

SENATE, No. 2125

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

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]** P.L.1984, c.205 (C.45:5B-1 et seq.):

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 senior students in exchange for a fee. The
20 clinic shall clearly post the fees for the cosmetology and hairstyling
21 services and provide notice to consumers that the services provided
22 in the clinic are performed by senior students under the supervision
23 of licensed instructors.
- 24 i. "Cosmetologist-hairstylist" means any person who is
25 licensed to engage in the practices encompassed in cosmetology and
26 hairstyling.
- 27 j. "Cosmetology and hairstyling" means any one or
28 combination of the following practices when performed on the
29 human body for cosmetic purposes and not for the treatment of
30 disease or physical or mental ailments and when performed for the
31 general public, for male or female customers:
- 32 (1) shaving or trimming of the beard, mustache or other facial
33 hair;
- 34 (2) shampooing, cutting, arranging, dressing, relaxing, curling,
35 permanent waving or styling of the hair;
- 36 (3) singeing, dyeing, tinting, coloring, bleaching of the hair;
- 37 (4) applying cosmetic preparations, antiseptics, tonics, lotions,
38 creams or makeup to the hair, scalp, face or neck;
- 39 (5) massaging, cleansing or stimulating the face, neck or upper
40 part of the body, with or without cosmetic preparations, either by
41 hand, mechanical or electrical appliances;
- 42 (6) removing superfluous hair from the face, neck, arms, legs or
43 abdomen by the use of depilatories, waxing or tweezers, but not by
44 the use of electrolysis;
- 45 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
46 toenails;

1 (8) cutting, fitting, coloring or styling of hairpieces or wigs to
2 the extent that the services are being performed while the wig is
3 being worn by a person.

4 (9) (Deleted by amendment, P.L.2018, c.126)

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

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

12 (1) manicuring of the fingernails;

13 (2) pedicuring of the toenails;

14 (3) nail sculpturing; or

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

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

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

30 o. "Registered student" means a person who is engaged in
31 learning and acquiring a knowledge of any of the practices included
32 in the definition of cosmetology and hairstyling, including beauty
33 culture, barbering, manicuring and skin care specialty, under the
34 direction and supervision of a person duly authorized under **[this**
35 **act]** P.L.1984, c.205 (C.45:5B-1 et seq.) to teach cosmetology and
36 hairstyling and who is enrolled in a program of instruction at a
37 licensed school of cosmetology and hairstyling, completion of
38 which may render him eligible for licensure pursuant to **[this act]**
39 P.L.1984, c.205 (C.45:5B-1 et seq.) but does not mean a person
40 who is enrolled in a public school vocational program in
41 cosmetology and hairstyling approved by the State Board of
42 Education or in any other cosmetology and hairstyling program
43 approved by the State Board of Education.

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

47 q. "School" means an establishment or place licensed by the
48 board to be maintained for the purpose of teaching cosmetology and

- 1 hairstyling, beauty culture, barbering, manicuring, hair braiding or
2 skin care specialty to registered students.
- 3 r. "Senior student" means a registered student who has
4 successfully completed one-half of the total hours of instruction
5 required for licensure as a cosmetologist-hairstylist, beautician,
6 barber, manicurist or skin care specialist in a licensed school of
7 cosmetology and hairstyling, as determined by the board pursuant to
8 regulation, or in any public school vocational training program
9 approved by the State Board of Education.
- 10 s. "Student permit" means a permit issued to a senior student
11 which enables him to practice cosmetology and hairstyling, beauty
12 culture, barbering, manicuring or skin care specialty, as appropriate,
13 based on the course of instruction in which the student is enrolled,
14 in a school clinic or shop while a registered student at a licensed
15 school of cosmetology and hairstyling or enrolled in an approved
16 vocational training program.
- 17 t. "Shop" means any fixed establishment or place where one or
18 more persons engage in one or more of the practices included in the
19 definition of cosmetology and hairstyling, barbering, beauty culture,
20 manicuring, hair braiding or skin care specialty.
- 21 u. "Teacher" means any person who is licensed by the board to
22 give instruction or training in the theory or practice of cosmetology
23 and hairstyling, beauty culture, barbering, manicuring or skin care
24 specialty.
- 25 v. "Temporary permit" means a permit issued to applicants for
26 licensure awaiting scheduling or results of an examination.
- 27 w. (Deleted by amendment, P.L.2009, c.162)
- 28 x. "Skin care specialist" means a person who holds a license to
29 engage in only the practices included in the definition of skin care
30 specialty.
- 31 y. "Skin care specialty" means any one or combination of the
32 following practices when performed on the male or female human
33 body for cosmetic purposes and not for the treatment of disease or
34 physical or mental ailments and when performed for the general
35 public, primarily for male customers:
- 36 (1) applying cosmetic preparations, antiseptics, tonics, lotions,
37 creams or makeup to the scalp, face or neck;
- 38 (2) massaging, cleansing or stimulating the face, neck or upper
39 part of the body, with or without cosmetic preparations, either by
40 hand, mechanical or electrical appliances; or
- 41 (3) removing superfluous hair from the face, neck, arms, legs or
42 abdomen by the use of depilatories, waxing or tweezers, but not by
43 the use of electrolysis.
- 44 z. (Deleted by amendment, P.L.2009, c.162)
- 45 aa. "Hair braider" or "hair braiding specialist" means a person
46 who holds a license to engage in only the practice of hair braiding.
- 47 bb. "Hair braiding" means the twisting, wrapping, weaving,
48 extending, locking, or braiding of hair by hand or with mechanical

1 devices. "Hair braiding" may include the use of: natural or
2 synthetic hair extensions or fibers, decorative beads, and other hair
3 accessories; minor trimming of natural hair or hair extensions
4 incidental to twisting, wrapping, weaving, extending, locking, or
5 braiding hair; making of wigs from natural hair, natural or synthetic
6 fibers, and hair extensions; and the use of topical agents in
7 conjunction with performing hair braiding, including conditioners,
8 gels, moisturizers, oils, pomades, and shampoos.

9 cc. **["Committee"** means the Hair Braiding Establishment
10 Advisory Committee established pursuant to section 3 of P.L.2018,
11 c.126.] (Deleted by amendment, P.L. __, c. __)

12 dd. "Chair or booth rental" means a business arrangement
13 entered into by a written contract whereby a practicing licensee
14 rents or leases a chair or booth from the owner of a licensed shop.

15 (cf: P.L.2019, c.334)

16

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

19 6. The board shall:

20 a. Review the qualifications of applicants for licensure;

21 b. Devise examinations for licensure which include practical
22 and written portions;

23 c. Administer and grade examinations or employ competent
24 examiners to administer and grade examinations but in no case shall
25 the board permit a person having any affiliation with a licensed
26 school to examine or grade an applicant who has been a registered
27 student at the school with which the examiner has an affiliation;

28 d. Issue and renew licenses of any cosmetologist-hairstylist,
29 beautician, barber, manicurist, skin care specialist, teacher, shop,
30 chair or booth rental, or school;

31 e. Issue student permits to senior students, which permits shall
32 remain valid during the period that the student is registered at a
33 licensed school or enrolled in an approved vocational training
34 program;

35 f. Issue temporary permits to applicants for licensure who are
36 awaiting scheduling for or results from an examination;

37 g. Issue registration cards to registered students;

38 h. Suspend, revoke or refuse to renew a license and exercise
39 investigative powers pursuant to the provisions of P.L.1978, c.73
40 (C.45:1-14 et seq.);

41 i. Appoint and employ an executive director and an assistant
42 executive director subject to the approval of the Attorney General,
43 and other employees as necessary to carry out the provisions of
44 **[this act]** P.L.1984, c.205 (C.45:5B-1 et seq.);

45 j. Determine the duties that the executive director and the
46 assistant executive director shall perform;

47 k. File with the Attorney General a petition to remove any
48 executive director or assistant executive director for cause, which

- 1 petition shall be acted upon by the Attorney General in a manner
2 which he deems appropriate;
- 3 l. Establish fees for initial licensure, permits, renewals and
4 restoration of licenses as well as for duplication of lost licenses
5 pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);
- 6 m. Maintain records of all practicing licensees and all licensed
7 teachers. Records shall include the latest work address of each
8 licensee, as provided on applications for licensure and renewals
9 thereof;
- 10 n. Maintain a record of all registered students and all persons
11 holding student permits;
- 12 o. Maintain a record of all shops licensed by the board to offer
13 one or more of the services encompassed within the definition of
14 cosmetology and hairstyling;
- 15 p. Maintain a record of all schools licensed by the board to
16 offer courses of instruction or training in the practice and theory of
17 cosmetology and hairstyling, beauty culture, barbering, manicuring,
18 hair braiding and skin care specialty to registered students, which
19 courses shall be approved by the board for the awarding of credit
20 for licensure;
- 21 q. Make available for public inspection all records required to
22 be kept pursuant to this section;
- 23 r. Promulgate regulations governing the practice and teaching
24 of cosmetology and hairstyling, beauty culture, barbering,
25 manicuring, hair braiding and skin care specialty as are necessary to
26 implement **[this act]** P.L.1984, c.205 (C.45:5B-1 et seq.) and to
27 insure that cosmetology and hairstyling services and instruction in
28 those services are being offered both in a manner which is sanitary
29 and safe and in a manner which is not intended to deceive or
30 mislead the general public;
- 31 s. Promulgate regulations governing the conduct of shops,
32 chair or booth rentals, and schools as are necessary to implement
33 **[this act]** P.L.1984, c.205 (C.45:5B-1 et seq.), including, but not
34 limited to, regulations that ensure that all schools offer instruction
35 on cosmetology and hairstyling, beauty culture, barbering,
36 manicuring, hair braiding and skin care specialty by instructors who
37 are knowledgeable in the practice and teaching of cosmetology and
38 hairstyling, beauty culture, barbering, manicuring, hair braiding and
39 skin care specialty, as the case may be, and to assure that
40 cosmetology and hairstyling services and instruction in those
41 services are being offered both in a manner that is sanitary and safe,
42 and in a manner not intended to deceive or mislead the general
43 public, students of the schools, or organizations awarding financial
44 aid to the students and to clarify or define any term used in the act
45 and to define any activity included in hairstyling and cosmetology,
46 beauty culture, barbering, manicuring, hair braiding and skin care
47 specialty;

1 t. Review curricula offered by licensed schools in courses of
2 instruction offered to registered students and approve those
3 curricula which offer comprehensive training in cosmetology and
4 hairstyling, beauty culture, barbering, manicuring, hair braiding and
5 skin care specialty;

6 u. Direct the conduct of inspections or investigations of all
7 licensed shops and schools;

8 v. Direct the conduct of inspections or investigations of any
9 premises from which the board may have reason to believe that
10 cosmetology and hairstyling, beauty culture, barbering, manicuring,
11 hair braiding and skin care specialty services are being offered, or
12 that courses of instruction are being offered to registered students;

13 **[and]**

14 w. Establish criteria and standards for education and experience
15 required for licensure; and

16 x. Maintain a record of all individuals holding chair or booth
17 rental licenses.

18 (cf: P.L.2018, c.126, s.3)

19

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

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

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

26

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

31

32 5. (New section) a. An individual applying for a chair or
33 booth rental license shall:

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

35 (2) Pay a fee as required by the board.

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

40

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

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44

45

STATEMENT

46

47 This bill establishes a new chair or booth rental license for
48 qualifying individuals, who already are licensed by the New Jersey

1 State Board of Cosmetology and Hairstyling to perform
2 cosmetology and hairstyling services or ancillary services, in cases
3 when these individuals engage in a business arrangement entered
4 into by a written contract whereby they rent or lease a chair or
5 booth from the owner of a shop that is licensed by the board. The
6 bill specifically provides that no licensed shop owner shall enter
7 into a chair or booth rental arrangement unless the practicing
8 licensee holds a chair or booth rental license as provided in this bill.

9 An individual applying for a chair or booth rental license shall:
10 make application to the board on forms as it may require; and pay a
11 fee as required by the board. In addition, the bill stipulates that the
12 board shall promulgate rules and regulations relating to the
13 information to be submitted for a chair or booth rental license,
14 including information regarding an applicant's compliance with
15 State and federal tax laws. The bill provides that the board shall
16 maintain a record of all individuals holding chair or booth rental
17 licenses, which licenses shall be renewable on a biennial basis.