

45:5B-1 to 45:5B-38

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:5B-1 to 45:5B-38

"Cosmetology and
Hairstyling Act"

LAWS OF: 1984

CHAPTER: 205

Bill No: A2095

Sponsor(s): Doria and others

Date Introduced: May 17, 1984

Committee: Assembly: Higher Education and Regulated Professions

Senate: Labor, Industry and Professions

Amended during passage: Yes Amendments during passage denoted
by asterisks

Date of Passage: Assembly: September 13, 1984

Senate: October 22, 1984

Date of Approval: December 4, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

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ASSEMBLY, No. 2095

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1984

By Assemblymen DORIA, CHARLES, VAINIERI, RANIERI, LARocca, BOCCHINI, Assemblywoman MUHLER, Assemblymen ROCCO and CUPROWSKI

AN Act establishing the New Jersey State Board of Cosmetology and Hairstyling, amending R. S. 40:52-1, P. L. 1971, c. 60, P. L. 1974, c. 46 and P. L. 1978, c. 73, supplementing Title 45 of the Revised Statutes and repealing parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as
2 the "Cosmetology and Hairstyling Act of 1984."

1 2. (New section) The Legislature finds and declares that it is
2 a valid public purpose:

3 a. to establish a single board which shall administer, coordi-
4 nate and enforce this act and regulations promulgated pursuant
5 to this act relating to the practices of cosmetology, hairstyling,
6 barbering and beauty culture, the premises at which those services
7 are rendered and the schools at which instruction in those practices
8 may be obtained;

9 b. To protect those persons of the general public who are direct
10 recipients of the services regulated by this act and registered
11 students receiving instruction at licensed schools of cosmetology
12 and hairstyling from unsafe, fraudulent and deceptive practices,
13 as well as practices which reduce competition;

14 c. To maintain and ensure standards of competency and integrity
15 for the occupations of cosmetology and hairstyling; and

16 d. To ensure that registered students at cosmetology and hair-
17 styling schools receive thorough and reliable instruction.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted June 25, 1984.

**—Assembly amendment adopted July 30, 1984.

1 3. (New section) As used in this act:

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

4 b. "Barbering" means any one or combination of the following
5 practices when done on *the upper part of* the human body for
6 cosmetic purposes and not for the treatment of disease or physical
7 or mental ailments and when done for payment either directly or
8 indirectly or when done without payment for the general public:

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

11 (2) shampooing, cutting, arranging, relaxing or styling of the
12 hair*, but not permanent waving*;

13 (3) singeing or dyeing of the hair;

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

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

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

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

24 d. "Beauty culture" means any one or combination of the
25 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
28 or when done without payment for the general public:

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

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

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

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

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

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

43 (7) cutting, fitting, coloring or styling of hair pieces or wigs

44 to the extent that the services are performed while the wig is
45 being worn by a person.

46 "Board" means New Jersey State Board of Cosmetology and
47 Hairstyling.

48 f. "Board of Barber Examiners" means the State Board of
49 Barber Examiners established pursuant to P. L. 1938, c. 197 (C.
50 45:4-27 et seq.).

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

54 h. "Clinic" means a designated portion of a licensed school in
55 which members of the general public may receive cosmetology or
56 hairstyling services from registered students in exchange for a fee
57 which shall be calculated to recoup only the cost of materials used
58 in the performance of those services.

59 i. "Cosmetologist-hairstylist" means any person who is licensed
60 to engage in the practices encompassed in cosmetology and hair-
61 styling.

62 j. "Cosmetology and hairstyling" means any one or combina-
63 tion of the following practices when done on the human body
64 for cosmetic purposes and not for the treatment of disease or
65 physical or mental ailments and when done for payment either
66 directly or indirectly or when done without payment for the gen-
67 eral public:

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

70 (2) shampooing, cutting, arranging, dressing, relaxing, curling,
71 permanent waving or styling of the hair;

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

73 (4) applying cosmetic preparations, antiseptics, tonics, lotions,
74 creams or makeup to the hair, scalp, face***[.]*** *or* neck ***[or upper**
75 **part of the body]***;

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

79 (6) removing superfluous hair from the face, neck, arms, legs
80 or abdomen by the use of depilatories, waxing or tweezers, but not
81 by the use of electrolysis;

82 (7) manicuring the fingernails, nail-sculpturing or pedicuring
83 the toenails;

84 (8) cutting, fitting, coloring or styling of hair pieces or wigs
85 to the extent that the services are being performed while the wig
86 is being worn by a person; *or*

87 (9) hairweaving to the extent that the procedure does not in-
 88 volve the replacement of human hair by means of the insertion
 89 of any natural or synthetic fiber hair into the scalp***【**; or

90 (10) any other service which is intended to enhance personal
 91 appearance except that cosmetology and hairstyling shall not be
 92 deemed to include electrolysis or any other service which the board
 93 may deem to pose a health hazard to consumers**】**.*

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

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

101 (1) manicuring of the fingernails;

102 (2) pedicuring of the toenails; *or*

103 (3) nail sculpturing***【**; or

104 (4) any other service which in the opinion of the board is in-
 105 tended to enhance the appearance of the nails and does not pose
 106 a health hazard to the general public**】**.*

107 m. "Owner" means any person, corporation, firm or partnership
 108 who has a financial interest in a school or shop entitling him to
 109 participate in the promotion, management and proceeds thereof.
 110 It does not include a person whose connection with a school or shop
 111 entitles him only to reasonable salary or wages for services actually
 112 rendered.

113 n. "Practicing licensee" means any person who holds a license
 114 to practice barbering, beauty culture, ***【or】*** cosmetology and hair-
 115 styling *or manicuring*.

116 o. "Registered student" means a person who is engaged in learn-
 117 ing and acquiring a knowledge of the practice of cosmetology and
 118 hairstyling under the direction and supervision of a person duly
 119 authorized under this act to teach cosmetology and hairstyling
 120 and who is enrolled in a program of instruction at a licensed school
 121 of cosmetology and hairstyling, completion of which may render
 122 him eligible for licensure pursuant to this act **but does not mean a*
 123 *person who is enrolled in a public school vocational program in*
 124 *cosmetology and hairstyling approved by the State Board of Educa-*
 125 *tion**.

126 *p. "Registration card" means a document issued by the board
 127 to a registered student upon receipt of documentation from a
 128 licensed school of cosmetology and hairstyling that the student is
 129 enrolled.*

130 ***[p.]*** *q.* “School” means an establishment or place licensed by
 131 the board to be maintained for the purpose of teaching cosmetology
 132 and hairstyling to registered students.

133 ***[q.]*** *r.* “Senior student” means a registered student who has
 134 successfully completed 600 hours of instruction in cosmetology and
 135 hairstyling *in a program offered at a licensed school of cosme-*
 136 *tology and hairstyling or a student enrolled in an approved voca-*
 137 *tional training program in cosmetology and hairsyling who has*
 138 *completed 600 hours of instruction*.*

139 ***[r.]** “Shaving instructor” means a person who is the holder of a
 140 barber license at the time of the enactment of this act who is em-
 141 ployed by a licensed school to give instruction or training in shav-
 142 ing.]*

143 s. “Student permit” means a permit issued to *a* senior ***[stu-**
 144 **dents]*** *student* which enables him ***[or her]*** to practice
 145 cosmetology and hairstyling in a school***[,]*** clinic or shop *while*
 146 *a registered student at a licensed school of cosmetology and hair-*
 147 *styling or enrolled in an approved vocational training program*.*

148 t. “Shop” means any fixed establishment or place where one or
 149 more persons engage in *one or more of* the ***[practice]*** *prac-
 150 *tices included in the definition** of cosmetology or hairstyling,
 151 barbering ***[or]*** *,* beauty culture *or manicuring*.*

152 u. “Teacher” means any person who is licensed by the board to
 153 instruction or training in the theory or practice of cosmetology
 154 and hairstyling.

155 v. “Temporary permit” means a permit issued to applicants
 156 for licensure awaiting scheduling or results of an examination.

1 4. (New section) There is created within the Division of Con-
 2 sumer Affairs in the Department of Law and Public Safety the
 3 New Jersey State Board of Cosmetology and Hairstyling. The
 4 board shall consist of ***[nine]*** *11* members who are residents of
 5 the State, ***[two]*** *three* of whom shall be public members *two**
 6 appointed pursuant to subsection b. of section 2 of P. L. 1971, c. 60
 6A (C. 45:1-2.2) *and one additional public member,** and one of
 7 whom shall be a State executive department member appointed
 8 pursuant to subsection c. of section 2 of P. L. 1971, c. 60 (C.
 9 45:1-2.2). Of the remaining ***[six]*** *seven* members, ***[five]***
 10 *six** shall hold practicing licenses issued by the board, by the
 11 Board of Barber Examiners or by the Board of Beauty Culture
 12 Control and shall have been engaged in the practice of beauty
 13 culture, barbering or cosmetology and hairstyling for at least five
 14 years prior to their appointments, but shall not have been engaged
 15 in the conduct of or teaching at a licensed school of beauty culture

16 or cosmetology and hairstyling. Three of the practicing members
 17 appointed to the initial board created by this act shall hold a license
 18 to practice barbering issued by the Board of Barber Examiners.
 19 ***[Two]*** **Three** of the practicing members appointed to the
 20 initial board created by this act shall hold a license issued by the
 21 Board of Beauty Culture Control. The remaining one member
 22 appointed by the board created by this act shall hold a teacher's
 23 license issued by the Board of Beauty Culture Control or by the
 24 board and shall have been engaged in the teaching of beauty culture
 25 or cosmetology and hairstyling or shall have been involved in the
 26 conduct of a licensed school of beauty culture or school of cosme-
 27 tology and hairstyling in this State for at least five years prior to
 28 their appointment.

1 5. (New section) The Governor shall appoint members to the
 2 board with the advice and consent of the Senate. The Governor
 3 shall appoint each member for a term of three years, except that
 4 of the ***[six]*** **seven** members first appointed who are actively in-
 5 volved in the practice or teaching of cosmetology and hairstyling,
 6 ***[two]*** **three** shall serve for terms of three years, two shall
 7 serve for terms of two years and two shall serve for a term of one
 8 year. Each member shall hold office until his successor has been
 9 qualified. Any vacancy in the membership of the board shall be
 10 filled in the same manner as the original appointment for the un-
 11 expired term only. No member of the board may serve more than
 12 two successive terms in addition to any unexpired term to which he
 13 has been appointed. Members of the board shall be compensated
 14 and reimbursed for expenses and provided with office and meeting
 15 facilities pursuant to section 2 of P. L. 1977, c. 285 (C. 45:1-2.5).
 16 The board shall annually elect from among its members a chairman
 17 and vice chairman. The board shall meet six times per year and
 18 may hold additional meetings as necessary to discharge its duties.

1 6. (New section) The board shall:

- 2 a. Review the qualifications of applicants for licensure;
- 3 b. Devise examinations for licensure which include practical,
 4 written and oral portions;
- 5 c. Administer and grade examinations or employ competent
 6 examiners to administer and grade examinations **but in no case*
 6A *shall the board permit a person having any affiliation with a licensed*
 6B *school to examine or grade an applicant who has been a registered*
 6C *student at the school with which the examiner has an affiliation*;*
- 7 d. Issue and renew licenses of any cosmetologist-hairstylist,
 8 beautician, barber, manicurist, teacher, shop, or school;
- 9 e. Issue student permits to senior students, which permits shall

10 remain valid during the period that the senior student is registered
 11 at a licensed school **or enrolled in an approved vocational training*
 11A *program**;

12 f. Issue temporary permits to applicants for licensure who are
 13 awaiting scheduling for or results from an examination;

13A **g. Issue registration cards to registered students*;*

14 **[g.]* *h.** Suspend, revoke or fail to renew a license and exercise
 15 investigative powers pursuant to the provisions of P. L. 1978, c. 73
 16 (C. 45:1-14 et seq.);

17 **[h.]* *i.** Appoint and employ an executive secretary and an
 18 assistant secretary subject to the approval of the Attorney General,
 19 and other employees as necessary to carry out the provisions of
 20 this act;

21 **[i.]* *j.** Determine the duties that the executive secretary and
 22 the assistant secretary shall perform;

23 **[j.]* *k.** File with the Attorney General a petition to remove
 24 any executive secretary or assistant secretary for cause, which
 25 petition shall be acted upon by the Attorney General in a manner
 26 which he deems appropriate;

27 **[k.]* *l.** Establish fees for initial licensure, permits, renewals
 28 and restoration of licenses as well as for duplication of lost licenses
 29 pursuant to section 2 of P. L. 1974, c. 46 (C. 45:1-3.2);

30 **[l.]* *m.** Maintain records of all practicing licensees and all
 31 licensed teachers. Records shall include the latest work address of
 32 each licensee, as provided on applications for licensure and renew-
 33 als thereof;

34 **[m.]* *n.** Maintain a record of all registered students and
 35 **[registered students]* *all persons** holding student permits;

36 **[n.]* *o.** Maintain a record of all shops licensed by the board
 37 to offer **one or more of the** services encompassed within the
 38 definition of cosmetology and hairstyling;

39 **[o.]* *p.** Maintain a record of all schools licensed by the board
 40 to offer courses of instruction or training in the practice and theory
 41 of cosmetology and hairstyling to registered students, which courses
 42 shall be approved by the board for the awarding of credit for
 43 licensure;

44 **[p.]* *q.** Make available for public inspection all records re-
 45 quired to be kept pursuant to this section;

46 **[q.]* *r.** Promulgate regulations governing practice and teach-
 47 ing of cosmetology and hairstyling as are necessary to implement
 48 this act and to insure that cosmetology and hairstyling services and
 49 instruction in those services are being offered both in a manner
 50 which is sanitary and safe and in a manner which is not intended
 51 to deceive or mislead the general public;

52 ***[r.]*** *s.* Promulgate regulations governing the conduct of
 53 shops and schools as are necessary to implement this act and to in-
 54 sure that cosmetology and hairstyling services and instruction in
 55 those services are being offered both in a manner that is sanitary
 56 and safe, and in a manner not intended to deceive or mislead the
 57 general public, students of the schools, or organizations awarding
 58 financial aid to the students **and to clarify or define any term used*
 58A *in the act and to define any activity included in hairstyling and*
 58B *cosmetology and beauty culture**;

59 ***[s.]*** *t.* Review curricula offered by licensed schools in courses
 60 of instruction offered to registered students and approve those cur-
 61 ricula***[,]*** which offer comprehensive training in cosmetology and
 62 hairstyling;

63 ***[t.]*** *u.* Direct the conduct of inspections or investigations of
 64 all licensed shops and schools; and

65 ***[u.]*** *v.* Direct the conduct of inspections or investigations of
 66 any premise from which the board may have reason to believe that
 67 cosmetology and hairstyling services are being offered, or that
 68 courses of instruction are being offered **to registered students**.

1 7. (New section) No person shall render any of the services
 2 encompassed within the definition of cosmetology and hairstyling
 3 without first having secured a license from the board which per-
 4 mits the offering of that service, except for the following persons
 5 when acting within the scope of their profession or occupation:

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

8 b. Registered nurses, licensed practical nurses, nurses aides,
 9 physical therapists and physical therapy assistants;

10 c. Commissioned medical officers of the United States Armed
 11 Forces Hospital Services;

12 d. Persons employed to render cosmetology or hairstyling ser-
 13 vices in the course of and incidental to the business of employers
 14 engaged in the theatrical, radio, television or motion picture pro-
 15 duction industries, modeling or photography;

16 e. Persons employed to demonstrate, recommend or administer
 17 ***[products, machines or items relating to beautification of the**
 18 **body]*** **cosmetics, preparations, lotions, creams, make up or per-*
 19 *fume intended for home use** for the purposes of effecting retail
 20 sales ***[who]*** **if those persons** neither accept payment from the
 21 consumer for that demonstration nor make the demonstration con-
 21A tingent upon the purchase of any ***[other]*** **product of** service; or

22 f. Senior students holding a student permit provided that those

23 services are rendered in a school clinic or licensed shop **during*
 23A *hours that the student does not have scheduled classes**.

1 8. (New section) No person shall render any of the services
 2 encompassed within the definition of cosmetology and hairstyling
 3 in a place which is not licensed as a shop or school, except that a
 4 practicing licensee, duly licensed pursuant to this act, may render
 5 the services which he is licensed to offer:

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

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

10 c. Upon an invalid or handicapped person in the person's place
 11 of residence, if the practicing licensee is sponsored by a licensed
 12 shop and a record of those services is maintained by that shop;

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

15 e. Upon potential consumers of cosmetic preparations, **[antiseptics, tonics,]*
 16 *lotions, creams, make up or perfume *which are in-*
 17 *tended for home use** if the application **of the product** is made
 18 for the purposes of effecting a retail sale **and the person neither*
 19 *accepts payment from the consumer for the service, nor makes the*
 20 *provision of the service contingent upon the purchase of any*
 21 *product or service*.*

1 9. (New section) No person, firm, corporation, partnership or
 2 other legal entity shall operate, maintain or use premises for the
 3 rendering of any **one or more** of the services encompassed in the
 4 definition of cosmetology and hairstyling without first having
 5 secured a shop license from the board.

1 10. (New section) No person, firm, corporation, partnership or
 2 other legal entity shall operate, maintain or use premises at which
 3 courses of instruction in cosmetology and hair-styling services are
 4 offered to registered students without first having secured a school
 5 license from the board. Nothing herein shall prohibit the offering
 6 of educational programs and courses in cosmetology and hairstyl-
 7 ing to **[the general public or]* *practicing* licensees *or teachers**
 8 at unlicensed premises. However, no course offered at an un-
 9 licensed premise shall be recognized by the board in satisfaction of
 10 licensure eligibility requirements **[and demonstrations of services*
 11 *shall be performed by practicing licensees]*. *All educational pro-*
 12 *grams and courses offered at unlicensed premises shall be conducted*
 13 *by practicing licensees.**

1 **11. (New section) A shop licensed by the board shall employ at*

2 *least one experienced practicing licensee to generally oversee the*
 3 *management of the shop. The practicing licensee shall either:*

- 4 *a. Hold a cosmetologist-hairstylist license and have three years*
 5 *of experience as a beautician, barber or cosmetologist-hairstylist; or*
 6 *b. Hold a beautician or cosmetologist-hair-stylist license and*
 7 *have been issued a manager-operator license by the Board of Beauty*
 8 *Culture Control.*

9 *Any shop licensed by the Board of Beauty Culture Control prior*
 10 *to the effective date of this act may also satisfy the requirements*
 11 *of this section by employing a practicing licensee who holds a license*
 12 *as a beautician and has three years of experience.*

13 *Any shop licensed by the Board of Barber Examiners prior to the*
 14 *effective date of this act may also satisfy the requirements of this*
 15 *section by employing a practicing licensee who holds a barber's*
 16 *license and has three years of experience; except that a shop which*
 17 *satisfies the requirements of this section in this manner is pre-*
 18 *cluded from employing senior students unless the shop also employs*
 19 *a practicing licensee who holds either a license as a beautician or a*
 20 *cosmetologist-hairstylist and has at least three years of ex-*
 21 *perience as a beautician or a cosmetologist-hairstylist.**

1 ***[11.]*** *12.* (New section) In addition to any practice declared
 2 unlawful pursuant to P. L. 1978, c. 73 (C. 45:1-14 et seq.), it shall
 3 be unlawful for any person to engage in the following practices:

- 4 a. Advertise in a manner which would tend to mislead consumers
 5 of cosmetology or hairstyling services;
 6 b. Advertise, practice or attempt to practice under another's
 7 name or trade name;
 8 c. Continue to practice while knowingly having an infectious,
 9 contagious or communicable disease;
 10 d. Engage in fraudulent practices for the purpose of securing
 11 financial aid from any institution or agency offering that aid to
 12 students of cosmetology or hairstyling;
 13 e. Aid, abet, or knowingly permit a person not licensed pursuant
 14 to this act to render any of the services encompassed within the
 15 definition of cosmetology and hairstyling; ***[or]***
 16 f. Fail to ***[carry with him his license while practicing]*** *dis-
 17 play a practicing license at any place at which the licensee renders
 18 services; or*

19 *g. Engage in one or more of the practices included in the defini-
 20 tion of cosmetology and hairstyling in premises not licensed as a
 21 shop or a school, except as provided in section 8 of this act.*

1 ***[12.]*** *13.* (New section) In addition to any practice declared
 2 unlawful pursuant to P. L. 1978, c. 73 (C. 45:1-14 et seq.), it shall be

3 unlawful for a licensed shop or shop owner to engage in the follow-
4 ing practices :

5 a. Advertise in a manner which would tend to mislead consumers
6 of cosmetology and hairstyling services;

7 b. Advertise, operate a shop or attempt to operate a shop under
8 another's name or trademark;

9 c. Knowingly permit any practicing licensee to render services
10 when that licensee has an infectious, contagious or communicable
11 disease;

12 d. Aid, abet or ***[knowingly]*** permit a person not licensed pur-
13 suant to this act to render any of the services encompassed within
14 the definition of cosmetology and hairstyling.

15 e. Maintain a shop in a manner which is unsafe or unsanitary;
15A ***[or]***

16 f. Fail to display, in a conspicuous place, its shop license ***[.]* ***;
17 *or**

18 **g. Fail to employ one person with the required experience as*
19 *provided in section 11 of this act.**

1 ***[13.]* *14.*** (New section) In addition to any practice declared
2 unlawful pursuant to P. L. 1978, c. 73 (C. 45:1-14 et seq.), it shall
3 be unlawful for a licensed school or school owner to engage in the
4 following practices:

5 a. Advertise in a manner which would tend to mislead potential
6 students or consumers of cosmetology or hairstyling services
7 offered within the school's clinic;

8 b. Advertise, operate a school or attempt to open a school under
9 another's name or trade name;

10 c. Permit students to practice upon each other or members of
11 the public while knowingly having an infectious, contagious or
12 communicable disease;

13 d. Permit teachers to demonstrate cosmetology and hairstyling
14 services on students while knowingly having an infectious, con-
15 tagious or communicable disease;

16 e. Engage in fraudulent practices for the purpose of securing
17 financial aid from any institution or agency offering aid to stu-
18 dents of cosmetology or hairstyling;

19 f. Aid, abet, or ***[knowingly]*** permit a person not licensed pur-
20 suant to this act to teach any of the services encompassed within the
21 definition of cosmetology and hairstyling to registered students;

22 g. Maintain any premise from which the practice of cosmetology
23 and hairstyling is offered, or the teaching of cosmetology and hair-
24 styling is offered in a manner which is unsatisfactory or unsafe;

25 h. Fail to display, in a conspicuous place, its school license;
25A ***[or]***

26 i. Fail to maintain accurate records of attendance by any regis-
 27 tered student for at least five years after the student's enrollment
 28 ends, which records shall be subject to inspection by the
 29 board***[.]*** **;

30 *j. Fail to notify the board on forms it may prescribe of any
 31 student who obtains a leave of absence, fails to attend classes for a
 32 period of more than 90 consecutive days or withdraws from school;
 33 or

34 k. Fail to maintain the required bond during all periods of opera-
 35 tion.

1 15. (New section) In addition to any practice declared unlawful
 2 pursuant to P. L. 1978, c. 73 (C. 45:1-14 et seq.), it shall be un-
 3 lawful for a licensed teacher to engage in the following practices:

4 a. Advertise in a manner which would tend to mislead potential
 5 students or consumers of cosmetology or hairstyling services offered
 6 in the school clinic;

7 b. Advertise, teach or attempt to open a school under another
 8 person's name;

9 c. Knowingly permit students to practice upon each other or
 10 members of the public while having an infectious, contagious or
 11 communicable disease;

12 d. Demonstrate cosmetology and hairstyling services on stu-
 13 dents while knowingly having an infectious, contagious or com-
 14 municable disease;

15 e. Engage in fraudulent practices for the purpose of securing
 16 financial aid from any institution or agency offering aid to students
 17 of cosmetology and hairstyling;

18 f. Aid, abet or permit a person not licensed pursuant to this act
 19 to teach any of the services included in the definition of cosmetology
 20 and hairstyling to registered students;

21 g. Teach cosmetology and hairstyling in a manner which is un-
 22 satisfactory or unsafe;

23 h. Fail to display in a conspicuous place a valid teacher's license
 24 at the school; or

25 i. Fail to accurately and truthfully record attendance by regis-
 26 tered students.*

1 ***[14.]*** *16.* (New section) Each applicant for initial licensure
 2 as a practicing licensee must submit to the board satisfactory
 3 evidence, on forms as the board requires, that he:

4 a. Is of good moral character;

5 b. Is at least 17 years of age; and

6 c. Does not have any communicable, contagious or infectious
 7 disease.

1 ***[15.]*** *17.* (New section) An applicant seeking licensure as a
 2 cosmetologist-hairstylist who does not at the time of that applica-
 3 tion hold a license to practice barbering issued by the Board of
 4 Barber Examiners or the board or a license to practice beauty
 5 culture issued by the Board of Beauty Culture Control or the board
 5A shall:

6 a. Demonstrate successful completion of high school or its equiv-
 7 alent; and

8 b. Demonstrate successful completion of a ***[1,250]*** *1,200*
 9 hour course of instruction in cosmetology and hairstyling at:

10 (1) a school of cosmetology and hairstyling licensed in this
 11 State, or

12 (2) a ***[vocational]*** *public* school approved by the State Board
 13 of Education, *to offer a vocational program in cosmetology and
 13A hairstyling* or

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

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

1 ***[16.]*** *18.* (New section) Any applicant holding a license to
 2 practice beauty culture issued by the Board of Beauty Culture
 3 Control or by the board who is seeking licensure as a cosmetologist-
 4 hairstylist shall be given one opportunity *within five years of the
 5 effective date of this act* to take and pass an examination con-
 5A ducted by the board which shall demonstrate to the board's
 6 satisfaction that the applicant has attained proficiency in shaving
 7 without undertaking additional training. If the applicant does not
 8 pass the examination, he may not take the examination again until
 9 he can demonstrate successful completion of a ***[20-hour]*** course
 10 in shaving*, the length of which is to be established by the board
 10A pursuant to regulation, and which is* offered at:

11 a. A school of cosmetology and hair styling in this State; or

12 b. A ***[vocational]*** *public* school approved by the State Board
 13 of Education *to offer a vocational program in cosmetology and
 13A hairstyling*; or

14 c. A school of cosmetology and hairstyling, beauty culture or
 15 barbering licensed in another state or foreign country, which, in
 16 the opinion of the board, offers curricula which are substantially
 17 similar to that offered at licensed schools within this State.

18 ***[17.]*** *19.* (New section) An applicant holding a license to
 2 practice barbering issued by the Board of Barber Examiners or the

3 board who is seeking licensure as a cosmetologist-hairstylist shall be
 4 given one opportunity **within five years of the effective date of this*
 5 *act** to take and pass an examination conducted by the board which
 6 shall demonstrate to the board's satisfaction that the applicant has
 7 attained proficiency in services included within the definition of
 8 beauty culture which are not encompassed within the definition of
 9 barbering without undertaking additional training. If the applicant
 10 does not pass that examination, he may not take the examination
 11 again until he can demonstrate successful completion of a 500-hour
 12 course in beauty culture services offered at:

13 a. A school of cosmetology and hairstyling in this State; or

14 b. A ***[vocational]*** **public** school approved by the State Board
 15 of Education **to offer a vocational program in cosmetology and*
 15A *hairstyling**; or

16 c. A school of cosmetology and hairstyling or beauty culture
 17 licensed in another state or foreign country, which, in the opinion
 18 of the board, offers curricula which are substantially similar to
 19 that offered at licensed schools within this State.

1 ***[18.]* *20.*** (New section) An applicant seeking initial licensure
 2 as a beautician who does not hold a license to practice beauty culture
 3 issued by the Board of Beauty Culture Control shall:

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

6 b. Demonstrate that he was a registered student at a school of
 7 cosmetology and hairstyling or beauty culture in this State on or
 8 before ***[January 1, 1985]*** **the effective date of this act** or en-
 9 rolled in ***[a]*** **an approved** vocational course of instruction in
 9A beauty culture ***[on or before January 1, 1983]*** **the effective date*
 9B *of this act**;

10 c. Demonstrate successful completion of a 1,200 hour course
 11 of instruction in beauty culture ***[on or before June 1, 1986]***
 12 **within two years of the effective date of this act** at a school of
 13 cosmetology and hairstyling licensed in this State, or a ***[voca-**
 14 **tional]*** **public** school approved by the State Board of Education
 15 **to offer a vocational program in cosmetology and hairstyling or*
 16 *beauty culture**; and

17 d. Take and pass an examination conducted by the board as
 18 provided by this act.

1 ***[19.]* *21.*** (New section) An applicant seeking initial licensure
 2 as a barber who does not hold a license to practice barbering issued
 3 by the Board of Barber Examiners shall:

4 a. Demonstrate successful completion of eighth grade or its
 5 equivalent;

6 b. Demonstrate that he held an apprentice registration certifi-
 7 cate issued by the Board of Barber Examiners on or before ***1*** **January 1, 1985** **the effective date of this act** and has successfully
 8 completed that apprenticeship ***2*** **on or before June 1, 1986**
 9A **within two years of the effective date of this act**; and

10 c. Take and pass an examination conducted by the board as pro-
 11 vided by this act.

1 ***20.*** *22.* (New section) An applicant seeking initial licensure
 2 as a manicurist who does not hold a license to practice manicuring
 3 issued by the Board of Beauty Culture Control must:

4 a. Demonstrate successful completion of high school or its equiv-
 5 alent; and

6 b. Demonstrate successful completion of a ***3*** *200* hour
 7 course of instruction in manicuring at:

8 (1) a school of cosmetology and hairstyling licensed in this
 9 State; or

10 (2) a ***4*** **public** school approved by the State Board
 11 of Education **to offer a vocational program in cosmetology and*
 11A **hairstyling**; or

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

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

1 ***21.** (New section) All applicants for initial licensure as a
 2 teacher of cosmetology and hairstyling must submit to the board
 3 satisfactory evidence, on forms as the board may require, that he:

4 a. Is of good moral character;

5 b. Is at least 21 years of age;

6 c. Does not have any communicable, contagious or infectious
 7 disease; and

8 d. Has successfully completed high school or its equivalent.*

1 ***22.*** *23.* (New section) An applicant for a license to teach
 2 cosmetology and hairstyling who does not hold a license to teach
 3 beauty culture issued by the Board of Beauty Culture Control shall
 4 ***5*** **submit to the board satisfactory evidence that*
 5 **he**:

6 **a. Is of good moral character;*

7 **b. Is at least 18 years of age;*

8 **c. Does not have a communicable, contagious or infectious*
 9 **disease;*

10 **d. Has successfully completed high school or its equivalent;**

11 ***[a. Hold]*** *e. Holds* a cosmetologist-hairstylist license issued
 12 by the board or an operator's license issued by the Board of Beauty
 13 Culture prior to ***[January 1, 1985]*** *the effective date of this act
 14 or a beautician's license issued within two years of the effective date
 15 of this act*;

16 ***[b. Demonstrate successful completion of]*** *f. Has success-
 17 fully completed* a teacher training course of 500 hours consisting
 18 of practice and theory of teaching conducted at a licensed school of
 19 cosmetology and hairstyling;

20 ***[c. Demonstrate successful completion of]*** *g. Has successfully
 21 completed* a 30-hour teaching methods course conducted ***[at]***
 22 *by* a college approved by the *State Board of Higher Education
 23 and recognized by the* board; ***[and]***

24 ***[d. Verify having]*** *h. Has* attained six months employment
 25 experience in a licensed shop within this State which may be
 26 obtained prior to, at the same time as, or subsequent to the period
 27 during which the applicant is attending the teachers training course
 28 offered by a licensed school of cosmetology and hairstyling of this
 29 State***[.]*** *; and*

30 *i. Has successfully completed an examination conducted by the
 31 board.*

1 ***[23.]*** *24.* (New section) An applicant holding a license to
 2 teach beauty culture issued by the Board of Beauty Culture Control
 3 who is seeking licensure as a teacher of cosmetology and hairstyling
 4 shall ***[be given one opportunity to take and pass an examination
 5 conducted by the board which shall demonstrate to the board's
 6 satisfaction that the applicant has attained proficiency in shaving.
 7 If the applicant does not pass the examination, he may not take
 8 the examination again until he can demonstrate successful comple-
 9 tion of a 20 hour course in shaving offered at:]*** *successfully
 10 complete a course in shaving within one year of the effective date
 11 of this act. The course shall be administered by the board and con-
 12 ducted by an individual it designates who has held a license issued
 13 by the Board of Barber Examiners for at least five years immedi-
 14 ately preceding the enactment of this act. The applicant shall pay
 15 the cost of the course which may be determined by the board.

16 The board, in its discretion, may discontinue conducting courses
 17 in shaving at such time that it determines there are sufficient
 18 numbers of licensed teachers of cosmetology and hairstyling to
 19 conduct the course at licensed schools. Thereafter, the board may
 20 accept proof that an applicant has successfully completed a course
 21 of the required length as established pursuant to regulation by the

22 board. A licensed teacher of cosmetology and hairstyling shall
23 conduct the course at:

24 a. A school of cosmetology and hairstyling in this State;

25 b. A ~~["vocational"]~~ *public* school approved by the State Board
26 of Education *to offer a vocational program in cosmetology and*
27 *hairstyling*; or

28 c. A school of cosmetology and hairstyling, beauty culture or
29 barbering licensed in another state or foreign country, which, in
30 the opinion of the board, offers curricula which are substantially
31 similar to that offered at licensed schools within this State.

32 **Upon submission of proof of completion of that course, an*
33 *applicant shall take and is required to pass an examination. Failure*
34 *to successfully complete the course and take and pass the examina-*
35 *tion in shaving within one year of the effective date of this act may*
36 *be the basis for the revocation or refusal to issue or renew a*
37 *teacher's license issued by the Board of Beauty Culture Control.**

1 ~~["24."]~~ **25.** (New section) To be eligible to obtain a student
2 permit, an applicant shall submit to the board satisfactory evidence
3 that he:

4 a. Is a registered student in a course of instruction in cosme-
5 tology and hairstyling or ~~["was"]~~ *is* enrolled ~~["prior to January~~
6 ~~1, 1984"]~~ *on the effective date of this act* in a licensed beauty
7 culture school in this State *or is enrolled in a public school*
8 *approved by the State Board of Education to offer a vocational*
9 *program in cosmetology and hairstyling*, and has completed 600
10 hours in that course of instruction; and

11 b. Does not have a communicable, contagious or infectious dis-
12 ease.

13 **Student permits shall remain valid only during the period that*
14 *the student is registered at a licensed school of cosmetology and*
15 *hairstyling or enrolled in an approved vocational program and*
16 *shall expire upon a student's graduation, withdrawal or leave of*
17 *absence from the school or program for more than 90 consecutive*
18 *days.**

1 ~~["25."]~~ **26.** (New section) Upon submitting satisfactory evi-
2 dence of eligibility for any practicing license, an applicant shall
3 submit to the board a fee as required by the board. The applicant
4 then shall be scheduled to sit for the examination conducted by the
5 board in the practice in which he is seeking a practicing license.
6 Upon scheduling, he shall be issued a temporary permit to engage
7 in the practice for which the applicant is seeking a license. The
8 permit shall remain valid for a period of no more than 120 days and
9 shall expire upon receipt of a newly issued license by the licensee.

10 Only one temporary permit shall be issued to an applicant. No
 11 temporary permit shall be issued to applicants awaiting scheduling
 12 of and results from the teacher examination.

1 ***[26.]*** *27.* (New section) All examinations conducted by the
 2 board pursuant to this act shall consist of oral, practical and written
 3 portions and may be administered in English, and in the case of
 4 practicing licenses, in Spanish or with the aid of a translator, if
 5 the board, in its discretion, deems that aid to be warranted.

1 ***[27.]*** *28.* (New section) Applicants possessing a license to
 2 render services in another state or a foreign country, which services
 3 are included within the definition of cosmetology and hairstyling as
 4 set forth in this act, may be issued a license without examination,
 5 provided, however, that the state or country has established
 6 eligibility criteria substantially similar to those established in this
 7 State, and the applicant has paid a fee as required by the board
 8 and submitted certification from the licensing jurisdiction. A per-
 9 son possessing a license to practice cosmetology and hairstyling
 10 services issued by a licensing authority from another state or a
 11 foreign country which has established eligibility criteria with re-
 12 spect to cosmetology and hairstyling training which are, in the
 13 opinion of the board, less stringent than those required in this
 14 State may, nevertheless, be eligible for licensure without exami-
 15 nation, if he can present satisfactory evidence of prior practical
 16 experience of three years working in a licensed shop.

1 *29. (New section) Applicants possessing a license to render
 2 services in another state or foreign country, which services are in-
 3 cluded within the definition of beauty culture pursuant to this act,
 4 may be issued a license to practice cosmetology and hairstyling in
 5 accordance with the provisions of section 18 of this act, if that
 6 jurisdiction has established eligibility criteria substantially similar
 7 to those established by the Board of Beauty Culture Control and in
 8 effect on the date of enactment of this act. The applicant shall pay
 9 a fee as required by the board and submit certification from the
 10 licensing jurisdiction. An applicant possessing a license to practice
 11 beauty culture services issued by a licensing authority from another
 12 state or a foreign country which has established eligibility criteria
 13 with respect to beauty culture training which are, in the opinion of
 14 the board, less stringent than those required by the Board of Beauty
 15 Culture Control on the date of enactment of this act, may, never-
 16 theless, be eligible for licensure as a cosmetologist-hairstylist in
 17 accordance with the provisions of section 18 of this act if the
 18 applicant can present satisfactory evidence of prior practical
 19 experience of three years working in a licensed shop.

1 30. (New section) Applicants possessing a license to render
 2 services in another state or a foreign country, which services are
 3 included within the definition of barbering pursuant to this act, may
 4 be issued a license to practice cosmetology and hairstyling in
 5 accordance with the provisions of section 19 of this act, if that
 6 jurisdiction has established eligibility criteria substantially similar
 7 to those established by the Board of Barber Examiners and in effect
 8 on the date of enactment of this act. The applicant shall pay a fee
 9 as required by the board and submit certification from the licensing
 10 jurisdiction.

11 An applicant possessing a license to practice barbering services
 12 issued by a licensing authority from another state or a foreign
 13 country which has established eligibility criteria which are, in the
 14 opinion of the board, less stringent than those required by the Board
 15 of Barber Examiners on the date of enactment of this act, may,
 16 nevertheless, be eligible for licensure as a cosmetologist-hairstylist
 17 in accordance with the provisions of section 19 of this act, if the
 18 applicant can present satisfactory evidence of prior practical ex-
 19 perience of three years working in a licensed shop.*

1 *~~28.~~ *31.* (New section) A person, corporation, firm or part-
 2 nership intending to open a shop shall:

3 a. Make application to the board on forms as it may require
 4 demonstrating that the physical premises and the operation of the
 5 shop will meet minimum criteria as established by the board;

6 b. Permit an inspection of the premises;

7 *~~c.~~ Post a bond in the amount of \$1,000.00 made in favor of the
 8 State of New Jersey; and]*

9 *~~d.~~ *c.* Pay a fee as may be required by the board*~~.~~* *;*

10 *d. Employ a practicing licensee with the required experience
 11 pursuant to section 11 of this act.*

1 *~~29.~~ *32.* (New section) A person, corporation, firm or part-
 2 nership intending to open a school shall:

3 a. Make application to the board on forms as it may require
 4 demonstrating the physical premises and the operation of the
 5 school will meet minimum criteria as established by the board;

6 b. Permit an inspection of the premises;

7 c. Post a bond in favor of the State in an amount which shall be
 8 determined on the basis of the school's enrollment, in accordance
 9 with regulations provided by the board, except in no case shall the
 10 bond posted by a school be in an amount less than \$10,000.00; and

11 d. Pay a fee as *~~may be~~* required by the board.

1 *33. (New section) A person, partnership, corporation or agency,
 2 department or political subdivision of State government including

3 *the board, may initiate an action on the bond required pursuant to*
 4 *section 32 of this act, if the person, partnership, corporation or*
 5 *agency, department, or political subdivision of State government is*
 6 *aggrieved, damaged or injured by any misconduct or violation for*
 7 *which the licensed school is held responsible.**

1 ***[30.]* *34.*** (New section) All practicing licenses and teacher's
 2 licenses issued shall ***[remain valid for two years from the date**
 3 **issued, in accordance with the provisions of P. L. 1972, c. 108 (C.**
 4 **45:1-7), except that licenses issued prior to July 1, 1985 shall**
 5 **remain valid until June 30, 1987]* *automatically expire on Septem-**
 6 **ber 30 of the next odd numbered year following the date of license**
 7 **issuance***. Shop and school licenses shall ***[remain valid for two**
 8 **years, except that licenses issued prior to August 1, 1985 shall**
 9 **remain valid until July 31, 1987]* *automatically expire on July**
 10 **31 of the next odd numbered year following the date of license**
 11 **issuance***.

1 ***[31.]* *35.*** (New section) Any practicing license issued by the
 2 Board of Cosmetology and Hairstyling, the Board of Beauty Cul-
 3 ture Control or the Board of Barber Examiners may be renewable
 4 biennially if the expired licenses are renewed within six months
 5 following expiration. Applications shall be submitted to the board
 6 and accompanied by the fee to be determined by the board. Ap-
 7 plications for renewal submitted more than six months after the
 8 expiration of a license shall be accompanied by a restoration fee
 9 to be determined by the board. Shop and school licenses shall be
 10 renewed within 30 days following expiration. **Applicants for*
 11 *renewal of school licenses shall provide satisfactory evidence that*
 12 *a bond required pursuant to section 32 of this act has been secured*
 12A *and shall remain valid through the next licensing period.** No shop
 13 or school license may be restored after 30 days and an application
 14 for initial licensure shall be submitted.

1 ***[32.]* *36.*** (New section) A shop or school owner shall notify
 2 the board prior to undertaking a change of location or undergoing a
 3 change of ownership. The shop or school shall submit to ***[an in-**
 4 **spection by the board if the board deems an inspection to be war-**
 5 **ranted]* *the board an initial application for licensure***. If a
 5A change of ownership results from the death or disability of a
 6 principal shareholder in a corporation, or partner in a partnership
 7 which holds a shop or school license, the new owner shall notify
 8 the board within six months after the change has been effected.
 9 For purposes of this section, a change of ownership shall be deemed
 10 to have occurred if more than 50% of the outstanding stock or
 11 other financial interest is transferred.

1 ***[33.]*** *37.* (New section) Nothing in this act shall be construed
 2 to preclude the lawful sale of merchandise or the provision of
 3 services ***[not enumerated within or proscribed by the definition of**
 4 **cosmetology and hairstyling from being undertaken within a**
 5 **licensed shop or school]*** **related to the beautification of the body*
 6 *or the enhancement of personal appearance which are not enumer-*
 7 *ated in the definition of cosmetology and hairstyling pursuant to*
 8 *section 3 of this act, from being undertaken within a licensed shop*
 9 *or school. To the extent that the board determines that certain*
 10 *ancillary beautification services pose a health hazard to the public,*
 11 *it may adopt regulations prohibiting the services, placing restric-*
 12 *tions on the manner in which the services are offered or designating*
 13 *appropriate training levels which those offering the services shall*
 14 *have to attain*.*

1 ***[34.]*** *38.* (New section) Nothing in this act shall be construed
 2 to limit in any way the right of the State Board of Education or any
 3 local board of education to establish and operate courses in cosme-
 4 tology and hairstyling, to employ teachers, to determine the stan-
 5 dards for teaching and the qualifications of teachers, to determine
 6 courses of study, to determine the standards for the admission,
 7 progress, certification and graduation of students, to determine
 8 any and all standards and rules as to location, supplies, equipment
 9 and anything whatsoever pertaining to the establishment, opera-
 10 tion and maintenance of a course in cosmetology and hairstyling
 11 operated by a public school. Nothing in this ***[chapter]*** **act** shall
 12 be interpreted to give any person or agency other than the State
 13 Board of Education and the local boards of education the right to
 14 prescribe any requirement of any kind whatsoever for courses of
 15 cosmetology and hairstyling in public schools or for teachers or
 16 pupils in school courses.

1 ***[35.]*** (New section) Any person having graduated from a voca-
 2 tional course in cosmetology and hairstyling approved by the State
 3 Board of Education and given by a public vocational school of this
 4 State shall have all the rights and privileges granted under this
 5 chapter to graduates of cosmetology and hairstyling schools li-
 6 censed by the board, but nevertheless shall be required to be ex-
 7 amined and licensed by the board in accordance with the provisions
 8 of this act.]*

1 ***[36.]*** *39.* R. S. 40:52-1 is amended to read as follows:
 2 40:52-1. The governing body may make, amend, repeal and en-
 3 force ordinances to license and regulate:
 4 a. All vehicles used for the transportation of passengers, bag-
 5 gage, merchandise, and goods and chattels of every kind, and the

6 owners and drivers of all such vehicles ; and the places and premises
7 in which or at which the different kinds of business or occupation
8 mentioned herein are carried on and conducted. Nothing herein
9 contained shall be construed as modifying or repealing any of the
10 provisions of chapter 4 of the Title Public Utilities (§ 48:4-1 et
11 seq.) ;

12 b. Autobusses, and the owners and drivers of all such vehicles,
13 and to fix the fees for such licenses, which may be imposed for
14 revenue, and to prohibit the operation of all such vehicles in the
15 public streets or places of such municipality, unless such ordinances
16 are complied with, whether such vehicles are operated over routes
17 wholly or partly within the territorial limits of such municipality ;
18 the powers conferred by this section shall not be in substitution
19 of but in addition to whatever other right, power and authority
20 any such municipality may at any time have as to licensing, regu-
21 lating, or control of the operation of such autobusses, commonly
22 called jitneys, and this section shall not be construed as modifying
23 or repealing any of the provisions of chapter 4 (§ 48:4-1 et seq.)
24 or article 3 of chapter 16 (§ 48:16-23 et seq.) of the Title Public
25 Utilities ;

26 c. Cartmen, expressmen, baggagemen, porters, common criers,
27 hawkers, peddlers, employment agencies, pawnbrokers, junk shop
28 keepers, junk dealers, motor vehicle junk dealers, street sprinklers,
29 bill posters, bill tackers, sweeps, scavengers, itinerant vendors of
30 merchandise, medicines and remedies ; and the places and premises
31 in which or at which the different kinds of business or occupation
32 mentioned herein are conducted and carried on ;

33 d. Hotels, boarding houses, lodging and rooming houses, trailer
34 camps and camp sites, motels, furnished and unfurnished rented
35 housing or living units and all other places and buildings used
36 for sleeping and lodging purposes, and the occupancy thereof,
37 restaurants and all other eating places, and the keepers thereof ;

38 e. Automobile garages, dealers in second-hand motor vehicles
39 and parts thereof, bathhouses, swimming pools, and the keepers
40 thereof ;

41 f. Theatres, cinema and show houses, opera houses, concert halls,
42 dance halls, pool or billiard parlors, bowling alleys, exhibition
43 grounds, and all other places of public amusement, circuses and
44 traveling or other shows, plays, dances, exhibitions, concerts, the-
45 atrical performances, and all street parades in connection there-
46 with ;

47 g. Lumber and coal yards, stores for the sale of meats, groceries
48 and provisions, dry goods and merchandise, and goods and chattels

49 of every kind, and all other kinds of business conducted in the
50 municipality other than herein mentioned, and the places and prem-
51 ises in or at which the business is conducted and carried on; street
52 stands for the sale or distribution of newspapers, magazines, peri-
53 odicals, books, and goods and merchandise or other articles;

54 h. Street signs and other objects projecting beyond the building
55 line, into or over any public street or highway;

56 i. Auctioneers and their business, whether the auctioneers be
57 real estate brokers engaged in selling at auction or real estate auc-
58 tioneers licensed by the New Jersey Real Estate Commission; fix
59 their fees, and license and regulate public auctions; make such
60 regulations as the governing body of the municipality shall deem
61 necessary, to protect the public against fraud at public auction
62 sales, and for the safety and protection of the property of the
63 municipality and its inhabitants, including the power to require
64 from auctioneers a bond to the municipality, not exceeding the penal
65 sum of \$5,000.00, conditioned as the governing body shall require;

66 j. Sales of goods, wares and merchandise to be advertised, held
67 out or represented, or which are advertised, held out or represented,
68 to the public, by any means, directly or by implication, as forced
69 sales at reduced prices or as insurance, bankruptcy, mortgage fore-
70 closure, insolvency, removal, loss or expiration of lease or closing
71 out sales, or as assignees', receivers' or trustees' sales or as sales
72 of goods distrained or as sales of goods damaged by fire, smoke
73 or water, except any sale which is to be held under a judicial order,
74 judgment or decree or a writ issuing out of any court or to enforce
75 any lawful lien or power of sale whether by judicial process or not
76 or by a licensed auctioneer; to make such regulations governing
77 the advertisement, holding out or representing to the public of such
78 sales, and the conduct thereof, as the governing body of the munic-
79 ipality shall deem necessary to protect the public against fraud;
80 to prohibit the advertising, holding out or representing to the pub-
81 lic of any sale as being of the character above described which is
82 not of such character and to fix license fees for the conduct of such
83 sales and to impose penalties for the violation of any such ordi-
84 nance[.];

85 k. Roving bands of nomads, commonly called gypsies; and,

86 l. [The opening and closing of barber shops on Sunday and legal
87 holidays, and the hours of opening and closing on week days, and
88 to impose a penalty for the violation of any such ordinance, not
89 exceeding a fine of \$25.00, or imprisonment in the municipal lockup,
90 or in the county jail, not exceeding 10 days.] *(Deleted by amend-*
91 *ment, P. L., c. . . .).*

92 Nothing in this chapter contained shall be construed to authorize
 93 or empower the governing body of any municipality to license or
 94 regulate any person holding a license or certificate issued by any
 95 department, board, commission, or other agency of the State; pro-
 96 vided, however, that the governing body of a municipality may
 97 make, amend, repeal and enforce ordinances to license and regulate
 98 real estate auctioneers or real estate brokers engaged in selling at
 99 auction and their business as provided in this section despite the
 100 fact that such real estate auctioneers or brokers may be licensed
 101 by the New Jersey Real Estate Commission and notwithstanding
 102 the provisions of this act or any other act.

1 ***[37.]*** *40.* Section 1 of P. L. 1971, c. 60 (C. 45:1-2.1) is
 2 amended to read as follows:

3 1. The provisions of this act shall apply to the following boards
 4 and commissions: The New Jersey State Board of **[Certified Pub-**
 5 **lic Accountants]** *Accountancy*, the New Jersey State Board of
 6 Architects, the **[State Board of Barber Examiners, the Board of**
 7 **Beauty Culture Control]** *New Jersey State Board of Cosmetology*
 8 *and Hairstyling*, the Board of Examiners of Electrical Contractors,
 9 the New Jersey State Board of Dentistry, the State Board of
 10 Mortuary Science of New Jersey, the State Board of Professional
 11 Engineers and Land Surveyors, the State Board of Marriage
 12 Counselor Examiners, the State Board of Medical Examiners, the
 13 New Jersey Board of Nursing, the New Jersey State Board of
 14 Optometrists, the State Board of Examiners of Ophthalmic Dis-
 15 pensers and Ophthalmic Technicians, the Board of Pharmacy, the
 16 State Board of Professional Planners, the State Board of Psy-
 17 chological Examiners, the State Board of Examiners of Master
 18 Plumbers, the New Jersey Real Estate Commission, the State
 19 Board of Shorthand Reporting, the State Board of Veterinary
 20 Medical Examiners, the **[X-ray Technician]** *Radiologic Technology*
 21 Board of Examiners, and the Acupuncture Examining Board.

1 ***[38.]*** *41.* Section 2 of P. L. 1971, c. 60 (C. 45:1-2.2) is
 2 amended to read as follows:

3 2. a. All members of the several professional boards and com-
 4 missions shall be appointed by the Governor in the manner pre-
 5 scribed by law; except in appointing members other than those
 6 appointed pursuant to subsection b. or subsection c., the Governor
 7 shall give due consideration to, but shall not be bound by, recom-
 8 mendations submitted by the appropriate professional organiza-
 9 tions of this State.

10 b. In addition to the membership otherwise prescribed by law,
 11 the Governor shall appoint in the same manner as presently pre-

12 scribed by law for the appointment of members two additional
13 members to represent the interests of the public, to be known as
14 public members, to each of the following boards and commissions:
15 the New Jersey State Board of **[Certified Public Accountants]**
16 *Accountancy*, the New Jersey State Board of Architects, the **[State**
17 **Board of Barber Examiners,]** *the New Jersey State Board of*
18 *Cosmetology and Hairstyling*, the New Jersey State Board of
19 Dentistry, the State Board of Mortuary Science of New Jersey,
20 the State Board of Professional Engineers and Land Surveyors,
21 the State Board of Medical Examiners, the New Jersey Board of
22 Nursing, the New Jersey State Board of Optometrists, the State
23 Board of Examiners of Ophthalmic Dispensers and Ophthalmic
24 Technicians, the Board of Pharmacy, the State Board of Profes-
25 sional Planners, the State Board of Psychological Examiners, the
26 New Jersey Real Estate Commission, the State Board of Short-
27 hand Reporting, and the State Board of Veterinary Medical Ex-
28 aminers, and one additional public member to each of the following
29 boards: **[the Board of Beauty Culture Control,]** the Board of
30 Examiners of Electrical Contractors, the State Board of Marriage
31 Counselors Examiners and the State Board of Examiners of Master
32 Plumbers. Each public member shall be appointed for the term
33 prescribed for the other members of the board or commission and
34 until the appointment of his successor. Vacancies shall be filled for
35 the unexpired term only. The Governor may remove any such public
36 member after hearing, for misconduct, incompetency, neglect of
37 duty or for any other sufficient cause.

38 No public member appointed pursuant to this section shall have
39 any association or relationship with the profession or a member
40 thereof regulated by the board of which he is a member, where such
41 association or relationship would prevent such public member
42 from representing the interest of the public. Such a relationship
43 includes a relationship with members of one's immediate family;
44 and such association includes membership in the profession regu-
45 lated by the board. To receive services rendered in a customary
46 client relationship will not preclude a prospective public member
47 from appointment. This paragraph shall not apply to individuals
48 who are public members of boards on the effective date of this act.

49 It shall be the responsibility of the Attorney General to insure
50 that no person with the aforementioned association or relationship
51 or any other questionable or potential conflict of interest shall be
52 appointed to serve as a public member of any board regulated by
53 this section.

54 Where a board is required to examine the academic and profes-
55 sional credentials of an applicant for licensure or to test such

56 applicant orally, no public member appointed pursuant to this
 57 section shall participate in such examination process, provided,
 58 however, that public members shall be given notice of and may be
 59 present at all such examination processes and deliberations con-
 60 cerning the results thereof, and, provided further, that public
 61 members may participate in the development and establishment
 62 of the procedures and criteria for such examination processes.

63 c. The Governor shall designate a department in the Executive
 64 Branch of the State government which is closely related to the
 65 profession or occupation regulated by each of the boards or com-
 66 missions designated in section 1 and shall appoint the head of such
 67 department, or the holder of a designated office or position in such
 68 department, to serve without compensation at the pleasure of the
 69 Governor as a member of such board or commission.

70 d. A majority of the voting members of such boards or commis-
 71 sions shall constitute a quorum thereof and no action of any such
 72 board or commission shall be taken except upon the affirmative vote
 73 of a majority of the members of the entire board or commission.

1 ***[39.]*** *42.* Section 1 of P. L. 1974, c. 46 (C. 45:1-3.1) is
 2 amended to read as follows:

3 1. The provisions of this act shall apply to the following boards
 4 and commissions: The New Jersey State Board of **[Certified Pub-**
 5 **lic Accountants]** *Accountancy*, the New Jersey State Board of
 6 Architects, the **[State Board of Barber Examiners, the Board of**
 7 **Beauty Culture Control]** *New Jersey State Board of Cosmetology*
 8 *and Hairstyling*, the Board of Examiners of Electrical Contractors,
 9 the New Jersey State Board of Dentistry, the State Board of
 10 Mortuary Science of New Jersey, the State Board of Professional
 11 Engineers and Land Surveyors, the State Board of Marriage
 12 Counselor Examiners, the State Board of Medical Examiners, the
 13 New Jersey Board of Nursing, the New Jersey State Board of
 14 Optometrists, the State Board of Examiners of Ophthalmic Dis-
 15 pensers and Ophthalmic Technicians, the Board of Pharmacy, the
 16 State Board of Professional Planners, the State Board of Psy-
 17 chological Examiners, the State Board of Examiners of Master
 18 Plumbers, the State Board of Shorthand Reporting, the State
 19 Board of Veterinary Medical Examiners, the **[X-Ray Technician]**
 20 *Radiologic Technology* Board of Examiners, and the Acupuncture
 21 Examining Board.

1 ***[40.]*** *43.* Section 2 of P. L. 1978, c. 73 (C. 45:1-15) is amended
 2 to read as follows:

3 2. The provisions of this act shall apply to the following boards
 4 and all professions or occupations regulated by or through such
 5 boards: the New Jersey State Board of **[Certified Public Ac-**

6 countants] *Accountancy*, the New Jersey State Board of Architects,
 7 the [State Board of Barber Examiners, the Board of Beauty Cul-
 8 ture Control] *New Jersey State Board of Cosmetology and Hair-*
 9 *styling*, the Board of Examiners of Electrical Contractors, the
 10 New Jersey State Board of Dentistry, the State Board of Mortuary
 11 Science of New Jersey, the State Board of Professional Engineers
 12 and Land Surveyors, the State Board of Marriage Counselor Ex-
 13 aminers, the State Board of Medical Examiners, the New Jersey
 14 Board of Nursing, the New Jersey State Board of Optometrists,
 15 the State Board of Examiners of Ophthalmic Dispensers and Oph-
 16 thalmic Technicians, the Board of Pharmacy, the State Board of
 17 Professional Planners, the State Board of Psychological Exam-
 18 iners, the State Board of Examiners of Master Plumbers, the State
 19 Board of Shorthand Reporting, the State Board of Veterinary
 20 Medical Examiners, and the Acupuncture [Examining] *Examining*
 21 Board.

1 ***[41.]*** *44.* The following are repealed.

2 R. S. 45:4-26;

3 R. S. 45:4A-1 to 45:4A-14;

4 R. S. 45:4A-16;

5 R. S. 45:4A-18;

6 R. S. 45:4A-21 to 45:4A-23;

7 R. S. 45:4A-35;

8 P. L. 1938, c. 197, ss. 1 to 8, 11 to 13, 16-28 and 30 (C. 45:4-27
 9 to 45:4-34, C. 45:4-37 to 45:4-39, C. 45:4-42 to 45:4-54 and C.
 10 45:4-56);

11 P. L. 1942, c. 322 (C. 45:4-35.1 and 45:4-35.2);

12 P. L. 1943, c. 9, ss. 1-7 (C. 45:4A-5.1, C. 45:4A-10.1, C. 45:4A-11.1
 13 to 45:4A-11.4, C. 45:4A-23.1);

14 P. L. 1946, c. 132, s. 6 (C. 45:4-29.1);

15 P. L. 1946, c. 133, ss. 1 to 8, 11 and 12 (C. 45:4-50.1 to 45:1-50.8,
 16 C. 45:4-50.10 and C. 45:4-50.11);

17 P. L. 1950, c. 187 (C. 45:4-50.12);

18 P. L. 1953, c. 184, s. 7 (C. 45:4A-10.2);

19 P. L. 1953, c. 185, s. 3 (C. 45:4-33.1);

20 P. L. 1953, c. 278 (C. 45:4A-23.2 and 45:4A-23.3);

21 P. L. 1955, c. 168 (C. 45:4A-10.3);

22 P. L. 1963, c. 156, ss. 2, 4 and 5 (C. 45:4-29.2, C. 45:4-31.1 and
 23 C. 45:4-39.1);

24 P. L. 1965, c. 7, s. 14 (C. 45:4A-11.5); and

25 P. L. 1969, c. 245, s. 9 (C. 45:4-27.1).

1 ***[42.]*** *45.* This act shall take effect on the ***[180th]*** *365th*
 2 day following its enactment.

STATEMENT

This bill would establish a New Jersey State Board of Cosmetology and Hairstyling which would be responsible for the licensing and regulation of practitioners, establishments and schools in the professions of cosmetology and hairstyling. The bill would repeal the present laws which provide for the existing State Board of Barber Examiners and the existing Board of Beauty Culture Control.

A2095(1984)

ASSEMBLY HIGHER EDUCATION AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2095
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1984

PROVISIONS OF THE BILL:

Assembly Bill No. 2095, the "Cosmetology and Hairstyling Act of 1984," establishes a new regulatory and licensing mechanism for the practices of barbering, beauty culture, and cosmetology-hairstyling. The bill repeals current law regarding the Board of Beauty Culture Control and the State Board of Barber Examiners and establishes a single board, the Board of Cosmetology and Hairstyling, to regulate practice.

Under the bill's provisions, an individual may be licensed as either a barber, a beautician or a cosmetologist-hairstylist. The license of a cosmetologist-hairstylist is the most extensive and a person who holds such a license may perform the functions of a barber and a beautician in addition to performing additional tasks and responsibilities.

Other licenses provided for under the bill include a limited license as a manicurist; the licensing of teachers of cosmetology and hairstyling; the issuance of student permits under which a senior student may practice in a school clinic or shop; a temporary permit under which an applicant for licensure may work while awaiting the scheduling or results of an examination; and the licensing of a cosmetology-hairstylist shop or school.

The New Jersey State Board of Cosmetology and Hairstyling created in the bill is to consist of 11 members to include the following:

1. Three public members;
2. One executive department member;
3. Six members who have been engaged in the practice of barbering, beauty culture or cosmetology-hairstyling for at least five years prior to appointment; and,
4. One member who holds a teacher's license and has been engaged in the practice of beauty culture or cosmetology-hairstyling, or the operation of a licensed school for at least five years prior to appointment.

Of the practicing members appointed to the initial board, three are to be licensed barbers and three are to be licensed beauticians.

To be eligible for licensure, an applicant must demonstrate that he is:

1. Of good moral character;
2. At least 17 years of age; and,
3. Free of communicable, contagious or infectious disease.

The bill then outlines the additional requirements for licensure which are dependent upon the category of license for which the individual is applying. All of the licenses, however, include the successful completion of an oral, written and practical examination.

Further, the bill also does the following:

1. Stipulates that no person may practice or operate a shop or school unless properly licensed by the board;
2. Outlines what constitutes unlawful practice; and,
3. Delineates requirements for licensure without examination.

Finally, the bill clarifies that it in no way restricts the authority of the State Board of Education or local boards of education to operate courses in cosmetology-hairstyling.

COMMITTEE AMENDMENTS:

The committee made a number of technical and substantive amendments to the bill which were recommended by the Department of Law and Public Safety as a result of the continuing work of the Board of Barber Examiners and the Board of Beauty Culture Control. The major amendments do the following:

1. In the definition of barbering, the express prohibition on permanent waving is deleted;
 2. The definition of shop now makes it clear that specialty shops (those offering any one of the services) are subject to licensure;
 3. The initial board will consist of three practicing beauticians, three practicing barbers, one person involved in the conduct of a school, three public members and one government representative;
 4. The exemption provided to persons demonstrating beauty products is tightened so as to apply only to persons applying cosmetics intended for home use so long as they do not charge for the application or make the application contingent on the purchase of any other product or service;
 5. Provision is made to have an experienced licensee in every shop;
 6. Shops and schools will be responsible if they permit unlicensed persons to practice, even if they did not know the person was unlicensed;
 7. Persons licensed on the effective date of the act who wish to secure a cosmetology-hairstyling license will have five years to exercise that option;
 8. Provides that graduates of public vocational schools enrolled in a program of cosmetology-hairstyling will have to meet the same eligibility requirements as graduates of private schools; and,
 9. Changes the effective date to one year from the date of enactment.
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SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2095

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1984

This bill, the "Cosmetology and Hairstyling Act of 1984," establishes a new regulatory and licensing mechanism for the practice of barbering, beauty culture and cosmetology-hairstyling. The bill repeals current law regarding the Board of Beauty Culture Control and the State Board of Barber Examiners and establishes a single board, the Board of Cosmetology and Hairstyling, to regulate practice.