

CHAPTER 231

AN ACT concerning cosmetology and hairstyling and amending various parts of the statutory law and supplementing P.L.1984, c.205.

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

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

C.45:5B-3 Definitions.

3. As used in P.L.1984, c.205 (C.45:5B-1 et seq.):

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

- b. "Barbering" 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, primarily for male customers:

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

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

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

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

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

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

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

- d. "Beauty culture" 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, primarily for female customers:

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

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

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

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

- (5) 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;

- (6) manicuring the fingernails, nail-sculpturing or pedicuring the toenails; or

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

- e. "Board" means the New Jersey State Board of Cosmetology and Hairstyling.

- f. "Board of Barber Examiners" means the State Board of Barber Examiners established pursuant to P.L.1938, c.197 (C.45:4-27 et seq.).

- g. "Board of Beauty Culture Control" means the Board of Beauty Culture Control established pursuant to Chapter 4A of Title 45 of the Revised Statutes.

- h. "Clinic" means a designated portion of a licensed school in which members of the general public may receive cosmetology and hairstyling services from senior students in

exchange for a fee. The clinic shall clearly post the fees for the cosmetology and hairstyling services and provide notice to consumers that the services provided in the clinic are performed by senior students under the supervision of licensed instructors.

i. "Cosmetologist-hairstylist" means any person who is licensed to engage in the practices encompassed in cosmetology and hairstyling.

j. "Cosmetology and hairstyling" 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) shaving or trimming of the beard, mustache or other facial hair;
- (2) shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair;
- (3) singeing, dyeing, tinting, coloring, bleaching of the hair;
- (4) applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the hair, scalp, face or neck;
- (5) massaging, cleansing or stimulating the face, neck or upper part of the body, with or without cosmetic preparations, either by hand, mechanical or electrical appliances;
- (6) 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;
- (7) manicuring the fingernails, nail-sculpturing or pedicuring the 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 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 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 hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty to registered students.

r. "Senior student" means a registered student who has successfully completed one-half of the total hours of instruction required for licensure as a cosmetologist-hairstylist, beautician, barber, manicurist or skin care specialist in a licensed school of cosmetology and hairstyling, as determined by the board pursuant to regulation, or in any public school vocational training program approved by the State Board of Education.

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

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

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

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

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

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

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

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

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

(3) 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.

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

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

bb. "Hair braiding" means the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices. "Hair braiding" may include the use of: natural or synthetic hair extensions or fibers, decorative beads, and other hair accessories; minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving,

extending, locking, or braiding hair; making of wigs from natural hair, natural or synthetic fibers, and hair extensions; and the use of topical agents in conjunction with performing hair braiding, including conditioners, gels, moisturizers, oils, pomades, and shampoos.

cc. (Deleted by amendment, P.L.2023, c.231)

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

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

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

C.45:5B-6 Duties of board.

6. The board shall:
 - a. Review the qualifications of applicants for licensure;
 - b. Devise examinations for licensure which include practical and written portions;
 - c. Administer and grade examinations or employ competent examiners to administer and grade examinations but in no case shall the board permit a person having any affiliation with a licensed school to examine or grade an applicant who has been a registered student at the school with which the examiner has an affiliation;
 - d. Issue and renew licenses of any cosmetologist-hairstylist, beautician, barber, manicurist, skin care specialist, teacher, shop, chair or booth rental, or school;
 - e. Issue student permits to senior students, which permits shall remain valid during the period that the student is registered at a licensed school or enrolled in an approved vocational training program;
 - f. Issue temporary permits to applicants for licensure who are awaiting scheduling for or results from an examination;
 - g. Issue registration cards to registered students;
 - h. Suspend, revoke or refuse to renew a license and exercise investigative powers pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
 - i. Appoint and employ an executive director and an assistant executive director subject to the approval of the Attorney General, and other employees as necessary to carry out the provisions of this act;
 - j. Determine the duties that the executive director and the assistant executive director shall perform;
 - k. File with the Attorney General a petition to remove any executive director or assistant executive director for cause, which petition shall be acted upon by the Attorney General in a manner which he deems appropriate;
 - l. Establish fees for initial licensure, permits, renewals and restoration of licenses as well as for duplication of lost licenses pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);
 - m. Maintain records of all practicing licensees and all licensed teachers. Records shall include the latest work address of each licensee, as provided on applications for licensure and renewals thereof;
 - n. Maintain a record of all registered students and all persons holding student permits;
 - o. Maintain a record of all shops licensed by the board to offer one or more of the services encompassed within the definition of cosmetology and hairstyling;

p. Maintain a record of all schools licensed by the board to offer courses of instruction or training in the practice and theory of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty to registered students, which courses shall be approved by the board for the awarding of credit for licensure;

q. Make available for public inspection all records required to be kept pursuant to this section;

r. Promulgate regulations governing the practice and teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty as are necessary to implement P.L.1984, c.205 (C.45:5B-1 et seq.) and to insure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner which is sanitary and safe and in a manner which is not intended to deceive or mislead the general public;

s. Promulgate regulations governing the conduct of shops, including, but not limited to, mobile facilities, chair or booth rentals, and schools as are necessary to implement P.L.1984, c.205 (C.45:5B-1 et seq.), including, but not limited to, regulations that ensure that all schools offer instruction on cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty by instructors who are knowledgeable in the practice and teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty, as the case may be, and to assure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner that is sanitary and safe, and in a manner not intended to deceive or mislead the general public, students of the schools, or organizations awarding financial aid to the students and to clarify or define any term used in the act and to define any activity included in hairstyling and cosmetology, beauty culture, barbering, manicuring, hair braiding and skin care specialty;

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

u. Direct the conduct of inspections and investigations of all licensed shops, including shops with chair or booth rentals, and schools;

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

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

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

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

C.45:5B-34 Biennial license renewal.

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

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

C.45:5B-11.1 Chair or booth rental arrangements, licenses, scope of services.

4. a. No licensed shop owner shall enter into a chair or booth rental arrangement with a practicing licensee unless the practicing licensee holds a license to provide cosmetology and hairstyling services for which the shop is licensed and holds a chair or booth rental license. A practitioner who holds a chair or booth rental license and who provides services in a licensed

shop under a chair or booth rental arrangement shall not offer services beyond the scope of services that the shop owner is licensed to provide.

b. An individual performing cosmetology, hairstyling, or other ancillary services in a licensed shop shall be deemed an employee of the shop, unless the following applies:

(1) a written agreement exists between the individual and the shop specifying the following:

(a) that the individual is an independent contractor;

(b) that the shop has no right to control the methodology used by the individual to produce a given result; and

(c) the amount of rent to be paid by the individual to the shop, whether calculated at a fixed percentage of the individual's gross receipts or a flat fee.

(2) the individual possesses a booth rental permit issued by the board; and

(3) the individual has paid a booth rental permit fee to the board.

c. The licensed shop shall maintain complete records of all rental payments to the shop and all distributions to the individual.

d. No individual who has been issued a booth rental permit pursuant to section 5 of P.L.2023, c.231 (C.45:5B-31.1) shall be recognized as an employee of a shop by the board.

C.45:5B-31.1 Chair or booth rental license, application, requirements; rules, regulations.

5. a. An individual applying for a chair or booth rental license shall:

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

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

b. The board shall promulgate rules and regulations relating to the information to be submitted for a chair or booth rental license, including information regarding an applicant's compliance with State and federal tax laws, and the board shall issue a booth rental permit, to any person who holds a license, certificate of registration, or permit issued by the board, upon application and compliance with the following:

(1) submission of a copy of the written agreement required by section 4 of P.L.2023, c.231 (C.45:5B-11.1);

(2) inspection of the premises prior to the issuance of a chair or booth rental license;

(3) payment of the booth rental permit fee and the booth rental inspection fee set forth by the board; and

(4) receipt of an inspection report from the board indicating approval of the booth.

c. A booth rental permit shall not be transferable except that when the shop changes location, a booth rental permit may be transferred by filing a new booth rental agreement and receipt of an inspection report from the board indicating approval of the booth.

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

C.45:5B-9.1 Mobile facility operation, structure requirements, ADA compliance; chair or booth rental license, scope of services.

4. a. To be licensed as a shop pursuant to section 9 of P.L.1984, c.205 (C.45:5B-9), a mobile facility shall comply with the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.) and additionally shall display a permanent sign indicating the name of the shop, which shall be clearly visible to the general public from the exterior of the shop, and shall contain:

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

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

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

- (4) a designated area for cleaning and disinfecting implements and tools;
- (5) one ultrasonic unit for cleaning metal implements and tools;
- (6) a clean, closed receptacle for storage of sanitized implements and tools at each work station;
- (7) a closed container for clean linens;
- (8) a closed container for soiled linens;
- (9) a closed waste container accessible to each work station;
- (10) hair drying facilities or hair drying equipment;
- (11) a dispensary or place where supplies are prepared and dispensed; and
- (12) any other equipment necessary to provide the services offered by the shop in a safe and sanitary manner.

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

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

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

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

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

f. A mobile facility shall require a chair or booth rental license and the practitioner license to be clearly displayed for a practicing licensee with a chair or booth rental license and who has a business arrangement to rent a chair or booth from the mobile facility.

g. A practitioner who holds a chair or booth rental license who provides services in a mobile facility under a chair and booth rental arrangement shall not offer services beyond the scope of services that the mobile facility is licensed to provide.

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

C.45:5B-40 Construction of act relative to sale of merchandise, provision of certain services.

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

b. To the extent that the board determines that certain ancillary beautification services provided in a hair braiding establishment pose a health hazard to the public, it may adopt regulations prohibiting the services or placing restrictions on the manner in which the services are offered in the hair braiding establishment.

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

C.45:5B-9 Shop licenses.

9. a. No person, firm, corporation, partnership or other legal entity shall operate, maintain, or use premises for the offering of or rendering of any one or more of the services encompassed in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding, and skin care specialty without first having secured a shop license from the board.

b. No licensed shop owner shall permit any person:

- (1) to be in the shop owner's employ;
- (2) under the shop owner's supervision or control; or
- (3) as an independent contractor in the shop; and

practice cosmetology, hairstyling, or other ancillary services who does not possess the appropriate requisite license or registration issued by the board.

9. This act shall take effect on the 365th day following enactment, but the board may take such anticipatory action in advance thereof as it deems necessary for the implementation of this act.

Approved January 8, 2024.