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"New Jersey's natural hair braiders get relief from expensive, onerous license requirements," northjersey.com, October 5, 2018

"New Jersey's natural hair braiders get some relief from onerous license requirements," northjersey.com, October 5, 2018

"NJ PROVIDES RELIEF FOR NATURAL HAIR BRAIDERS - NEW LAW REDUCES AMOUNT OF TRAINING FOR LICENSE," The Record, October 6, 2018

RH/CL

CHAPTER 126
(CORRECTED COPY)

AN ACT concerning licensure requirements for certain cosmetology and hairstyling practices, establishing a limited license for hair braiding, and amending and supplementing P.L.1984, c.205.

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

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

C.45:5B-3 Definitions.

3. As used in this act:

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

- b. "Barbering" means any one or combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for the general public, primarily for male customers:

- (1) shaving or trimming of the beard, mustache or other facial hair;
- (2) shampooing, cutting, arranging, relaxing or styling of the hair;
- (3) singeing, dyeing, tinting, coloring, bleaching of the hair;
- (4) applying cosmetic preparations, antiseptics, tonics, lotions or creams to the hair, scalp, face or neck;
- (5) massaging, cleansing or stimulating the face, neck or scalp with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or
- (6) cutting, fitting, coloring or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person.

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

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

- (1) shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair;
- (2) singeing, dyeing, tinting, coloring, bleaching of the hair;
- (3) applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the hair, scalp, face, neck or upper part of the body;
- (4) massaging, cleansing, or stimulating the face, scalp, neck or upper part of the body, with or without cosmetic preparations either by hand, mechanical or electrical appliances;
- (5) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis;
- (6) manicuring the fingernails, nail-sculpturing or pedicuring the toenails; or
- (7) cutting, fitting, coloring or styling of hairpieces or wigs to the extent that the services are performed while the wig is being worn by a person.

- e. "Board" means the New Jersey State Board of Cosmetology and Hairstyling.

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

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

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

i. "Cosmetologist-hairstylist" means any person who is licensed to engage in the practices encompassed in cosmetology and hairstyling.

j. "Cosmetology and hairstyling" means any one or combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for the general public, for male or female customers:

- (1) shaving or trimming of the beard, mustache or other facial hair;
- (2) shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair;
- (3) singeing, dyeing, tinting, coloring, bleaching of the hair;
- (4) applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the hair, scalp, face or neck;
- (5) massaging, cleansing or stimulating the face, neck or upper part of the body, with or without cosmetic preparations, either by hand, mechanical or electrical appliances;
- (6) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis;
- (7) manicuring the fingernails, nail-sculpturing or pedicuring the toenails;
- (8) cutting, fitting, coloring or styling of hairpieces or wigs to the extent that the services are being performed while the wig is being worn by a person.
- (9) (Deleted by amendment, P.L.2018, c.126)

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

l. "Manicuring" means any one or combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for the general public, for male or female customers:

- (1) manicuring of the fingernails;
- (2) pedicuring of the toenails;
- (3) nail sculpturing; or
- (4) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis.

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

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

o. "Registered student" means a person who is engaged in learning and acquiring a knowledge of any of the practices included in the definition of cosmetology and hairstyling, including beauty culture, barbering, manicuring and skin care specialty, under the direction and supervision of a person duly authorized under this act to teach cosmetology and hairstyling and who is enrolled in a program of instruction at a licensed school of

cosmetology and hairstyling, completion of which may render him eligible for licensure pursuant to this act but does not mean a person who is enrolled in a public school vocational program in cosmetology and hairstyling approved by the State Board of Education or in any other cosmetology and hairstyling program approved by the State Board of Education.

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

q. "School" means an establishment or place licensed by the board to be maintained for the purpose of teaching cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty to registered students.

r. "Senior student" means a registered student who has successfully completed one-half of the total hours of instruction required for licensure as a cosmetologist-hairstylist, beautician, barber, manicurist or skin care specialist in a licensed school of cosmetology and hairstyling, as determined by the board pursuant to regulation, or in any public school vocational training program approved by the State Board of Education.

s. "Student permit" means a permit issued to a senior student which enables him to practice cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty, as appropriate, based on the course of instruction in which the student is enrolled, in a school clinic or shop while a registered student at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational training program.

t. "Shop" means any fixed establishment or place where one or more persons engage in one or more of the practices included in the definition of cosmetology and hairstyling, barbering, beauty culture, manicuring, hair braiding or skin care specialty.

u. "Teacher" means any person who is licensed by the board to give instruction or training in the theory or practice of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty.

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

w. (Deleted by amendment, P.L.2009, c.162)

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

y. "Skin care specialty" means any one or combination of the following practices when performed on the male or female human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for the general public, primarily for male customers:

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

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

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

z. (Deleted by amendment, P.L.2009, c.162)

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

bb. "Hair braiding" means the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices. "Hair braiding" may include the use of: natural or synthetic hair extensions or fibers, decorative beads, and other hair accessories; minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair; making of wigs from natural hair, natural or synthetic

fibers, and hair extensions; and the use of topical agents in conjunction with performing hair braiding, including conditioners, gels, moisturizers, oils, pomades, and shampoos.

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

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

C.45:5B-4 New Jersey State Board of Cosmetology and Hairstyling.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the New Jersey State Board of Cosmetology and Hairstyling. The board shall consist of 13 members who are residents of the State, three of whom shall be public members, two appointed pursuant to subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one additional public member, and one of whom shall be a State executive department member appointed pursuant to subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2). Of the remaining nine members, six shall hold practicing licenses issued by the board and shall have been engaged in the practice of beauty culture, barbering or cosmetology and hairstyling for at least five years prior to their appointments, but shall not have been engaged in the conduct of or teaching at a licensed school of beauty culture or cosmetology and hairstyling, and two shall own or operate a hair braiding shop in this State. The remaining one member appointed by the board created by this act shall hold a teacher's license issued by the board and shall have been engaged in the teaching of beauty culture or cosmetology and hairstyling or shall have been involved in the conduct of a licensed school of beauty culture or school of cosmetology and hairstyling in this State for at least five years prior to the appointment.

3. Section 6 of P.L.1984, c.205 (C.45:5B-6) is amended to read as follows:

C.45:5B-6 Duties of board.

6. The board shall:
- a. Review the qualifications of applicants for licensure;
 - b. Devise examinations for licensure which include practical and written portions;
 - c. Administer and grade examinations or employ competent examiners to administer and grade examinations but in no case shall the board permit a person having any affiliation with a licensed school to examine or grade an applicant who has been a registered student at the school with which the examiner has an affiliation;
 - d. Issue and renew licenses of any cosmetologist-hairstylist, beautician, barber, manicurist, skin care specialist, teacher, shop, or school;
 - e. Issue student permits to senior students, which permits shall remain valid during the period that the student is registered at a licensed school or enrolled in an approved vocational training program;
 - f. Issue temporary permits to applicants for licensure who are awaiting scheduling for or results from an examination;
 - g. Issue registration cards to registered students;
 - h. Suspend, revoke or refuse to renew a license and exercise investigative powers pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
 - i. Appoint and employ an executive director and an assistant executive director subject to the approval of the Attorney General, and other employees as necessary to carry out the provisions of this act;

j. Determine the duties that the executive director and the assistant executive director shall perform;

k. File with the Attorney General a petition to remove any executive director or assistant executive director for cause, which petition shall be acted upon by the Attorney General in a manner which he deems appropriate;

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

m. Maintain records of all practicing licensees and all licensed teachers. Records shall include the latest work address of each licensee, as provided on applications for licensure and renewals thereof;

n. Maintain a record of all registered students and all persons holding student permits;

o. Maintain a record of all shops licensed by the board to offer one or more of the services encompassed within the definition of cosmetology and hairstyling;

p. Maintain a record of all schools licensed by the board to offer courses of instruction or training in the practice and theory of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty to registered students, which courses shall be approved by the board for the awarding of credit for licensure;

q. Make available for public inspection all records required to be kept pursuant to this section;

r. Promulgate regulations governing the practice and teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty as are necessary to implement this act and to insure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner which is sanitary and safe and in a manner which is not intended to deceive or mislead the general public;

s. Promulgate regulations governing the conduct of shops and schools as are necessary to implement this act, including, but not limited to, regulations that ensure that all schools offer instruction on cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty by instructors who are knowledgeable in the practice and teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty, as the case may be, and to assure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner that is sanitary and safe, and in a manner not intended to deceive or mislead the general public, students of the schools, or organizations awarding financial aid to the students and to clarify or define any term used in the act and to define any activity included in hairstyling and cosmetology, beauty culture, barbering, manicuring, hair braiding and skin care specialty;

t. Review curricula offered by licensed schools in courses of instruction offered to registered students and approve those curricula which offer comprehensive training in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty;

u. Direct the conduct of inspections or investigations of all licensed shops and schools;

v. Direct the conduct of inspections or investigations of any premises from which the board may have reason to believe that cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty services are being offered, or that courses of instruction are being offered to registered students; and

w. Establish criteria and standards for education and experience required for licensure.

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

C.45:5B-7 Services requiring license; exceptions.

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

- a. Persons authorized by the laws of this State to practice medicine and surgery, dentistry, chiropractic and acupuncture;
- b. Registered nurses, licensed practical nurses, nurses' aides, physical therapists, physical therapy assistants, and other licensed health care professionals;
- c. Personnel employed by, and providing services in facilities regulated by, the United States Department of Veterans Affairs or the United States Department of Defense;
- d. Persons employed to render cosmetology and hairstyling services in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production industries, modeling or photography;
- e. Persons employed to demonstrate, recommend or administer cosmetic preparations, lotions, creams, makeup or perfume intended for home use for the purposes of effecting retail sales if those persons neither accept payment from the consumer for that demonstration nor make the demonstration contingent upon the purchase of any product or service; or
- f. Senior students holding a student permit; provided that those services are rendered in a school clinic or licensed shop during hours that the student does not have scheduled classes.

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

C.45:5B-8 Premises exceptions.

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

- a. Upon patients in hospitals, nursing homes, and other licensed health care facilities;
- b. Upon inmates and residents of institutions of the Department of Corrections or the Department of Human Services;
- c. Upon an invalid or handicapped person in the person's place of residence, if the practicing licensee is sponsored by a licensed shop and a record of those services is maintained by that shop;
- d. Upon performers or models, prior to, in anticipation of or during a performance; or
- e. Upon potential consumers of cosmetic preparations, lotions, creams, makeup or perfume which are intended for home use if the application of the product is made for the purposes of effecting a retail sale and the person neither accepts payment from the consumer for the service, nor makes the provision of the service contingent upon the purchase of any product or service.

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

6. Section 9 of P.L.1984, c.205 (C.45:5B-9) is amended to read as follows:

C.45:5B-9 Shop licenses.

9. No person, firm, corporation, partnership or other legal entity shall operate, maintain or use premises for the offering of or rendering of any one or more of the services encompassed in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty without first having secured a shop license from the board.

7. Section 10 of P.L.1984, c.205 (C.45:5B-10) is amended to read as follows:

C.45:5B-10 Licenses for schools required.

10. No person, firm, corporation, partnership or other legal entity shall operate, maintain or use premises at which courses of instruction in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty services are offered to registered students without first having secured a school license from the board. Nothing herein shall prohibit the offering of educational programs and courses in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty to practicing licensees or teachers at unlicensed premises. However, no course offered at an unlicensed premises shall be recognized by the board in satisfaction of licensure eligibility requirements. All educational programs and courses offered at unlicensed premises shall be conducted by practicing licensees.

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

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

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

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

b. (1) If the shop performs only beauty culture services, hold a cosmetologist-hairstylist or beauty culture license and have three years of experience as a cosmetologist-hairstylist or beautician; or

(2) If the shop performs only barbering services, hold a cosmetologist-hairstylist or barbering license and have three years of experience as a cosmetologist-hairstylist or barber; or

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

d. If a shop performs only skin care specialty services, hold a cosmetologist-hairstylist, beautician or skin care specialty license and have three years of experience as a cosmetologist-hairstylist, beautician or skin care specialist; or

e. If a shop performs only hair braiding services, hold a cosmetologist-hairstylist, beautician or hair braiding license and have three years of experience as a cosmetologist-hairstylist, beautician or hair braiding specialist.

A shop which satisfies the requirements of this section by employing a practicing licensee who holds a beautician, barber, manicuring, hair braiding or skin care specialty license is precluded from employing senior students other than those being trained in the practice for which the practicing licensee holds a license unless the shop also employs a practicing

licensee who holds a license as a cosmetologist-hairstylist and has at least three years of experience as a cosmetologist-hairstylist.

9. Section 12 of P.L.1984, c.205 (C.45:5B-12) is amended to read as follows:

C.45:5B-12 Unlawful practices; persons.

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

a. Advertise in a manner which would tend to mislead consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

b. Advertise, practice or attempt to practice under another's name or trade name;

c. Continue to practice while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering that aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

e. Aid, abet, or knowingly permit a person not licensed pursuant to this act to render any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

f. Fail to display a practicing license at any place at which the licensee renders services; or

g. Engage in one or more of the practices included in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty, in premises not licensed as a shop or a school, except as provided in section 8 of this act.

10. Section 14 of P.L.1995, c.82 (C.45:5B-12.1) is amended to read as follows:

C.45:5B-12.1 License under act required for certain practices.

14. a. No person shall represent himself or hold himself out as engaging in the practices encompassed in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty, unless licensed under this act.

b. No person shall use the title or designation "cosmetologist-hairstylist," "beautician," "barber," "manicurist," "hair braider or hair braiding specialist" or "skin care specialist" or any other title or designation suggesting that the person is a cosmetologist-hairstylist, beautician, barber, manicurist, hair braider or skin care specialist unless licensed under this act, and unless the title or designation corresponds to the license held by the person pursuant to this act.

11. Section 13 of P.L.1984, c.205 (C.45:5B-13) is amended to read as follows:

C.45:5B-13 Unlawful practices; shops, owners.

13. In addition to any practice declared unlawful pursuant to P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a licensed shop or shop owner to engage in the following practices:

- a. Advertise in a manner which would tend to mislead consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;
- b. Advertise, operate a shop or attempt to operate a shop under another's name or trademark;
- c. Knowingly permit any practicing licensee to render services when that licensee has an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;
- d. Aid, abet or permit a person not licensed pursuant to this act to render any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;
- e. Maintain a shop in a manner which is unsafe or unsanitary;
- f. Fail to display, in a conspicuous place, its shop license; or
- g. Fail to employ one person with the required experience as provided in section 11 of this act.

12. Section 14 of P.L.1984, c.205 (C.45:5B-14) is amended to read as follows:

C.45:5B-14 Unlawful practices; schools, owners.

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

- a. Advertise in a manner which would tend to mislead potential students or consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services offered within the school's clinic;
- b. Advertise, operate a school or attempt to open a school under another's name or trade name;
- c. Permit students to practice upon each other or members of the public while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of teaching or rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;
- d. Permit teachers to demonstrate cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services on students while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of teaching or rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;
- e. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;
- f. Aid, abet, or permit a person not licensed pursuant to this act to teach any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty to registered students;
- g. Maintain any premises from which the practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty is offered, or the teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty is offered in a manner which is unsanitary or unsafe;

- h. Fail to display, in a conspicuous place, its school license;
- i. Fail to maintain accurate records of attendance by any registered student for at least five years after the student's enrollment ends, which records shall be subject to inspection by the board;
- j. Fail to notify the board on forms it may prescribe of any student who obtains a leave of absence, fails to attend classes for a period of more than 90 consecutive days or withdraws from school; or
- k. Fail to maintain the required bond during all periods of operation.

13. Section 15 of P.L.1984, c.205 (C.45:5B-15) is amended to read as follows:

C.45:5B-15 Unlawful practices; teachers.

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

- a. Advertise in a manner which would tend to mislead potential students or consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services offered in the school clinic;
- b. Advertise, teach or attempt to open a school under another person's name;
- c. Knowingly permit students to practice upon each other or members of the public while having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;
- d. Demonstrate cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services on students while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;
- e. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;
- f. Aid, abet or permit a person not licensed pursuant to this act to teach any of the services included in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty to registered students;
- g. Teach cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty in a manner which is unsatisfactory or unsafe;
- h. Fail to display in a conspicuous place a valid teacher's license at the school; or
- i. Fail to accurately and truthfully record attendance by registered students.

14. Section 16 of P.L.1984, c.205 (C.45:5B-16) is amended to read as follows:

C.45:5B-16 Application for licensure.

16. Each applicant for initial licensure as a practicing licensee shall submit to the board satisfactory evidence, on forms as the board requires, that he:

- a. Is of good moral character;
- b. Is at least 17 years of age;
- c. Does not have any communicable, contagious or infectious disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services; and

d. Has successfully completed high school or has successfully passed an examination developed by the General Education Development (GED) Testing Service.

C.45:5B-22.2 Initial licensure as a hair braiding specialist.

15. a. An applicant seeking initial licensure as a hair braiding specialist who demonstrates to the satisfaction of the board that the applicant has at least three years of prior experience as a hair braider shall:

(1) Demonstrate successful completion of a course of instruction in hair braiding, the curriculum for which shall be established by the board pursuant to regulation but which shall not exceed 40 hours of instruction and shall include training in sanitization, decontamination, and infection control at:

(i) a school of cosmetology and hairstyling licensed in this State; or

(ii) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, beauty culture, hair braiding, or other cosmetology and hairstyling, beauty culture or hair braiding program approved by the State Board of Education; or

(iii) a school of cosmetology and hairstyling, beauty culture or hair braiding licensed in another state or foreign country which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State; and

(2) Take and pass an examination conducted by the board.

b. An applicant seeking initial licensure as a hair braiding specialist who cannot demonstrate to the satisfaction of the board that the applicant has at least three years of prior experience as a hair braider shall:

(1) Demonstrate successful completion of a course of instruction in hair braiding, the curriculum for which shall be established by the board pursuant to regulation but which shall not exceed 50 hours of instruction and shall include training in sanitization, decontamination and infection control, and technique, at:

(i) a school of cosmetology and hairstyling licensed in this State; or

(ii) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, beauty culture, hair braiding, or other cosmetology and hairstyling, beauty culture or hair braiding program approved by the State Board of Education; or

(iii) a school of cosmetology and hairstyling, beauty culture or hair braiding licensed in another state or foreign country which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State; and

(2) Take and pass an examination conducted by the board.

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

C.45:5B-25 Eligibility to obtain student permit.

25. To be eligible to obtain a student permit, an applicant shall submit to the board satisfactory evidence that he:

a. Is a senior student in a course of instruction in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care, as appropriate; and

b. Does not have a communicable, contagious or infectious disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services.

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

17. Section 28 of P.L.1984, c.205 (C.45:5B-28) is amended to read as follows:

C.45:5B-28 Licensees from another state, country; eligibility for licensure.

28. Applicants possessing a license to render services in another state or a foreign country, which services are included within the definition of cosmetology and hairstyling as set forth in this act, may be issued a license as a cosmetologist-hairstylist, beautician, barber, manicurist, hair braiding or skin care specialist, as appropriate, without examination, provided, however, that the state or country has established eligibility criteria substantially similar to those established in this State, and the applicant has paid a fee as required by the board and submitted certification from the licensing jurisdiction. A person possessing a license to practice cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services issued by a licensing authority from another state or a foreign country which has established eligibility criteria with respect to cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty training which are, in the opinion of the board, less stringent than those required in this State may, nevertheless, be eligible for licensure without examination, if he can present satisfactory evidence of prior practical experience of three years working in a licensed shop in the practice in which the applicant is seeking licensure.

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

C.45:5B-31 Application for license to open shop.

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

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

(2) Permit an inspection of the premises;

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

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

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

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

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

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

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

19. Section 35 of P.L.1984, c.205 (C.45:5B-35) is amended to read as follows:

C.45:5B-35 Renewal of shop, school license.

35. Shop and school licenses shall be renewed within 90 days following expiration. All shop licenses and school licenses issued shall be renewable on a biennial basis on a date determined by the board. Applicants for renewal of school licenses shall provide satisfactory evidence that a bond required pursuant to section 32 of P.L.1984, c.205 (C.45:5B-32) has been secured and shall remain valid through the next licensing period. No shop or school license may be restored after 90 days and an application for initial licensure shall be submitted.

20. Section 38 of P.L.1984, c.205 (C.45:5B-38) is amended to read as follows:

C.45:5B-38 Construction of act relative to right of State Board of Education to establish, operate, approve courses.

38. Nothing in this act shall be construed to limit in any way the right of the State Board of Education to establish, operate and approve courses in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty, to employ teachers, to determine the standards for teaching and the qualifications of teachers, to determine courses of study, to determine the standards for the admission, progress, certification and graduation of students, to determine any and all standards and rules as to location, supplies, equipment and anything whatsoever pertaining to the establishment, operation and maintenance of a course in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty operated by a public school. Nothing in this act shall be interpreted to give any person or agency other than the State Board of Education the right to prescribe any requirement of any kind whatsoever for courses

of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty in public schools or for teachers or pupils in school courses.

C.45:5B-39 Legal justification to inspect certain areas.

21. If an official, authorized by the board, inspects a hair braiding shop that is located within an owner's residence or located within an office space or facility shared with other business entities, the official conducting the inspection shall be required to have an independent and sufficient legal justification in order to inspect areas not used for the purposes of the hair braiding shop.

C.45:5B-40 Construction of act relative to sale of merchandise, provision of certain services.

22. a. Nothing in P.L.2018, c.126 (C.45:5B-22.2 et al.) shall be construed to preclude the lawful sale of merchandise or the provision of services related to the beautification of the body or the enhancement of personal appearance in a hair braiding establishment, except that no services shall be rendered that are encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, and skin care specialty.

b. To the extent that the committee determines that certain ancillary beautification services provided in a hair braiding establishment pose a health hazard to the public, it may adopt regulations prohibiting the services or placing restrictions on the manner in which the services are offered in the hair braiding establishment.

C.45:5B-41 Supersedure.

23. a. The provisions of P.L.2018, c.126 (C.45:5B-22.2 et al.) shall supersede any county or municipal ordinance or regulation providing for the licensure, certification, or registration of, or otherwise regulating, a person who engages in the practice of hair braiding for the general public or an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public.

No county or municipality shall have the authority to: inspect an establishment in which a person or persons engage in the practice of hair braiding for the general public; penalize a person who engages in the practice of hair braiding for the general public or penalize an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public; or otherwise regulate the standards and manners by which a person engages in the practice of hair braiding for the general public or by which an owner operates an establishment in which a person or persons engage in the practice of hair braiding for the general public.

b. All fees, fines, or penalties imposed, prior to the effective date of P.L.2018, c.126 (C.45:5B-22.2 et al.) and with respect to the regulation of hair braiding, by any county or municipality, or by any department, division, bureau, board, council, agency, or authority of any county or municipality, on a person who engages in the practice of hair braiding for the general public or the owner of an establishment in which a person or persons engage in the practice of hair braiding, shall be waived. Nothing in this subsection shall be construed as providing a person who engages in the practice of hair braiding for the general public or an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public with the right to a refund of the amount of any fees, fines, or penalties paid, prior to the effective date of P.L.2018, c.126 (C.45:5B-22.2 et al.), by the person or owner to a county or municipality with respect to the county's or municipality's regulation of hair braiding.

24. The New Jersey Board of Cosmetology and Hairstyling may adopt, immediately upon filing with the Office of Administrative Law, rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act, which regulations shall be effective for a period not to exceed six months and may thereafter be amended, adopted or readopted by the State Board of Cosmetology and Hairstyling in accordance with the requirements of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

25. This act shall take effect on the 90th day next following enactment, except the New Jersey State Board of Cosmetology and Hairstyling may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved October 4, 2018.

ASSEMBLY, No. 3754

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 5, 2018

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblyman ARTHUR BARCLAY

District 5 (Camden and Gloucester)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

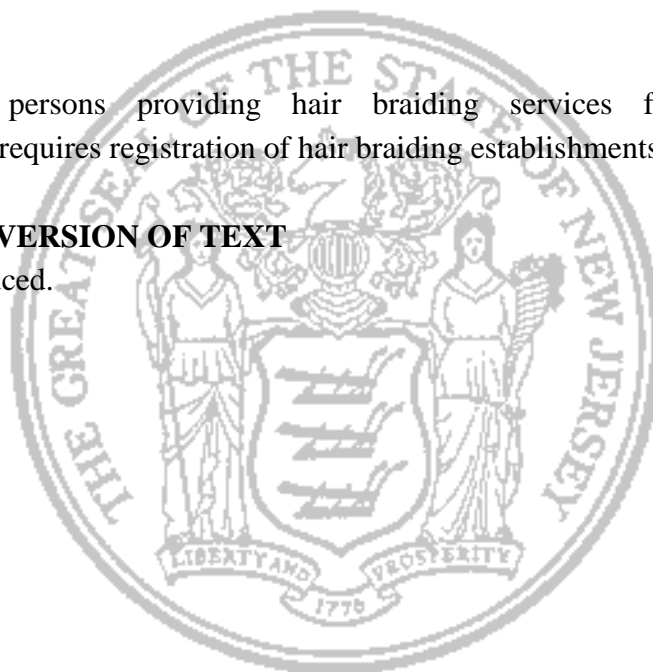
**Assemblymen A.M.Bucco, Holley, Assemblywoman Murphy,
Assemblymen Harold J. Wirths, Space, Assemblywomen Tucker, Lopez,
Reynolds-Jackson and Senator Turner**

SYNOPSIS

Exempts persons providing hair braiding services from licensure requirement; requires registration of hair braiding establishments.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/2/2018)

1 AN ACT concerning licensure requirements for certain cosmetology
2 and hairstyling practices, requiring the registration of hair
3 braiding establishments, and amending and supplementing
4 P.L.1984, c.205.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

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

11 3. As used in this act:

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

14 b. "Barbering" means any one or combination of the following
15 practices when performed on the human body for cosmetic purposes
16 and not for the treatment of disease or physical or mental ailments
17 and when performed for the general public, primarily for male
18 customers:

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

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

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

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

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

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

32 "Barbering" shall not mean the practice of hair braiding when
33 performed for the general public.

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

7 (6) manicuring the fingernails, nail-sculpturing or pedicuring the
8 toenails; or

9 (7) cutting, fitting, coloring or styling of hairpieces or wigs to
10 the extent that the services are performed while the wig is being
11 worn by a person.

12 "Beauty culture" shall not mean the practice of hair braiding
13 when performed for the general public.

14 e. "Board" means the New Jersey State Board of Cosmetology
15 and Hairstyling.

16 f. "Board of Barber Examiners" means the State Board of
17 Barber Examiners established pursuant to P.L.1938, c.197 (C.45:4-
18 27 et seq.).

19 g. "Board of Beauty Culture Control" means the Board of
20 Beauty Culture Control established pursuant to Chapter 4A of Title
21 45 of the Revised Statutes.

22 h. "Clinic" means a designated portion of a licensed school in
23 which members of the general public may receive cosmetology and
24 hairstyling services from registered students in exchange for a fee
25 which shall be calculated to recoup only the cost of materials used
26 in the performance of those services.

27 i. "Cosmetologist-hairstylist" means any person who is
28 licensed to engage in the practices encompassed in cosmetology and
29 hairstyling.

30 j. "Cosmetology and hairstyling" means any one or
31 combination of the following practices when performed on the
32 human body for cosmetic purposes and not for the treatment of
33 disease or physical or mental ailments and when performed for the
34 general public, for male or female customers:

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

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

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

40 (4) applying cosmetic preparations, antiseptics, tonics, lotions,
41 creams or makeup to the hair, scalp, face or neck;

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

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

1 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
2 toenails;

3 (8) cutting, fitting, coloring or styling of hairpieces or wigs to
4 the extent that the services are being performed while the wig is
5 being worn by a person~~;~~ ~~or~~ .

6 (9) ~~hairweaving to the extent that the procedure does not~~
7 ~~involve the replacement of human hair by means of the insertion of~~
8 ~~any natural or synthetic fiber hair into the scalp.~~ (Deleted by
9 amendment, P.L. , c.) (pending before the Legislature as this
10 bill)

11 “Cosmetology and hairstyling” shall not mean the practice of
12 hair braiding when performed for the general public.

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

15 l. "Manicuring" means any one or combination of the
16 following practices when performed on the human body for
17 cosmetic purposes and not for the treatment of disease or physical
18 or mental ailments and when performed for the general public, for
19 male or female customers:

20 (1) manicuring of the fingernails;

21 (2) pedicuring of the toenails;

22 (3) nail sculpturing; or

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

26 “Manicuring” shall not mean the practice of hair braiding when
27 performed for the general public.

28 m. "Owner" means any person, corporation, firm or partnership
29 who has a financial interest in a school or shop entitling him to
30 participate in the promotion, management and proceeds thereof. It
31 does not include a person whose connection with a school or shop
32 entitles him only to reasonable salary or wages for services actually
33 rendered. “Owner” shall also mean any person, corporation, firm or
34 partnership who has a financial interest in a hair braiding
35 establishment entitling the person, corporation, firm or partnership
36 to participate in the promotion, management and proceeds thereof.

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

40 o. "Registered student" means a person who is engaged in
41 learning and acquiring a knowledge of any of the practices included
42 in the definition of cosmetology and hairstyling, including beauty
43 culture, barbering, manicuring and skin care specialty, under the
44 direction and supervision of a person duly authorized under this act
45 to teach cosmetology and hairstyling and who is enrolled in a
46 program of instruction at a licensed school of cosmetology and
47 hairstyling, completion of which may render him eligible for
48 licensure pursuant to this act but does not mean a person who is

1 enrolled in a public school vocational program in cosmetology and
2 hairstyling approved by the State Board of Education or in any
3 other cosmetology and hairstyling program approved by the State
4 Board of Education.

5 p. "Registration card" means a document issued by the board to
6 a registered student upon receipt of documentation from a licensed
7 school of cosmetology and hairstyling that the student is enrolled.

8 q. "School" means an establishment or place licensed by the
9 board to be maintained for the purpose of teaching cosmetology and
10 hairstyling, beauty culture, barbering, manicuring or skin care
11 specialty to registered students.

12 r. "Senior student" means a registered student who has
13 successfully completed one-half of the total hours of instruction
14 required for licensure as a cosmetologist-hairstylist, beautician,
15 barber, manicurist or skin care specialist in a licensed school of
16 cosmetology and hairstyling, as determined by the board pursuant to
17 regulation, or in any public school vocational training program
18 approved by the State Board of Education.

19 s. "Student permit" means a permit issued to a senior student
20 which enables him to practice cosmetology and hairstyling, beauty
21 culture, barbering, manicuring or skin care specialty, as appropriate,
22 based on the course of instruction in which the student is enrolled,
23 in a school clinic or shop while a registered student at a licensed
24 school of cosmetology and hairstyling or enrolled in an approved
25 vocational training program.

26 t. "Shop" means any fixed establishment or place where one or
27 more persons engage in one or more of the practices included in the
28 definition of cosmetology and hairstyling, barbering, beauty culture,
29 manicuring or skin care specialty.

30 u. "Teacher" means any person who is licensed by the board to
31 give instruction or training in the theory or practice of cosmetology
32 and hairstyling, beauty culture, barbering, manicuring or skin care
33 specialty.

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

36 w. (Deleted by amendment, P.L.2009, c.162)

37 x. "Skin care specialist" means a person who holds a license to
38 engage in only the practices included in the definition of skin care
39 specialty.

40 y. "Skin care specialty" means any one or combination of the
41 following practices when performed on the male or female human
42 body for cosmetic purposes and not for the treatment of disease or
43 physical or mental ailments and when performed for the general
44 public, primarily for male customers:

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

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

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

7 “Skin care specialty” shall not mean the practice of hair braiding
8 when performed for the general public.

9 z. (Deleted by amendment, P.L.2009, c.162)

10 aa. “Hair braiding” means the twisting, wrapping, weaving,
11 extending, locking, or braiding of hair by hand or with mechanical
12 devices. “Hair braiding” may include the use of: natural or
13 synthetic hair extensions or fibers, decorative beads, and other hair
14 accessories; minor trimming of natural hair or hair extensions
15 incidental to twisting, wrapping, weaving, extending, locking, or
16 braiding hair; making of wigs from natural hair, natural or synthetic
17 fibers, and hair extensions; and the use of topical agents in
18 conjunction with performing hair braiding, including conditioners,
19 gels, moisturizers, oils, pomades, and shampoos.

20 bb. “Committee” means the Hair Braiding Establishment
21 Advisory Committee established pursuant section 3 of
22 P.L. , c. (C.) (pending before the Legislature as this bill).

23 cc. “Hair braiding establishment” means any fixed
24 establishment or place where one or more persons engage in the
25 practice of hair braiding for the general public registered pursuant
26 to P.L. , c. (C.) (pending before the Legislature as this bill).

27 (cf: P.L.2009, c.162, s.1)

28

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

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

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

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

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

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

1 engaged in the theatrical, radio, television or motion picture
2 production industries, modeling or photography;

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

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

12 g. Persons who engage in the practice of hair braiding when
13 performed for the general public for compensation.

14 (cf: P.L.2009, c.162, s.5)

15

16 3. (New section) a. There is created within the Division of
17 Consumer Affairs in the Department of Law and Public Safety,
18 under the New Jersey State Board of Cosmetology and Hairstyling,
19 a Hair Braiding Establishment Advisory Committee. The
20 committee shall consist of six members who are residents of the
21 State as follows: three members who own or operate a hair braiding
22 establishment in this State, two members who hold practicing
23 licenses issued by the board, and one public member.

24 b. The Governor shall appoint the members with the advice and
25 consent of the Senate. Each member shall be appointed for a term
26 of three years, except that of the members first appointed, three
27 shall serve for a term of three years, two shall serve for a term of
28 two years and one shall serve for a term of one year. Each member
29 shall hold office until a successor member has been qualified and
30 appointed. Any vacancy in the membership of the committee shall
31 be filled for the unexpired term in the manner provided for in the
32 original appointment. No member of the committee may serve
33 more than two successive terms in addition to any unexpired term to
34 which the member has been appointed.

35 c. Members of the committee shall be reimbursed for expenses
36 and provided with office and meeting facilities and personnel
37 required for the proper conduct of the business of the committee.

38 d. The committee shall organize within 30 days after the
39 appointment of its members and shall annually elect from its
40 members a chairperson and a vice-chairperson, and may appoint a
41 secretary, who need not be a member of the committee. The
42 committee shall meet at least twice a year and may hold additional
43 meetings as necessary to discharge its duties. A majority of the
44 committee membership shall constitute a quorum.

45

46 4. (New section) The committee shall have the following
47 powers and duties:

- 1 a. issue and renew registrations to owners of hair braiding
2 establishments pursuant to the provisions of P.L. , c. (C.)
3 (pending before the Legislature as this bill);
- 4 b. suspend, revoke or fail to renew the registration of an owner
5 who operates a hair braiding establishment pursuant to the
6 provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
- 7 c. maintain a record of every owner who operates a hair
8 braiding establishment in this State, their place of business, place of
9 residence, the date and number of their registration, and any other
10 information the committee deems necessary;
- 11 d. prescribe or change the charges for registration, renewal and
12 other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et
13 seq.);
- 14 e. in consultation with the board, establish minimum criteria
15 for the physical premises and the operation of hair braiding
16 establishments;
- 17 f. in consultation with the board, establish standards for initial
18 and periodic inspections of hair braiding establishments consistent
19 with the provisions of P.L. , c. (C.) (pending before the
20 Legislature as this bill); and
- 21 g. promulgate rules and regulations to carry out matters
22 delegated to the committee by the board concerning any provisions
23 of P.L.1984, c.205 (C.45:5B-1 et seq.) or P.L. , c. (C.)
24 (pending before the Legislature as this bill), in conformance with
25 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
26 et seq.).
27
- 28 5. (New section) a. A person, corporation, firm or partnership
29 intending to operate a hair braiding establishment shall:
 - 30 (1) make application for initial registration to the committee on
31 forms as it may require demonstrating that the physical premises
32 and the operation of the hair braiding establishment will meet
33 minimum criteria as established by the committee;
 - 34 (2) permit an initial inspection of the premises of the hair
35 braiding establishment; and
 - 36 (3) pay a registration fee as may be required by the committee;
- 37 b. No person, corporation, firm or partnership shall operate an
38 establishment that permits persons to engage in the practice of hair
39 braiding for the general public which is not duly registered pursuant
40 to P.L. , c. (C.) (pending before the Legislature as this bill).
- 41 c. Nothing contained in P.L. , c. (C.) (pending before
42 the Legislature as this bill) shall be construed to preclude the owner
43 of a hair braiding establishment from also engaging the practice of
44 hair braiding in the owner’s hair braiding establishment.
45
- 46 6. (New section) a. An official, authorized by the committee
47 or the board, may enter and inspect a hair braiding establishment
48 during all operating hours without prior notice. If conducting an

1 inspection, the official shall inspect and copy records of the hair
2 braiding establishment, inspect the premises and pertinent
3 equipment, and inspect any other files, objects, and facilities of the
4 hair braiding establishment relating to a violation of
5 P.L. , c. (C.) (pending before the Legislature as this bill).

6 b. Every owner of a hair braiding establishment shall either
7 remain on the premises of the hair braiding establishment, or
8 provide a representative of the owner who remains on the premises,
9 during all operating hours. Every owner or representative of the
10 owner shall permit an inspection of the hair braiding establishment
11 by any official authorized to conduct an inspection by the
12 committee or the board, as provided by this section.

13 c. If a hair braiding establishment is located within an owner's
14 residence or located within an office space or facility shared with
15 other business entities, the official conducting the inspection shall
16 have independent and sufficient legal justification before inspecting
17 areas not used for the purposes of the hair braiding establishment.

18

19 7. (New section) It shall be unlawful for a hair braiding
20 establishment or an owner of a hair braiding establishment to
21 engage in the following practices:

22 a. advertise in a manner which would tend to mislead
23 consumers of hair braiding;

24 b. advertise, operate, or attempt to operate a hair braiding
25 establishment in a manner that indicates that it renders any of the
26 services encompassed within the definition of cosmetology and
27 hairstyling, beauty culture, barbering, manicuring or skin care
28 specialty;

29 c. aid, abet, or permit the operation of a hair braiding
30 establishment that is not registered pursuant to P.L. , c. (C.)
31 (pending before the Legislature as this bill), or to aid, abet, or
32 permit a person or persons to engage in the practice of hair braiding
33 for the general public in a hair braiding establishment that is not
34 registered pursuant to P.L. , c. (C.) (pending before the
35 Legislature as this bill);

36 d. maintain a hair braiding establishment in a manner which is
37 unsafe or unsanitary;

38 e. fail to permit an inspection of a hair braiding establishment
39 by an official authorized to conduct an inspection by the committee
40 or the board; or

41 f. fail to maintain, in a conspicuous place, a copy of its hair
42 braiding establishment registration.

43

44 8. (New section) Hair braiding establishment registrations
45 shall be renewed within 90 days following expiration. All hair
46 braiding establishment registrations shall be renewable on a
47 biennial basis on a date determined by the committee. No hair

1 braiding establishment registration may be restored after 90 days
2 and an application for initial registration shall be submitted.

3
4 9. (New section) An owner of a hair braiding establishment
5 shall notify the committee prior to initiating a change of location, a
6 change of ownership, or any other change the committee may
7 determine pursuant to regulation. The owner of the hair braiding
8 establishment shall submit to the committee an application for
9 initial registration. If a change of ownership results from the death
10 or disability of a principal shareholder in a corporation, or partner
11 in a partnership which holds the hair braiding establishment
12 registration, the new owner shall notify the committee within six
13 months after the change has been effected. For purposes of this
14 section, a change of ownership shall be deemed to have occurred if
15 more than 50 percent of the outstanding stock or other financial
16 interest is transferred.

17
18 10. (New section) a. Nothing in P.L. , c. (C.) (pending
19 before the Legislature as this bill) shall be construed to preclude the
20 lawful sale of merchandise or the provision of services related to
21 the beautification of the body or the enhancement of personal
22 appearance in a hair braiding establishment, except that no services
23 shall be rendered that are encompassed within the definition of
24 cosmetology and hairstyling, beauty culture, barbering, manicuring,
25 and skin care specialty.

26 b. To the extent that the committee determines that certain
27 ancillary beautification services provided in a hair braiding
28 establishment pose a health hazard to the public, it may adopt
29 regulations prohibiting the services or placing restrictions on the
30 manner in which the services are offered in the hair braiding
31 establishment.

32
33 11. (New section) a. The provisions of P.L. , c. (C.)
34 (pending before this Legislature as this bill) shall supersede any
35 county or municipal ordinance or regulation providing for the
36 licensure, certification, or registration of, or otherwise regulating, a
37 person who engages in the practice of hair braiding for the general
38 public or an owner of an establishment in which a person or persons
39 engage in the practice of hair braiding for the general public.

40 No county or municipality shall have the authority to: inspect an
41 establishment in which a person or persons engage in the practice of
42 hair braiding for the general public; penalize a person who engages
43 in the practice of hair braiding for the general public or penalize an
44 owner of an establishment in which a person or persons engage in
45 the practice of hair braiding for the general public; or otherwise
46 regulate the standards and manners by which a person engages in
47 the practice of hair braiding for the general public or by which an

1 owner operates an establishment in which a person or persons
2 engage in the practice of hair braiding for the general public.
3 b. All fees, fines, or penalties imposed, prior to the effective
4 date of P.L. , c. (C.) (pending before the Legislature as this
5 bill) and with respect to the regulation of hair braiding, by any
6 county or municipality, or by any department, division, bureau,
7 board, council, agency, or authority of any county or municipality,
8 on a person who engages in the practice of hair braiding for the
9 general public or the owner of an establishment in which a person
10 or persons engage in the practice of hair braiding, shall be waived.
11 Nothing in this subsection shall be construed as providing a person
12 who engages in the practice of hair braiding for the general public
13 or an owner of an establishment in which a person or persons
14 engage in the practice of hair braiding for the general public with
15 the right to a refund of the amount of any fees, fines, or penalties
16 paid, prior to the effective date of P.L. , c. (C.) (pending
17 before the Legislature as this bill), by the person or owner to a
18 county or municipality with respect to the county's or municipality's
19 regulation of hair braiding.

20

21 12. This act shall take effect on the 90th day next following
22 enactment, except the New Jersey State Board of Cosmetology and
23 Hairstyling may take any anticipatory administrative action in
24 advance as shall be necessary for the implementation of this act.

25

26

27

STATEMENT

28

29 This bill amends and supplements the "Cosmetology and
30 Hairstyling Act of 1984," P.L.1984, c.205 (C.45:5B-1 et seq.) to
31 exempt persons who engage in the practice of hair braiding for the
32 general public from the licensure requirements under that act, and
33 provide for the registration and regulation of owners of hair
34 braiding establishments.

35 Currently, any person who provides any of the services
36 encompassed within the definition of cosmetology and hairstyling,
37 beauty culture, barbering, manicuring or skin care specialty services
38 must obtain a license from the New Jersey State Board of
39 Cosmetology and Hairstyling. This bill removes the practice of hair
40 braiding from those definitions, and exempts persons who engage in
41 the practice of hair braiding, when performed for the general public,
42 from the licensure requirement.

43 The bill defines "hair braiding" as the twisting, wrapping,
44 weaving, extending, locking, or braiding of hair by hand or with
45 mechanical devices. "Hair braiding" may include the use of:
46 natural or synthetic hair extensions or fibers, decorative beads, and
47 other hair accessories; minor trimming of natural hair or hair
48 extensions incidental to twisting, wrapping, weaving, extending,

1 locking, or braiding hair; making of wigs from natural hair, natural
2 or synthetic fibers, and hair extensions; and the use of topical
3 agents in conjunction with performing hair braiding, including
4 conditioners, gels, moisturizers, oils, pomades, and shampoos.

5 The bill creates a Hair Braiding Establishment Advisory
6 Committee, within the Division of Consumer Affairs in the
7 Department of Law and Public Safety, and under the New Jersey
8 State Board of Cosmetology and Hairstyling. The committee will
9 consist of six members who are residents of the State as follows:
10 three members who own or operate a hair braiding establishment in
11 this State, two members who hold practicing licenses issued by the
12 board, and one public member. The members of the committee will
13 be appointed by the Governor with the advice and consent of the
14 Senate. Members of the committee will be reimbursed for expenses
15 and provided with office and meeting facilities and personnel
16 required for the proper conduct of the business of the committee.

17 The committee will have the following powers and duties:

18 (1) issue and renew registrations to owners of hair braiding
19 establishments pursuant to the provisions of the bill;

20 (2) suspend, revoke or fail to renew the registration of an owner
21 who operates a hair braiding establishment;

22 (3) maintain a record of every owner who operates a hair
23 braiding establishment in this State, their place of business, place of
24 residence, the date and number of their registration, and any other
25 information the committee deems necessary;

26 (4) prescribe or change the charges for registration, renewal and
27 other services performed;

28 (5) in consultation with the board, establish minimum criteria
29 for the physical premises and the operation of hair braiding
30 establishments;

31 (6) in consultation with the board, establish standards for initial
32 and periodic inspections of hair braiding establishments consistent
33 with the provisions of the bill; and

34 (7) promulgate rules and regulations to carry out matters
35 delegated to the committee by the board concerning any provisions
36 of P.L.1984, c.205 (C.45:5B-1 et seq.) or this bill.

37 The bill provides that a person, corporation, firm or partnership
38 intending to operate a hair braiding establishment must:

39 (1) make application for initial registration to the committee
40 demonstrating that the physical premises and the operation of the
41 hair braiding establishment will meet minimum criteria as
42 established by the committee;

43 (2) permit an initial inspection of the premises of the hair
44 braiding establishment; and

45 (3) pay a registration fee as may be required by the committee.

46 The bill also provides that nothing in the bill will be construed to
47 preclude the owner of a hair braiding establishment from also

1 engaging the practice of hair braiding in the owner's hair braiding
2 establishment.

3 Under the bill, an official, authorized by the committee or the
4 board, may enter and inspect a hair braiding establishment during
5 all operating hours without prior notice. If conducting an
6 inspection, the official will inspect and copy records of the hair
7 braiding establishment, inspect the premises and pertinent
8 equipment, and inspect any other files, objects, and facilities of the
9 hair braiding establishment relating to a violation of the provisions
10 of the bill. Every owner of a hair braiding establishment must
11 either remain on the premises of the hair braiding establishment, or
12 provide a representative of the owner who remains on the premises,
13 during all operating hours, and must permit an inspection of the hair
14 braiding establishment by any official authorized to conduct an
15 inspection by the committee or the board.

16 The bill provides that it is unlawful for a hair braiding
17 establishment or an owner of a hair braiding establishment to
18 engage in the following practices:

19 (1) advertise in a manner which would tend to mislead
20 consumers of hair braiding;

21 (2) advertise, operate, or attempt to operate a hair braiding
22 establishment in a manner that indicates that it renders any of the
23 services encompassed within the definition of cosmetology and
24 hairstyling, beauty culture, barbering, manicuring or skin care
25 specialty;

26 (3) aid, abet, or permit the operation of a hair braiding
27 establishment that is not registered pursuant to this bill; or aid, abet,
28 or permit a person or persons to engage in the practice of hair
29 braiding for the general public in a hair braiding establishment that
30 is not registered pursuant to this bill;

31 (4) maintain a hair braiding establishment in a manner which is
32 unsafe or unsanitary;

33 (5) fail to permit an inspection of a hair braiding establishment
34 by an official authorized to conduct an inspection by the committee
35 or the board; or

36 (6) fail to maintain, in a conspicuous place, a copy of its hair
37 braiding establishment registration.

38 No provision of the bill will be construed to preclude the lawful
39 sale of merchandise or the provision of services related to the
40 beautification of the body or the enhancement of personal
41 appearance in a hair braiding establishment, except that no services
42 will be rendered that are encompassed within the definition of
43 cosmetology and hairstyling, beauty culture, barbering, manicuring,
44 and skin care specialty. To the extent that the committee
45 determines that certain ancillary beautification services pose a
46 health hazard to the public, it may adopt regulations prohibiting the
47 services or placing restrictions on the manner in which the services
48 are offered.

1 The provisions of the bill will supersede any county or municipal
2 ordinance or regulation providing for the licensure, certification, or
3 registration of, or otherwise regulating, a person who engages in the
4 practice of hair braiding for the general public or an owner of an
5 establishment in which a person or persons engage in the practice of
6 hair braiding for the general public. No county or municipality will
7 have the authority to: inspect an establishment in which a person or
8 persons engage in the practice of hair braiding for the general
9 public; penalize a person who engages in the practice of hair
10 braiding for the general public or penalize an owner of an
11 establishment in which a person or persons engage in the practice of
12 hair braiding for the general public; or otherwise regulate the
13 standards and manners by which a person engages in the practice of
14 hair braiding for the general public or by which an owner operates
15 an establishment in which a person or persons engage in the
16 practice of hair braiding for the general public. Finally, the bill
17 provides that all fees, fines, or penalties imposed, prior to the
18 effective date of the bill and with respect to the regulation of hair
19 braiding, by any county or municipality, or by any department,
20 division, bureau, board, council, agency, or authority of any county
21 or municipality, on a person who engages in the practice of hair
22 braiding for the general public or the owner of an establishment in
23 which a person or persons engage in the practice of hair braiding,
24 will be waived.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3754

STATE OF NEW JERSEY

DATED: MAY 10, 2018

The Assembly Women and Children Committee reports favorably Assembly Bill No. 3754.

This bill amends and supplements the “Cosmetology and Hairstyling Act of 1984,” P.L.1984, c.205 (C.45:5B-1 et seq.) to exempt persons who engage in the practice of hair braiding for the general public from the licensure requirements under that act, and provide for the registration and regulation of owners of hair braiding establishments.

Currently, any person who provides any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty services must obtain a license from the New Jersey State Board of Cosmetology and Hairstyling. This bill removes the practice of hair braiding from those definitions, and exempts persons who engage in the practice of hair braiding, when performed for the general public, from the licensure requirement.

The bill defines “hair braiding” as the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices. “Hair braiding” may include the use of: natural or synthetic hair extensions or fibers, decorative beads, and other hair accessories; minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair; making of wigs from natural hair, natural or synthetic fibers, and hair extensions; and the use of topical agents in conjunction with performing hair braiding, including conditioners, gels, moisturizers, oils, pomades, and shampoos.

The bill creates a Hair Braiding Establishment Advisory Committee, within the Division of Consumer Affairs in the Department of Law and Public Safety, and under the New Jersey State Board of Cosmetology and Hairstyling. The committee will consist of six members who are residents of the State as follows: three members who own or operate a hair braiding establishment in this State, two members who hold practicing licenses issued by the board, and one public member. The members of the committee will be appointed by the Governor with the advice and consent of the Senate. Members of the committee will be reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the committee.

The committee will have the following powers and duties:

(1) issue and renew registrations to owners of hair braiding establishments pursuant to the provisions of the bill;

(2) suspend, revoke or fail to renew the registration of an owner who operates a hair braiding establishment;

(3) maintain a record of every owner who operates a hair braiding establishment in this State, their place of business, place of residence, the date and number of their registration, and any other information the committee deems necessary;

(4) prescribe or change the charges for registration, renewal and other services performed;

(5) in consultation with the board, establish minimum criteria for the physical premises and the operation of hair braiding establishments;

(6) in consultation with the board, establish standards for initial and periodic inspections of hair braiding establishments consistent with the provisions of the bill; and

(7) promulgate rules and regulations to carry out matters delegated to the committee by the board concerning any provisions of P.L.1984, c.205 (C.45:5B-1 et seq.) or this bill.

The bill provides that a person, corporation, firm or partnership intending to operate a hair braiding establishment must:

(1) make application for initial registration to the committee demonstrating that the physical premises and the operation of the hair braiding establishment will meet minimum criteria as established by the committee;

(2) permit an initial inspection of the premises of the hair braiding establishment; and

(3) pay a registration fee as may be required by the committee.

The bill also provides that nothing in the bill will be construed to preclude the owner of a hair braiding establishment from also engaging the practice of hair braiding in the owner's hair braiding establishment.

Under the bill, an official, authorized by the committee or the board, may enter and inspect a hair braiding establishment during all operating hours without prior notice. If conducting an inspection, the official will inspect and copy records of the hair braiding establishment, inspect the premises and pertinent equipment, and inspect any other files, objects, and facilities of the hair braiding establishment relating to a violation of the provisions of the bill. Every owner of a hair braiding establishment must either remain on the premises of the hair braiding establishment, or provide a representative of the owner who remains on the premises, during all operating hours, and must permit an inspection of the hair braiding establishment by any official authorized to conduct an inspection by the committee or the board.

The bill provides that it is unlawful for a hair braiding establishment or an owner of a hair braiding establishment to engage in the following practices:

(1) advertise in a manner which would tend to mislead consumers of hair braiding;

(2) advertise, operate, or attempt to operate a hair braiding establishment in a manner that indicates that it renders any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty;

(3) aid, abet, or permit the operation of a hair braiding establishment that is not registered pursuant to this bill; or aid, abet, or permit a person or persons to engage in the practice of hair braiding for the general public in a hair braiding establishment that is not registered pursuant to this bill;

(4) maintain a hair braiding establishment in a manner which is unsafe or unsanitary;

(5) fail to permit an inspection of a hair braiding establishment by an official authorized to conduct an inspection by the committee or the board; or

(6) fail to maintain, in a conspicuous place, a copy of its hair braiding establishment registration.

No provision of the bill will be construed to preclude the lawful sale of merchandise or the provision of services related to the beautification of the body or the enhancement of personal appearance in a hair braiding establishment, except that no services will be rendered that are encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, and skin care specialty. To the extent that the committee determines that certain ancillary beautification services pose a health hazard to the public, it may adopt regulations prohibiting the services or placing restrictions on the manner in which the services are offered.

The provisions of the bill will supersede any county or municipal ordinance or regulation providing for the licensure, certification, or registration of, or otherwise regulating, a person who engages in the practice of hair braiding for the general public or an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public. No county or municipality will have the authority to: inspect an establishment in which a person or persons engage in the practice of hair braiding for the general public; penalize a person who engages in the practice of hair braiding for the general public or penalize an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public; or otherwise regulate the standards and manners by which a person engages in the practice of hair braiding for the general public or by which an owner operates an establishment in which a person or persons engage in the practice of hair braiding for the

general public. Finally, the bill provides that all fees, fines, or penalties imposed, prior to the effective date of the bill and with respect to the regulation of hair braiding, by any county or municipality, or by any department, division, bureau, board, council, agency, or authority of any county or municipality, on a person who engages in the practice of hair braiding for the general public or the owner of an establishment in which a person or persons engage in the practice of hair braiding, will be waived.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3754

STATE OF NEW JERSEY

DATED: JUNE 18, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3754.

This bill exempts persons who engage in the practice of hair braiding for the general public from the licensure requirements under the “Cosmetology and Hairstyling Act of 1984,” N.J.S.A.45:5B-1 et seq., and provides for the registration and regulation of owners of hair braiding establishments.

Currently, any person who provides any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty services must obtain a license from the New Jersey State Board of Cosmetology and Hairstyling. This bill removes the practice of hair braiding from those definitions, and exempts persons who engage in the practice of hair braiding, when performed for the general public, from the licensure requirement.

The bill defines “hair braiding” as the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices. “Hair braiding” may include the use of: natural or synthetic hair extensions or fibers, decorative beads, and other hair accessories; minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair; making of wigs from natural hair, natural or synthetic fibers, and hair extensions; and the use of topical agents in conjunction with performing hair braiding, including conditioners, gels, moisturizers, oils, pomades, and shampoos.

The bill creates a Hair Braiding Establishment Advisory Committee, within the Division of Consumer Affairs in the Department of Law and Public Safety, and under the New Jersey State Board of Cosmetology and Hairstyling. The committee will consist of six members who are residents of the State as follows: three members who own or operate a hair braiding establishment in this State, two members who hold practicing licenses issued by the board, and one public member. The members of the committee will be appointed by the Governor with the advice and consent of the Senate. Members of the committee will be reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the committee.

The committee will have the following powers and duties:

(1) issue and renew registrations to owners of hair braiding establishments pursuant to the provisions of the bill;

(2) suspend, revoke or fail to renew the registration of an owner who operates a hair braiding establishment;

(3) maintain a record of every owner who operates a hair braiding establishment in this State, their place of business, place of residence, the date and number of their registration, and any other information the committee deems necessary;

(4) prescribe or change the charges for registration, renewal and other services performed;

(5) in consultation with the board, establish minimum criteria for the physical premises and the operation of hair braiding establishments;

(6) in consultation with the board, establish standards for initial and periodic inspections of hair braiding establishments consistent with the provisions of the bill; and

(7) promulgate rules and regulations to carry out matters delegated to the committee by the board concerning any provisions of N.J.S.A.45:5B-1 et seq. or this bill.

The bill provides that a person, corporation, firm or partnership intending to operate a hair braiding establishment must:

(1) make application for initial registration to the committee demonstrating that the physical premises and the operation of the hair braiding establishment will meet minimum criteria as established by the committee;

(2) permit an initial inspection of the premises of the hair braiding establishment; and

(3) pay a registration fee as may be required by the committee.

The bill also provides that nothing in the bill will be construed to preclude the owner of a hair braiding establishment from also engaging the practice of hair braiding in the owner's hair braiding establishment.

Under the bill, an official, authorized by the committee or the board, may enter and inspect a hair braiding establishment during all operating hours without prior notice. If conducting an inspection, the official will inspect and copy records of the hair braiding establishment, inspect the premises and pertinent equipment, and inspect any other files, objects, and facilities of the hair braiding establishment relating to a violation of the provisions of the bill. Every owner of a hair braiding establishment must either remain on the premises of the hair braiding establishment, or provide a representative of the owner who remains on the premises, during all operating hours, and must permit an inspection of the hair braiding establishment by any official authorized to conduct an inspection by the committee or the board.

The bill provides that it is unlawful for a hair braiding establishment or an owner of a hair braiding establishment to engage in the following practices:

(1) advertise in a manner which would tend to mislead consumers of hair braiding;

(2) advertise, operate, or attempt to operate a hair braiding establishment in a manner that indicates that it renders any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty;

(3) aid, abet, or permit the operation of a hair braiding establishment that is not registered pursuant to this bill; or aid, abet, or permit a person or persons to engage in the practice of hair braiding for the general public in a hair braiding establishment that is not registered pursuant to this bill;

(4) maintain a hair braiding establishment in a manner which is unsafe or unsanitary;

(5) fail to permit an inspection of a hair braiding establishment by an official authorized to conduct an inspection by the committee or the board; or

(6) fail to maintain, in a conspicuous place, a copy of its hair braiding establishment registration.

No provision of the bill will be construed to preclude the lawful sale of merchandise or the provision of services related to the beautification of the body or the enhancement of personal appearance in a hair braiding establishment, except that no services will be rendered that are encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, and skin care specialty. To the extent that the committee determines that certain ancillary beautification services pose a health hazard to the public, it may adopt regulations prohibiting the services or placing restrictions on the manner in which the services are offered.

The provisions of the bill will supersede any county or municipal ordinance or regulation providing for the licensure, certification, or registration of, or otherwise regulating, a person who engages in the practice of hair braiding for the general public or an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public. No county or municipality will have the authority to: inspect an establishment in which a person or persons engage in the practice of hair braiding for the general public; penalize a person who engages in the practice of hair braiding for the general public or penalize an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public; or otherwise regulate the standards and manners by which a person engages in the practice of hair braiding for the general public or by which an

owner operates an establishment in which a person or persons engage in the practice of hair braiding for the general public. Finally, the bill provides that all fees, fines, or penalties imposed, prior to the effective date of the bill and with respect to the regulation of hair braiding, by any county or municipality, or by any department, division, bureau, board, council, agency, or authority of any county or municipality, on a person who engages in the practice of hair braiding for the general public or the owner of an establishment in which a person or persons engage in the practice of hair braiding, will be waived.

As reported, this bill is identical to Senate Bill No. 2510, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill's revised hair braiding regulations will have an indeterminate net effect on annual State revenue collections and expenditures. Unknown factors include the extent to which the regulatory changes will cause hair braiders to seek and maintain State Board of Cosmetology and Hairstyling licenses and new hair braiding establishment registrations under the bill, the marginal regulatory cost differential to the State between the two regulatory systems, and the operating expenditures of the new Hair Braiding Establishment Advisory Committee.

In prohibiting counties and municipalities from regulating hair braiding, the bill affects counties and municipalities that currently do so or would begin to do so in the future absent the prohibition. These counties and municipalities will incur an indeterminate decrease in annual administrative expenditures related to the discontinued regulation of hair braiding and an indeterminate annual revenue loss from not being able to collect fees, fines, and penalties in the course of regulating hair braiding.

Concerned counties and municipalities will also experience an indeterminate one-time revenue loss attributable to the bill's waiving of all fees, fines, or penalties imposed by any county or municipality in the regulation of hair braiding prior to the effective date of the bill.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3754
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: JUNE 12, 2018

SUMMARY

Synopsis: Exempts persons providing hair braiding services from licensure requirement; requires registration of hair braiding establishments.

Types of Impact: Annual State Revenue and Expenditure Impacts.
Annual Local Revenue and Expenditure Decreases.

Agencies Affected: Department of Law and Public Safety. Counties and Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
Annual State Revenue Impact		Indeterminate	
Annual State Expenditure Impact		Indeterminate	
Annual Local Revenue Decrease		Indeterminate	
Annual Local Expenditure Decrease		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill’s revised hair braiding regulations will have an indeterminate net effect on annual State revenue collections and expenditures. Unknown factors include the extent to which the regulatory changes will cause hair braiders to seek and maintain State Board of Cosmetology and Hairstyling licenses and new hair braiding establishment registrations under the bill, the marginal regulatory cost differential to the State between the two regulatory systems, and the operating expenditures of the new Hair Braiding Establishment Advisory Committee.
- In prohibiting counties and municipalities from regulating hair braiding the bill affects counties and municipalities that currently do so or would begin to do so in the future absent the prohibition. These counties and municipalities will incur an indeterminate decrease in annual administrative expenditures related to the discontinued regulation of hair braiding and an indeterminate annual revenue loss from not being able to collect fees, fines, and penalties in the course of regulating hair braiding.

- Concerned counties and municipalities will also experience an indeterminate one-time revenue loss attributable to the bill's waiving of all fees, fines, or penalties imposed by any county or municipality in the regulation of hair braiding prior to the effective date of the bill.

BILL DESCRIPTION

This bill revises regulations affecting hair braiding. It exempts persons who perform hair braiding services for the general public from the current requirement to hold a valid license issued by the New Jersey State Board of Cosmetology and Hairstyling. Instead, the bill requires the biennial registration and regulation of hair braiding establishments by the new Hair Braiding Establishment Advisory Committee.

The six-member committee will be created under the State Board of Cosmetology and Hairstyling in the Division of Consumer Affairs in the Department of Law and Public Safety. Committee members will receive no compensation for their services but will be reimbursed for expenses incurred in the performance of their duties and will be provided with office and meeting facilities and personnel required for the proper conduct of committee business.

The committee will issue and renew registrations; suspend or revoke any registration or levy unspecified fines if a registrant fails to comply with the requirements established by the committee; determine charges for registration, renewal and other services; maintain a record of registered owners of hair braiding establishments; establish minimum criteria for the physical premises and the operation of hair braiding establishments; and establish standards for initial and periodic inspections of hair braiding establishments.

The bill also prohibits county and municipal governments from regulating hair braiding and waives all fees, fines, or penalties imposed by any county or municipality in regulating hair braiding prior to the effective date of the bill. However, counties and municipalities are not required to refund any such payment received prior to the effective date of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the bill's revised hair braiding regulations will have an indeterminate net effect on annual State revenue collections and expenditures. In addition, the OLS anticipates that the bill will decrease annual revenues and administrative expenditures of certain counties and municipalities by indeterminate amounts.

State Revenue Impacts: The OLS expects the bill to change professional decisions of three groups of actual and potential hair braiders, all with varying indeterminate recurring State revenue effects.

Professional hair braiders must currently be licensed by the State Board of Cosmetology and Hairstyling. Some licensed hair braiders will continue to be licensed following the enactment of the bill. This group will not alter State revenues.

However, an indeterminate number of hair braiders who are currently licensed by the State Board of Cosmetology and Hairstyling or who would seek licensure absent the bill will, as a result of the enactment of the bill, not maintain or obtain their licenses and will instead register their establishments with the new Hair Braiding Establishment Advisory Committee. The effect on State revenue of any such shift will depend on the number of individuals making the shift and the extent to which the registration fees, fines, and penalties to be imposed by the Hair Braiding Establishment Advisory Committee will differ from those imposed by the State Board of Cosmetology and Hairstyling under current law.

Another group of hair braiders who are currently licensed or would seek licensure under current law can be expected to cease to maintain their licenses and not to register a hair braiding establishments because they will be employed at a registered hair braiding establishment. The number of individuals in this group is unclear but any such individual will produce a recurring State revenue loss equal to the license fees, fines, and penalties the individual would have paid to the State Board of Cosmetology and Hairstyling under current law.

Another group of hair braiders who are not licensed under current law will newly register their hair braiding establishments under the bill. These may be establishments that are currently operating without a license or whose owners do not perform commercial hair braiding services under current law because of the strictures of current licensure requirements. This group will increase recurring State revenues in amounts equal to their registration fee, fine, and penalty payments to the Hair Braiding Establishment Advisory Committee. The OLS, however, has no information allowing for a quantification of the number of these establishments. In addition, the bill grants the advisory committee substantial discretion in the setting of registration fees, fines, and penalties. In the absence of information on these amounts, the OLS cannot project the magnitude of the associated annual State revenue gain.

State Expenditure Impacts: The OLS expects that the bill will change professional decisions of three groups of actual and potential hair braiders, all with varying indeterminate effects on recurring administrative expenditures of the State Board of Cosmetology and Hairstyling.

Professional hair braiders must currently be licensed by the board. Some licensed hair braiders will continue to be licensed following the enactment of the bill. This group will not alter the board's administrative expenditures.

However, an indeterminate number of hair braiders who are currently licensed by the board or who would seek licensure absent the bill will, as a result of the enactment of the bill, not maintain or obtain their licenses and will instead register their establishments with the new Hair Braiding Establishment Advisory Committee. These individuals may change State Board of Cosmetology and Hairstyling operating expenditures to the extent that the regulatory expenditures for registered hair braiding establishments differ from those of State Board of Cosmetology and Hairstyling licensees. The OLS cannot project the marginal cost differential, given that the differential will depend on operating decisions by the State Board of Cosmetology and Hairstyling and the Hair Braiding Establishment Advisory Committee.

Another group of hair braiders who are currently licensed or would seek licensure under current law can be expected to cease to maintain their licenses and not to register a hair braiding establishments because they will be employed at a registered hair braiding establishment. The number of individuals in this group is unclear but any such individual will produce a recurring regulatory cost savings to the State Board of Cosmetology and Hairstyling.

Another group of hair braiders who are not licensed under current law will newly register their hair braiding establishments under the bill. These may be establishments that are currently operating without a license or whose owners do not perform commercial hair braiding services under current law because of the strictures of current licensure requirements. This group will increase recurring Hair Braiding Establishment Advisory Committee expenditures in amounts

equal to the cost of regulating the additional establishments. The OLS, however, has no information on the number of these establishments or the marginal regulatory cost per registrant, given that the cost will depend on operating decisions by the committee.

The bill's State expenditures will also include the operating expenses of the new Hair Braiding Establishment Advisory Committee. Its six members will serve without compensation but will be reimbursed for the expenses they incur in the performance of their duties.

County and Municipal Impacts: In prohibiting counties and municipalities from regulating the practice of hair braiding for the general public the bill affects counties and municipalities that currently do so or would begin to do so in the future absent the prohibition.

These counties and municipalities will incur an indeterminate decrease in annual administrative expenditures related to the discontinued regulation of hair braiding and an indeterminate annual revenue loss from not being able to collect fees, fines, and penalties in the course of regulating hair braiding professionals and establishments.

Concerned counties and municipalities will also experience an indeterminate one-time revenue loss attributable to the bill's waiving of all fees, fines, or penalties imposed by any county or municipality in the regulation of hair braiding prior to the effective date of the bill. The waiving of the payment obligations may also result in an indeterminate one-time expenditure increase to affected counties and municipalities to dismiss outstanding cases.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2510

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 16, 2018

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Exempts persons providing hair braiding services from licensure requirement; requires registration of hair braiding establishments.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2018)

1 AN ACT concerning licensure requirements for certain cosmetology
2 and hairstyling practices, requiring the registration of hair
3 braiding establishments, and amending and supplementing
4 P.L.1984, c.205.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

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

11 3. As used in this act:

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

14 b. "Barbering" means any one or combination of the following
15 practices when performed on the human body for cosmetic purposes
16 and not for the treatment of disease or physical or mental ailments
17 and when performed for the general public, primarily for male
18 customers:

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

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

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

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

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

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

32 "Barbering" shall not mean the practice of hair braiding when
33 performed for the general public.

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

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

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

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

44 (3) applying cosmetic preparations, antiseptics, tonics, lotions,
45 creams or makeup to the hair, scalp, face, neck or upper part of the

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

Matter underlined thus is new matter.

1 body;

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

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

8 (6) manicuring the fingernails, nail-sculpturing or pedicuring the
9 toenails; or

10 (7) cutting, fitting, coloring or styling of hairpieces or wigs to
11 the extent that the services are performed while the wig is being
12 worn by a person.

13 "Beauty culture" shall not mean the practice of hair braiding
14 when performed for the general public.

15 e. "Board" means the New Jersey State Board of Cosmetology
16 and Hairstyling.

17 f. "Board of Barber Examiners" means the State Board of
18 Barber Examiners established pursuant to P.L.1938, c.197 (C.45:4-
19 27 et seq.).

20 g. "Board of Beauty Culture Control" means the Board of
21 Beauty Culture Control established pursuant to Chapter 4A of Title
22 45 of the Revised Statutes.

23 h. "Clinic" means a designated portion of a licensed school in
24 which members of the general public may receive cosmetology and
25 hairstyling services from registered students in exchange for a fee
26 which shall be calculated to recoup only the cost of materials used
27 in the performance of those services.

28 i. "Cosmetologist-hairstylist" means any person who is
29 licensed to engage in the practices encompassed in cosmetology and
30 hairstyling.

31 j. "Cosmetology and hairstyling" means any one or
32 combination of the following practices when performed on the
33 human body for cosmetic purposes and not for the treatment of
34 disease or physical or mental ailments and when performed for the
35 general public, for male or female customers:

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

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

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

41 (4) applying cosmetic preparations, antiseptics, tonics, lotions,
42 creams or makeup to the hair, scalp, face or neck;

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

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

1 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
2 toenails;

3 (8) cutting, fitting, coloring or styling of hairpieces or wigs to
4 the extent that the services are being performed while the wig is
5 being worn by a person【; or】 .

6 (9) 【hairweaving to the extent that the procedure does not
7 involve the replacement of human hair by means of the insertion of
8 any natural or synthetic fiber hair into the scalp.】 (Deleted by
9 amendment, P.L. , c.) (pending before the Legislature as this
10 bill)

11 “Cosmetology and hairstyling” shall not mean the practice of
12 hair braiding when performed for the general public.

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

15 l. "Manicuring" means any one or combination of the
16 following practices when performed on the human body for
17 cosmetic purposes and not for the treatment of disease or physical
18 or mental ailments and when performed for the general public, for
19 male or female customers:

20 (1) manicuring of the fingernails;

21 (2) pedicuring of the toenails;

22 (3) nail sculpturing; or

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

26 “Manicuring” shall not mean the practice of hair braiding when
27 performed for the general public.

28 m. "Owner" means any person, corporation, firm or partnership
29 who has a financial interest in a school or shop entitling him to
30 participate in the promotion, management and proceeds thereof. It
31 does not include a person whose connection with a school or shop
32 entitles him only to reasonable salary or wages for services actually
33 rendered. “Owner” shall also mean any person, corporation, firm or
34 partnership who has a financial interest in a hair braiding
35 establishment entitling the person, corporation, firm or partnership
36 to participate in the promotion, management and proceeds thereof.

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

40 o. "Registered student" means a person who is engaged in
41 learning and acquiring a knowledge of any of the practices included
42 in the definition of cosmetology and hairstyling, including beauty
43 culture, barbering, manicuring and skin care specialty, under the
44 direction and supervision of a person duly authorized under this act
45 to teach cosmetology and hairstyling and who is enrolled in a
46 program of instruction at a licensed school of cosmetology and
47 hairstyling, completion of which may render him eligible for
48 licensure pursuant to this act but does not mean a person who is

1 enrolled in a public school vocational program in cosmetology and
2 hairstyling approved by the State Board of Education or in any
3 other cosmetology and hairstyling program approved by the State
4 Board of Education.

5 p. "Registration card" means a document issued by the board to
6 a registered student upon receipt of documentation from a licensed
7 school of cosmetology and hairstyling that the student is enrolled.

8 q. "School" means an establishment or place licensed by the
9 board to be maintained for the purpose of teaching cosmetology and
10 hairstyling, beauty culture, barbering, manicuring or skin care
11 specialty to registered students.

12 r. "Senior student" means a registered student who has
13 successfully completed one-half of the total hours of instruction
14 required for licensure as a cosmetologist-hairstylist, beautician,
15 barber, manicurist or skin care specialist in a licensed school of
16 cosmetology and hairstyling, as determined by the board pursuant to
17 regulation, or in any public school vocational training program
18 approved by the State Board of Education.

19 s. "Student permit" means a permit issued to a senior student
20 which enables him to practice cosmetology and hairstyling, beauty
21 culture, barbering, manicuring or skin care specialty, as appropriate,
22 based on the course of instruction in which the student is enrolled,
23 in a school clinic or shop while a registered student at a licensed
24 school of cosmetology and hairstyling or enrolled in an approved
25 vocational training program.

26 t. "Shop" means any fixed establishment or place where one or
27 more persons engage in one or more of the practices included in the
28 definition of cosmetology and hairstyling, barbering, beauty culture,
29 manicuring or skin care specialty.

30 u. "Teacher" means any person who is licensed by the board to
31 give instruction or training in the theory or practice of cosmetology
32 and hairstyling, beauty culture, barbering, manicuring or skin care
33 specialty.

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

36 w. (Deleted by amendment, P.L.2009, c.162)

37 x. "Skin care specialist" means a person who holds a license to
38 engage in only the practices included in the definition of skin care
39 specialty.

40 y. "Skin care specialty" means any one or combination of the
41 following practices when performed on the male or female human
42 body for cosmetic purposes and not for the treatment of disease or
43 physical or mental ailments and when performed for the general
44 public, primarily for male customers:

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

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

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

7 “Skin care specialty” shall not mean the practice of hair braiding
8 when performed for the general public.

9 z. (Deleted by amendment, P.L.2009, c.162)

10 aa. “Hair braiding” means the twisting, wrapping, weaving,
11 extending, locking, or braiding of hair by hand or with mechanical
12 devices. “Hair braiding” may include the use of: natural or
13 synthetic hair extensions or fibers, decorative beads, and other hair
14 accessories; minor trimming of natural hair or hair extensions
15 incidental to twisting, wrapping, weaving, extending, locking, or
16 braiding hair; making of wigs from natural hair, natural or synthetic
17 fibers, and hair extensions; and the use of topical agents in
18 conjunction with performing hair braiding, including conditioners,
19 gels, moisturizers, oils, pomades, and shampoos.

20 bb. “Committee” means the Hair Braiding Establishment
21 Advisory Committee established pursuant section 3 of P.L. _____,

22 c. (C. _____) (pending before the Legislature as this bill).

23 cc. “Hair braiding establishment” means any fixed
24 establishment or place where one or more persons engage in the
25 practice of hair braiding for the general public registered pursuant
26 to P.L. _____, c. (C. _____) (pending before the Legislature as this bill).

27 (cf: P.L.2009, c.162, s.1)

28

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

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

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

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

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

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

1 engaged in the theatrical, radio, television or motion picture
2 production industries, modeling or photography;

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

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

12 g. Persons who engage in the practice of hair braiding when
13 performed for the general public for compensation.

14 (cf: P.L.2009, c.162, s.5)

15

16 3. (New section) a. There is created within the Division of
17 Consumer Affairs in the Department of Law and Public Safety,
18 under the New Jersey State Board of Cosmetology and Hairstyling,
19 a Hair Braiding Establishment Advisory Committee. The
20 committee shall consist of six members who are residents of the
21 State as follows: three members who own or operate a hair braiding
22 establishment in this State, two members who hold practicing
23 licenses issued by the board, and one public member.

24 b. The Governor shall appoint the members with the advice and
25 consent of the Senate. Each member shall be appointed for a term
26 of three years, except that of the members first appointed, three
27 shall serve for a term of three years, two shall serve for a term of
28 two years and one shall serve for a term of one year. Each member
29 shall hold office until a successor member has been qualified and
30 appointed. Any vacancy in the membership of the committee shall
31 be filled for the unexpired term in the manner provided for in the
32 original appointment. No member of the committee may serve
33 more than two successive terms in addition to any unexpired term to
34 which the member has been appointed.

35 c. Members of the committee shall be reimbursed for expenses
36 and provided with office and meeting facilities and personnel
37 required for the proper conduct of the business of the committee.

38 d. The committee shall organize within 30 days after the
39 appointment of its members and shall annually elect from its
40 members a chairperson and a vice-chairperson, and may appoint a
41 secretary, who need not be a member of the committee. The
42 committee shall meet at least twice a year and may hold additional
43 meetings as necessary to discharge its duties. A majority of the
44 committee membership shall constitute a quorum.

45

46 4. (New section) The committee shall have the following
47 powers and duties:

- 1 a. issue and renew registrations to owners of hair braiding
2 establishments pursuant to the provisions of P.L. , c. (C.)
3 (pending before the Legislature as this bill);
- 4 b. suspend, revoke or fail to renew the registration of an owner
5 who operates a hair braiding establishment pursuant to the
6 provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
- 7 c. maintain a record of every owner who operates a hair
8 braiding establishment in this State, their place of business, place of
9 residence, the date and number of their registration, and any other
10 information the committee deems necessary;
- 11 d. prescribe or change the charges for registration, renewal and
12 other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et
13 seq.);
- 14 e. in consultation with the board, establish minimum criteria
15 for the physical premises and the operation of hair braiding
16 establishments;
- 17 f. in consultation with the board, establish standards for initial
18 and periodic inspections of hair braiding establishments consistent
19 with the provisions of P.L. , c. (C.) (pending before the
20 Legislature as this bill); and
- 21 g. promulgate rules and regulations to carry out matters
22 delegated to the committee by the board concerning any provisions
23 of P.L.1984, c.205 (C.45:5B-1 et seq.) or P.L. , c. (C.)
24 (pending before the Legislature as this bill), in conformance with
25 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
26 et seq.).
27
- 28 5. (New section) a. A person, corporation, firm or partnership
29 intending to operate a hair braiding establishment shall:
 - 30 (1) make application for initial registration to the committee on
31 forms as it may require demonstrating that the physical premises
32 and the operation of the hair braiding establishment will meet
33 minimum criteria as established by the committee;
 - 34 (2) permit an initial inspection of the premises of the hair
35 braiding establishment; and
 - 36 (3) pay a registration fee as may be required by the committee;
- 37 b. No person, corporation, firm or partnership shall operate an
38 establishment that permits persons to engage in the practice of hair
39 braiding for the general public which is not duly registered pursuant
40 to P.L. , c. (C.) (pending before the Legislature as this bill).
- 41 c. Nothing contained in P.L. , c. (C.) (pending before
42 the Legislature as this bill) shall be construed to preclude the owner
43 of a hair braiding establishment from also engaging the practice of
44 hair braiding in the owner’s hair braiding establishment.
45
- 46 6. (New section) a. An official, authorized by the committee or
47 the board, may enter and inspect a hair braiding establishment
48 during all operating hours without prior notice. If conducting an

1 inspection, the official shall inspect and copy records of the hair
2 braiding establishment, inspect the premises and pertinent
3 equipment, and inspect any other files, objects, and facilities of the
4 hair braiding establishment relating to a violation of P.L. ,
5 c. (C.) (pending before the Legislature as this bill).

6 b. Every owner of a hair braiding establishment shall either
7 remain on the premises of the hair braiding establishment, or
8 provide a representative of the owner who remains on the premises,
9 during all operating hours. Every owner or representative of the
10 owner shall permit an inspection of the hair braiding establishment
11 by any official authorized to conduct an inspection by the
12 committee or the board, as provided by this section.

13 c. If a hair braiding establishment is located within an owner's
14 residence or located within an office space or facility shared with
15 other business entities, the official conducting the inspection shall
16 have independent and sufficient legal justification before inspecting
17 areas not used for the purposes of the hair braiding establishment.
18

19 7. (New section) It shall be unlawful for a hair braiding
20 establishment or an owner of a hair braiding establishment to
21 engage in the following practices:

22 a. advertise in a manner which would tend to mislead
23 consumers of hair braiding;

24 b. advertise, operate, or attempt to operate a hair braiding
25 establishment in a manner that indicates that it renders any of the
26 services encompassed within the definition of cosmetology and
27 hairstyling, beauty culture, barbering, manicuring or skin care
28 specialty;

29 c. aid, abet, or permit the operation of a hair braiding
30 establishment that is not registered pursuant to P.L. , c. (C.)
31 (pending before the Legislature as this bill), or to aid, abet, or
32 permit a person or persons to engage in the practice of hair braiding
33 for the general public in a hair braiding establishment that is not
34 registered pursuant to P.L. , c. (C.) (pending before the
35 Legislature as this bill);

36 d. maintain a hair braiding establishment in a manner which is
37 unsafe or unsanitary;

38 e. fail to permit an inspection of a hair braiding establishment
39 by an official authorized to conduct an inspection by the committee
40 or the board; or

41 f. fail to maintain, in a conspicuous place, a copy of its hair
42 braiding establishment registration.
43

44 8. (New section) Hair braiding establishment registrations shall
45 be renewed within 90 days following expiration. All hair braiding
46 establishment registrations shall be renewable on a biennial basis on
47 a date determined by the committee. No hair braiding

1 establishment registration may be restored after 90 days and an
2 application for initial registration shall be submitted.

3
4 9. (New section) An owner of a hair braiding establishment
5 shall notify the committee prior to initiating a change of location, a
6 change of ownership, or any other change the committee may
7 determine pursuant to regulation. The owner of the hair braiding
8 establishment shall submit to the committee an application for
9 initial registration. If a change of ownership results from the death
10 or disability of a principal shareholder in a corporation, or partner
11 in a partnership which holds the hair braiding establishment
12 registration, the new owner shall notify the committee within six
13 months after the change has been effected. For purposes of this
14 section, a change of ownership shall be deemed to have occurred if
15 more than 50 percent of the outstanding stock or other financial
16 interest is transferred.

17
18 10. (New section) a. Nothing in P.L. , c. (C.) (pending
19 before the Legislature as this bill) shall be construed to preclude the
20 lawful sale of merchandise or the provision of services related to
21 the beautification of the body or the enhancement of personal
22 appearance in a hair braiding establishment, except that no services
23 shall be rendered that are encompassed within the definition of
24 cosmetology and hairstyling, beauty culture, barbering, manicuring,
25 and skin care specialty.

26 b. To the extent that the committee determines that certain
27 ancillary beautification services provided in a hair braiding
28 establishment pose a health hazard to the public, it may adopt
29 regulations prohibiting the services or placing restrictions on the
30 manner in which the services are offered in the hair braiding
31 establishment.

32
33 11. (New section) a. The provisions of P.L. , c. (C.)
34 (pending before this Legislature as this bill) shall supersede any
35 county or municipal ordinance or regulation providing for the
36 licensure, certification, or registration of, or otherwise regulating, a
37 person who engages in the practice of hair braiding for the general
38 public or an owner of an establishment in which a person or persons
39 engage in the practice of hair braiding for the general public.

40 No county or municipality shall have the authority to: inspect an
41 establishment in which a person or persons engage in the practice of
42 hair braiding for the general public; penalize a person who engages
43 in the practice of hair braiding for the general public or penalize an
44 owner of an establishment in which a person or persons engage in
45 the practice of hair braiding for the general public; or otherwise
46 regulate the standards and manners by which a person engages in
47 the practice of hair braiding for the general public or by which an

1 owner operates an establishment in which a person or persons
2 engage in the practice of hair braiding for the general public.
3 b. All fees, fines, or penalties imposed, prior to the effective
4 date of P.L. , c. (C.) (pending before the Legislature as this
5 bill) and with respect to the regulation of hair braiding, by any
6 county or municipality, or by any department, division, bureau,
7 board, council, agency, or authority of any county or municipality,
8 on a person who engages in the practice of hair braiding for the
9 general public or the owner of an establishment in which a person
10 or persons engage in the practice of hair braiding, shall be waived.
11 Nothing in this subsection shall be construed as providing a person
12 who engages in the practice of hair braiding for the general public
13 or an owner of an establishment in which a person or persons
14 engage in the practice of hair braiding for the general public with
15 the right to a refund of the amount of any fees, fines, or penalties
16 paid, prior to the effective date of P.L. , c. (C.) (pending
17 before the Legislature as this bill), by the person or owner to a
18 county or municipality with respect to the county's or municipality's
19 regulation of hair braiding.

20
21 12. This act shall take effect on the 90th day next following
22 enactment, except the New Jersey State Board of Cosmetology and
23 Hairstyling may take any anticipatory administrative action in
24 advance as shall be necessary for the implementation of this act.

25
26
27

STATEMENT

28
29 This bill amends and supplements the "Cosmetology and
30 Hairstyling Act of 1984," P.L.1984, c.205 (C.45:5B-1 et seq.) to
31 exempt persons who engage in the practice of hair braiding for the
32 general public from the licensure requirements under that act, and
33 provide for the registration and regulation of owners of hair
34 braiding establishments.

35 Currently, any person who provides any of the services
36 encompassed within the definition of cosmetology and hairstyling,
37 beauty culture, barbering, manicuring or skin care specialty services
38 must obtain a license from the New Jersey State Board of
39 Cosmetology and Hairstyling. This bill removes the practice of hair
40 braiding from those definitions, and exempts persons who engage in
41 the practice of hair braiding, when performed for the general public,
42 from the licensure requirement.

43 The bill defines "hair braiding" as the twisting, wrapping,
44 weaving, extending, locking, or braiding of hair by hand or with
45 mechanical devices. "Hair braiding" may include the use of:
46 natural or synthetic hair extensions or fibers, decorative beads, and
47 other hair accessories; minor trimming of natural hair or hair
48 extensions incidental to twisting, wrapping, weaving, extending,

1 locking, or braiding hair; making of wigs from natural hair, natural
2 or synthetic fibers, and hair extensions; and the use of topical
3 agents in conjunction with performing hair braiding, including
4 conditioners, gels, moisturizers, oils, pomades, and shampoos.

5 The bill creates a Hair Braiding Establishment Advisory
6 Committee, within the Division of Consumer Affairs in the
7 Department of Law and Public Safety, and under the New Jersey
8 State Board of Cosmetology and Hairstyling. The committee will
9 consist of six members who are residents of the State as follows:
10 three members who own or operate a hair braiding establishment in
11 this State, two members who hold practicing licenses issued by the
12 board, and one public member. The members of the committee will
13 be appointed by the Governor with the advice and consent of the
14 Senate. Members of the committee will be reimbursed for expenses
15 and provided with office and meeting facilities and personnel
16 required for the proper conduct of the business of the committee.

17 The committee will have the following powers and duties:

18 (1) issue and renew registrations to owners of hair braiding
19 establishments pursuant to the provisions of the bill;

20 (2) suspend, revoke or fail to renew the registration of an owner
21 who operates a hair braiding establishment;

22 (3) maintain a record of every owner who operates a hair
23 braiding establishment in this State, their place of business, place of
24 residence, the date and number of their registration, and any other
25 information the committee deems necessary;

26 (4) prescribe or change the charges for registration, renewal and
27 other services performed;

28 (5) in consultation with the board, establish minimum criteria
29 for the physical premises and the operation of hair braiding
30 establishments;

31 (6) in consultation with the board, establish standards for initial
32 and periodic inspections of hair braiding establishments consistent
33 with the provisions of the bill; and

34 (7) promulgate rules and regulations to carry out matters
35 delegated to the committee by the board concerning any provisions
36 of P.L.1984, c.205 (C.45:5B-1 et seq.) or this bill.

37 The bill provides that a person, corporation, firm or partnership
38 intending to operate a hair braiding establishment must:

39 (1) make application for initial registration to the committee
40 demonstrating that the physical premises and the operation of the
41 hair braiding establishment will meet minimum criteria as
42 established by the committee;

43 (2) permit an initial inspection of the premises of the hair
44 braiding establishment; and

45 (3) pay a registration fee as may be required by the committee.

46 The bill also provides that nothing in the bill will be construed to
47 preclude the owner of a hair braiding establishment from also

1 engaging the practice of hair braiding in the owner's hair braiding
2 establishment.

3 Under the bill, an official, authorized by the committee or the
4 board, may enter and inspect a hair braiding establishment during
5 all operating hours without prior notice. If conducting an
6 inspection, the official will inspect and copy records of the hair
7 braiding establishment, inspect the premises and pertinent
8 equipment, and inspect any other files, objects, and facilities of the
9 hair braiding establishment relating to a violation of the provisions
10 of the bill. Every owner of a hair braiding establishment must
11 either remain on the premises of the hair braiding establishment, or
12 provide a representative of the owner who remains on the premises,
13 during all operating hours, and must permit an inspection of the hair
14 braiding establishment by any official authorized to conduct an
15 inspection by the committee or the board.

16 The bill provides that it is unlawful for a hair braiding
17 establishment or an owner of a hair braiding establishment to
18 engage in the following practices:

19 (1) advertise in a manner which would tend to mislead
20 consumers of hair braiding;

21 (2) advertise, operate, or attempt to operate a hair braiding
22 establishment in a manner that indicates that it renders any of the
23 services encompassed within the definition of cosmetology and
24 hairstyling, beauty culture, barbering, manicuring or skin care
25 specialty;

26 (3) aid, abet, or permit the operation of a hair braiding
27 establishment that is not registered pursuant to this bill; or aid, abet,
28 or permit a person or persons to engage in the practice of hair
29 braiding for the general public in a hair braiding establishment that
30 is not registered pursuant to this bill;

31 (4) maintain a hair braiding establishment in a manner which is
32 unsafe or unsanitary;

33 (5) fail to permit an inspection of a hair braiding establishment
34 by an official authorized to conduct an inspection by the committee
35 or the board; or

36 (6) fail to maintain, in a conspicuous place, a copy of its hair
37 braiding establishment registration.

38 No provision of the bill will be construed to preclude the lawful
39 sale of merchandise or the provision of services related to the
40 beautification of the body or the enhancement of personal
41 appearance in a hair braiding establishment, except that no services
42 will be rendered that are encompassed within the definition of
43 cosmetology and hairstyling, beauty culture, barbering, manicuring,
44 and skin care specialty. To the extent that the committee
45 determines that certain ancillary beautification services pose a
46 health hazard to the public, it may adopt regulations prohibiting the
47 services or placing restrictions on the manner in which the services
48 are offered.

1 The provisions of the bill will supersede any county or municipal
2 ordinance or regulation providing for the licensure, certification, or
3 registration of, or otherwise regulating, a person who engages in the
4 practice of hair braiding for the general public or an owner of an
5 establishment in which a person or persons engage in the practice of
6 hair braiding for the general public. No county or municipality will
7 have the authority to: inspect an establishment in which a person or
8 persons engage in the practice of hair braiding for the general
9 public; penalize a person who engages in the practice of hair
10 braiding for the general public or penalize an owner of an
11 establishment in which a person or persons engage in the practice of
12 hair braiding for the general public; or otherwise regulate the
13 standards and manners by which a person engages in the practice of
14 hair braiding for the general public or by which an owner operates
15 an establishment in which a person or persons engage in the
16 practice of hair braiding for the general public. Finally, the bill
17 provides that all fees, fines, or penalties imposed, prior to the
18 effective date of the bill and with respect to the regulation of hair
19 braiding, by any county or municipality, or by any department,
20 division, bureau, board, council, agency, or authority of any county
21 or municipality, on a person who engages in the practice of hair
22 braiding for the general public or the owner of an establishment in
23 which a person or persons engage in the practice of hair braiding,
24 will be waived.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2510

STATE OF NEW JERSEY

DATED: MAY 10, 2018

The Senate Commerce Committee reports favorably Senate Bill No. 2510.

This bill amends and supplements the “Cosmetology and Hairstyling Act of 1984,” P.L.1984, c.205 (C.45:5B-1 et seq.) to exempt persons who engage in the practice of hair braiding for the general public from the licensure requirements under that act, and provide for the registration and regulation of owners of hair braiding establishments.

Currently, any person who provides any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty services must obtain a license from the New Jersey State Board of Cosmetology and Hairstyling. This bill removes the practice of hair braiding from those definitions, and exempts persons who engage in the practice of hair braiding, when performed for the general public, from the licensure requirement.

The bill defines “hair braiding” as the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices. “Hair braiding” may include the use of: natural or synthetic hair extensions or fibers, decorative beads, and other hair accessories; minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair; making of wigs from natural hair, natural or synthetic fibers, and hair extensions; and the use of topical agents in conjunction with performing hair braiding, including conditioners, gels, moisturizers, oils, pomades, and shampoos.

The bill creates a Hair Braiding Establishment Advisory Committee, within the Division of Consumer Affairs in the Department of Law and Public Safety, and under the New Jersey State Board of Cosmetology and Hairstyling. The committee will consist of six members who are residents of the State as follows: three members who own or operate a hair braiding establishment in this State, two members who hold practicing licenses issued by the board, and one public member. The members of the committee will be appointed by the Governor with the advice and consent of the Senate. Members of the committee will be reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the committee.

The committee will have the following powers and duties:

(1) issue and renew registrations to owners of hair braiding establishments pursuant to the provisions of the bill;

(2) suspend, revoke or fail to renew the registration of an owner who operates a hair braiding establishment;

(3) maintain a record of every owner who operates a hair braiding establishment in this State, their place of business, place of residence, the date and number of their registration, and any other information the committee deems necessary;

(4) prescribe or change the charges for registration, renewal and other services performed;

(5) in consultation with the board, establish minimum criteria for the physical premises and the operation of hair braiding establishments;

(6) in consultation with the board, establish standards for initial and periodic inspections of hair braiding establishments consistent with the provisions of the bill; and

(7) promulgate rules and regulations to carry out matters delegated to the committee by the board concerning any provisions of P.L.1984, c.205 (C.45:5B-1 et seq.) or this bill.

The bill provides that a person, corporation, firm or partnership intending to operate a hair braiding establishment must:

(1) make application for initial registration to the committee demonstrating that the physical premises and the operation of the hair braiding establishment will meet minimum criteria as established by the committee;

(2) permit an initial inspection of the premises of the hair braiding establishment; and

(3) pay a registration fee as may be required by the committee.

The bill also provides that nothing in the bill will be construed to preclude the owner of a hair braiding establishment from also engaging the practice of hair braiding in the owner's hair braiding establishment.

Under the bill, an official, authorized by the committee or the board, may enter and inspect a hair braiding establishment during all operating hours without prior notice. If conducting an inspection, the official will inspect and copy records of the hair braiding establishment, inspect the premises and pertinent equipment, and inspect any other files, objects, and facilities of the hair braiding establishment relating to a violation of the provisions of the bill. Every owner of a hair braiding establishment must either remain on the premises of the hair braiding establishment, or provide a representative of the owner who remains on the premises, during all operating hours, and must permit an inspection of the hair braiding establishment by any official authorized to conduct an inspection by the committee or the board.

The bill provides that it is unlawful for a hair braiding establishment or an owner of a hair braiding establishment to engage in the following practices:

(1) advertise in a manner which would tend to mislead consumers of hair braiding;

(2) advertise, operate, or attempt to operate a hair braiding establishment in a manner that indicates that it renders any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty;

(3) aid, abet, or permit the operation of a hair braiding establishment that is not registered pursuant to this bill; or aid, abet, or permit a person or persons to engage in the practice of hair braiding for the general public in a hair braiding establishment that is not registered pursuant to this bill;

(4) maintain a hair braiding establishment in a manner which is unsafe or unsanitary;

(5) fail to permit an inspection of a hair braiding establishment by an official authorized to conduct an inspection by the committee or the board; or

(6) fail to maintain, in a conspicuous place, a copy of its hair braiding establishment registration.

No provision of the bill will be construed to preclude the lawful sale of merchandise or the provision of services related to the beautification of the body or the enhancement of personal appearance in a hair braiding establishment, except that no services will be rendered that are encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, and skin care specialty. To the extent that the committee determines that certain ancillary beautification services pose a health hazard to the public, it may adopt regulations prohibiting the services or placing restrictions on the manner in which the services are offered.

The provisions of the bill will supersede any county or municipal ordinance or regulation providing for the licensure, certification, or registration of, or otherwise regulating, a person who engages in the practice of hair braiding for the general public or an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public. No county or municipality will have the authority to: inspect an establishment in which a person or persons engage in the practice of hair braiding for the general public; penalize a person who engages in the practice of hair braiding for the general public or penalize an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public; or otherwise regulate the standards and manners by which a person engages in the practice of hair braiding for the general public or by which an owner operates

an establishment in which a person or persons engage in the practice of hair braiding for the general public. Finally, the bill provides that all fees, fines, or penalties imposed, prior to the effective date of the bill and with respect to the regulation of hair braiding, by any county or municipality, or by any department, division, bureau, board, council, agency, or authority of any county or municipality, on a person who engages in the practice of hair braiding for the general public or the owner of an establishment in which a person or persons engage in the practice of hair braiding, will be waived.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2510

STATE OF NEW JERSEY

DATED: JUNE 18, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2510.

This bill exempts persons who engage in the practice of hair braiding for the general public from the licensure requirements under the “Cosmetology and Hairstyling Act of 1984,” N.J.S.A.45:5B-1 et seq., and provides for the registration and regulation of owners of hair braiding establishments.

Currently, any person who provides any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty services must obtain a license from the New Jersey State Board of Cosmetology and Hairstyling. This bill removes the practice of hair braiding from those definitions, and exempts persons who engage in the practice of hair braiding, when performed for the general public, from the licensure requirement.

The bill defines “hair braiding” as the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices. “Hair braiding” may include the use of: natural or synthetic hair extensions or fibers, decorative beads, and other hair accessories; minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair; making of wigs from natural hair, natural or synthetic fibers, and hair extensions; and the use of topical agents in conjunction with performing hair braiding, including conditioners, gels, moisturizers, oils, pomades, and shampoos.

The bill creates a Hair Braiding Establishment Advisory Committee, within the Division of Consumer Affairs in the Department of Law and Public Safety, and under the New Jersey State Board of Cosmetology and Hairstyling. The committee will consist of six members who are residents of the State as follows: three members who own or operate a hair braiding establishment in this State, two members who hold practicing licenses issued by the board, and one public member. The members of the committee will be appointed by the Governor with the advice and consent of the Senate. Members of the committee will be reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the committee.

The committee will have the following powers and duties:

(1) issue and renew registrations to owners of hair braiding establishments pursuant to the provisions of the bill;

(2) suspend, revoke or fail to renew the registration of an owner who operates a hair braiding establishment;

(3) maintain a record of every owner who operates a hair braiding establishment in this State, their place of business, place of residence, the date and number of their registration, and any other information the committee deems necessary;

(4) prescribe or change the charges for registration, renewal and other services performed;

(5) in consultation with the board, establish minimum criteria for the physical premises and the operation of hair braiding establishments;

(6) in consultation with the board, establish standards for initial and periodic inspections of hair braiding establishments consistent with the provisions of the bill; and

(7) promulgate rules and regulations to carry out matters delegated to the committee by the board concerning any provisions of N.J.S.A.45:5B-1 et seq. or this bill.

The bill provides that a person, corporation, firm or partnership intending to operate a hair braiding establishment must:

(1) make application for initial registration to the committee demonstrating that the physical premises and the operation of the hair braiding establishment will meet minimum criteria as established by the committee;

(2) permit an initial inspection of the premises of the hair braiding establishment; and

(3) pay a registration fee as may be required by the committee.

The bill also provides that nothing in the bill will be construed to preclude the owner of a hair braiding establishment from also engaging the practice of hair braiding in the owner's hair braiding establishment.

Under the bill, an official, authorized by the committee or the board, may enter and inspect a hair braiding establishment during all operating hours without prior notice. If conducting an inspection, the official will inspect and copy records of the hair braiding establishment, inspect the premises and pertinent equipment, and inspect any other files, objects, and facilities of the hair braiding establishment relating to a violation of the provisions of the bill. Every owner of a hair braiding establishment must either remain on the premises of the hair braiding establishment, or provide a representative of the owner who remains on the premises, during all operating hours, and must permit an inspection of the hair braiding establishment by any official authorized to conduct an inspection by the committee or the board.

The bill provides that it is unlawful for a hair braiding establishment or an owner of a hair braiding establishment to engage in the following practices:

(1) advertise in a manner which would tend to mislead consumers of hair braiding;

(2) advertise, operate, or attempt to operate a hair braiding establishment in a manner that indicates that it renders any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty;

(3) aid, abet, or permit the operation of a hair braiding establishment that is not registered pursuant to this bill; or aid, abet, or permit a person or persons to engage in the practice of hair braiding for the general public in a hair braiding establishment that is not registered pursuant to this bill;

(4) maintain a hair braiding establishment in a manner which is unsafe or unsanitary;

(5) fail to permit an inspection of a hair braiding establishment by an official authorized to conduct an inspection by the committee or the board; or

(6) fail to maintain, in a conspicuous place, a copy of its hair braiding establishment registration.

No provision of the bill will be construed to preclude the lawful sale of merchandise or the provision of services related to the beautification of the body or the enhancement of personal appearance in a hair braiding establishment, except that no services will be rendered that are encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, and skin care specialty. To the extent that the committee determines that certain ancillary beautification services pose a health hazard to the public, it may adopt regulations prohibiting the services or placing restrictions on the manner in which the services are offered.

The provisions of the bill will supersede any county or municipal ordinance or regulation providing for the licensure, certification, or registration of, or otherwise regulating, a person who engages in the practice of hair braiding for the general public or an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public. No county or municipality will have the authority to: inspect an establishment in which a person or persons engage in the practice of hair braiding for the general public; penalize a person who engages in the practice of hair braiding for the general public or penalize an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public; or otherwise regulate the standards and manners by which a person engages in the practice of hair braiding for the general public or by which an owner operates

an establishment in which a person or persons engage in the practice of hair braiding for the general public. Finally, the bill provides that all fees, fines, or penalties imposed, prior to the effective date of the bill and with respect to the regulation of hair braiding, by any county or municipality, or by any department, division, bureau, board, council, agency, or authority of any county or municipality, on a person who engages in the practice of hair braiding for the general public or the owner of an establishment in which a person or persons engage in the practice of hair braiding, will be waived.

As reported, this bill is identical to Assembly Bill No. 3754, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill's revised hair braiding regulations will have an indeterminate net effect on annual State revenue collections and expenditures. Unknown factors include the extent to which the regulatory changes will cause hair braiders to seek and maintain State Board of Cosmetology and Hairstyling licenses and new hair braiding establishment registrations under the bill, the marginal regulatory cost differential to the State between the two regulatory systems, and the operating expenditures of the new Hair Braiding Establishment Advisory Committee.

In prohibiting counties and municipalities from regulating hair braiding, the bill affects counties and municipalities that currently do so or would begin to do so in the future absent the prohibition. These counties and municipalities will incur an indeterminate decrease in annual administrative expenditures related to the discontinued regulation of hair braiding and an indeterminate annual revenue loss from not being able to collect fees, fines, and penalties in the course of regulating hair braiding.

Concerned counties and municipalities will also experience an indeterminate one-time revenue loss attributable to the bill's waiving of all fees, fines, or penalties imposed by any county or municipality in the regulation of hair braiding prior to the effective date of the bill.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2510
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: JUNE 19, 2018

SUMMARY

Synopsis: Exempts persons providing hair braiding services from licensure requirement; requires registration of hair braiding establishments.

Types of Impact: Annual State Revenue and Expenditure Impacts.
Annual Local Revenue and Expenditure Decreases.

Agencies Affected: Department of Law and Public Safety. Counties and Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
Annual State Revenue Impact		Indeterminate	
Annual State Expenditure Impact		Indeterminate	
Annual Local Revenue Decrease		Indeterminate	
Annual Local Expenditure Decrease		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill’s revised hair braiding regulations will have an indeterminate net effect on annual State revenue collections and expenditures. Unknown factors include the extent to which the regulatory changes will cause hair braiders to seek and maintain State Board of Cosmetology and Hairstyling licenses and new hair braiding establishment registrations under the bill, the marginal regulatory cost differential to the State between the two regulatory systems, and the operating expenditures of the new Hair Braiding Establishment Advisory Committee.
- In prohibiting counties and municipalities from regulating hair braiding the bill affects counties and municipalities that currently do so or would begin to do so in the future absent the prohibition. These counties and municipalities will incur an indeterminate decrease in annual administrative expenditures related to the discontinued regulation of hair braiding and an indeterminate annual revenue loss from not being able to collect fees, fines, and penalties in the course of regulating hair braiding.
- Concerned counties and municipalities will also experience an indeterminate one-time revenue loss attributable to the bill’s waiving of all fees, fines, or penalties imposed by any county or municipality in the regulation of hair braiding prior to the effective date of the bill.

BILL DESCRIPTION

This bill revises regulations affecting hair braiding. It exempts persons who perform hair braiding services for the general public from the current requirement to hold a valid license issued by the New Jersey State Board of Cosmetology and Hairstyling. Instead, the bill requires the biennial registration and regulation of hair braiding establishments by the new Hair Braiding Establishment Advisory Committee.

The six-member committee will be created under the State Board of Cosmetology and Hairstyling in the Division of Consumer Affairs in the Department of Law and Public Safety. Committee members will receive no compensation for their services but will be reimbursed for expenses incurred in the performance of their duties and will be provided with office and meeting facilities and personnel required for the proper conduct of committee business.

The committee will issue and renew registrations; suspend or revoke any registration or levy unspecified fines if a registrant fails to comply with the requirements established by the committee; determine charges for registration, renewal and other services; maintain a record of registered owners of hair braiding establishments; establish minimum criteria for the physical premises and the operation of hair braiding establishments; and establish standards for initial and periodic inspections of hair braiding establishments.

The bill also prohibits county and municipal governments from regulating hair braiding and waives all fees, fines, or penalties imposed by any county or municipality in regulating hair braiding prior to the effective date of the bill. However, counties and municipalities are not required to refund any such payment received prior to the effective date of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the bill's revised hair braiding regulations will have an indeterminate net effect on annual State revenue collections and expenditures. In addition, the OLS anticipates that the bill will decrease annual revenues and administrative expenditures of certain counties and municipalities by indeterminate amounts.

State Revenue Impacts: The OLS expects the bill to change professional decisions of three groups of actual and potential hair braiders, all with varying indeterminate recurring State revenue effects.

Professional hair braiders must currently be licensed by the State Board of Cosmetology and Hairstyling. Some licensed hair braiders will continue to be licensed following the enactment of the bill. This group will not alter State revenues.

However, an indeterminate number of hair braiders who are currently licensed by the State Board of Cosmetology and Hairstyling or who would seek licensure absent the bill will, as a result of the enactment of the bill, not maintain or obtain their licenses and will instead register their establishments with the new Hair Braiding Establishment Advisory Committee. The effect on State revenue of any such shift will depend on the number of individuals making the shift and the extent to which the registration fees, fines, and penalties to be imposed by the Hair Braiding

Establishment Advisory Committee will differ from those imposed by the State Board of Cosmetology and Hairstyling under current law.

Another group of hair braiders who are currently licensed or would seek licensure under current law can be expected to cease to maintain their licenses and not to register a hair braiding establishment because they will be employed at a registered hair braiding establishment. The number of individuals in this group is unclear but any such individual will produce a recurring State revenue loss equal to the license fees, fines, and penalties the individual would have paid to the State Board of Cosmetology and Hairstyling under current law.

Another group of hair braiders who are not licensed under current law will newly register their hair braiding establishments under the bill. These may be establishments that are currently operating without a license or whose owners do not perform commercial hair braiding services under current law because of the strictures of current licensure requirements. This group will increase recurring State revenues in amounts equal to their registration fee, fine, and penalty payments to the Hair Braiding Establishment Advisory Committee. The OLS, however, has no information allowing for a quantification of the number of these establishments. In addition, the bill grants the advisory committee substantial discretion in the setting of registration fees, fines, and penalties. In the absence of information on these amounts, the OLS cannot project the magnitude of the associated annual State revenue gain.

State Expenditure Impacts: The OLS expects that the bill will change professional decisions of three groups of actual and potential hair braiders, all with varying indeterminate effects on recurring administrative expenditures of the State Board of Cosmetology and Hairstyling.

Professional hair braiders must currently be licensed by the board. Some licensed hair braiders will continue to be licensed following the enactment of the bill. This group will not alter the board's administrative expenditures.

However, an indeterminate number of hair braiders who are currently licensed by the board or who would seek licensure absent the bill will, as a result of the enactment of the bill, not maintain or obtain their licenses and will instead register their establishments with the new Hair Braiding Establishment Advisory Committee. These individuals may change State Board of Cosmetology and Hairstyling operating expenditures to the extent that the regulatory expenditures for registered hair braiding establishments differ from those of State Board of Cosmetology and Hairstyling licensees. The OLS cannot project the marginal cost differential, given that the differential will depend on operating decisions by the State Board of Cosmetology and Hairstyling and the Hair Braiding Establishment Advisory Committee.

Another group of hair braiders who are currently licensed or would seek licensure under current law can be expected to cease to maintain their licenses and not to register a hair braiding establishment because they will be employed at a registered hair braiding establishment. The number of individuals in this group is unclear but any such individual will produce a recurring regulatory cost savings to the State Board of Cosmetology and Hairstyling.

Another group of hair braiders who are not licensed under current law will newly register their hair braiding establishments under the bill. These may be establishments that are currently operating without a license or whose owners do not perform commercial hair braiding services under current law because of the strictures of current licensure requirements. This group will increase recurring Hair Braiding Establishment Advisory Committee expenditures in amounts equal to the cost of regulating the additional establishments. The OLS, however, has no information on the number of these establishments or the marginal regulatory cost per registrant, given that the cost will depend on operating decisions by the committee.

The bill's State expenditures will also include the operating expenses of the new Hair Braiding Establishment Advisory Committee. Its six members will serve without compensation but will be reimbursed for the expenses they incur in the performance of their duties.

County and Municipal Impacts: In prohibiting counties and municipalities from regulating the practice of hair braiding for the general public the bill affects counties and municipalities that currently do so or would begin to do so in the future absent the prohibition.

These counties and municipalities will incur an indeterminate decrease in annual administrative expenditures related to the discontinued regulation of hair braiding and an indeterminate annual revenue loss from not being able to collect fees, fines, and penalties in the course of regulating hair braiding professionals and establishments.

Concerned counties and municipalities will also experience an indeterminate one-time revenue loss attributable to the bill's waiving of all fees, fines, or penalties imposed by any county or municipality in the regulation of hair braiding prior to the effective date of the bill. The waiving of the payment obligations may also result in an indeterminate one-time expenditure increase to affected counties and municipalities to dismiss outstanding cases.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

August 27, 2018

ASSEMBLY BILL NO. 3754

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3754 with my recommendations for reconsideration.

I commend the Legislature for taking steps to expand economic opportunities for African-American women, immigrants from African and Caribbean countries, and others, by easing potentially burdensome licensing requirements that may prevent many from engaging in the practice of hair braiding. Currently, those interested in providing hair braiding services must complete 1,200 hours of training at beauty school, which can cost as much as \$17,000 to attend. Despite this significant investment of time and resources, most of the instruction hours are devoted to topics that do not pertain to hair braiding. As a consequence of the expense and expansiveness of this training, many hair braiders opt not to seek licensure. Those who operate without a license are exposed to legal risk, and those who could otherwise be productively employed as hair braiders who choose not to operate forego a readily available source of income for themselves and their families. In order to create a stronger and fairer New Jersey, it is important to remove or reduce barriers to economic opportunity.

At the same time, it is important to balance opening economic opportunity with maintaining consumer protections. Just as those who provide hair braiding services are primarily African-American women and African- and Caribbean-immigrant women, the primary consumers who utilize hair braiding services are African-American women and African- and Caribbean-immigrant women. I want to ensure that, by rolling back regulatory requirements for hair braiders, we do not expose those who use hair braiding services to harm.

Accordingly, I believe a more equitable approach to balancing regulatory relief with consumer safety is to reduce - rather than remove - the requirements necessary for hair braiding licensure. We can accomplish this by reducing the amount of training hours needed and by appropriately tailoring the scope of the training required. I note that certain types of personal care and grooming services that involve specialized areas of limited practice, such as beauty culture, barbering, manicuring and skin care, are subject to lesser administrative and regulatory burdens which focus training and education on the specific area of practice, while still incorporating necessary components designed to protect the health and safety of the public. As in these other limited areas of practice, we can reduce barriers to professional hair braiding by implementing a streamlined, reasonable regulatory approach which features effective, essential protections for consumers.

For individuals with hair braiding experience, I recommend limiting training to a maximum of 40 hours, which could be completed in as little as two weeks, with requisite instruction in courses teaching sanitation, decontamination, and infection control. For those who lack knowledge and experience in hair braiding, I recommend training limited to a maximum of 50 hours, which would also allow time for technique training to go along with the courses on sanitation, decontamination, and infection control.

Additionally, I believe that the State's Board of Cosmetology and Hairstyling should include those with insight into all the practice areas it regulates. The Board's current composition does not assure the presence or participation of an individual with hair braiding expertise. It would make sense to remedy this shortcoming, particularly given the importance of hair and hair care to communities of color. Assembly Bill No. 3754 seeks to

serve this interest by creating a Hair Braiding Establishment Advisory Committee that would be placed under the Board of Cosmetology and Hairstyling. I commend the Legislature for recognizing the need for proper representation and expertise on the regulatory body that oversees this profession. However, I believe that the bill should take a different, more inclusive approach. Rather than have an advisory committee that is under the Board, I believe that individuals with experience and expertise in hair braiding should have a seat on the Board itself. The insights and understanding that individuals with a specific background in hair braiding can bring to broaden the perspective of the Board will inure to the public benefit, both in how the Board carries out its responsibilities in overseeing the practice of hair braiding and in how it deals with broader issues in the realm of cosmetology and hairstyling.

Thus, I recommend that we expand the Board of Cosmetology and Hairstyling from 11 members to 13 members. The two new members will be individuals with experience owning and operating hair braiding establishments.

Therefore, I herewith return Assembly Bill No. 3754 and recommend that it be amended as follows:

<u>Page 2, Title, Lines 2-3:</u>	Delete "requiring the registration of hair braiding establishments" and insert "establishing a limited license for hair braiding"
<u>Page 2, Section 1, Lines 32-33:</u>	Delete in their entirety
<u>Page 3, Section 1, Lines 12-13:</u>	Delete in their entirety
<u>Page 4, Section 1, Lines 11-12:</u>	Delete in their entirety
<u>Page 4, Section 1, Lines 26-27:</u>	Delete in their entirety
<u>Page 4, Section 1, Line 35:</u>	Delete "establishment" and insert "shop"
<u>Page 5, Section 1, Line 10:</u>	After "manicuring" insert ", hair braiding"

Page 5, Section 1, Line 29: After "manicuring" insert ", hair braiding"

Page 6, Section 1, Lines 7-8: Delete in their entirety

Page 6, Section 1, Line 10: After "aa." insert ""Hair braider" or "hair braiding specialist" means a person who holds a license to engage in only the practice of hair braiding. bb."

Page 6, Section 1, Line 20: Delete "bb." and insert "cc."

Page 6, Section 1, Lines 23-26: Delete in their entirety

Page 6, Section 2, Lines 29-47: Delete in their entirety

Page 7, Section 2, Lines 1-14: Delete in their entirety

Page 7, Section 3, Lines 16-44: Delete in their entirety

Page 7, Section 4, Lines 46-47: Delete in their entirety

Page 8, Section 4, Lines 1-26: Delete in their entirety

Page 8, Section 5, Lines 28-44: Delete in their entirety

Page 8, Section 6, Lines 46-48: Delete in their entirety

Page 9, Section 6, Lines 1-17: Delete in their entirety

Page 9, Section 7, Lines 19-42: Delete in their entirety

Page 9, Section 8, Lines 44-47: Delete in their entirety

Page 10, Section 8, Lines 1-2: Delete in their entirety

Page 10, Section 9, Lines 4-16: Delete in their entirety

Page 10, Line 17: Insert new sections 2-21:

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

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the New Jersey State Board of Cosmetology and Hairstyling. The board shall consist of [11] 13 members who are residents of the State, three of whom shall be public members, two appointed pursuant to subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one additional public member, and one of whom shall be a State executive department member appointed pursuant to subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2). Of the remaining [seven] nine members, six shall hold practicing licenses issued by

the board and shall have been engaged in the practice of beauty culture, barbering or cosmetology and hairstyling for at least five years prior to their appointments, but shall not have been engaged in the conduct of or teaching at a licensed school of beauty culture or cosmetology and hairstyling, and two shall own or operate a hair braiding shop in this State. The remaining one member appointed by the board created by this act shall hold a teacher's license issued by the board and shall have been engaged in the teaching of beauty culture or cosmetology and hairstyling or shall have been involved in the conduct of a licensed school of beauty culture or school of cosmetology and hairstyling in this State for at least five years prior to the appointment.

3. Section 6 of P.L.1984, c.205 (C.45:5B-6) is amended to read as follows:

6. The board shall:

a. Review the qualifications of applicants for licensure;

b. Devise examinations for licensure which include practical and written portions;

c. Administer and grade examinations or employ competent examiners to administer and grade examinations but in no case shall the board permit a person having any affiliation with a licensed school to examine or grade an applicant who has been a registered student at the school with which the examiner has an affiliation;

d. Issue and renew licenses of any cosmetologist-hairstylist, beautician, barber, manicurist, skin care specialist, teacher, shop, or school;

e. Issue student permits to senior students, which permits shall remain valid during the period that the student is registered at a licensed school or enrolled in

an approved vocational training program;

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

g. Issue registration cards to registered students;

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

i. Appoint and employ an executive director and an assistant executive director subject to the approval of the Attorney General, and other employees as necessary to carry out the provisions of this act;

j. Determine the duties that the executive director and the assistant executive director shall perform;

k. File with the Attorney General a petition to remove any executive director or assistant executive director for cause, which petition shall be acted upon by the Attorney General in a manner which he deems appropriate;

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

m. Maintain records of all practicing licensees and all licensed teachers. Records shall include the latest work address of each licensee, as provided on applications for licensure and renewals thereof;

n. Maintain a record of all registered students and all persons holding student permits;

o. Maintain a record of all shops licensed by the board to offer one or more of the services encompassed within

the definition of cosmetology and hairstyling;

p. Maintain a record of all schools licensed by the board to offer courses of instruction or training in the practice and theory of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty to registered students, which courses shall be approved by the board for the awarding of credit for licensure;

q. Make available for public inspection all records required to be kept pursuant to this section;

r. Promulgate regulations governing the practice and teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty as are necessary to implement this act and to insure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner which is sanitary and safe and in a manner which is not intended to deceive or mislead the general public;

s. Promulgate regulations governing the conduct of shops and schools as are necessary to implement this act, including, but not limited to, regulations that ensure that all schools offer instruction on cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty by instructors who are knowledgeable in the practice and teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty, as the case may be, and to assure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner that is sanitary and safe, and in a manner not intended to deceive or mislead the general public, students of the schools, or organizations awarding financial aid to the students

and to clarify or define any term used in the act and to define any activity included in hairstyling and cosmetology, beauty culture, barbering, manicuring, hair braiding and skin care specialty;

t. Review curricula offered by licensed schools in courses of instruction offered to registered students and approve those curricula which offer comprehensive training in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty;

u. Direct the conduct of inspections or investigations of all licensed shops and schools;

v. Direct the conduct of inspections or investigations of any premises from which the board may have reason to believe that cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty services are being offered, or that courses of instruction are being offered to registered students; and

w. Establish criteria and standards for education and experience required for licensure.

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

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

a. Persons authorized by the laws of this State to

practice medicine and surgery, dentistry, chiropractic and acupuncture;

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Section 9 of P.L.1984, c.205 (C.45:5B-9) is amended to read as follows:

9. No person, firm, corporation, partnership or other legal entity shall operate, maintain or use premises for the offering of or rendering of any one or more of the services encompassed in

the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty without first having secured a shop license from the board.

7. Section 10 of P.L.1984, c.205 (C.45:5B-10) is amended to read as follows:

10. No person, firm, corporation, partnership or other legal entity shall operate, maintain or use premises at which courses of instruction in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty services are offered to registered students without first having secured a school license from the board. Nothing herein shall prohibit the offering of educational programs and courses in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty to practicing licensees or teachers at unlicensed premises. However, no course offered at an unlicensed premises shall be recognized by the board in satisfaction of licensure eligibility requirements. All educational programs and courses offered at unlicensed premises shall be conducted by practicing licensees.

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

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

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

b. (1) If the shop performs only beauty culture services, hold a cosmetologist-hairstylist or beauty culture license and have three years of experience as a cosmetologist-hairstylist

or beautician; or

(2) If the shop performs only barbering services, hold a cosmetologist-hairstylist or barbering license and have three years of experience as a cosmetologist-hairstylist or barber; or

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

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

e. If a shop performs only hair braiding services, hold a cosmetologist-hairstylist, beautician or hair braiding license and have three years of experience as a cosmetologist-hairstylist, beautician or hair braiding specialist.

A shop which satisfies the requirements of this section by employing a practicing licensee who holds a beautician, barber, manicuring, hair braiding or skin care specialty license is precluded from employing senior students other than those being trained in the practice for which the practicing licensee holds a license unless the shop also employs a practicing licensee who holds a license as a cosmetologist-hairstylist and has at least three years of experience as a cosmetologist-hairstylist.

9. Section 12 of P.L.1984, c.205 (C.45:5B-12) is amended to read as follows:

12. In addition to any practice declared unlawful pursuant to P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for any person to

engage in the following practices:

a. Advertise in a manner which would tend to mislead consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

b. Advertise, practice or attempt to practice under another's name or trade name;

c. Continue to practice while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering that aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

e. Aid, abet, or knowingly permit a person not licensed pursuant to this act to render any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

f. Fail to display a practicing license at any place at which the licensee renders services; or

g. Engage in one or more of the practices included in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty, in premises not licensed as a shop or a school, except as provided in section 8 of this act.

10. Section 14 of P.L.1995, c.82 (C.45:5B-12.1) is amended to read as follows:

14. a. No person shall represent himself or hold himself out as engaging in the practices encompassed in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty, unless licensed under this act.

b. No person shall use the title or designation "cosmetologist-hairstylist," "beautician," "barber," "manicurist," "hair braider or hair braiding specialist," or "skin care specialist" or any other title or designation suggesting that the person is a cosmetologist-hairstylist, beautician, barber, manicurist, hair braider or skin care specialist unless licensed under this act, and unless the title or designation corresponds to the license held by the person pursuant to this act.

11. Section 13 of P.L.1984, c.205 (C.45:5B-13) is amended to read as follows:

13. In addition to any practice declared unlawful pursuant to P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a licensed shop or shop owner to engage in the following practices:

a. Advertise in a manner which would tend to mislead consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

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

c. Knowingly permit any practicing licensee to render services when that licensee has an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Aid, abet or permit a person not licensed pursuant

to this act to render any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

e. Maintain a shop in a manner which is unsafe or unsanitary;

f. Fail to display, in a conspicuous place, its shop license; or

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

12. Section 14 of P.L.1984, c.205 (C.45:5B-14) is amended to read as follows:

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

a. Advertise in a manner which would tend to mislead potential students or consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services offered within the school's clinic;

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

c. Permit students to practice upon each other or members of the public while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of teaching or rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Permit teachers to demonstrate cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services on students

while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of teaching or rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

e. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

f. Aid, abet, or permit a person not licensed pursuant to this act to teach any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty to registered students;

g. Maintain any premises from which the practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty is offered, or the teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty is offered in a manner which is unsanitary or unsafe;

h. Fail to display, in a conspicuous place, its school license;

i. Fail to maintain accurate records of attendance by any registered student for at least five years after the student's enrollment ends, which records shall be subject to inspection by the board;

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

k. Fail to maintain the required bond during all periods of operation.

13. Section 15 of P.L.1984, c.205 (C.45:5B-15) is amended to read as follows:

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

a. Advertise in a manner which would tend to mislead potential students or consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services offered in the school clinic;

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

c. Knowingly permit students to practice upon each other or members of the public while having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Demonstrate cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services on students while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

e. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

f. Aid, abet or permit a person not licensed pursuant to this act to teach any of the services included in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty to registered students;

g. Teach cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty in a manner which is unsatisfactory or unsafe;

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

i. Fail to accurately and truthfully record attendance by registered students.

14. Section 16 of P.L.1984, c.205 (C.45:5B-16) is amended to read as follows:

16. Each applicant for initial licensure as a practicing licensee shall submit to the board satisfactory evidence, on forms as the board requires, that he:

a. Is of good moral character;

b. Is at least 17 years of age;

c. Does not have any communicable, contagious or infectious disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services; and

d. Has successfully completed high school or has successfully passed an examination developed by the General Education Development (GED) Testing Service.

15. (New section) a. An applicant seeking initial licensure as a hair braiding specialist who demonstrates to

the satisfaction of the board that the applicant has at least three years of prior experience as a hair braider shall:

(1) Demonstrate successful completion of a course of instruction in hair braiding, the curriculum for which shall be established by the board pursuant to regulation but which shall not exceed 40 hours of instruction and shall include training in sanitization, decontamination, and infection control at:

(i) a school of cosmetology and hairstyling licensed in this State; or

(i) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, beauty culture, hair braiding, or other cosmetology and hairstyling, beauty culture or hair braiding program approved by the State Board of Education; or

(ii) a school of cosmetology and hairstyling, beauty culture or hair braiding licensed in another state or foreign country which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State; and

(2) Take and pass an examination conducted by the board.

b. An applicant seeking initial licensure as a hair braiding specialist who cannot demonstrate to the satisfaction of the board that the applicant has at least three years of prior experience as a hair braider shall:

(1) Demonstrate successful completion of a course of instruction in hair braiding, the curriculum for which shall be established by the board pursuant to regulation but which shall not exceed 50 hours of instruction and shall include training in sanitization, decontamination

and infection control, and technique, at:

(i) a school of cosmetology and hairstyling licensed in this State; or

(ii) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, beauty culture, hair braiding, or other cosmetology and hairstyling, beauty culture or hair braiding program approved by the State Board of Education; or

(iii) a school of cosmetology and hairstyling, beauty culture or hair braiding licensed in another state or foreign country which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State; and

(2) Take and pass an examination conducted by the board.

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

25. To be eligible to obtain a student permit, an applicant shall submit to the board satisfactory evidence that he:

a. Is a senior student in a course of instruction in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care, as appropriate; and

b. Does not have a communicable, contagious or infectious disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services.

All permits shall remain valid only during the period that the student is registered at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational program and shall expire upon a student's

graduation, withdrawal or leave of absence from the school or program for more than 90 consecutive days.

17. Section 28 of P.L.1984, c.205 (C.45:5B-28) is amended to read as follows:

28. Applicants possessing a license to render services in another state or a foreign country, which services are included within the definition of cosmetology and hairstyling as set forth in this act, may be issued a license as a cosmetologist-hairstylist, beautician, barber, manicurist, hair braiding or skin care specialist, as appropriate, without examination, provided, however, that the state or country has established eligibility criteria substantially similar to those established in this State, and the applicant has paid a fee as required by the board and submitted certification from the licensing jurisdiction. A person possessing a license to practice cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services issued by a licensing authority from another state or a foreign country which has established eligibility criteria with respect to cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty training which are, in the opinion of the board, less stringent than those required in this State may, nevertheless, be eligible for licensure without examination, if he can present satisfactory evidence of prior practical experience of three years working in a licensed shop in the practice in which the applicant is seeking licensure.

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

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

(1) Make application to

the board on forms as it may require demonstrating that the physical premises and the operation of the shop will meet minimum criteria as established by the board;

(2) Permit an inspection of the premises;

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

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

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

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

d. Nothing contained in

this act shall be construed to preclude a person, corporation, firm or partnership from obtaining a shop license for a shop which offers only beauty culture services as enumerated in subsection d. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for a beauty culture shop license complies with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

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

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

19. Section 35 of P.L.1984, c.205 (C.45:5B-35) is amended to read as follows:

35. Shop and school licenses shall be renewed within 90 days following expiration. All shop licenses and school licenses issued shall be renewable on a biennial basis on a date determined by the board. Applicants for renewal of school licenses shall provide satisfactory evidence that a bond required pursuant to section 32 of [this act] P.L.1984, c.205 (C.45:5B-35) has been secured and shall remain valid through the next licensing period. No shop or school license may be restored after 90 days and an application for initial licensure shall be submitted.

20. Section 38 of P.L.1984, c.205 (C.45:5B-38) is amended to read as follows:

38. Nothing in this act shall be construed to limit in any way the right of the State Board of Education to establish, operate and approve courses in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty, to employ teachers, to determine the standards for teaching and the qualifications of teachers, to determine courses of study, to determine the standards for the admission, progress, certification and graduation of students, to determine any and all standards and rules as to location, supplies, equipment and anything whatsoever pertaining to the establishment, operation and maintenance of a course in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty operated by a public school. Nothing in this act shall be interpreted to give any person or agency other than the State Board of Education the right to prescribe any requirement of any kind whatsoever for courses of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty in public schools or

for teachers or pupils in school courses.

21. (New section) If an official, authorized by the board, inspects a hair braiding shop that is located within an owner's residence or located within an office space or facility shared with other business entities, the official conducting the inspection shall be required to have an independent and sufficient legal justification in order to inspect areas not used for the purposes of the hair braiding shop."

Page 10, Section 10, Line 18:

Delete "10." and insert "22."

Page 10, Section 11, Line 33:

Delete "11." and insert "23."

Page 10, Line 20:

Insert new section:

"24. The New Jersey Board of Cosmetology and Hairstyling may adopt, immediately upon filing with the Office of Administrative Law, rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968,c.410 (c. 52:14B-1et seq.) to effectuate the purposes of this act, which regulations shall be effective for a period not to exceed six months and may thereafter be amended, adopted or readopted by the State Board of Cosmetology and Hairstyling in accordance with the requirements of P.L.1968,c.410 (C.52:14B-1 et seq.)."

Page 11, Section 12, Line 21:

Delete "12." and insert "25."

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Deputy Chief Counsel to the Governor



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Newark, N.J.

Governor Murphy Takes Action on Legislation

08/27/2018

TRENTON – Today, Governor Phil Murphy announced that he has conditionally vetoed the following bills:

A-764/S-365 (Caputo, Tucker, Quijano, Vainieri Huttle, Sumter, McKnight, Conaway, Houghtaling/Rice, Ruiz, Bucco) – "Alyssa's Law"; requires public school buildings to be equipped with panic alarm linked to local law enforcement.

[Copy of Statement on A764](#)

A-1053/S-1429 (Houghtaling, Taliaferro, Andrzejczak/Van Drew) – Revises and expands laws on trespass and vandalism on agricultural and horticultural lands.

[Copy of Statement on A1053](#)

A-2762/S-1317 (Greenwald, Mukherji, Conaway/Ruiz, Singleton) – Revises law concerning temporary disability leave.

[Copy of Statement on A2762](#)

A-2763/S-342 (Greenwald, Downey/Cruz-Perez) – Requires additional data in annual temporary disability and family leave insurance reports.

[Copy of Statement on A2763](#)

A-3676/S-2307 (Mazzeo, Armato, Giblin/Sweeney, Van Drew, C.A. Brown) – Creates Garden State Growth Zone at Atlantic City International Airport and surrounding area; adjusts full-time employee designation requirements.

[Copy of Statement on A3676](#)

A-3683/S-2416 (Murphy, McKnight, Jones/Madden, Vitale) – Authorizes parking privileges for certain healthcare workers who render care at patients' home residences.

[Copy of Statement on A3683](#)

A-3703/S-2549 (DeAngelo/Cryan, Sweeney) – Revises ownership standards and exemptions under HVACR license law.

[Copy of Statement on A3703](#)

A-3754/S-2510 (McKnight, Speight, Barclay/Madden, Pennacchio) – Exempts persons providing hair braiding services from licensure requirement, requires registration of hair braiding establishments.

[Copy of Statement on A3754](#)

A-3808/S-2418 (Greenwald, Bramnick, Murphy/Singleton, Oroho) – Provides for prompt payment of public contracts for purchase of goods and services.

[Copy of Statement on A3808](#)

A-4118/S-1838 (Swain, Tully, Murphy/Ruiz, Diegnan) – Permits individuals to submit TDI and family temporary disability leave claims to DOLWD prior to commencement of leave under certain circumstances and requires timely payment of benefits for such claims.

[Copy of Statement on A4118](#)

ACS for A-4181/S-2722 (Jones, Murphy/Cruz-Perez) – Requires establishment of common enrollment system in renaissance school district; expands definition of urban campus area; clarifies that employees of renaissance school projects are in State-administered retirement systems.

[Copy of Statement on A4181](#)

A-4230/S-2752 (Burzichelli, Mukherji, Houghtaling, Downey/Gopal, Sarlo) – Changes use of certain revenue derived from sports wagering at racetracks.

[Copy of Statement on A4230](#)

A-4261/S-2794 (Burzichelli, Moriarty, Conaway/Sweeney, Singleton) – Provides for collection of sales tax from certain remote sellers.

[Copy of Statement on A4261](#)

A-4262/S-2795 (Pintor Marin/Sweeney) – Decouples certain provisions of corporation business tax from Internal Revenue Code; alters dividends received deduction; revises tax base of surtax on corporation business income; repeals tax on certain dividends.

[Copy of Statement on A4262](#)

S-250/A-3190 (Van Drew, Gopal/Land, Andrzejczak, Armato) – Provides tax credit eligibility for qualified businesses at certain airports under Grow New Jersey Assistance Program.

[Copy of Statement on S250](#)

S-844/A-1980 (Turner, Cruz-Perez/Sumter, Mukherji, Pintor Marin, Wimberly) – Establishes a partial return to work TDI program.

[Copy of Statement on S844](#)

S-866/A-3294 (Sweeney, Vitale/Vainieri Huttel, Mukherji) – Extends eligibility for certain individuals for emergency assistance.

[Copy of Statement on S866](#)

S-2293/A-3902 (Sweeney, Oroho, Gordon, A.R. Bucco/Benson, Burzichelli, Lampitt) – "Securing Our Children's Future Bond Act"; authorizes issuance of \$1,000,000,000 in general obligation bonds to finance certain school, school district, and county college capital projects; appropriates \$5,000.

[Copy of Statement on S2293](#)

S-2758/A-4212 (Vitale, Ruiz/Coughlin) – Increases financial resources provided through Medicaid program for certain hospitals; Establishes County Option Hospital Fee Pilot Program.

[Copy of Statement on S2758](#)

Governor Murphy announced that he has absolute vetoed the following bills:

A-3267/S-2600 (Vainieri Huttle, Pinkin, McKeon/Ruiz, Smith, Weinberg) – Establishes fee on single-use carryout bags used in certain stores and dedicates fee revenue to "Healthy Schools and Community Lead Abatement Fund."

[Copy of Statement on A3267](#)

S-878/A-3084 (Madden, Sweeney, Singleton/Greenwald, Moriarty, Jones) – Restricts authority to terminate reciprocal personal income tax agreements with other states.

[Copy of Statement on S878](#)

S-2662/A-4113 (Sweeney, Bateman/Burzichelli) – Limits liability for persons who deliver heating oil to unregulated tanks for discharges from that tank under certain circumstances.

[Copy of Statement on S2662](#)

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Newark, N.J.

Governor Murphy Takes Action on Legislation

10/4/2018

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

A1053 w/GR (Houghtaling, Taliaferro, Andrzejczak/Van Drew) – Revises and expands laws on trespass and vandalism on agricultural and horticultural lands.

A2762 w/GR (Greenwald, Mukherji, Conaway/Ruiz, Singleton) – Revises law concerning temporary disability leave.

[Copy of Statement on A2762 w/GR](#)

A2763 w/GR (Greenwald, Downey, Pintor Marin/Cruz-Perez) – Requires additional data in annual temporary disability and family leave insurance reports.

[Copy of Statement on A2763 w/GR](#)

A3683 w/GR (Murphy, McKnight, Jones/Madden, Vitale) – Authorizes parking privileges for certain healthcare workers who render care at patients' home residences.

A3703 w/GR (DeAngelo/Cryan, Sweeney) – Revises ownership standards and exemptions under HVACR license law.

A3754 w/GR (McKnight, Speight, Barclay/Madden) – Exempts persons providing hair braiding services from licensure requirement, requires registration of hair braiding establishments.

A3808 w/GR (Greenwald, Bramnick, Murphy/Singleton, Oroho) – Provides for prompt payment of public contracts for purchase of goods and services.

A4118 w/GR (Swain, Tully, Murphy/Ruiz, Diegnan) – Permits individuals to submit TDI and family temporary disability leave claims to DOLWD prior to commencement of leave under certain circumstances and requires timely payment of benefits for such claims.

[Copy of Statement on A4118 w/GR](#)

A4181 w/GR (Jones, Murphy/Cruz-Perez) – Clarifies that employees of renaissance school projects are in State administered retirement systems.

[Copy of Statement on A4181 w/GR](#)

A4230 w/GR (Burzichelli, Mukherji, Houghtaling, Downey/Gopal, Sarlo) – Changes use of certain revenue derived from sports wagering at racetracks.

A4495 (Pintor Marin/Sarlo, Singleton) – Amends provisions regarding tax base and operative dates relative to CBT and combined reporting; provides CBT deduction in amount of certain foreign-related income; clarifies tax treatment of certain tax credits awarded by EDA.
[Copy of Statement on A4495](#)

A4496 (Burzichelli, Moriarty/Singleton) – Provides for collection of sales tax by marketplace facilitators and certain remote sellers, and clarifies collection of taxes related to hotel and transient accommodation occupancies.

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