

# SENATE, No. 2996

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

**Sponsored by:**

**Senator MICHAEL L. TESTA, JR.**

**District 1 (Atlantic, Cape May and Cumberland)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senator Sarlo**

**SYNOPSIS**

Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/12/2020)**

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

3

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

6

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

9 3. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

- 1 (5) removing superfluous hair from the face, neck, arms, legs or  
2 abdomen by the use of depilatories, waxing or tweezers, but not by  
3 the use of electrolysis;
- 4 (6) manicuring the fingernails, nail-sculpturing or pedicuring the  
5 toenails; or
- 6 (7) cutting, fitting, coloring or styling of hairpieces or wigs to  
7 the extent that the services are performed while the wig is being  
8 worn by a person.
- 9 e. "Board" means the New Jersey State Board of Cosmetology  
10 and Hairstyling.
- 11 f. "Board of Barber Examiners" means the State Board of  
12 Barber Examiners established pursuant to P.L.1938, c.197 (C.45:4-  
13 27 et seq.).
- 14 g. "Board of Beauty Culture Control" means the Board of  
15 Beauty Culture Control established pursuant to Chapter 4A of Title  
16 45 of the Revised Statutes.
- 17 h. "Clinic" means a designated portion of a licensed school in  
18 which members of the general public may receive cosmetology and  
19 hairstyling services from 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 act  
35 to teach cosmetology and hairstyling and who is enrolled in a  
36 program of instruction at a licensed school of cosmetology and  
37 hairstyling, completion of which may render him eligible for  
38 licensure pursuant to this act but does not mean a person who is  
39 enrolled in a public school vocational program in cosmetology and  
40 hairstyling approved by the State Board of Education or in any  
41 other cosmetology and hairstyling program approved by the State  
42 Board of Education.
- 43 p. "Registration card" means a document issued by the board to  
44 a registered student upon receipt of documentation from a licensed  
45 school of cosmetology and hairstyling that the student is enrolled.
- 46 q. "School" means an establishment or place licensed by the  
47 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, mobile facility, or  
18 place where one or more persons engage in one or more of the  
19 practices included in the definition of cosmetology and hairstyling,  
20 barbering, beauty culture, manicuring, hair braiding or skin care  
21 specialty.
- 22 u. "Teacher" means any person who is licensed by the board to  
23 give instruction or training in the theory or practice of cosmetology  
24 and hairstyling, beauty culture, barbering, manicuring or skin care  
25 specialty.
- 26 v. "Temporary permit" means a permit issued to applicants for  
27 licensure awaiting scheduling or results of an examination.
- 28 w. (Deleted by amendment, P.L.2009, c.162)
- 29 x. "Skin care specialist" means a person who holds a license to  
30 engage in only the practices included in the definition of skin care  
31 specialty.
- 32 y. "Skin care specialty" means any one or combination of the  
33 following practices when performed on the male or female human  
34 body for cosmetic purposes and not for the treatment of disease or  
35 physical or mental ailments and when performed for the general  
36 public, primarily for male customers:
- 37 (1) applying cosmetic preparations, antiseptics, tonics, lotions,  
38 creams or makeup to the scalp, face or neck;
- 39 (2) 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; or
- 42 (3) 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 z. (Deleted by amendment, P.L.2009, c.162)
- 46 aa. "Hair braider" or "hair braiding specialist" means a person  
47 who holds a license to engage in only the practice of hair braiding.

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

11 cc. "Committee" means the Hair Braiding Establishment  
12 Advisory Committee established pursuant to section 3 of P.L.2018,  
13 c.126.

14 dd. "Mobile facility" means a shop capable of being moved from  
15 one place to another as or by a motor vehicle that shall be properly  
16 registered, insured, and inspected in accordance with all applicable  
17 motor vehicle laws and regulations and in compliance with all  
18 appropriate municipal land use approvals and permits, if applicable.  
19 (cf: P.L.2019, c.334, s.1)

20

21 2. Section 8 of P.L.1984, c.205 (C.45:5B-8) is amended to read  
22 as follows:

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

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

31 b. Upon inmates and residents of institutions of the Department  
32 of Corrections or the Department of Human Services;

33 c. Upon **[an invalid or handicapped]** a person with a disability  
34 in the person's place of residence, if the practicing licensee is  
35 sponsored by a licensed shop and a record of those services is  
36 maintained by that shop;

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

39 e. Upon potential consumers of cosmetic preparations, lotions,  
40 creams, makeup or perfume which are intended for home use if the  
41 application of the product is made for the purposes of effecting a  
42 retail sale and the person neither accepts payment from the  
43 consumer for the service, nor makes the provision of the service  
44 contingent upon the purchase of any product or service.

45 Nothing contained in this section shall be construed to preclude a  
46 student enrolled in a school of cosmetology and hairstyling licensed  
47 in this State, or in a public school approved by the State Board of  
48 Education to offer a vocational program in cosmetology and

1 hairstyling, or a student enrolled in a cosmetology and hairstyling  
2 program approved by the State Board of Education, from engaging  
3 in any activities incident to the instruction provided in such school  
4 or program.

5 (cf: P.L.2018, c.126, s.5)

6

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

9 36. a. A shop or school owner shall notify the board prior to  
10 initiating a change of location, a change of ownership, or such other  
11 change as the board may determine pursuant to regulation. The  
12 shop or school shall submit to the board an initial application for  
13 licensure. If a change of ownership results from the death or  
14 disability of a principal shareholder in a corporation, or partner in a  
15 partnership which holds a shop or school license, the new owner  
16 shall notify the board within six months after the change has been  
17 effected. For purposes of this section, a change of ownership shall  
18 be deemed to have occurred if more than 50% of the outstanding  
19 stock or other financial interest is transferred.

20 b. A shop that is a mobile facility shall provide to the board a  
21 14-day location schedule at least 14 days in advance of the first  
22 scheduled date and shall immediately notify the board of any  
23 change to that schedule.

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

25

26 4. (New section) a. To be licensed as a shop pursuant to  
27 section 9 of P.L.1984, c .205 (C.45:5B-9), a mobile facility shall  
28 display a permanent sign indicating the name of the shop, which  
29 shall be clearly visible to the general public from the exterior of the  
30 shop, and shall contain:

31 (1) a minimum of 75 square feet of floor space;

32 (2) one lavatory including a toilet, hand washing facilities, and a  
33 door;

34 (3) one shampoo basin with hot and cold running water and a  
35 reclining chair;

36 (4) a designated area for cleaning and disinfecting implements  
37 and tools;

38 (5) one ultrasonic unit for cleaning metal implements and tools;

39 (6) a clean, closed receptacle for storage of sanitized  
40 implements and tools at each work station;

41 (7) a closed container for clean linens;

42 (8) a closed container for soiled linens;

43 (9) a closed waste container accessible to each work station;

44 (10) hair drying facilities or hair drying equipment;

45 (11) a dispensary or place where supplies are prepared and  
46 dispensed; and

47 (12) any other equipment necessary to provide the services  
48 offered by the shop in a safe and sanitary manner.

1       b. A mobile facility licensed as a manicuring or skin care  
2 specialty shop by the board shall be required to have at least one  
3 sink in the work area with hot and cold running water but shall be  
4 exempt from the requirement for a shampoo basin required pursuant  
5 to subsection a. of this section.

6       c. A mobile facility licensed as a barbering shop shall be  
7 required to contain at least one chair with an adjustable headrest  
8 suitable for performing shaving services.

9       d. A mobile facility shall maintain a stationary position  
10 whenever an individual therein is engaged in one or more of the  
11 practices included in the definition of cosmetology and hairstyling,  
12 barbering, beauty culture, manicuring, hair braiding or skin care  
13 specialty.

14

15       5. This act shall take effect immediately.

16

17

18

#### STATEMENT

19

20       This bill allows licensees of the New Jersey State Board of  
21 Cosmetology and Hairstyling to provide services using mobile  
22 facilities.

23       The bill amends the definition of “shop” in the statute governing  
24 the New Jersey State Board of Cosmetology and Hairstyling to  
25 include mobile facilities. The bill adds a definition of “mobile  
26 facility” to mean a licensed shop capable of being moved from one  
27 place to another as or by a motor vehicle that shall be properly  
28 registered, insured and inspected in accordance with all applicable  
29 motor vehicle laws and regulations and in compliance with all  
30 appropriate municipal land use approvals and permits, if applicable.

31       The bill further supplements the law to allow practicing licensees  
32 to render any cosmetology and hairstyling services in a mobile  
33 facility so long as certain requirements are met. A mobile facility is  
34 to display a permanent sign indicating the name of the shop, which  
35 is clearly visible to the general public from the exterior of the shop,  
36 and contain:

37       (1) a minimum of 75 square feet of floor space;

38       (2) at least one lavatory including a toilet, hand washing  
39 facilities and a door;

40       (3) one shampoo basin with hot and cold running water and a  
41 reclining chair;

42       (4) a designated area for cleaning and disinfecting implements  
43 and tools;

44       (5) an ultrasonic unit for cleaning metal implements and tools;

45       (6) a clean, closed receptacle for storage of sanitized  
46 implements and tools at each work station;

47       (7) a closed container for clean linens;

48       (8) a closed container for soiled linens;



- 1 (9) a closed waste container accessible to each work station;  
2 (10) hair drying facilities or hair drying equipment;  
3 (11) a dispensary or place where supplies are prepared and  
4 dispensed; and  
5 (12) any other equipment as is necessary to provide those  
6 services offered by the shop in a safe and sanitary manner.
- 7 Under the bill, a mobile facility licensed as a manicuring or skin  
8 care specialty shop by the board is required to have at least one sink  
9 in the work area with hot and cold running water but is exempt from  
10 the requirement for a shampoo basin. In addition, a mobile facility  
11 licensed as a barbering shop is required to contain at least one chair  
12 with an adjustable headrest suitable for performing shaving  
13 services.
- 14 The bill provides that a shop that is a mobile facility is required  
15 to provide to the board a 14-day location schedule at least 14 days  
16 in advance of the first scheduled date and to immediately notify the  
17 board of any change to that schedule.
- 18 Under the bill, a mobile facility is to maintain a stationary  
19 position whenever an individual therein is engaged in one or more  
20 of the practices included in the definition of cosmetology and  
21 hairstyling, barbering, beauty culture, manicuring, hair braiding or  
22 skin care specialty.
- 23 The bill also amends the law to replace certain outdated  
24 terminology.