

[First Reprint]

ASSEMBLY, No. 4500

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

SYNOPSIS

Provides option for individuals to satisfy requirements for licensure as manicurist through apprenticeship.

CURRENT VERSION OF TEXT

As reported by the Assembly Regulated Professions Committee on March 20, 2023, with amendments.



1 AN ACT concerning apprenticeships for manicurists, ¹and¹
2 supplementing and amending P.L.1984, c.205 (C.45:5B-1 et seq.).
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

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 March 20, 2023.

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

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

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

7 cc. "Committee" means the Hair Braiding Establishment
8 Advisory Committee established pursuant to section 3 of P.L.2018,
9 c.126.

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

17 ee. "Manicuring apprenticeship" means a plan containing all
18 terms and conditions for the qualification, recruitment, selection,
19 employment, and training of apprentices, as required pursuant to 29
20 C.F.R. ss.29 and 30, in pursuit of licensure as a manicurist. A
21 "manicuring apprentice" means an individual enrolled in a
22 manicuring apprenticeship.

23 (cf: P.L.2021, c.275, s.1)

24
25 2. Section 7 of P.L.1984, c.205 (C.45:5B-7) is amended to read
26 as follows:

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

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

36 b. Registered nurses, licensed practical nurses, nurses' aides,
37 physical therapists, physical therapy assistants, and other licensed
38 health care professionals;

39 c. Personnel employed by, and providing services in facilities
40 regulated by, the United States Department of Veterans Affairs or
41 the United States Department of Defense;

42 d. Persons employed to render cosmetology and hairstyling
43 services in the course of and incidental to the business of employers
44 engaged in the theatrical, radio, television or motion picture
45 production industries, modeling or photography;

46 e. Persons employed to demonstrate, recommend or administer
47 cosmetic preparations, lotions, creams, makeup or perfume intended
48 for home use for the purposes of effecting retail sales if those
49 persons neither accept payment from the consumer for that

1 demonstration nor make the demonstration contingent upon the
2 purchase of any product or service; **【or】**

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

6 g. Manicuring apprentices.

7 (cf: P.L.2018, c.126, s.4)

8

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

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

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

19 b. Upon inmates and residents of institutions of the Department
20 of Corrections or the Department of Human Services;

21 c. Upon a person with a disability in the person's place of
22 residence, if the practicing licensee is sponsored by a licensed shop
23 and a record of those services is maintained by that shop;

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

26 e. Upon potential consumers of cosmetic preparations, lotions,
27 creams, makeup or perfume which are intended for home use if the
28 application of the product is made for the purposes of effecting a
29 retail sale and the person neither accepts payment from the
30 consumer for the service, nor makes the provision of the service
31 contingent upon the purchase of any product or service.

32 Nothing contained in this section shall be construed to preclude a
33 student enrolled in a school of cosmetology and hairstyling licensed
34 in this State, or in a public school approved by the State Board of
35 Education to offer a vocational program in cosmetology and
36 hairstyling, or a student enrolled in a cosmetology and hairstyling
37 program approved by the State Board of Education, or a manicuring
38 apprentice from engaging in any activities incident to the
39 instruction provided in such school **【or】**, program, or licensed shop.

40 (cf: P.L.2021, c.275, s.2)

41

42 ¹**【4.** Section 26 of P.L.1984, c.205 (C.45:5B-26) is amended to
43 read as follows:

44 26. Upon submitting satisfactory evidence of eligibility for any
45 practicing license after completion of instruction at a licensed
46 school, a public school approved by the State Board of Education,
47 or at a school licensed in another state or a foreign country, an
48 applicant shall submit to the board a fee as required by the board.
49 The applicant then shall be scheduled to sit for the examination

1 conducted by the board in the practice in which he is seeking a
2 practicing license. Upon scheduling, he shall be issued a temporary
3 permit to engage in the practice for which the applicant is seeking a
4 license. The permit shall remain valid for a period of no more than
5 120 days and shall expire upon receipt of a newly issued license by
6 the licensee. Only one temporary permit shall be issued to an
7 applicant. No temporary permit shall be issued to applicants
8 awaiting scheduling of and results from the teacher examination.

9 (cf: P.L.1984, c.205, s.26)]¹

10
11 ¹[5.] 4.¹ (New section) A licensure in manicuring may be
12 obtained ¹[pursuant to section 22 of P.L.1984, c.205 (C.45:5B-22)
13 or]¹ if an individual demonstrates:

14 a. meeting the requirements of section 16 of P.L.1984, c.205
15 (C.45:5B-16); ¹[and]¹

16 b. completion, in a form and manner as determined by the board,
17 of an apprenticeship program in manicuring registered with or
18 approved by the United States Department of Labor, or a similar
19 program as provided by a trade school or other facility accredited by a
20 regional or national accrediting agency recognized by the United
21 States Department of Education, that allows for the individual to
22 prepare for a career in manicuring ¹; and

23 c. passage of an examination in accordance with subsection c. of
24 section 22 of P.L.1984, c.205 (C.45:5B-22)¹.

25
26 ¹[6.] 5.¹ This act shall take effect on the first day of the
27 thirteenth month next after enactment.