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SENATE, No. 1132

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MARCH 20, 2000

Sponsored by:

Senator WILLIAM E. SCHLUTER

District 23 (Warren, Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman Lance

SYNOPSIS

Provides for skin care specialty services shops and increases hours of instruction for manicurists to 300 hours.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/6/2000)

S1132 SCHLUTER

2

1 AN ACT concerning cosmetology and hairstyling and amending P.L.
2 1984, c. 205.

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 of
11 the practices encompassed in barbering.

12 b. "Barbering" means any one or combination of the following
13 practices when done on the human body for cosmetic purposes and not
14 for the treatment of disease or physical or mental ailments and when
15 done for payment either directly or indirectly or when done without
16 payment for the general public:

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 or dyeing 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 with
23 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
27 a person.

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

30 d. "Beauty culture" means any one or combination of the following
31 practices when done on the human body for cosmetic purposes and not
32 for the treatment of disease or physical or mental ailments and when
33 done for payment either directly or indirectly or when done without
34 payment for the general public:

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
43 by hand, mechanical or electrical appliances;

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.

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- 1 (5) removing superfluous hair from the face, neck, arms, legs or
2 abdomen by the use of depilatories, waxing or tweezers, but not by the
3 use of electrolysis;
- 4 (6) manicuring the fingernails, nail-sculpturing or pedicuring the
5 toenails; or
- 6 (7) cutting, fitting, coloring or styling of hairpieces or wigs to the
7 extent that the services are performed while the wig is being worn by
8 a person.
- 9 e. "Board" means New Jersey State Board of Cosmetology and
10 Hairstyling.
- 11 f. "Board of Barber Examiners" means the State Board of Barber
12 Examiners established pursuant to P.L.1938, c.197 (C.45:4-27 et
13 seq.).
- 14 g. "Board of Beauty Culture Control" means the Board of Beauty
15 Culture Control established pursuant to Chapter 4A of Title 45 of the
16 Revised Statutes.
- 17 h. "Clinic" means a designated portion of a licensed school in
18 which members of the general public may receive cosmetology or
19 hairstyling services from registered students in exchange for a fee
20 which shall be calculated to recoup only the cost of materials used in
21 the performance of those services.
- 22 i. "Cosmetologist-hairstylist" means any person who is licensed to
23 engage in the practices encompassed in cosmetology and hairstyling.
- 24 j. "Cosmetology and hairstyling" means any one or combination of
25 the following practices when done on the human body for cosmetic
26 purposes and not for the treatment of disease or physical or mental
27 ailments and when done for payment either directly or indirectly or
28 when done without payment for the general public:
- 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 part
36 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; or

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1 (9) hairweaving to the extent that the procedure does not involve
2 the replacement of human hair by means of the insertion of any natural
3 or synthetic fiber hair into the scalp.

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

6 l. "Manicuring" means any one or combination of the following
7 practices when done on the human body for cosmetic purposes and not
8 for the treatment of disease or physical or mental ailments and when
9 done for payment directly or indirectly or when done without payment
10 for the general public:

11 (1) manicuring of the fingernails;

12 (2) pedicuring of the toenails;

13 (3) nail sculpturing ; or

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

17 m. "Owner" means any person, corporation, firm or partnership
18 who has a financial interest in a school or shop entitling him to
19 participate in the promotion, management and proceeds thereof. It
20 does not include a person whose connection with a school or shop
21 entitles him only to reasonable salary or wages for services actually
22 rendered.

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

26 o. "Registered student" means a person who is engaged in learning
27 and acquiring a knowledge of any of the practices included in the
28 definition of cosmetology and hairstyling under the direction and
29 supervision of a person duly authorized under this act to teach
30 cosmetology and hairstyling and who is enrolled in a program of
31 instruction at a licensed school of cosmetology and hairstyling,
32 completion of which may render him eligible for licensure pursuant to
33 this act but does not mean a person who is enrolled in a public school
34 vocational program in cosmetology and hairstyling approved by the
35 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 board
40 to be maintained for the purpose of teaching cosmetology and
41 hairstyling to registered students.

42 r. "Senior student" means a registered student who has successfully
43 completed 600 hours of instruction in a cosmetology and hairstyling
44 program, [100] 150 hours of instruction in a manicuring program or
45 300 hours of instruction in a skin care specialty program offered at a
46 licensed school of cosmetology and hairstyling or a student enrolled

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1 in an approved vocational training program who has completed 600
2 hours of instruction in a cosmetology and hair styling program, [100]
3 150 hours of instruction in a manicuring program or 300 hours of
4 instruction in a skin care specialty program.

5 s. "Student permit" means a permit issued to a senior student which
6 enables him to practice cosmetology and hairstyling in a school clinic
7 or shop while a registered student at a licensed school of cosmetology
8 and hairstyling or enrolled in an approved vocational training program.

9 t. "Shop" means any fixed establishment or place where one or
10 more persons engage in one or more of the practices included in the
11 definition of cosmetology or hairstyling, barbering, beauty culture [or]
12 a manicuring or skin care specialty.

13 u. "Teacher" means any person who is licensed by the board to
14 give instruction or training in the theory or practice of cosmetology
15 and hairstyling.

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

18 w. "Manicurist student permit" means a permit issued to a senior
19 student in a manicuring program which enables him to practice
20 manicuring in a school clinic or shop while a registered student at a
21 licensed school of cosmetology and hairstyling or enrolled in an
22 approved vocational program.

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

26 y. "Skin care specialty" means any one or combination of the
27 following practices when done on the human body for cosmetic
28 purposes and not for the treatment of disease or physical or mental
29 ailments and when performed for payment either directly or indirectly
30 or when performed without payment for the general public:

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

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

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

39 z. "Skin care specialty student permit" means a permit issued to a
40 senior student in a skin care specialty program which enables him to
41 practice skin care in a school clinic or shop while a registered student
42 at a licensed school of cosmetology and hairstyling or enrolled in an
43 approved vocational program.

44 (cf: P.L.1995, c.262, s.1)

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6

1 2. Section 11 of P.L. 1984, c. 205 (C. 45:5B-11) is amended to
2 read as follows:

3 11. A shop licensed by the board shall employ at least one
4 experienced practicing licensee to generally oversee the management
5 of the shop. The practicing licensee shall:

6 a. Hold a beautician, barber or cosmetologist-hairstylist license and
7 have three years of experience as a beautician, barber or
8 cosmetologist-hairstylist; or

9 b. Hold a beautician or cosmetologist-hairstylist license and have
10 been issued a manager-operator license by the Board of Beauty
11 Culture Control; or

12 c. If the shop performs only manicuring services, hold a manicurist
13 license and have three years of experience as a manicurist ; or

14 d. If a shop performs only skin care specialty services, hold a skin
15 care specialty license and have three years of experience as a skin care
16 specialist.

17 A shop which satisfies the requirements of this section by
18 employing a practicing licensee who holds a barber license is precluded
19 from employing senior students unless the shop also employs a
20 practicing licensee who holds either a license as a beautician or a
21 cosmetologist-hairstylist and has at least three years of experience as
22 a beautician or a cosmetologist-hairstylist.

23 (P.L.1998, c.88, s.1)

24

25 3. Section 22 of P.L. 1984, c. 205 (C. 45:5B-22) is amended to
26 read as follows:

27 22. An applicant seeking initial licensure as a manicurist, who does
28 not hold a license to practice manicuring issued by the Board of
29 Beauty Culture Control must:

30 a. Demonstrate successful completion of high school or its
31 equivalent; and

32 b. Demonstrate successful completion of a [200] 300 hour course
33 of instruction in manicuring at:

34 (1) a school of cosmetology and hairstyling licensed in this State;

35 or

36 (2) a public school approved by the State Board of Education to
37 offer a vocational program in cosmetology and hairstyling; or

38 (3) a school of cosmetology and hairstyling, beauty culture or
39 barbering licensed in another state or foreign country which, in the
40 opinion of the board, offers curricula which is substantially similar to
41 that offered at licensed schools within this State; and

42 c. Take and pass an examination conducted by the board, as
43 provided by this act.

44 (cf: P.L.1984, c.205, s.22)

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7

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

3 31. a. A person, corporation, firm or partnership intending to open
4 a shop shall:

5 (1) Make application to the board on forms as it may require
6 demonstrating that the physical premises and the operation of the shop
7 will meet minimum criteria as established by the board;

8 (2) Permit an inspection of the premises;

9 (3) Pay a fee as may be required by the board;

10 (4) Employ a practicing licensee with the required experience
11 pursuant to section 11 of P.L.1984, c.205 (C.45:5B-11).

12 b. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.) shall
13 be construed to preclude a person [licensed as a manicurist, beautician
14 or cosmetologist-hairstylist] , corporation, firm or partnership from
15 obtaining a shop license for a shop which offers only manicuring
16 services as enumerated in subsection l. of section 3 of P.L.1984, c.205
17 (C.45:5B-3); [the] provided they comply with the requirements of
18 subsection a. of this section. The minimum criteria established by the
19 board by regulation for such a shop shall be appropriate to the practice
20 offered by the shop, without regard to the practices not offered by the
21 shop.

22 c. Nothing contained in P.L. 1984, c. 205 (C. 45:5B-1 et seq.) shall
23 be construed to preclude a person, corporation, firm or partnership
24 from obtaining a shop license for a shop which offers only skin care
25 specialty services as enumerated in subsection y. of section 3 of P.L.
26 1984, c. 205 (C. 45:5B-3); provided they comply with the
27 requirements of subsection a. of this section. The minimum criteria
28 established by the board by regulation for such a shop shall be
29 appropriate to the practice offered by the shop, without regard to the
30 practices not offered by the shop.

31 (cf: P.L.1995, c.86, s.1)

32

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

35 34. All practicing licenses and teachers' licenses issued shall
36 automatically expire on September 30 of the next [odd] even
37 numbered year following the date of license issuance. Shop and
38 school licenses shall automatically expire on July 31 of the next [odd]
39 even numbered year following the date of license issuance.

40 (cf: P.L.1984, c.205, s.34)

41

42 6. This act shall take effect immediately.

1 STATEMENT

2

3 This bill authorizes the issuance of shop licenses by the New Jersey
4 State Board of Cosmetology and Hairstyling for the offering of only
5 skin care specialty services and allows a skin care specialist with three
6 years of experience to serve as the experienced practicing licensee in
7 a shop licensed to offer only skin care services.

8 The bill also increases from 200 to 300 the hours of training
9 required for initial licensure as a manicurist, to enable cosmetology
10 and hairstyling schools and approved public school training programs
11 to provide additional instruction to manicuring students in hair
12 removal services, shop management and customer relations.

13 Finally, the bill changes the expiration year of licenses under the
14 "Cosmetology and Hairstyling Act of 1984" from an odd numbered
15 year to an even numbered year.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1132

STATE OF NEW JERSEY

DATED: MAY 4, 2000

The Senate Commerce Committee reports favorably Senate Bill No. 1132.

This bill authorizes the issuance of shop licenses by the New Jersey State Board of Cosmetology and Hairstyling for the offering of only skin care specialty services and allows a skin care specialist with three years of experience to serve as the experienced practicing licensee in a shop licensed to offer only skin care services.

The bill also increases from 200 to 300 the hours of training required for initial licensure as a manicurist, to enable cosmetology and hairstyling schools and approved public school training programs to provide additional instruction to manicuring students in hair removal services, shop management and customer relations.

Finally, the bill changes the expiration year of licenses under the "Cosmetology and Hairstyling Act of 1984" from an odd numbered year to an even numbered year.

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 1132

STATE OF NEW JERSEY

DATED: JUNE 19, 2000

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Senate Bill No. 1132.

This bill authorizes the issuance of shop licenses by the New Jersey State Board of Cosmetology and Hairstyling for the offering of only skin care specialty services and allows a skin care specialist with three years of experience to serve as the experienced practicing licensee in a shop licensed to offer only skin care services. The bill also increases from 200 to 300 the hours of training required for initial licensure as a manicurist, and changes the expiration year of licenses under the "Cosmetology and Hairstyling Act of 1984" from an odd numbered year to an even numbered year.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1132
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: OCTOBER 17, 2000

SUMMARY

Synopsis: Provides for skin care specialty service shops and increases hours of instruction for manicurists to 300 hours.

Type of Impact: None. Fees assessed to licensees would offset administrative costs.

Agencies Affected: Department of Law and Public Safety, Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	None	None	None
State Revenue	None	None	None

- ! Amends the “Cosmetology and Hairstyling Act of 1984” (P.L.1984, c.205) to establish a new license category for shops offering only skin care specialty services. The State Board of Cosmetology and Hairstyling would issue the new license.
- ! The State Board of Cosmetology and Hairstyling presently regulates and licenses beauticians, barbers and cosmetologist-hairstylists and the shops at which such services are performed. The Office of Legislative Services estimates that creating a new license category for skin care specialist shops will have no fiscal impact on the operation of the board.
- ! The Act authorizes the board to establish fees for initial licensure, permits and renewals as necessary to defray administrative costs, pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.).
- ! Changes the expiration year of licenses under the Act from an odd numbered year to an even numbered year.

BILL DESCRIPTION

Senate Bill No. 1132 of 2000 authorizes the New Jersey State Board of Cosmetology and Hairstyling to issue licenses to shops that only offer skin care speciality services. Under provisions of this bill, a skin care specialist with three years of experience is permitted to serve as the experienced practicing licensee in a shop licensed to offer only skin care services.

This bill also increases from 200 to 300 the hours of training required for initial licensure as a manicurist, and changes the expiration year of licenses under the “Cosmetology and Hairstyling Act of 1984” (P.L.1984, c.205) from an odd numbered year to an even numbered year.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) notes that the State Board of Cosmetology and Hairstyling presently regulates and licenses beauticians, barbers, cosmetologist-hairstylists and the shops at which such services are performed. Based on informal conversations with the Division of Consumer Affairs, OLS estimates that adding skin care specialty as a new category of licensee will have no fiscal impact on the operation of the board.

The “Cosmetology and Hairstyling Act of 1984” (P.L.1984, c.205) permits the State Board to establish fees sufficient to defray all proper expenses incurred in administering a new category of licensee pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.).

Section: *Law and Public Safety*

Analyst: *James F. Vari*
Associate Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

P.L. 2000, CHAPTER 159, *approved December 1, 2000*

Senate, No. 1132

1 **AN ACT** concerning cosmetology and hairstyling and amending P.L.
2 1984, c. 205.

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 of
11 the practices encompassed in barbering.

12 b. "Barbering" means any one or combination of the following
13 practices when done on the human body for cosmetic purposes and not
14 for the treatment of disease or physical or mental ailments and when
15 done for payment either directly or indirectly or when done without
16 payment for the general public:

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 or dyeing 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 with
23 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
27 a person.

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

30 d. "Beauty culture" means any one or combination of the following
31 practices when done on the human body for cosmetic purposes and not
32 for the treatment of disease or physical or mental ailments and when
33 done for payment either directly or indirectly or when done without
34 payment for the general public:

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

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

- 1 worn by a person; or
- 2 (9) hairweaving to the extent that the procedure does not involve
- 3 the replacement of human hair by means of the insertion of any natural
- 4 or synthetic fiber hair into the scalp.
- 5 k. "Manicurist" means a person who holds a limited license to
- 6 engage in only the practice of manicuring.
- 7 l. "Manicuring" means any one or combination of the following
- 8 practices when done on the human body for cosmetic purposes and not
- 9 for the treatment of disease or physical or mental ailments and when
- 10 done for payment directly or indirectly or when done without payment
- 11 for the general public:
- 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 the
- 17 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.
- 24 n. "Practicing licensee" means any person who holds a license to
- 25 practice barbering, beauty culture, cosmetology and hairstyling,
- 26 manicuring or as a skin care specialist.
- 27 o. "Registered student" means a person who is engaged in learning
- 28 and acquiring a knowledge of any of the practices included in the
- 29 definition of cosmetology and hairstyling under the direction and
- 30 supervision of a person duly authorized under this act to teach
- 31 cosmetology and hairstyling and who is enrolled in a program of
- 32 instruction at a licensed school of cosmetology and hairstyling,
- 33 completion of which may render him eligible for licensure pursuant to
- 34 this act but does not mean a person who is enrolled in a public school
- 35 vocational program in cosmetology and hairstyling approved by the
- 36 State Board of Education.
- 37 p. "Registration card" means a document issued by the board to a
- 38 registered student upon receipt of documentation from a licensed
- 39 school of cosmetology and hairstyling that the student is enrolled.
- 40 q. "School" means an establishment or place licensed by the board
- 41 to be maintained for the purpose of teaching cosmetology and
- 42 hairstyling to registered students.
- 43 r. "Senior student" means a registered student who has successfully
- 44 completed 600 hours of instruction in a cosmetology and hairstyling
- 45 program, [100] 150 hours of instruction in a manicuring program or
- 46 300 hours of instruction in a skin care specialty program offered at a

1 licensed school of cosmetology and hairstyling or a student enrolled
2 in an approved vocational training program who has completed 600
3 hours of instruction in a cosmetology and hair styling program, [100]
4 150 hours of instruction in a manicuring program or 300 hours of
5 instruction in a skin care specialty program.

6 s. "Student permit" means a permit issued to a senior student which
7 enables him to practice cosmetology and hairstyling in a school clinic
8 or shop while a registered student at a licensed school of cosmetology
9 and hairstyling or enrolled in an approved vocational training program.

10 t. "Shop" means any fixed establishment or place where one or
11 more persons engage in one or more of the practices included in the
12 definition of cosmetology or hairstyling, barbering, beauty culture [or]
13 a manicuring 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.

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

19 w. "Manicurist student permit" means a permit issued to a senior
20 student in a manicuring program which enables him to practice
21 manicuring in a school clinic or shop while a registered student at a
22 licensed school of cosmetology and hairstyling or enrolled in an
23 approved vocational program.

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

27 y. "Skin care specialty" means any one or combination of the
28 following practices when done on the human body for cosmetic
29 purposes and not for the treatment of disease or physical or mental
30 ailments and when performed for payment either directly or indirectly
31 or when performed without payment for the general public:

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

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

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

40 z. "Skin care specialty student permit" means a permit issued to a
41 senior student in a skin care specialty program which enables him to
42 practice skin care in a school clinic or shop while a registered student
43 at a licensed school of cosmetology and hairstyling or enrolled in an
44 approved vocational program.

45 (cf: P.L.1995, c.262, s.1)

1 2. Section 11 of P.L. 1984, c. 205 (C. 45:5B-11) is amended to
2 read as follows:

3 11. A shop licensed by the board shall employ at least one
4 experienced practicing licensee to generally oversee the management
5 of the shop. The practicing licensee shall:

6 a. Hold a beautician, barber or cosmetologist-hairstylist license and
7 have three years of experience as a beautician, barber or
8 cosmetologist-hairstylist; or

9 b. Hold a beautician or cosmetologist-hairstylist license and have
10 been issued a manager-operator license by the Board of Beauty
11 Culture Control; or

12 c. If the shop performs only manicuring services, hold a manicurist
13 license and have three years of experience as a manicurist ; or

14 d. If a shop performs only skin care specialty services, hold a skin
15 care specialty license and have three years of experience as a skin care
16 specialist.

17 A shop which satisfies the requirements of this section by
18 employing a practicing licensee who holds a barber license is precluded
19 from employing senior students unless the shop also employs a
20 practicing licensee who holds either a license as a beautician or a
21 cosmetologist-hairstylist and has at least three years of experience as
22 a beautician or a cosmetologist-hairstylist.

23 (P.L.1998, c.88, s.1)

24

25 3. Section 22 of P.L. 1984, c. 205 (C. 45:5B-22) is amended to
26 read as follows:

27 22. An applicant seeking initial licensure as a manicurist, who does
28 not hold a license to practice manicuring issued by the Board of
29 Beauty Culture Control must:

30 a. Demonstrate successful completion of high school or its
31 equivalent; and

32 b. Demonstrate successful completion of a [200] 300 hour course
33 of instruction in manicuring at:

34 (1) a school of cosmetology and hairstyling licensed in this State;

35 or

36 (2) a public school approved by the State Board of Education to
37 offer a vocational program in cosmetology and hairstyling; or

38 (3) a school of cosmetology and hairstyling, beauty culture or
39 barbering licensed in another state or foreign country which, in the
40 opinion of the board, offers curricula which is substantially similar to
41 that offered at licensed schools within this State; and

42 c. Take and pass an examination conducted by the board, as
43 provided by this act.

44 (cf: P.L.1984, c.205, s.22)

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

3 31. a. A person, corporation, firm or partnership intending to open
4 a shop shall:

5 (1) Make application to the board on forms as it may require
6 demonstrating that the physical premises and the operation of the shop
7 will meet minimum criteria as established by the board;

8 (2) Permit an inspection of the premises;

9 (3) Pay a fee as may be required by the board;

10 (4) Employ a practicing licensee with the required experience
11 pursuant to section 11 of P.L.1984, c.205 (C.45:5B-11).

12 b. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.) shall
13 be construed to preclude a person [licensed as a manicurist, beautician
14 or cosmetologist-hairstylist] , corporation, firm or partnership from
15 obtaining a shop license for a shop which offers only manicuring
16 services as enumerated in subsection l. of section 3 of P.L.1984, c.205
17 (C.45:5B-3); [the] provided they comply with the requirements of
18 subsection a. of this section. The minimum criteria established by the
19 board by regulation for such a shop shall be appropriate to the practice
20 offered by the shop, without regard to the practices not offered by the
21 shop.

22 c. Nothing contained in P.L. 1984, c. 205 (C. 45:5B-1 et seq.) shall
23 be construed to preclude a person, corporation, firm or partnership
24 from obtaining a shop license for a shop which offers only skin care
25 specialty services as enumerated in subsection y. of section 3 of P.L.
26 1984, c. 205 (C. 45:5B-3); provided they comply with the
27 requirements of subsection a. of this section. The minimum criteria
28 established by the board by regulation for such a shop shall be
29 appropriate to the practice offered by the shop, without regard to the
30 practices not offered by the shop.

31 (cf: P.L.1995, c.86, s.1)

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

35 34. All practicing licenses and teachers' licenses issued shall
36 automatically expire on September 30 of the next [odd] even
37 numbered year following the date of license issuance. Shop and
38 school licenses shall automatically expire on July 31 of the next [odd]
39 even numbered year following the date of license issuance.

40 (cf: P.L.1984, c.205, s.34)

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42 6. This act shall take effect immediately.

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STATEMENT

This bill authorizes the issuance of shop licenses by the New Jersey State Board of Cosmetology and Hairstyling for the offering of only skin care specialty services and allows a skin care specialist with three years of experience to serve as the experienced practicing licensee in a shop licensed to offer only skin care services.

The bill also increases from 200 to 300 the hours of training required for initial licensure as a manicurist, to enable cosmetology and hairstyling schools and approved public school training programs to provide additional instruction to manicuring students in hair removal services, shop management and customer relations.

Finally, the bill changes the expiration year of licenses under the "Cosmetology and Hairstyling Act of 1984" from an odd numbered year to an even numbered year.

Provides for skin care specialty services shops and increases hours of instruction for manicurists to 300 hours.

CHAPTER 159

AN ACT concerning cosmetology and hairstyling and amending 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 this act:

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 done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:

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

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

(3) singeing or dyeing 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 done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:

(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 or hairstyling services from registered students in exchange for a fee which shall be calculated to recoup only the cost of materials used in the performance of those services.

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 done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:

(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; or

(9) hairweaving to the extent that the procedure does not involve the replacement of human hair by means of the insertion of any natural or synthetic fiber hair into the scalp.

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

l. "Manicuring" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment directly or indirectly or when done without payment for the general public:

(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.

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 under the direction and supervision of a person duly authorized under this act 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 this act 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.

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 to registered students.

r. "Senior student" means a registered student who has successfully completed 600 hours of instruction in a cosmetology and hairstyling program, 150 hours of instruction in a manicuring program or 300 hours of instruction in a skin care specialty program offered at a licensed school of cosmetology and hairstyling or a student enrolled in an approved vocational training program who has completed 600 hours of instruction in a cosmetology and hair styling program, 150 hours of instruction in a manicuring program or 300 hours of instruction in a skin care specialty program.

s. "Student permit" means a permit issued to a senior student which enables him to practice cosmetology and hairstyling 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 or place where one or more persons engage in one or more of the practices included in the definition of cosmetology or hairstyling, barbering,

beauty culture, manicuring 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.

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

w. "Manicurist student permit" means a permit issued to a senior student in a manicuring program which enables him to practice manicuring in a school clinic or shop while a registered student at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational program.

x. "Skin care specialist" means a person who holds a limited 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 done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for payment either directly or indirectly or when performed without payment for the general public:

(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. "Skin care specialty student permit" means a permit issued to a senior student in a skin care specialty program which enables him to practice skin care in a school clinic or shop while a registered student at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational program.

2. Section 11 of P.L.1984, c.205 (C.45:5B-11) is amended to read as follows:

C.45:5B-11 Practicing licensee requirement.

11. A shop licensed by the board shall employ at least one experienced practicing licensee to generally oversee the management of the shop. The practicing licensee shall:

a. Hold a beautician, barber or cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist-hairstylist; or

b. Hold a beautician or cosmetologist-hairstylist license and have been issued a manager-operator license by the Board of Beauty Culture Control; or

c. If the shop performs only manicuring services, hold a manicurist license and have three years of experience as a manicurist; or

d. If a shop performs only skin care specialty services, hold a skin care specialty license and have three years of experience as a skin care specialist.

A shop which satisfies the requirements of this section by employing a practicing licensee who holds a barber license is precluded from employing senior students unless the shop also employs a practicing licensee who holds either a license as a beautician or a cosmetologist-hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist.

3. Section 22 of P.L.1984, c.205 (C.45:5B-22) is amended to read as follows:

C.45:5B-22 Requirements for initial licensure of manicurist.

22. An applicant seeking initial licensure as a manicurist, who does not hold a license to practice manicuring issued by the Board of Beauty Culture Control must:

a. Demonstrate successful completion of high school or its equivalent; and

b. Demonstrate successful completion of a 300-hour course of instruction in manicuring at:
(1) a school of cosmetology and hairstyling licensed in this State; or
(2) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling; or

(3) a school of cosmetology and hairstyling, beauty culture or barbering licensed in another

state or foreign country which, in the opinion of the board, offers curricula which is substantially similar to that offered at licensed schools within this State; and

c. Take and pass an examination conducted by the board, as provided by this act.

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

C.45:5B-31 Shop owners; application; inspection; fees; employment of practicing licensee.

31. a. A person, corporation, firm or partnership intending to open a shop shall:

(1) Make application to the board on forms as it may require demonstrating that the physical premises and the operation of the shop will meet minimum criteria as established by the board;

(2) Permit an inspection of the premises;

(3) Pay a fee as may be required by the board;

(4) Employ a practicing licensee with the required experience pursuant to section 11 of P.L.1984, c.205 (C.45:5B-11).

b. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.) shall be construed to preclude a person, corporation, firm or partnership from obtaining a shop license for a shop which offers only manicuring services as enumerated in subsection 1. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided they comply with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

c. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.) shall be construed to preclude a person, corporation, firm or partnership from obtaining a shop license for a shop which offers only skin care specialty services as enumerated in subsection y. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided they comply with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

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

C.45:5B-34 Expiration of licenses.

34. All practicing licenses and teachers' licenses issued shall automatically expire on September 30 of the next even numbered year following the date of license issuance. Shop and school licenses shall automatically expire on July 31 of the next even numbered year following the date of license issuance.

6. This act shall take effect immediately.

Approved December 1, 2000.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
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RELEASE: December 1, 2000

Governor Christie Whitman Today Signed the Following Legislation:

S-1409, sponsored by Senators Cafiero (R-Cape May/Atlantic/Cumberland) and Schluter (R-Warren/Hunterdon/Mercer) and Assembly Members Asselta (R-Cape May/Atlantic/Cumberland) and Gibson (R-Cape May/Atlantic/Cumberland), allows certain historic hotels to receive a liquor license without regard to the municipality's population.

S-1132, sponsored by Senator Schluter (R-Warren/Hunterdon/Mercer) and Assembly Member Lance (R-Warren/Hunterdon/Mercer), provides for licensure of skin care specialty services shops and increases the hours of training required for initial licensure as a manicurist to 300 hours.

S-834, sponsored by Senators Cardinale (R-Bergen) and McNamara (R-Bergen/Passaic), permits the Historic New Bridge Landing Park Commission to indemnify local government units from which it leases property.