

45:4-27, 27.1, 28 etc August 18, 1970

LEGISLATIVE HISTORY OF R.S. 45:4-27, 27.1, 28,
31.1, 44, 48, 50.4, 50.5 and 52.
(Barbers and barber shops - amends)

copy 2

Previous bills:

1968-S737 (Stout, Sciro, Lynch, Rinaldi)
Died in committee

L.1969 - Chapt.245 - S483

Introduced February 10 by Stout and Sciro

No statement (copy of original bill enclosed)
May 5 - Passed Senate, amended (copy enclosed)
May 20 - Passed Assembly

Governor made statement upon signing (copy enclosed)

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SENATE, No. 483

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1969

By Senators STOUT and SCIRO

Referred to Committee on Commerce, Industry and Professions

AN ACT concerning barbers, barber shops and barbering, amending and supplementing chapter 197 of the laws of 1938, and amending chapter 133 of the laws of 1946 and chapter 156 of the laws of 1963.

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

1 1. Section 1 of P. L. 1938, chapter 197 (C. 45:4-27) is amended to
2 read as follows:

3 1. No person shall practice or attempt to practice barbering
4 without a certificate of registration as a registered barber issued
5 pursuant to the provisions of this act by the State Board of Barber
6 Examiners.

7 *No person shall practice or attempt to practice barbering in any*
8 *place other than a licensed barber shop, except that any proprietor,*
9 *manager or supervisor of a licensed barber shop may provide*
10 *barber services to persons at their place of residence or in institu-*
11 *tions in cases of sickness, incapacitations or confinement. A record*
12 *of such services shall be kept by such proprietor, manager or*
13 *supervisor and shall be made available for inspection by the*
14 *members of the Board of Barber Examiners or its inspectors.*

15 No proprietor, manager or supervisor of any barber shop, barber
16 school, or barber college shall employ, engage or hire any person
17 who does not hold a certificate of registration as a registered
18 barber, registered teacher, or a certificate as a registered appren-
19 tice, issued pursuant to the provisions of this act by the State
20 Board of Barber Examiners.

21 No person shall serve or attempt to serve as an apprentice barber
22 unless he has secured a certificate of registration as a registered
23 apprentice issued by the State Board of Barber Examiners.

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

24 It shall be unlawful to operate a barber shop unless it is at all
25 times under the direct supervision and management of a registered
26 barber who has been licensed as such for not less than 2 years.

27 All new applicants for certificates of registration as registered
28 barbers, apprentice barber's certificates, et cetera, shall be accom-
29 panied by a certificate from a practicing medical doctor of this
30 State dated not more than 10 days prior to the date of application,
31 attesting that the applicant is free from any contagious or in-
32 fectious disease.

1 2. Section 2 of P. L. 1938, chapter 197 (C. 45:4-28) is amended
2 to read as follows:

3 2. Any one or any combination of the following practices when
4 done upon the scalp, face or neck for cosmetic purposes, and not
5 for the treatment of disease or physical or mental ailments, and
6 when done for payment either directly or indirectly [or without
7 payment for the public generally], constitutes the practice of
8 barbering. Shaving or trimming the beard; [or] cutting *or styling*
9 the hair; giving facial and scalp massage or treatment with oils,
10 creams, lotions or other preparations, either by hand or mechanical
11 appliances; singeing, shampooing or dyeing the hair or applying
12 hair tonics; applying cosmetic preparations, antiseptics, powders,
13 oils, clays or lotions to scalp, face or neck.

1 3. Section 4 of P. L. 1963, chapter 156 (C. 45:4-31.1) is amended
2 to read as follows:

3 4. A person who has practiced barbering in another State or
4 country, upon payment of the required fee, shall be granted per-
5 mission to take an examination for a certificate of registration to
6 practice barbering if he complies with each of the following:

7 (1) He is at least 18 years of age and of good moral character
8 and temperate habits;

9 (2) He has successfully completed 8 grades of grammar school
10 *and 2 grades of high school* or [its equivalent] *their equivalents*;
11 and

12 (3) He presents to the board:

13 (a) A valid license or certificate of registration as a prac-
14 ticing barber from another State or country which has sub-
15 stantially the same requirements for licensing or registering
16 barbers as required by this act, and

17 (b) Affidavits from at least 2 persons stating that from their
18 personal knowledge the applicant has practiced as a barber in
19 another State or country for a period of at least 2 years within
20 the 5-year period immediately prior to filing his application
21 in this State.

22 If such an applicant fails to pass the examination, he may file a
 23 new application accompanied by the required fee and take another
 24 examination. In no event will he be permitted to practice barbering
 25 until such time that he satisfactorily passes an examination and
 26 receives a certificate of registration as a registered barber.

1 4. Section 18 of P. L. 1938, chapter 197 (C. 45:4-44) is amended
 2 to read as follows:

3 18. The fee to be paid by an applicant for examination to de-
 4 termine his fitness to receive a certificate of registration to practice
 5 barbering is \$25.00 and for the issuance of a certificate, ~~[\$5.00]~~
 6 \$8.00.

7 The fee for the annual renewal of a certificate of registration to
 8 practice barbering is ~~[\$5.00]~~ \$8.00.

9 The fee for the restoration of an expired certificate of registra-
 10 tion to practice barbering is ~~[\$10.00]~~ \$15.00.

11 The fee for an apprentice certificate is \$10.00.

12 The fee for a license to operate a barber school or college in
 13 accordance with the provisions of this act shall be \$250.00 per
 14 annum and such license to be renewed on or before July 1 of each
 15 year, the renewal fee thereof to be \$250.00.

16 The fee to be paid for a license as a registered teacher in ap-
 17 proved barber schools and colleges shall be \$25.00 per annum, such
 18 license to be renewed on or before July 1 of each year, the renewal
 19 fee thereof to be \$25.00.

1 5. Section 22 of P. L. 1938, chapter 197 (C. 45:4-48) is amended
 2 to read as follows:

3 22. Said Board of Barber Examiners shall organize and elect a
 4 chairman and a secretary-treasurer from its own members. It shall
 5 adopt and use a common seal for the authentication of its audit
 6 and records. The secretary-treasurer shall keep a record of all
 7 proceedings of the board and shall remit all funds received to the
 8 Treasurer of the State of New Jersey.

9 The secretary-treasurer shall be bonded in the sum of \$3,000.00
 10 with sureties approved by the Secretary of State, conditioned for
 11 the faithful performance of his duties, and shall take the oath pro-
 12 vided by law for such public office.

13 The secretary-treasurer of the board shall receive a compensa-
 14 tion of ~~[\$8,500.00]~~ not less than ~~[\$11,000.00]~~* *\$8,500.00* per
 15 annum and devote his full time to the supervision of office and field
 16 workers and to the performance of the other duties of his office.

17 A majority of the board in meeting duly assembled may perform
 18 and exercise all the duties and powers developed upon the board.

19 The *~~chairman of the board shall receive a compensation of not~~
 20 ~~less than \$10,000.00 per annum and each of the~~* other members of
 21 the board shall receive a compensation of ~~[\$8,000.00]~~ *not less than*
 22 ~~*[\$9,500.00]*~~ *\$8,000.00* per annum and in addition thereto, all
 23 members of the board, including the secretary-treasurer, shall be
 24 reimbursed and receive their necessary traveling expenses, which
 25 shall include only the cost of transportation to and from the place
 26 of performance of their duties, incurred in the proper discharge
 27 of their duties. They shall devote their full time to the performance
 28 of the duties of their respective offices as such members.

29 All expenses, salaries, et cetera, shall be paid only from the
 30 receipts received for barber fees, and at no time shall the expenses
 31 exceed the receipts received from barber fees.

1 6. Section 4 of P. L. 1946, chapter 133 (C. 45:4-50.4) is amended
 2 to read as follows:

3 4. Every application for such license shall contain such proof,
 4 and such other information as the board by rule or regulation may
 5 require. A fee of ~~[\$25.00]~~ \$50.00 shall accompany each application
 6 except that in the case of an application, by a holder of the license
 7 required by this act, to remove to a new location or premises the
 8 fee shall be ~~[\$5.00]~~ \$25.00.

1 7. Section 5 of P. L. 1946, chapter 133 (C. 45:4-50.5) is amended
 2 to read as follows:

3 5. (a) If the board is satisfied that such shop or premises are
 4 to be used and maintained in compliance with the provisions of the
 5 act of which this act is amendatory and supplementary, the board
 6 shall cause a license to be issued forthwith to such applicant, which
 7 license shall remain in full force and effect until July 1, following
 8 its issue *except as hereinafter provided*. Such license may be re-
 9 newed annually until the next succeeding July 1, upon application
 10 during the month of July and payment of a renewal fee of ~~[\$5.00]~~
 11 \$10.00 or upon application thereafter upon payment of a renewal
 12 fee of ~~[\$10.00]~~ \$15.00.

13 (b) *Upon the sale or other disposition of the barbering business*
 14 *conducted on any licensed premises, the shop license therefor shall*
 15 *terminate and before the premises may again be used as a barber*
 16 *shop, an application shall be filed for a shop license which for all*
 17 *the purposes of this act (C. 45:4-50.1 through C. 45:4-50.11) and*
 18 *of P. L. 1938, chapter 197 (C. 45:4-27 through C. 45:4-56) shall be*
 19 *deemed an application for a new shop license and not an applica-*
 20 *tion for the renewal of a shop license.*

1 8. Section 26 of P. L. 1938, chapter 197 (C. 45:4-52) is amended
 2 to read as follows:

3 26. The following regulations pertaining to sanitation shall ap-
4 ply to all barber shops, barber schools and barber colleges in New
5 Jersey and to the practice of barbering in this State. A copy of
6 these regulations shall be furnished by the State Board of Barber
7 Examiners to the person in charge of each barber shop, barber
8 school and barber college in the State and a copy shall be kept
9 posted in a conspicuous place in each such establishment.

10 (1) All barber shops and barber schools or colleges shall be well
11 lighted and ventilated, and all furniture, equipment, tools and
12 utensils therein and the floors, walls and ceilings thereof, shall at
13 all times be kept clean.

14 (2) It shall be unlawful to own, manage, operate or control any
15 barber shop, barber school or barber college except under the
16 following conditions:

17 (a) There shall be readily available at such shop, school or
18 college an adequate supply of hot and cold water and where a
19 public water supply under pressure and a sewerage system is
20 available, there shall be provided in such shop, school or col-
21 lege, a supply of hot and cold running water under pressure.
22 A barber shop owner shall provide at least one wash basin.
23 The wash basin shall be so situated that the same is readily
24 accessible to the operator of each barber chair.

25 (b) No towel shall be used on any patron which has been
26 used upon another patron unless such towel shall have been
27 relaundered and thoroughly dried and no towel shall be used
28 on any patron which has been placed in a steamer or sterilizer.

29 The head rest of a barber chair shall be covered with a clean
30 covering such as a towel or paper before used on any patron.
31 Head rests shall not be placed on the floor at any time.

32 (d) There shall be placed about the neck of each patron
33 served a clean towel or other clean material to prevent the
34 hair cloth touching the skin of the patron.

35 (e) Any tool or part thereof which comes into contact with
36 the head, face or neck of the patron such as razors, scissors,
37 tweezers, combs and parts of vibrators shall be immersed in
38 boiling water or in alcohol of a strength of 70% or higher or
39 treated by some other equally effective method before being
40 used on each patron. All tools or instruments when not in use
41 shall be kept in a closed compartment and shall be disinfected
42 before being used on a patron.

43 (f) Any shaving mug and shaving brush shall be thoroughly
44 rinsed in hot water immediately before use in serving a patron.

45 (g) At least 2 receptacles for soiled towels and waste shall

46 be provided. Only used towels shall be deposited in one and
47 wastes such as used shaving paper shall be deposited in the
48 other. All towels used on each patron must be deposited in
49 an enclosed towel receptacle. All laundered linen must be kept
50 in a closed compartment at all times.

51 (h) No styptic pencil, finger bowl, sponge, lump alum or
52 powder puff shall be used except of the individual applicator
53 type.

54 (i) No room used as a barber shop or barber school or col-
55 lege shall be used as a sleeping room, and shall not be located
56 in any sleeping room, feed store, restaurant or lunch room
57 unless separated therefrom by a substantial partition extend-
58 ing from floor to ceiling.

59 (j) A sterilizer solution container for each chair adequate
60 in size to immerse all instruments, tools and combs to be used
61 on each patron. Such containers shall be kept filled at all times
62 and shall be completely emptied and cleaned and refilled with
63 prescribed solutions at least once each week.

64 (k) The use of cuspidors in a barber shop is prohibited.

65 (l) Each new barber shop shall have a minimum length of
66 at least 10 feet for a one chair shop, 15 feet for a 2 chair shop,
67 and 5 feet additional length for each additional chair and a
68 minimum width of not less than 10 feet when waiting chairs
69 are not opposite or in line with barber chairs. A minimum
70 width of 12 feet when waiting chairs are opposite or in line
71 with barber chairs.

72 (m) Every barbēr shop shall have the following fixtures,
73 facilities and equipment:

74 One barber pole or barber sign,

75 Stand and mirror,

76 One hand mirror,

77 Barber chair (revolving type),

78 Sanitary headrest,

79 Closed container for clean towels,

80 A waste container for each chair,

81 Running hot and cold water,

82 A supply cabinet for stock of towels and supplies,

83 Seating accommodations for not less than 3 persons,

84 A clothes tree or its equivalent to accommodate the wraps
85 of at least 3 customers,

86 One cabinet or closet for mops, brooms and cleaning equip-
87 ment,

88 A sufficient number of tools and instruments for each chair,
89 Freshly laundered face towels and turkish towels for each
90 chair,

91 Two clean haircloths for each chair,

92 Neck strips and dispenser,

93 Hair tonic, face lotion, cold cream and massage cream,

94 Powder or styptic liquid,

95 Provision for proper display of all licenses,

96 Proper display of rules and regulations.

97 (n) Any person or persons proposing to open a barber shop
98 in a new location, or to change the location of an existing shop,
99 shall first make application to the State Board of Barber Ex-
100 aminers for an inspection and approval of the premises to be
101 licensed at least 5 days in advance of opening the same.

102 (o) Any barber shop maintaining toilet facilities for public
103 use shall maintain such facilities in a clean and sanitary con-
104 dition.

105 (p) All new barber shops *and barber shops for which a new*
106 *shop license is required pursuant to subsection (b) of section*
107 *5 (C. 45:4-50.5) of P. L. 1946, chapter 133,* shall be provided
108 with lavatory facilities including hot and cold running water
109 and a water flushed toilet. Office buildings and hotels are ex-
110 empted as to the provision of toilet only.

111 (q) The entrances to new barber shops located in private
112 residences must permit patrons to enter the shop directly from
113 the public thoroughfare without passing through any other
114 portion of the building.

115 (r) Each barber shop shall display a sign, clearly legible,
116 indicating that it is a barber shop.

117 (s) The sale in barber shops of items other than hair tonics,
118 lotions, creams, cutlery, toilet articles, *hair pieces, toupees,*
119 *wigs,* soft drinks, cigars and tobacco is hereby prohibited.

120 (t) Containers with covers must be provided for the storage
121 of hair trimmings and other waste materials.

122 (u) Each barber, apprentice or student barber shall thor-
123 oughly wash his hands with soap and water immediately before
124 serving a patron.

125 (v) All barbers, apprentices or student barbers while en-
126 gaged in the practice of barbering shall wear clean outer gar-
127 ments.

128 (w) No barber, apprentice or student barber shall engage
129 in barbering nor be employed in a barber shop or barber school

130 who is affected with any contagious or infectious diseases in
131 a communicable stage.

132 (x) No common drinking cup or glass shall be maintained,
133 kept or used.

134 (y) No barber school shall be operated in connection with
135 any other business.

136 (z) No barber shall smoke while serving a patron.

1 9. (a) No person shall demonstrate or attempt to demonstrate
2 any of those practices which constitute the practice of barbering,
3 unless he shall first apply for and obtain a permit to give or per-
4 form such demonstrations from the State Board of Barber Ex-
5 aminers.

6 (b) The board shall issue such permits upon application therefor
7 on forms prescribed and furnished by the board, to any person
8 who establishes to the satisfaction of the board that

9 (1) He is the holder of a valid license to practice barbering
10 in this State or any State of the United States and has been
11 such a holder for not less than 2 years immediately preceding
12 the date of the submission of his application to the board; and
13 that,

14 (2) He is sponsored by a recognized organization of barbers
15 of this State to give or perform such demonstrations.

16 (c) Every such application shall be sworn to by the applicant
17 shall have attached thereto a signed photograph of the applicant
18 and shall be accompanied by a fee of *~~[\$10.00]~~* *\$2.00*.

19 (d) Each permit to demonstrate issued pursuant to this section
20 shall be valid for a period not to exceed 2 consecutive days as shall
21 be specified therein and shall be valid only for the purpose of giving
22 or performing demonstrations. Demonstrations pursuant to any
23 such permit shall not be construed to be the teaching, practice or
24 business of barbering.

1 10. This act shall take effect July 1, 1969.

SENATE, No. 483

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1969

By Senators STOUT and SCIRO

Referred to Committee on Commerce, Industry and Professions

AN ACT concerning barbers, barber shops and barbering, amending and supplementing chapter 197 of the laws of 1938, and amending chapter 133 of the laws of 1946 and chapter 156 of the laws of 1963.

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11 *tions in cases of sickness, incapacitations or confinement. A record*
12 *of such services shall be kept by such proprietor, manager or*
13 *supervisor and shall be made available for inspection by the*
14 *members of the Board of Barber Examiners or its inspectors.*

15 No proprietor, manager or supervisor of any barber shop, barber
16 school, or barber college shall employ, engage or hire any person
17 who does not hold a certificate of registration as a registered
18 barber, registered teacher, or a certificate as a registered appren-
19 tice, issued pursuant to the provisions of this act by the State
20 Board of Barber Examiners.

21 No person shall serve or attempt to serve as an apprentice barber
22 unless he has secured a certificate of registration as a registered
23 apprentice issued by the State Board of Barber Examiners.

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

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25 times under the direct supervision and management of a registered
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27 All new applicants for certificates of registration as registered
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29 panied by a certificate from a practicing medical doctor of this
30 State dated not more than 10 days prior to the date of application,
31 attesting that the applicant is free from any contagious or in-
32 fectious disease.

1 2. Section 2 of P. L. 1938, chapter 197 (C. 45:4-28) is amended
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4 done upon the scalp, face or neck for cosmetic purposes, and not
5 for the treatment of disease or physical or mental ailments, and
6 when done for payment either directly or indirectly **[or without**
7 **payment for the public generally]**, constitutes the practice of
8 barbering. Shaving or trimming the beard; **[or]** *cutting or styling*
9 the hair; giving facial and scalp massage or treatment with oils,
10 creams, lotions or other preparations, either by hand or mechanical
11 appliances; singeing, shampooing or dyeing the hair or applying
12 hair tonics; applying cosmetic preparations, antiseptics, powders,
13 oils, clays or lotions to scalp, face or neck.

1 3. Section 4 of P. L. 1963, chapter 156 (C. 45:4-31.1) is amended
2 to read as follows:

3 4. A person who has practiced barbering in another State or
4 country, upon payment of the required fee, shall be granted per-
5 mission to take an examination for a certificate of registration to
6 practice barbering if he complies with each of the following:

7 (1) He is at least 18 years of age and of good moral character
8 and temperate habits;

9 (2) He has successfully completed 8 grades of grammar school
10 *and 2 grades of high school* or **[its equivalent]** *their equivalents*;
11 **and**

12 (3) He presents to the board:

13 (a) A valid license or certificate of registration as a prac-
14 ticing barber from another State or country which has sub-
15 stantially the same requirements for licensing or registering
16 barbers as required by this act, and

17 (b) Affidavits from at least 2 persons stating that from their
18 personal knowledge the applicant has practiced as a barber in
19 another State or country for a period of at least 2 years within
20 the 5-year period immediately prior to filing his application
21 in this State.

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 23 new application accompanied by the required fee and take another
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 10 tion to practice barbering is ~~[\$10.00]~~ \$15.00.

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12 The fee for a license to operate a barber school or college in
 13 accordance with the provisions of this act shall be \$250.00 per
 14 annum and such license to be renewed on or before July 1 of each
 15 year, the renewal fee thereof to be \$250.00.

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 7 proceedings of the board and shall remit all funds received to the
 8 Treasurer of the State of New Jersey.

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 10 with sureties approved by the Secretary of State, conditioned for
 11 the faithful performance of his duties, and shall take the oath pro-
 12 vided by law for such public office.

13 The secretary-treasurer of the board shall receive a compensa-
 14 tion of ~~[\$8,500.00]~~ *not less than \$11,000.00* per annum and devote
 15 his full time to the supervision of office and field workers and to
 16 the performance of the other duties of his office.

17 A majority of the board in meeting duly assembled may perform
 18 and exercise all the duties and powers developed upon the board.

19 The *chairman of the board shall receive a compensation of not*
 20 *less than \$10,000.00 per annum and each of the other members of*
 21 *the board shall receive a compensation of ~~[\$8,000.00]~~ not less than*
 22 *\$9,500.00 per annum and in addition thereto, all members of the*
 23 *board, including the secretary-treasurer, shall be reimbursed and*
 24 *receive their necessary traveling expenses, which shall include only*
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 28 *their respective offices as such members.*

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 6 except that in the case of an application, by a holder of the license
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11 lighted and ventilated, and all furniture, equipment, tools and
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13 all times be kept clean.

14 (2) It shall be unlawful to own, manage, operate or control any
15 barber shop, barber school or barber college except under the
16 following conditions:

17 (a) There shall be readily available at such shop, school or
18 college an adequate supply of hot and cold water and where a
19 public water supply under pressure and a sewerage system is
20 available, there shall be provided in such shop, school or col-
21 lege, a supply of hot and cold running water under pressure.
22 A barber shop owner shall provide at least one wash basin.
23 The wash basin shall be so situated that the same is readily
24 accessible to the operator of each barber chair.

25 (b) No towel shall be used on any patron which has been
26 used upon another patron unless such towel shall have been
27 laundered and thoroughly dried and no towel shall be used
28 on any patron which has been placed in a steamer or sterilizer.

29 The head rest of a barber chair shall be covered with a clean
30 covering such as a towel or paper before used on any patron.
31 Head rests shall not be placed on the floor at any time.

32 (d) There shall be placed about the neck of each patron
33 served a clean towel or other clean material to prevent the
34 hair cloth touching the skin of the patron.

35 (e) Any tool or part thereof which comes into contact with
36 the head, face or neck of the patron such as razors, scissors,
37 tweezers, combs and parts of vibrators shall be immersed in
38 boiling water or in alcohol of a strength of 70% or higher or
39 treated by some other equally effective method before being
40 used on each patron. All tools or instruments when not in use
41 shall be kept in a closed compartment and shall be disinfected
42 before being used on a patron.

43 (f) Any shaving mug and shaving brush shall be thoroughly
44 rinsed in hot water immediately before use in serving a patron.

45 (g) At least 2 receptacles for soiled towels and waste shall

46 be provided. Only used towels shall be deposited in one and
 47 wastes such as used shaving paper shall be deposited in the
 48 other. All towels used on each patron must be deposited in
 49 an enclosed towel receptacle. All laundered linen must be kept
 50 in a closed compartment at all times.

51 (h) No styptic pencil, finger bowl, sponge, lump alum or
 52 powder puff shall be used except of the individual applicator
 53 type.

54 (i) No room used as a barber shop or barber school or col-
 55 lege shall be used as a sleeping room, and shall not be located
 56 in any sleeping room, feed store, restaurant or lunch room
 57 unless separated therefrom by a substantial partition extend-
 58 ing from floor to ceiling.

59 (j) A sterilizer solution container for each chair adequate
 60 in size to immerse all instruments, tools and combs to be used
 61 on each patron. Such containers shall be kept filled at all times
 62 and shall be completely emptied and cleaned and refilled with
 63 prescribed solutions at least once each week.

64 (k) The use of cuspidors in a barber shop is prohibited.

65 (l) Each new barber shop shall have a minimum length of
 66 at least 10 feet for a one chair shop, 15 feet for a 2 chair shop,
 67 and 5 feet additional length for each additional chair and a
 68 minimum width of not less than 10 feet when waiting chairs
 69 are not opposite or in line with barber chairs. A minimum
 70 width of 12 feet when waiting chairs are opposite or in line
 71 with barber chairs.

72 (m) Every barber shop shall have the following fixtures,
 73 facilities and equipment:

74 One barber pole or barber sign,

75 Stand and mirror,

76 One hand mirror,

77 Barber chair (revolving type),

78 Sanitary headrest,

79 Closed container for clean towels,

80 A waste container for each chair,

81 Running hot and cold water,

82 A supply cabinet for stock of towels and supplies,

83 Seating accommodations for not less than 3 persons,

84 A clothes tree or its equivalent to accommodate the wraps
 85 of at least 3 customers,

86 One cabinet or closet for mops, brooms and cleaning equip-
 87 ment,

88 A sufficient number of tools and instruments for each chair,
89 Freshly laundered face towels and turkish towels for each
90 chair,

91 Two clean haircloths for each chair,

92 Neck strips and dispenser,

93 Hair tonic, face lotion, cold cream and massage cream,

94 Powder or styptic liquid,

95 Provision for proper display of all licenses,

96 Proper display of rules and regulations.

97 (n) Any person or persons proposing to open a barber shop
98 in a new location, or to change the location of an existing shop,
99 shall first make application to the State Board of Barber Ex-
100 aminers for an inspection and approval of the premises to be
101 licensed at least 5 days in advance of opening the same.

102 (o) Any barber shop maintaining toilet facilities for public
103 use shall maintain such facilities in a clean and sanitary con-
104 dition.

105 (p) All new barber shops *and barber shops for which a new*
106 *shop license is required pursuant to subsection (b) of section*
107 *5 (C. 45:4-50.5) of P. L. 1946, chapter 133,* shall be provided
108 with lavatory facilities including hot and cold running water
109 and a water flushed toilet. Office buildings and hotels are ex-
110 empted as to the provision of toilet only.

111 (q) The entrances to new barber shops located in private
112 residences must permit patrons to enter the shop directly from
113 the public thoroughfare without passing through any other
114 portion of the building.

115 (r) Each barber shop shall display a sign, clearly legible,
116 indicating that it is a barber shop.

117 (s) The sale in barber shops of items other than hair tonics,
118 lotions, creams, cutlery, toilet articles, *hair pieces, toupees,*
119 *wigs,* soft drinks, cigars and tobacco is hereby prohibited.

120 (t) Containers with covers must be provided for the storage
121 of hair trimmings and other waste materials.

122 (u) Each barber, apprentice or student barber shall thor-
123 oughly wash his hands with soap and water immediately before
124 serving a patron.

125 (v) All barbers, apprentices or student barbers while en-
126 gaged in the practice of barbering shall wear clean outer gar-
127 ments.

128 (w) No barber, apprentice or student barber shall engage
129 in barbering nor be employed in a barber shop or barber school

130 who is affected with any contagious or infectious diseases in
131 a communicable stage.

132 (x) No common drinking cup or glass shall be maintained,
133 kept or used.

134 (y) No barber school shall be operated in connection with
135 any other business.

136 (z) No barber shall smoke while serving a patron.

1 9. (a) No person shall demonstrate or attempt to demonstrate
2 any of those practices which constitute the practice of barbering,
3 unless he shall first apply for and obtain a permit to give or per-
4 form such demonstrations from the State Board of Barber Ex-
5 aminers.

6 (b) The board shall issue such permits upon application therefor
7 on forms prescribed and furnished by the board, to any person
8 who establishes to the satisfaction of the board that

9 (1) He is the holder of a valid license to practice barbering
10 in this State or any State of the United States and has been
11 such a holder for not less than 2 years immediately preceding
12 the date of the submission of his application to the board; and
13 that,

14 (2) He is sponsored by a recognized organization of barbers
15 of this State to give or perform such demonstrations.

16 (c) Every such application shall be sworn to by the applicant
17 shall have attached thereto a signed photograph of the applicant
18 and shall be accompanied by a fee of \$10.00.

19 (d) Each permit to demonstrate issued pursuant to this section
20 shall be valid for a period not to exceed 2 consecutive days as shall
21 be specified therein and shall be valid only for the purpose of giving
22 or performing demonstrations. Demonstrations pursuant to any
23 such permit shall not be construed to be the teaching, practice or
24 business of barbering.

1 10. This act shall take effect July 1, 1969.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 483

STATE OF NEW JERSEY

ADOPTED MAY 1, 1969

Amend page 3, section 5, line 14, omit "\$11,000.00", insert "\$8,500.00".

Amend page 4, section 5, lines 19 and 20, omit "chairman of the board shall receive a compensation of not less than \$10,000.00 per annum and each of the".

Amend page 4, section 5, line 22, omit "\$9,500.00", insert "\$8,000.00".

Amend page 8, section 9, line 18, omit "\$10.00", insert "\$2.00".

STATEMENT OF THE HONORABLE RICHARD J. HUGHES

UPON THE SIGNING OF

SENATE BILL NO. 483

Senate Bill No. 483 consists of various amendments to those provisions of law regulating barbers, barber shops and barbering. These amendments will, in essence, augment the regulatory authority of the State Board of Barber Examiners, subject certain new barbering practices to the supervision of the Board, and increase the fees stipulated by law for the examination, licensure and re-licensure of barbers. The provisions of the bill are salutary.

However, I am troubled by the provisions of Section 3 of Senate Bill No. 483. Section 3 of the bill would amend Section 4 of Chapter 156 of the Laws of 1963, which details the statutory pre-conditions to be met by barbers licensed in another State or country for admission to examination for registration to practice barbering. At present, a barber licensed by another State who desires to take an examination for licensure in this State need only have completed 8 grades of grammar school. However, such a person will be required by this bill to have completed 8 grades of grammar school and 2 grades of high school.

The increased educational requirements sought to be imposed on out-of-state barbers by Senate Bill No. 483, however, would be higher than, and at variance with, the educational requirements expected of New Jersey residents. Present law requires only that New Jersey residents have completed 8 grades of grammar school or its equivalent. I see little reason why New Jersey residents must have completed only 8 grades of grammar school, and out-of-state barbers should be required to have completed an additional 2 years' schooling. Such a distinction in treatment raises serious questions under the "equal protection of the law" provisions of both the United States and New Jersey Constitutions. See Shapiro v. Thompson, 394 U.S. 618 (1969).

It is therefore my hope that the Professional and Occupational Licensing Study Commission created by SJR-17 will review the matter of differential requirements in training and education in order that we may avoid any element of unconstitutionality in our laws and insure full employment opportunities to any person coming to our State. In particular, I would hope that the Commission would recommend any remedial legislation necessary to correct the only possible defect of this bill.

The defect in question, however, is severable from the body of the bill. A finding that it is unconstitutional would not prejudice the operation of the other provisions of the act. These other provisions extending additional protection to the public outweigh any possible harm resulting from problems arising from the different educational requirements for barbers entering the State from other jurisdictions. I am therefore signing Senate Bill No. 483 in the reasonable expectation that any defects will be subsequently corrected and that it is, on balance, a needed piece of legislation.

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New Jersey Professional and
Occupational Licensing Study Commission
Regulating Professions and Occupations
Report of the NJ Professional & Occupational Licensing Study
Commission
11/4/71

case an assurance of ability is indicated. However, in some cases, as will be noted, the threat to the public is not as pronounced as in the unregulated practice of those professions and occupations discussed in the previous section.

Personnel of designated state agencies would appear to have the capability of dealing with subject matter questions that arise in the regulation of these professions and occupations. With a few exceptions—practicing psychologists and bio-analytical laboratory personnel—the fields do not demand high levels of education or technical training. Lastly, in a number of cases regulation by state agencies is clearly desirable because a direct relationship exists between the regulated groups and the responsibilities of such agencies.

The Commission views the regulation of these professions and occupations as licensing. It makes little difference whether the authorization to practice is called a certificate, registration or license—such authorizations from the state constitute an exercise of the licensing function.

Registered Municipal Accountants. Presently regulated by the New Jersey State Board of Certified Public Accountants, there are 348 licensees. It is recommended that regulation be transferred to the Local Finance Board, Department of Community Affairs. This Board is responsible for approving all municipal budgets and exercises general supervision over municipal financial operations. It would be appropriate to place the regulatory function in the agency designated to protect the public interest in the field of municipal finance.

Public School Accountants. The New Jersey State Board of Certified Public Accountants now regulates 524 licensees. The Commission recommends regulation by the Department of Education. Responsible for approving all school budgets, the Department is a logical agency for certifying school accountants.

Barbers. There are 10,154 barbers licensed by the State Board of Barber Examiners; all four members of the Board are barbers. Regulation by the Department of Health is recommended. Of importance to the public is protection in the areas noted by Mr. Adinolfi, president of the Journeymen Barbers Union:

Well, a barber does work on a human being, and he has to have skilled hands to handle a razor which is a deadly weapon if it is not used right; scissors also. When you classify a barber in the

class of a butcher or something like that, if he makes a mistake on a piece of meat, he can get another one but you can't do it on a human being.

. . . But, you see we're also trained to recognize certain infectious diseases. . . .*

It is suggested that barbers be regulated to assure the public of ability in the areas suggested above. This should also include sanitary inspection of premises to be carried out in cooperation with, or in addition to, local health departments.

The Commission believes the skill of barbers, in terms of their ability to give haircuts, is a matter the public can judge for itself without an assurance of competence from the state; regulation is needed only in those areas of practice where health concerns arise. The implications of this would be to reduce the present entry requirements for licensure, which include an 18-month apprenticeship and written, oral and practical examinations.** The Commission believes these requirements, particularly the length of apprenticeship, are too rigid if licensure is designed to protect the public in the areas of health discussed above.

Barber Teachers and Barber Schools. Both barber teachers and barber schools are licensed by the State Board of Barber Examiners. The Board, attached to the Department of Health, presently regulates no barber teachers or schools. It is recommended that regulation be transferred to the Department of Education. The Department now certifies public school teachers, and vocational teachers of agricultural occupations, skilled trades and technical occupations, and product, personal and service occupations. The Commission sees no reason why the Department, with its experience in certification procedures, should not also certify barber teachers and barber schools (public and private).

Beauty Culture Teachers and Beauty Culture Schools. The Board of Beauty Culture Control regulates approximately 800 licensed teachers and 44 schools. The six-member Board includes four engaged in beauty culture, one operator of a beauty culture school, and one public member. Regulation is recommended to be transferred to the Department of Education for the same reason cited in the case of barber teachers and schools.

* *Public Hearing*, Vol. I (June 10, 1970), pp. 62A-63A.

** Chapter IV deals specifically with entry requirements.

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Only a few states license marriage counselors.* A chief problem in this area is that so many people practice marriage counseling—friends, relatives, social workers, clergymen, bartenders, attorneys, health and medical care personnel. It is likely that far more marriage counseling is done by others than by marriage counselors. And to license everyone who practices marriage counseling would be patently unrealistic. An argument can be made that protecting the health and welfare of the public is an issue. By the same reasoning, however, it would then be necessary to regulate employment and career-guidance counselors, newspaper columnists who give family advice, case workers who advise welfare recipients, and police officers who deal with family quarrels. The Commission recommends that marriage counselors not be regulated. The many kinds of counseling in our society present too broad and ill-defined a field to be subject to state regulation.

The question of regulating those who deal with human relationships is admittedly a difficult one. But somewhere a line must be drawn. The Commission earlier recommended, for example, that practicing psychologists be regulated because they perform psychotherapy and deal with personality disturbances and maladjustments. These services appear to the Commission to be of a different order than counseling. If marriage counselors perform such services, it is suggested they seek licensure as practicing psychologists.

Apprentice Barbers. Approximately 400 apprentice barbers are regulated by the State Board of Barber Examiners. The Commission sees no compelling reason to license separately apprentice barbers.

Mortuary Science Trainees. Fifty-one trainees are presently regulated by the State Board of Mortuary Science. Separate licensure does not appear necessary.

* William M. Bleakley, *op. cit.*, p. 4.

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Public hearing before Professional and
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held 6/10/70

ASSEMBLYMAN HAELIG: Any questions?

All right, thank you very much.

DR. KAPLAN: Thank you for the privilege.

ASSEMBLYMAN HAELIG: Mr. Joseph Sori, Association of Master Barbers of New Jersey.

J O S E P H S O R I: Mr. Chairman, with your kind permission, this is Mr. Adinolfi, President of the Journeymen Barbers Union, AFL-CIO. We had a discussion back there and for the sake of brevity, our thoughts concur on the questions here so I will make the presentation for the both of us and, if there are any questions we will both answer.

ASSEMBLYMAN HAELIG: Thank you very much, sir. We appreciate that.

MR. SORI: On your first question as to how members should be appointed to the licensing boards. We feel that the barber industry has a good and unique method of appointing members to its board. Of the four-member Board of Barber Examiners, one is proposed by our Association at convention time, another is proposed by Mr. Adinolfi's Association at convention time, and two are appointed by the Governor. Of course, they must be barbers.

The Board carries out the functions of running examinations, inspections, etc., and they regulate the barber industry for the protection of the public.

As far as the role of public members on the Board, I think there is an avenue that could be explored, that is open to public members on the Board and that is that we do have four inspectors who come under Civil Service and certainly I think that any public member who would educate himself to some of the requirements could take the Civil Service test and become an inspector in the barber industry.

As far as actually serving on the board, I don't know what areas in which a public member could. Maybe there is something on a part-time basis or something in this area where he could act as a liaison or in some capacity help the Board. But certainly, when it comes

to examinations, as you've heard in the past, it does require the skill of a licensed barber to conduct an examination.

As to who should or should not be licensed. We have no real restriction as to who should or should not be licensed. We welcome anyone in the industry as long as they are 16 1/2 years of age and found to be free of any contagious or infectious disease, and so forth, as far as that is concerned, so that the public, therefore, is protected from anyone who would tend to transmit an infectious disease.

Whether entry requirements protect the public interest. I think that requirements, as far as taking the examination and the test to become a licensed barber, whether these requirements protect the public, I think they certainly do because the examination, of course, would encompass sterilization and things that would be for the public's protection.

How effectively the licensees are regulated. Barber shops are inspected by the four inspectors and the Commissioners when they are not in their office conducting hearings or examinations are also in the field examining barber shops for sanitary regulations and things of this nature. So, I feel, all in all, throughout the entire state we have a pretty good condition as far as barber shops are concerned. I think that most of them are clean and sanitary, operated in a proper manner, which is certainly in the interest of the public.

So, I feel, at the present time, gentlemen, that we are as modern and up-to-date as we feel we can be under the present setup that we have.

ASSEMBLYMAN HAELIG: Any questions?

MR. CARBALLO: First, you could clear up one thing briefly for me. Is there a distinction between master barbers and journeymen barbers?

MR. SORI: Yes. The master barber, and I am

President of the Master Barbers, is comprised of mainly shop owners, which I am, a shop owner. And the Journeymen Barbers is comprised of journeymen barbers.

MR. CARBALLO: Who are the employees of shop owners?

MR. SIRO: Yes.

MR. CARBALLO: Why do you feel that barbers should be licensed or regulated at all? For instance, restaurant owners and cooks in restaurants aren't registered although, of course, they are subject to health and sanitary inspections. And I would imagine that there are equally as large health hazards in the preparation of a meal as there are, for instance, from physical contact while somebody is cutting your hair, or something like that.

I suppose what I'm saying, in other words, is how is the public interest protected by licensing barbers more than it would be protected by simply having, just for argument sake, the Board of Health conduct an occasional inspection of sanitary conditions on the premises?

MR. ADINOLFI: Well, a barber does work on a human being, and he has to have skilled hands to handle a razor which is a deadly weapon if it is not used right; scissors, also. When you classify a barber in the class of a butcher or something like that, if he makes a mistake on a piece of meat, he can get another one but you can't do it on a human being. There is a lot of skill attached to it.

MR. CARBALLO: On the other hand, if you have eaten in some of the restaurants that I've eaten in --

What you're basically saying, though, is that there is in effect a certain skill and that you test for this skill, the manipulation of scissors, the manipulation of the razor, and all the rest. But why shouldn't that just simply be left to the ordinary free market process, the same way as, choosing again, restaurants are left to the individual.

MR. SORI: Well, if I could answer that. I was thinking in another term. But, you see we're also

trained to recognize certain infectious diseases, and so forth. We're not permitted, of course, to treat this. By the same token, if someone comes in and he has an infectious disease in the area where we are working, naturally we're going to take precaution to see that it does not spread any further than the one individual we're working on.

Now, if we were not licensed or if we were not trained; if there was none of this, as you say, why couldn't a fellow just set up a shop in his back yard and go ahead and work, untrained, if he has a little bit of knowledge of cutting hair. So he takes the neighborhood children, --say, and one has a case of ringworm. He's not trained to recognize this and it winds up where you have a whole neighborhood of children with ringworm.

MR. CARBALLO: Of course, you might license premises, though, the same way you license premises of restaurants. I don't believe that a back yard, for instance, might fall within that. I obviously don't expect you to give an immediate answer to what is really ~~the most fundamental~~ question that could be asked about licensing.

MR. SORI: Well, by the same token as premises, the barber premises are licensed and so are the barbers. And, again, whether it be on a licensed premise or whether it be in the back yard, the barber must be trained to recognize things of this nature.

MR. CARBALLO: Are there, to your knowledge, cases in which barbers have reported cases of infectious diseases to health authorities?

MR. SORI: Well, if they haven't reported it to health authorities, they certainly have told the individuals themselves that they should see a doctor, or send a note home, if it was a child, to their parents that they should have it looked into, yes.

ASSEMBLYMAN HAELIG: O.K. I don't think there are

any further questions. Thank you very much, gentlemen.

MR. SORI: Thank you for the opportunity.

MR. CARBALLO: Incidentally, I did want to make one point. Of all of the boards that were asked whether they gave exams in other languages, the Barber Board is one of the few and I would like to compliment you on that. I think it is quite a step forward when we're prepared to provide that facility for some citizens or people who will be citizens who right now don't have the ability to handle an examination in English, and I would like to compliment you.

MR. SORI: Thank you.

ASSEMBLYMAN HAEELIG: Mr. Lehman of the Automobile Dealers Association, please.

A. F. L E H M A N: Chairman Haelig and members of this Commission. My name is Al Lehman. I am Secretary of the New Jersey Automobile Dealers Association which represents approximately 800 new car dealers in this State, representing all makes of manufacture.

Again, without taking too much time, I would respectfully thank you for the privilege of talking here today. It has been a long day but this subject is very important to our industry.

In preparing this statement, we read very carefully the statement by former Governor Hughes that was made last year when he recommended a cabinet level review, as well as the sponsor's statement of the legislation that created this Commission. Both documents express deep concern because there were no sure guidelines being followed and as a result, legislation was continually being introduced, sponsored by various special interest groups, or the State, attempting to create additional regulatory agencies, and so forth, in numerous fields.