board. Applicants for renewal of school licenses shall provide
41 satisfactory evidence that a bond required pursuant to section 32 of
42 **【this act】** P.L.1984, c.205 (C.45:5B-32) has been secured and shall
43 remain valid through the next licensing period. No shop or school
44 license may be restored after 90 days and an application for initial
45 licensure shall be submitted.¹

46 (cf: P.L.2009, c.162, s.26)

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

3 38. Nothing in this act shall be construed to limit in any way
4 the right of the State Board of Education to establish, operate and
5 approve courses in cosmetology and hairstyling, beauty culture,
6 barbering, manicuring, hair braiding and skin care specialty, to
7 employ teachers, to determine the standards for teaching and the
8 qualifications of teachers, to determine courses of study, to
9 determine the standards for the admission, progress, certification
10 and graduation of students, to determine any and all standards and
11 rules as to location, supplies, equipment and anything whatsoever
12 pertaining to the establishment, operation and maintenance of a
13 course in cosmetology and hairstyling, beauty culture, barbering,
14 manicuring, hair braiding and skin care specialty operated by a
15 public school. Nothing in this act shall be interpreted to give any
16 person or agency other than the State Board of Education the right
17 to prescribe any requirement of any kind whatsoever for courses of
18 cosmetology and hairstyling, beauty culture, barbering, manicuring,
19 hair braiding and skin care specialty in public schools or for
20 teachers or pupils in school courses.¹

21 (cf: P.L.2009, c.162, s.29)

22

23 ¹21. (New section) If an official, authorized by the board,
24 inspects a hair braiding shop that is located within an owner's
25 residence or located within an office space or facility shared with
26 other business entities, the official conducting the inspection shall
27 be required to have an independent and sufficient legal justification
28 in order to inspect areas not used for the purposes of the hair
29 braiding shop.¹

30

31 ¹**[10.] 22.**¹ (New section) a. Nothing in P.L. , c. (C.)
32 (pending before the Legislature as this bill) shall be construed to
33 preclude the lawful sale of merchandise or the provision of services
34 related to the beautification of the body or the enhancement of
35 personal appearance in a hair braiding establishment, except that no
36 services shall be rendered that are encompassed within the
37 definition of cosmetology and hairstyling, beauty culture, barbering,
38 manicuring, and skin care specialty.

39 b. To the extent that the committee determines that certain
40 ancillary beautification services provided in a hair braiding
41 establishment pose a health hazard to the public, it may adopt
42 regulations prohibiting the services or placing restrictions on the
43 manner in which the services are offered in the hair braiding
44 establishment.

45

46 ¹**[11.] 23.**¹ (New section) a. The provisions of
47 P.L. , c. (C.) (pending before this Legislature as this bill)
48 shall supersede any county or municipal ordinance or regulation

1 providing for the licensure, certification, or registration of, or
2 otherwise regulating, a person who engages in the practice of hair
3 braiding for the general public or an owner of an establishment in
4 which a person or persons engage in the practice of hair braiding for
5 the general public.

6 No county or municipality shall have the authority to: inspect an
7 establishment in which a person or persons engage in the practice of
8 hair braiding for the general public; penalize a person who engages
9 in the practice of hair braiding for the general public or penalize an
10 owner of an establishment in which a person or persons engage in
11 the practice of hair braiding for the general public; or otherwise
12 regulate the standards and manners by which a person engages in
13 the practice of hair braiding for the general public or by which an
14 owner operates an establishment in which a person or persons
15 engage in the practice of hair braiding for the general public.

16 b. All fees, fines, or penalties imposed, prior to the effective
17 date of P.L. , c. (C.) (pending before the Legislature as this
18 bill) and with respect to the regulation of hair braiding, by any
19 county or municipality, or by any department, division, bureau,
20 board, council, agency, or authority of any county or municipality,
21 on a person who engages in the practice of hair braiding for the
22 general public or the owner of an establishment in which a person
23 or persons engage in the practice of hair braiding, shall be waived.
24 Nothing in this subsection shall be construed as providing a person
25 who engages in the practice of hair braiding for the general public
26 or an owner of an establishment in which a person or persons
27 engage in the practice of hair braiding for the general public with
28 the right to a refund of the amount of any fees, fines, or penalties
29 paid, prior to the effective date of P.L. , c. (C.) (pending
30 before the Legislature as this bill), by the person or owner to a
31 county or municipality with respect the county's or municipality's
32 regulation of hair braiding.

33
34 ¹[25.] 12.¹ This act shall take effect on the 90th day next
35 following enactment, except the New Jersey State Board of
36 Cosmetology and Hairstyling may take any anticipatory
37 administrative action in advance as shall be necessary for the
38 implementation of this act.