

SENATE, No. 3233

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 27, 2022

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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
9 as follows:

10 3. As used in this act:

11 a. "Barber" means any person who is licensed to engage in any
12 of 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
16 and when performed for the general public, primarily for male
17 customers:

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
2 toenails;
- 3 (8) cutting, fitting, coloring or styling of hairpieces or wigs to
4 the extent that the services are being performed while the wig is
5 being worn by a person.
- 6 (9) (Deleted by amendment, P.L.2018, c.126)
- 7 k. "Manicurist" means a person who holds a license to engage
8 in only the practice of manicuring.
- 9 l. "Manicuring" means any one or combination of the
10 following practices when performed on the human body for
11 cosmetic purposes and not for the treatment of disease or physical
12 or mental ailments and when performed for the general public, for
13 male or female customers:
- 14 (1) manicuring of the fingernails;
15 (2) pedicuring of the toenails;
16 (3) nail sculpturing; or
17 (4) removing superfluous hair from the face, neck, arms, legs or
18 abdomen by the use of depilatories, waxing or tweezers, but not by
19 the use of electrolysis.
- 20 m. "Owner" means any person, corporation, firm or partnership
21 who has a financial interest in a school or shop entitling him to
22 participate in the promotion, management and proceeds thereof. It
23 does not include a person whose connection with a school or shop
24 entitles him only to reasonable salary or wages for services actually
25 rendered. "Owner" shall also mean any person, corporation, firm or
26 partnership who has a financial interest in a hair braiding shop
27 entitling the person, corporation, firm or partnership to participate
28 in the promotion, management and proceeds thereof.
- 29 n. "Practicing licensee" means any person who holds a license
30 to practice barbering, beauty culture, cosmetology and hairstyling,
31 manicuring or as a skin care specialist.
- 32 o. "Registered student" means a person who is engaged in
33 learning and acquiring a knowledge of any of the practices included
34 in the definition of cosmetology and hairstyling, including beauty
35 culture, barbering, manicuring and skin care specialty, under the
36 direction and supervision of a person duly authorized under this act
37 to teach cosmetology and hairstyling and who is enrolled in a
38 program of instruction at a licensed school of cosmetology and
39 hairstyling, completion of which may render him eligible for
40 licensure pursuant to this act but does not mean a person who is
41 enrolled in a public school vocational program in cosmetology and
42 hairstyling approved by the State Board of Education or in any
43 other cosmetology and hairstyling program approved by the State
44 Board of Education.
- 45 p. "Registration card" means a document issued by the board to
46 a registered student upon receipt of documentation from a licensed
47 school of cosmetology and hairstyling that the student is enrolled.

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

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

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

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

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

23 ee. "Manicuring apprenticeship" means a plan containing all
24 terms and conditions for the qualification, recruitment, selection,
25 employment, and training of apprentices, as required pursuant to 29
26 C.F.R. ss.29 and 30, in pursuit of licensure as a manicurist. A
27 "manicuring apprentice" means an individual enrolled in a
28 manicuring apprenticeship.
29 (cf: P.L.2021, c.275, s.1)
30

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

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

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

42 b. Registered nurses, licensed practical nurses, nurses' aides,
43 physical therapists, physical therapy assistants, and other licensed
44 health care professionals;

45 c. Personnel employed by, and providing services in facilities
46 regulated by, the United States Department of Veterans Affairs or
47 the United States Department of Defense;

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

e. Persons employed to demonstrate, recommend or administer cosmetic preparations, lotions, creams, makeup or perfume intended for home use for the purposes of effecting retail sales if those persons neither accept payment from the consumer for that demonstration nor make the demonstration contingent upon the purchase of any product or service; **【or】**

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

g. Manicuring apprentices.

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

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

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

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

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

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

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

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

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

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

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- 1 manicuring services; and has graduated high school diploma or
- 2 successfully passed an examination developed by the General
- 3 Education Development Testing Service.