

**SENATE, No. 2125**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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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;

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

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

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

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

(1) manicuring of the fingernails;

(2) pedicuring of the toenails;

(3) nail sculpturing; or

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

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

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

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

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

q. "School" means an establishment or place licensed by the 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.

43  
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.