

[First Reprint]

ASSEMBLY, No. 1507

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

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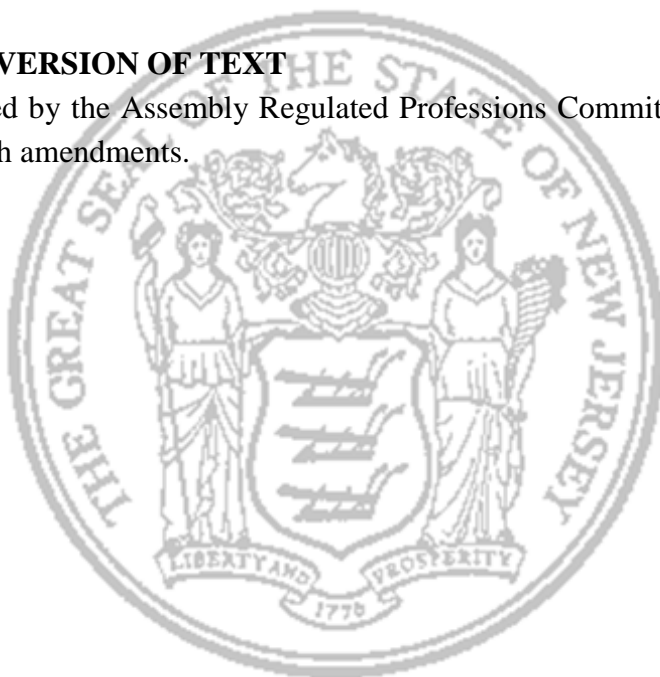
Assemblywomen Reynolds-Jackson, Jasey and Lampitt

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Regulated Professions Committee on January 12, 2023, with amendments.



(Sponsorship Updated As Of: 2/27/2023)

1 AN ACT concerning cosmetology and hairstyling and amending
2 ¹various parts of the statutory law¹ and supplementing P.L.1984,
3 c.205.
4

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

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

10 3. As used in **[this act]** P.L.1984, c.205 (C.45:5B-1 et seq.):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (5) removing superfluous hair from the face, neck, arms, legs or
45 abdomen by the use of depilatories, waxing or tweezers, but not by the

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:

¹Assembly ARP committee amendments adopted January 12, 2023.

- 1 use of electrolysis;
- 2 (6) manicuring the fingernails, nail-sculpturing or pedicuring the
- 3 toenails; or
- 4 (7) cutting, fitting, coloring or styling of hairpieces or wigs to the
- 5 extent that the services are performed while the wig is being worn by a
- 6 person.
- 7 e. "Board" means the New Jersey State Board of Cosmetology
- 8 and Hairstyling.
- 9 f. "Board of Barber Examiners" means the State Board of Barber
- 10 Examiners established pursuant to P.L.1938, c.197 (C.45:4-27 et seq.).
- 11 g. "Board of Beauty Culture Control" means the Board of Beauty
- 12 Culture Control established pursuant to Chapter 4A of Title 45 of the
- 13 Revised Statutes.
- 14 h. "Clinic" means a designated portion of a licensed school in
- 15 which members of the general public may receive cosmetology and
- 16 hairstyling services from senior students in exchange for a fee. The
- 17 clinic shall clearly post the fees for the cosmetology and hairstyling
- 18 services and provide notice to consumers that the services provided in
- 19 the clinic are performed by senior students under the supervision of
- 20 licensed instructors.
- 21 i. "Cosmetologist-hairstylist" means any person who is licensed
- 22 to engage in the practices encompassed in cosmetology and
- 23 hairstyling.
- 24 j. "Cosmetology and hairstyling" means any one or combination
- 25 of the following practices when performed on the human body for
- 26 cosmetic purposes and not for the treatment of disease or physical or
- 27 mental ailments and when performed for the general public, for male
- 28 or female customers:
- 29 (1) shaving or trimming of the beard, mustache or other facial hair;
- 30 (2) shampooing, cutting, arranging, dressing, relaxing, curling,
- 31 permanent waving or styling of the hair;
- 32 (3) singeing, dyeing, tinting, coloring, bleaching of the hair;
- 33 (4) applying cosmetic preparations, antiseptics, tonics, lotions,
- 34 creams or makeup to the hair, scalp, face or neck;
- 35 (5) massaging, cleansing or stimulating the face, neck or upper
- 36 part of the body, with or without cosmetic preparations, either by hand,
- 37 mechanical or electrical appliances;
- 38 (6) removing superfluous hair from the face, neck, arms, legs or
- 39 abdomen by the use of depilatories, waxing or tweezers, but not by the
- 40 use of electrolysis;
- 41 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
- 42 toenails;
- 43 (8) cutting, fitting, coloring or styling of hairpieces or wigs to the
- 44 extent that the services are being performed while the wig is being
- 45 worn by a person.
- 46 (9) (Deleted by amendment, P.L.2018, c.126)
- 47 k. "Manicurist" means a person who holds a license to engage in
- 48 only the practice of manicuring.

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

5 (1) manicuring of the fingernails;

6 (2) pedicuring of the toenails;

7 (3) nail sculpturing; or

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

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

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

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

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

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

43 r. "Senior student" means a registered student who has
44 successfully completed one-half of the total hours of instruction
45 required for licensure as a cosmetologist-hairstylist, beautician, barber,
46 manicurist or skin care specialist in a licensed school of cosmetology
47 and hairstyling, as determined by the board pursuant to regulation, or

1 in any public school vocational training program approved by the State
2 Board of Education.

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

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

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

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

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

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

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

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

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

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

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

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

40 bb. "Hair braiding" means the twisting, wrapping, weaving,
41 extending, locking, or braiding of hair by hand or with mechanical
42 devices. "Hair braiding" may include the use of: natural or synthetic
43 hair extensions or fibers, decorative beads, and other hair accessories;
44 minor trimming of natural hair or hair extensions incidental to
45 twisting, wrapping, weaving, extending, locking, or braiding hair;
46 making of wigs from natural hair, natural or synthetic fibers, and hair
47 extensions; and the use of topical agents in conjunction with

1 performing hair braiding, including conditioners, gels, moisturizers,
2 oils, pomades, and shampoos.

3 **【cc. "Committee" means the Hair Braiding Establishment**
4 **Advisory Committee established pursuant to section 3 of P.L.2018,**
5 **c.126.】 (Deleted by amendment, P.L. , c.)**

6 dd. "Mobile facility" means a shop capable of being moved from
7 one place to another as or by a motor vehicle that shall be properly
8 registered, insured, and inspected in accordance with all applicable
9 motor vehicle laws and regulations and in compliance with all
10 appropriate municipal laws and regulations including, but not limited
11 to, licensing and land use approvals and permits, if applicable.

12 ee. "Chair or booth rental" means a business arrangement entered
13 into by a written contract whereby a practicing licensee rents or leases
14 a chair or booth from the owner of a licensed shop.
15 (cf: P.L.2021, c.275, s.1)

16

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

19 6. The board shall:

20 a. Review the qualifications of applicants for licensure;

21 b. Devise examinations for licensure which include practical and
22 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 school
26 to examine or grade an applicant who has been a registered student at
27 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, or
30 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, and
43 other employees as necessary to carry out the provisions of this act;

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

46 k. File with the Attorney General a petition to remove any
47 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 offer
16 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 for
20 licensure;
- 21 q. Make available for public inspection all records required to be
22 kept pursuant to this section;
- 23 r. Promulgate regulations governing the practice and teaching of
24 cosmetology and hairstyling, beauty culture, barbering, manicuring,
25 hair braiding and skin care specialty as are necessary to implement
26 **【this act】** P.L.1984, c.205 (C.45:5B-1 et seq.) and to insure that
27 cosmetology and hairstyling services and instruction in those services
28 are being offered both in a manner which is sanitary and safe and in a
29 manner which is not intended to deceive or mislead the general public;
- 30 s. Promulgate regulations governing the conduct of shops,
31 including but not limited to mobile facilities, chair or booth rentals,
32 and schools as are necessary to implement **【this act】** P.L.1984, c.205
33 (C.45:5B-1 et seq.), including, but not limited to, regulations that
34 ensure that all schools offer instruction on cosmetology and
35 hairstyling, beauty culture, barbering, manicuring, hair braiding and
36 skin care specialty by instructors who are knowledgeable in the
37 practice and teaching of cosmetology and hairstyling, beauty culture,
38 barbering, manicuring, hair braiding and skin care specialty, as the
39 case may be, and to assure that cosmetology and hairstyling services
40 and instruction in those services are being offered both in a manner
41 that is sanitary and safe, and in a manner not intended to deceive or
42 mislead the general public, students of the schools, or organizations
43 awarding financial aid to the students and to clarify or define any term
44 used in the act and to define any activity included in hairstyling and
45 cosmetology, beauty culture, barbering, manicuring, hair braiding and
46 skin care specialty;
- 47 t. Review curricula offered by licensed schools in courses of
48 instruction offered to registered students and approve those curricula

1 which offer comprehensive training in cosmetology and hairstyling,
2 beauty culture, barbering, manicuring, hair braiding and skin care
3 specialty;

4 u. Direct the conduct of inspections or investigations of all
5 licensed shops and schools;

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

11 w. Establish criteria and standards for education and experience
12 required for licensure; and

13 x. Maintain a record of all individuals holding chair or booth
14 rental licenses.

15 (cf: P.L.2021, c.275, s.5)

16
17 3. Section 34 of P.L.1984, c.205 (C.45:5B-34) is amended to read
18 as follows:

19 34. ¹a.¹ All practicing licenses, chair or booth rental licenses, and
20 teachers' licenses issued shall be renewable on a biennial basis on a
21 date determined by the board.

22 ¹b. An application for renewal of a chair or booth rental license
23 shall require, among other information, an indication if the rental
24 license is for a chair or booth in a mobile facility and if so, the name
25 and shop license number of the mobile facility.¹

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

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

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

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

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

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

42
43 ¹6. Section 4 of P.L.2021, c.275 (C.45:5B-9.1) is amended to
44 read as follows:

45 4. a. To be licensed as a shop pursuant to section 9 of
46 P.L.1984, c.205 (C.45:5B-9), a mobile facility shall comply with
47 the federal "Americans with Disabilities Act of 1990" (42 U.S.C.

1 s.12101 et seq.) and additionally shall display a permanent sign
2 indicating the name of the shop, which shall be clearly visible to the
3 general public from the exterior of the shop, and shall contain:

- 4 (1) a minimum of 75 square feet of floor space;
- 5 (2) one lavatory including a toilet, hand washing facilities, and a
6 door;
- 7 (3) one shampoo basin with hot and cold running water and a
8 reclining chair;
- 9 (4) a designated area for cleaning and disinfecting implements
10 and tools;
- 11 (5) one ultrasonic unit for cleaning metal implements and tools;
- 12 (6) a clean, closed receptacle for storage of sanitized
13 implements and tools at each work station;
- 14 (7) a closed container for clean linens;
- 15 (8) a closed container for soiled linens;
- 16 (9) a closed waste container accessible to each work station;
- 17 (10) hair drying facilities or hair drying equipment;
- 18 (11) a dispensary or place where supplies are prepared and
19 dispensed; and
- 20 (12) any other equipment necessary to provide the services
21 offered by the shop in a safe and sanitary manner.

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

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

30 d. A mobile facility shall maintain a stationary position
31 whenever an individual therein is engaged in one or more of the
32 practices included in the definition of cosmetology and hairstyling,
33 barbering, beauty culture, manicuring, hair braiding or skin care
34 specialty.

35 e. A mobile facility wherein an individual is engaged in one or
36 more of the services included in the definition of cosmetology and
37 hairstyling, barbering, beauty culture, manicuring, hair braiding or
38 skin care specialty shall not operate within 300 feet of a shop
39 licensed by the board to perform such services and that is not a
40 mobile facility unless the mobile facility is:

- 41 (1) parked outside the home of a customer receiving services;
- 42 (2) lawfully participating in an event, including, but not limited
43 to, a municipal or county function; or
- 44 (3) affiliated with the licensed shop.

45 f. A mobile facility shall require a chair or booth rental license
46 to be displayed for a practicing licensee with a chair or booth rental

1 license and who has a business arrangement to rent a chair or booth
2 from the mobile facility.¹

3 (cf: P.L.2021, c.275, s.4)

4

5 ¹7. Section 22 of P.L.2018, c.126 (C.45:5B-40) is amended to
6 read as follows:

7 22. a. Nothing in P.L.2018, c.126 (C.45:5B-22.2 et al.) shall be
8 construed to preclude the lawful sale of merchandise or the
9 provision of services related to the beautification of the body or the
10 enhancement of personal appearance in a hair braiding
11 establishment, except that no services shall be rendered that are
12 encompassed within the definition of cosmetology and hairstyling,
13 beauty culture, barbering, manicuring, and skin care specialty.

14 b. To the extent that the **【committee】** board determines that
15 certain ancillary beautification services provided in a hair braiding
16 establishment pose a health hazard to the public, it may adopt
17 regulations prohibiting the services or placing restrictions on the
18 manner in which the services are offered in the hair braiding
19 establishment.¹

20 (cf: P.L.2018, c.126, s.22)

21

22 ¹**【6.】** 8.¹ This act shall take effect on the 180th day following
23 enactment.