## [First Reprint] 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)

Co-Sponsored by: Senator Johnson

## **SYNOPSIS**

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

## **CURRENT VERSION OF TEXT**

As reported by the Senate Commerce Committee on December 19, 2022, with amendments.



(Sponsorship Updated As Of: 1/26/2023)

concerning apprenticeships for manicurists, 1 AN ACT 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: "Barber" means any person who is licensed to engage in any 11 a. 12 of the practices encompassed in barbering. 13 "Barbering" means any one or combination of the following b. practices when performed on the human body for cosmetic purposes 14 15 and not for the treatment of disease or physical or mental ailments and when performed for the general public, primarily for male 16 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 "Beautician" means any person who is licensed to engage in c. any of the practices encompassed in beauty culture. 32 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: 44 (4) massaging, cleansing, or stimulating the face, scalp, neck or

Matter underlined <u>thus</u> is new matter.

Matter enclosed in superscript numerals has been adopted as follows: <sup>1</sup>Senate SCM committee amendments adopted December 19, 2022.

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

3

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

4 (9) (Deleted by amendment, P.L.2018, c.126)

5 k. "Manicurist" means a person who holds a license to engage6 in only the practice of manicuring.

1. "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:

12 (1) manicuring of the fingernails;

13 (2) pedicuring of the toenails;

14 (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.

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.

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.

30 "Registered student" means a person who is engaged in 0. 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 to teach cosmetology and hairstyling and who is enrolled in a 35 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.

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 theboard 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)

28

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:

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 "Hair braiding" may include the use of: natural or devices. 4 synthetic hair extensions or fibers, decorative beads, and other hair 5 accessories; minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or 6 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

Advisory Committee established pursuant to section 3 of P.L.2018, c.126.

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

- 26 <u>manicuring apprenticeship.</u>
- 27 (cf: P.L.2021, c.275, s.1)
- 28

29 2. Section 7 of P.L.1984, c.205 (C.45:5B-7) is amended to read30 as follows:

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

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

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

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

46 d. Persons employed to render cosmetology and hairstyling47 services in the course of and incidental to the business of employers

1 engaged in the theatrical, radio, television or motion picture 2 production industries, modeling or photography; 3 Persons employed to demonstrate, recommend or administer e. 4 cosmetic preparations, lotions, creams, makeup or perfume intended 5 for home use for the purposes of effecting retail sales if those persons neither accept payment from the consumer for that 6 7 demonstration nor make the demonstration contingent upon the 8 purchase of any product or service; [or] 9 f. Senior students holding a student permit; provided that those 10 services are rendered in a school clinic or licensed shop during 11 hours that the student does not have scheduled classes; or 12 g. Manicuring apprentices. 13 (cf: P.L.2018, c.126, s.4) 14 15 3. Section 8 of P.L.1984, c.205 (C.45:5B-8) is amended to read 16 as follows: 17 8. No person shall offer or render any of the services 18 encompassed within the definition of cosmetology and hairstyling, 19 beauty culture, barbering, manicuring, hair braiding and skin care 20 specialty services, in a place which is not licensed as a shop or 21 school, except that a practicing licensee, duly licensed pursuant to 22 this act, may render the services which he is licensed to offer: 23 Upon patients in hospitals, nursing homes, and other a. 24 licensed health care facilities; 25 b. Upon inmates and residents of institutions of the Department 26 of Corrections or the Department of Human Services; 27 Upon a person with a disability in the person's place of c. 28 residence, if the practicing licensee is sponsored by a licensed shop 29 and a record of those services is maintained by that shop; 30 d. Upon performers or models, prior to, in anticipation of or 31 during a performance; or 32 Upon potential consumers of cosmetic preparations, lotions, e. 33 creams, makeup or perfume which are intended for home use if the 34 application of the product is made for the purposes of effecting a 35 retail sale and the person neither accepts payment from the consumer for the service, nor makes the provision of the service 36 37 contingent upon the purchase of any product or service. 38 Nothing contained in this section shall be construed to preclude a 39 student enrolled in a school of cosmetology and hairstyling licensed 40 in this State, or in a public school approved by the State Board of 41 Education to offer a vocational program in cosmetology and 42 hairstyling, or a student enrolled in a cosmetology and hairstyling 43 program approved by the State Board of Education, or a manicuring 44 apprentice from engaging in any activities incident to the 45 instruction provided in such school [or], program, or licensed shop. 46 (cf: P.L.2021, c.275, s.2)

1 <sup>1</sup>[4. Section 26 of P.L.1984, c.205 (C.45:5B-26) is amended to 2 read as follows: 3 26. Upon submitting satisfactory evidence of eligibility for any 4 practicing license after completion of instruction at a licensed 5 school, a public school approved by the State Board of Education, 6 or at a school licensed in another state or a foreign country, an 7 applicant shall submit to the board a fee as required by the board. 8 The applicant then shall be scheduled to sit for the examination 9 conducted by the board in the practice in which he is seeking a 10 practicing license. Upon scheduling, he shall be issued a temporary 11 permit to engage in the practice for which the applicant is seeking a 12 license. The permit shall remain valid for a period of no more than 13 120 days and shall expire upon receipt of a newly issued license by 14 the licensee. Only one temporary permit shall be issued to an 15 applicant. No temporary permit shall be issued to applicants 16 awaiting scheduling of and results from the teacher examination. (cf: P.L.1984, c.205, s.26)]<sup>1</sup> 17 18 19 <sup>1</sup>[5.] <u>4.</u><sup>1</sup> (New section) A licensure in manicuring may be obtained <sup>1</sup>[pursuant to section 22 of P.L.1984, c.205 (C.45:5B-22) 20 or **]**<sup>1</sup> if an individual demonstrates: 21 22 a. meeting the requirements of section 16 of P.L.1984, c.205 23 (C.45:5B-16); <sup>1</sup>[and]<sup>1</sup> 24 b. completion, in a form and manner as determined by the 25 board, of an apprenticeship program in manicuring registered with 26 or approved by the United States Department of Labor, or a similar 27 program as provided by a trade school or other facility accredited 28 by a regional or national accrediting agency recognized by the 29 United States Department of Education, that allows for the 30 individual to prepare for a career in manicuring 1; and c. passage of an examination in accordance with subsection c. 31 of section 22 of P.L.1984, c.205 (C.45:5B-22)<sup>1</sup>. 32 33 This act shall take effect on the first day of the 34 <sup>1</sup>[6.] 5.<sup>1</sup> thirteenth month next after enactment. 35