

45:9-37.7 to 45:9-37.9

**LEGISLATIVE HISTORY CHECKLIST**  
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(Electrology practice)

**NJSA:** 45:9-37.7 to 45:9-37.9

**LAWS OF:** 1997 **CHAPTER:** 347

**BILL NO:** A2407

**SPONSOR(S):** Heck

**DATE INTRODUCED:** October 7, 1996

**COMMITTEE:** **ASSEMBLY:** Consumer Affairs  
**SENATE:** Commerce

**AMENDED DURING PASSAGE:** Yes Amendments during passage denoted  
First reprint enacted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** May 22, 1997  
**SENATE:** December 15, 1997

**DATE OF APPROVAL:** January 12, 1998

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBP:pp

Title 45.  
Chapter 9  
Article 2D.(New)  
Electrology  
§§1-18  
C. 45:9-37.76  
To  
45:9-37.93  
§19  
Note To §§1-18

P.L. 1997, CHAPTER 347, *approved January 12, 1998*  
Assembly, No. 2407 (*First Reprint*)

1 AN ACT providing for the licensing of electrologists and  
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "Electrology  
8 Practice Act."

9

10 2. As used in this act:

11 "Board" means the State Board of Medical Examiners.

12 "Committee" means the Electrologists Advisory Committee  
13 established pursuant to section 3 of this act.

14 "Electrologist" means a person who is licensed to practice  
15 electrology pursuant to the provisions of this act.

16 "Electrology" means the removal of hair permanently through the  
17 utilization of solid probe electrode-type epilation, including  
18 thermolysis, being of a short-wave, high frequency type, and including  
19 electrolysis, being of a galvanic type, or a combination of both, which  
20 is accomplished by a super-imposed or sequential blend.

21 "Electrology instructor" means a person who is licensed to teach  
22 the clinical and theoretical practice of electrology pursuant to the  
23 provisions of this act.

24 "Office" means any fixed establishment or place where one or more  
25 persons engage in the practice of electrology.

26

27 3. There is created within the Division of Consumer Affairs in the  
28 Department of Law and Public Safety, under the State Board of  
29 Medical Examiners, an "Electrologists Advisory Committee." The  
30 committee shall consist of five members who are residents of this State  
31 as follows: one physician licensed to practice medicine or surgery

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly ACP committee amendments adopted January 23, 1997.**

1 pursuant to chapter 9 of Title 45 of the Revised Statutes <sup>1</sup>[and who is  
2 a diplomate of the American Board of Dermatology]<sup>1</sup>; three  
3 electrologists who have successfully passed the American Electrologist  
4 Association/International Board of Electrologist Certification Certified  
5 Professional Electrology Examination, and who shall be appointed  
6 from a list of nominees submitted by the Electrologists Association of  
7 New Jersey; and one public member to represent consumer interests.  
8 Each electrologist member shall be actively engaged in the delivery of  
9 electrology services in this State for at least four years prior to his  
10 appointment. No electrologist member of the committee shall be  
11 affiliated as an instructor or member of the board of trustees of an  
12 electrology school; nor shall any electrologist member own any  
13 interest in any electrology school; nor shall any member engage in the  
14 business or own any interest in an entity engaged in the business of  
15 manufacturing or supplying electrology equipment or supplies.

16 The Governor shall appoint each committee member for a term of  
17 three years, except that of the electrologist members first appointed,  
18 two shall serve for terms of three years, two shall serve for terms of  
19 two years and one shall serve for a term of one year. Any vacancy in  
20 the membership of the board shall be filled for the unexpired term in  
21 the manner provided by the original appointment. No member of the  
22 committee may serve more than two successive terms in addition to  
23 any unexpired term to which he has been appointed.

24

25 4. The committee shall annually elect from among its members a  
26 chairperson. The committee shall meet at least twice a year and shall  
27 also meet upon the request of the Board of Medical Examiners or the  
28 Attorney General. The board shall provide the committee the facilities  
29 and personnel required for the proper conduct of its business.

30

31 5. The board shall authorize reimbursement of the members of the  
32 committee for their actual expenses incurred in connection with the  
33 performance of their duties as members of the committee.

34

35 6. The committee may have the following powers and duties, as  
36 delegated by the board:

37 a. evaluate and pass upon the qualifications of applicants for  
38 licensure;

39 b. adopt and administer the examination to be taken by applicants  
40 for licensure;

41 c. issue and renew biennial licenses for electrologists and  
42 electrology instructors pursuant to this act;

43 d. approve electrology education programs offered within the  
44 State;

45 e. refuse to admit a person to an examination or refuse to issue or  
46 suspend, revoke, or fail to renew the license of an electrologist or

- 1 electrology instructor pursuant to the provisions of P.L.1978, c.73  
2 (C.45:1-14 et seq.);
- 3 f. maintain a record of every electrologist and electrology  
4 instructor licensed in this State, their places of business, places of  
5 residence and the date and number of their license;
- 6 g. maintain a record of all offices licensed by the board to offer the  
7 services provided within the definition of electrology;
- 8 h. take disciplinary action, in accordance with P.L.1978, c.73  
9 (45:1-14 et seq.) against an electrologist or an electrology instructor  
10 who violates any provision of this act;
- 11 i. adopt standards for and approve continuing education programs,  
12 subject to the requirements of section 11 of this act;
- 13 j. approve the types of instruments and procedures permitted in the  
14 practice and teaching of electrology;
- 15 k. review advertising by any licensee or any institution that offers  
16 a program in electrology approved by the board;
- 17 l. direct the conduct of inspections or investigations of any  
18 premises from which the board may have reason to believe that  
19 electrology services are being offered; and
- 20 m. direct the conduct of inspections or investigations of all licensed  
21 offices.
- 22
- 23 7. a. No person shall practice electrology or teach electrology,  
24 whether or not compensation is received or expected, unless the  
25 person holds a valid license to practice or teach electrology in this  
26 State, except nothing in this act shall be construed to:
- 27 (1) prohibit any person licensed to practice or certified to teach in  
28 this State under any other law from engaging in the practice or  
29 teaching for which he is licensed, regulated or certified; or
- 30 (2) prohibit any student enrolled in an approved clinical electrology  
31 education program from performing that which is necessary to the  
32 student's course of study.
- 33 b. No person, business entity or its employees, agents or  
34 representatives shall use the titles "licensed electrologist" or "licensed  
35 electrology instructor," or the letters "L.E." or "L.E.I.," or any other  
36 title, designation, words, letters, abbreviations or insignia indicating  
37 the practice or teaching of electrology, unless licensed to practice or  
38 teach electrology under the provisions of this act.
- 39 c. No person, firm, corporation, partnership or other legal entity  
40 shall operate, maintain or use premises for the rendering of any service  
41 provided in the definition of electrology without first having secured  
42 an office license from the board.
- 43 d. In addition to the provisions of section 8 of P.L.1978, c.73  
44 (C.45:1-21), the board may refuse to grant or may suspend or revoke  
45 a license to practice or teach electrology upon proof to the satisfaction  
46 of the board that the holder thereof has:

- 1 (1) employed unlicensed persons to practice electrology, or  
2 supervised or aided an unlicensed person in the practice of electrology;  
3 (2) advertised the practice of electrology so as to disseminate false,  
4 deceptive or misleading information, whether as an individual, through  
5 a professional service corporation, or through a third party;  
6 (3) promoted the sale of devices, appliances, or goods to a patient  
7 so as to exploit the patient for financial gain;  
8 (4) used instruments or procedures in the practice of electrology  
9 that are not approved by the board;  
10 (5) maintained an office in a manner which is unsafe or unsanitary;  
11 or  
12 (6) acted in a manner inconsistent with standards for the practice  
13 of electrology approved by the board.  
14
- 15 8. To be eligible for licensure as an electrologist, an applicant shall  
16 fulfill the following requirements:  
17 a. be at least 18 years of age;  
18 b. be of good moral character;  
19 c. have successfully completed high school or its equivalent;  
20 d. (1) have successfully completed an electrology education  
21 program approved by the board, in consultation with the committee,  
22 including:  
23 (a) at least 200 hours of instruction in the theory of electrology;  
24 and  
25 (b) at least 400 hours of instruction in the clinical practice of  
26 electrology taught by an electrology instructor licensed pursuant to the  
27 provisions of this act. The clinical program shall include instruction  
28 in all modalities of electrology including galvanic, thermolysis and any  
29 other modality approved by the board; or  
30 (2) have completed in another state an electrology education  
31 program determined by the board to be substantially equivalent to that  
32 required pursuant to this subsection; and  
33 e. have passed an examination administered or approved by the  
34 board to determine the applicant's competence to practice electrology.  
35
- 36 9. To be eligible for licensure as an electrology instructor an  
37 applicant shall fulfill the following requirements:  
38 a. be licensed as an electrologist pursuant to the provisions of this  
39 act;  
40 b. have been actively engaged in the practice of electrology for at  
41 least five years immediately preceding the date of application for  
42 licensure as an electrology instructor; and  
43 c. passed an examination administered or approved by the board,  
44 after consultation with the committee, to determine the applicant's  
45 competence to teach electrology.

1       10. Upon payment to the board of a fee and the submission of a  
2 written application provided by the board, the board shall issue,  
3 without written examination, a license to any person who:

4       a. Holds a valid license issued by another state or possession of  
5 the United States or the District of Columbia which has standards  
6 substantially equivalent to those of this State, if the applicant has not  
7 previously failed the board examination as provided in sections 8, 9  
8 and 12 of this act. If the applicant has failed an examination referred  
9 to in those sections, licensing shall be at the discretion of the board, in  
10 consultation with the committee;

11       b. Applies for licensure within 180 days of the <sup>1</sup>[effective date of  
12 this act] initial meeting of the committee<sup>1</sup>, is a resident of this State,  
13 has completed 120 hours of instruction in electrology at a school of  
14 electrology approved by the board, in consultation with the committee,  
15 and has been actively engaged in the practice of electrology for at least  
16 five years immediately preceding the date of application for licensure;  
17 or

18       c. Applies for licensure within 180 days of the effective date of  
19 this act, is a resident of this State, and presents evidence of having  
20 passed the written electrology certification examination of a nationally  
21 recognized board or agency approved by the board, in consultation  
22 with the committee.

23

24       11. a. The board or committee, if so delegated by the board, shall:

25       (1) approve only such continuing professional education programs  
26 as are available to all electrologists and electrology instructors in this  
27 State on a reasonable nondiscriminatory basis. Programs may be held  
28 within or without this State, but shall be held so as to allow  
29 electrologists and electrology instructors in all areas of the State to  
30 attend;

31       (2) establish standards for continuing professional education  
32 programs, including the specific subject matter and contents of courses  
33 of study and the selection of instructors;

34       (3) accredit education programs offering credits toward the  
35 continuing education requirements; and

36       (4) establish the number of credits of continuing professional  
37 education required by each applicant for license renewal. Each credit  
38 shall represent or be equivalent to one hour of actual course  
39 attendance.

40       b. Prior to license renewal, each licensee shall submit to the board  
41 proof of completion of the required number of hours of continuing  
42 education.

43       c. If any applicant for renewal of registration completes a number  
44 of credit hours in excess of the number established pursuant to  
45 paragraph 4 of subsection a. of this section, the excess credits may, at  
46 the discretion of the board, in consultation with the committee, be

1 applicable to the continuing education requirement for the following  
2 biennial renewal period, but not thereafter.

3

4 12. The examinations required by sections 8 and 9 of this act shall  
5 include a written practical examination which shall test the applicant's  
6 knowledge of the theory and clinical practice of electrology.  
7 Examinations shall be held within the State at least twice a year at a  
8 time and place to be determined by the board, in consultation with the  
9 committee. The board shall give adequate written notice of the  
10 examination to applicants for licensure and examination.

11 An applicant who fails the initial examination or a section of the  
12 examination may retake the section or the entire examination upon  
13 payment to the board of the prescribed fee. If an applicant fails the  
14 examination twice, the applicant may take a third examination only if  
15 he retakes the entire examination and completes an electrology  
16 education program as required by the board, in consultation with the  
17 committee.

18

19 13. a. The board shall by rule or regulation establish, prescribe or  
20 change the fees for licenses, renewals of licenses or other services  
21 provided by the board or the committee pursuant to the provisions of  
22 this act. Licenses shall be issued for a period of two years and be  
23 biennially renewable, except that the board may, in order to stagger  
24 the expiration dates thereof, provide that those licenses first issued or  
25 renewed after the effective date of this act shall expire or become void  
26 on a date fixed by the board, not sooner than six months nor later than  
27 29 months after the date of issue.

28 b. Fees shall be established, prescribed or changed by the board to  
29 the extent necessary to defray all proper expenses incurred by the  
30 committee, the board and any staff employed to administer this act,  
31 except that fees shall not be fixed at a level that will raise amounts in  
32 excess of the amount estimated to be so required.

33 c. All fees and any fines imposed by the board shall be paid to the  
34 board and shall be forwarded to the State Treasurer and become part  
35 of the General Fund.

36

37 14. a. The board, in consultation with the committee, shall issue  
38 a license to any applicant who in the opinion of the board has  
39 satisfactorily met all the requirements of this act. The license shall  
40 indicate whether the holder is licensed as an electrologist or an  
41 electrology instructor. The holder of an electrologist's license is  
42 authorized to practice electrology during the licensure period, and the  
43 holder of an electrology instructor's license is authorized to practice  
44 electrology and to teach the clinical practice and theory of electrology  
45 during the licensure period.

46 b. The board shall, in consultation with the committee and in

1 accordance with its rules and regulations, reinstate the license of an  
2 electrologist or electrology instructor who has failed to renew the  
3 license if the applicant is eligible for licensure pursuant to section 9 or  
4 10 of this act and regulations of the board, and pays to the board all  
5 past due renewal fees and a reinstatement fee, to be determined by the  
6 board in consultation with the committee.

7  
8 15. A person, firm, corporation, partnership or other legal entity  
9 shall not operate, maintain or use premises for the rendering of any  
10 service provided in the definition of electrology without having first  
11 secured an office license. To be eligible for an office license, a  
12 person, firm, corporation, partnership or other legal entity intending  
13 to open and operate an electrologist's office shall:

14 a. Make application to the board on forms as it may require,  
15 demonstrating that the physical premises and the operation of the  
16 office will meet the criteria as recommended by the "Universal  
17 Precautions for Infection Control" established by the Center for  
18 Disease Control;

19 b. Permit inspections of the premises; and

20 c. Pay fees as may be required by the board.

21  
22 16. The provisions of the uniform enforcement law, P.L.1978, c.73  
23 (C.45:1-14 et seq.) shall apply to this act. The authority of the board  
24 may be delegated to the committee at the discretion of the board.

25  
26 17. The board shall maintain a list of approved electrology  
27 education programs located within the State and of out-of-state  
28 programs recognized by the board. The board shall not approve or  
29 recognize a program unless the program consists of at least 200 hours  
30 of instruction in the theory of electrology and 400 hours of training in  
31 the clinical practice of electrology.

32  
33 18. The board, after consultation with the committee, shall adopt  
34 rules and regulations pursuant to the "Administrative Procedure Act,"  
35 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
36 purposes of this act.

37  
38 19. This act shall take effect immediately, except that sections 1  
39 through 17 shall remain inoperative for 180 days following enactment.

40  
41  
42 \_\_\_\_\_  
43  
44 "Electrology Practice Act."



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5 person, firm, corporation, partnership or other legal entity intending  
6 to open and operate an electrologist's office shall:

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#### STATEMENT

36

37       This bill provides for the licensing of electrologists and electrology  
38 instructors. It establishes a five-member "Electrologists Advisory  
39 Committee" in the Division of Consumer Affairs in the Department of  
40 Law and Public Safety, under the jurisdiction of the State Board of  
41 Medical Examiners. The committee is to consist of five members: a  
42 physician who is a diplomate of the American Board of Dermatology,  
43 three electrologists, and one public member who will represent  
44 consumer interests. The committee will advise the Board of Medical  
45 Examiners regarding standards of practice, licensing qualifications,  
46 electrology education programs, and inspections of electrologists'

1 offices.

2 To be eligible for an electrologist's license, an applicant must be at  
3 least 18 years old, of good moral character, and have obtained a high  
4 school diploma or its equivalent. The applicant must have successfully  
5 completed an electrology education program that includes at least 200  
6 hours of instruction in the theory of electrology and at least 400 hours  
7 of clinical instruction. Additionally, applicants must pass an  
8 examination administered or approved by the Board of Medical  
9 Examiners.

10 "Electrology" is defined in the bill as the removal of hair  
11 permanently through the utilization of solid probe electrode-type  
12 epilation, including thermolysis, being of a short-wave, high frequency  
13 type, and including electrolysis, being of a galvanic type, or a  
14 combination of both, which is accomplished by a super-imposed or  
15 sequential blend.

16 The bill prohibits anyone from practicing or teaching electrology or  
17 using any title or abbreviation such as "LE" or "LEI" or any other title,  
18 designation, words, letters, abbreviations or insignia indicating the  
19 practice or teaching of electrology unless duly licensed. No person  
20 shall operate an electrology office without obtaining an office license  
21 under the act. The Board of Medical Examiners shall set minimum  
22 criteria for the operation and physical premises of electrology offices,  
23 and may inspect offices.

24 Applicants who apply for licensure within 180 days of the bill's  
25 effective date may be granted a license without sitting for an  
26 examination under certain circumstances.

27

28

29

30

31 "Electrology Practice Act."

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 2407

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1996

By Assemblywoman HECK and Senator Kyrillos

1 AN ACT providing for the licensing of electrologists and  
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

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23 provisions of this act.

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2 committee shall consist of five members who are residents of this State  
3 as follows: one physician licensed to practice medicine or surgery  
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5 is a diplomate of the American Board of Dermatology] <sup>1</sup>; three  
6 electrologists who have successfully passed the American Electrologist  
7 Association/International Board of Electrologist Certification Certified  
8 Professional Electrology Examination, and who shall be appointed  
9 from a list of nominees submitted by the Electrologists Association of  
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11 Each electrologist member shall be actively engaged in the delivery of  
12 electrology services in this State for at least four years prior to his  
13 appointment. No electrologist member of the committee shall be  
14 affiliated as an instructor or member of the board of trustees of an  
15 electrology school; nor shall any electrologist member own any  
16 interest in any electrology school; nor shall any member engage in the  
17 business or own any interest in an entity engaged in the business of  
18 manufacturing or supplying electrology equipment or supplies.

19 The Governor shall appoint each committee member for a term of  
20 three years, except that of the electrologist members first appointed,  
21 two shall serve for terms of three years, two shall serve for terms of  
22 two years and one shall serve for a term of one year. Any vacancy in  
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42 b. adopt and administer the examination to be taken by applicants  
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46 d. approve electrology education programs offered within the

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18 k. review advertising by any licensee or any institution that offers  
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20 l. direct the conduct of inspections or investigations of any  
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24 offices.

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31 this State under any other law from engaging in the practice or  
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35 student's course of study.

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1 (C.45:1-21), the board may refuse to grant or may suspend or revoke  
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5 supervised or aided an unlicensed person in the practice of electrology;

6 (2) advertised the practice of electrology so as to disseminate false,  
7 deceptive or misleading information, whether as an individual, through  
8 a professional service corporation, or through a third party;

9 (3) promoted the sale of devices, appliances, or goods to a patient  
10 so as to exploit the patient for financial gain;

11 (4) used instruments or procedures in the practice of electrology  
12 that are not approved by the board;

13 (5) maintained an office in a manner which is unsafe or unsanitary;  
14 or

15 (6) acted in a manner inconsistent with standards for the practice  
16 of electrology approved by the board.

17

18 8. To be eligible for licensure as an electrologist, an applicant shall  
19 fulfill the following requirements:

20 a. be at least 18 years of age;

21 b. be of good moral character;

22 c. have successfully completed high school or its equivalent;

23 d. (1) have successfully completed an electrology education  
24 program approved by the board, in consultation with the committee,  
25 including:

26 (a) at least 200 hours of instruction in the theory of electrology;  
27 and

28 (b) at least 400 hours of instruction in the clinical practice of  
29 electrology taught by an electrology instructor licensed pursuant to the  
30 provisions of this act. The clinical program shall include instruction  
31 in all modalities of electrology including galvanic, thermolysis and any  
32 other modality approved by the board; or

33 (2) have completed in another state an electrology education  
34 program determined by the board to be substantially equivalent to that  
35 required pursuant to this subsection; and

36 e. have passed an examination administered or approved by the  
37 board to determine the applicant's competence to practice electrology.

38

39 9. To be eligible for licensure as an electrology instructor an  
40 applicant shall fulfill the following requirements:

41 a. be licensed as an electrologist pursuant to the provisions of this  
42 act;

43 b. have been actively engaged in the practice of electrology for at  
44 least five years immediately preceding the date of application for  
45 licensure as an electrology instructor; and

46 c. passed an examination administered or approved by the board,

1 after consultation with the committee, to determine the applicant's  
2 competence to teach electrology.

3

4 10. Upon payment to the board of a fee and the submission of a  
5 written application provided by the board, the board shall issue,  
6 without written examination, a license to any person who:

7 a. Holds a valid license issued by another state or possession of  
8 the United States or the District of Columbia which has standards  
9 substantially equivalent to those of this State, if the applicant has not  
10 previously failed the board examination as provided in sections 8, 9  
11 and 12 of this act. If the applicant has failed an examination referred  
12 to in those sections, licensing shall be at the discretion of the board, in  
13 consultation with the committee;

14 b. Applies for licensure within 180 days of the <sup>1</sup> [effective date of  
15 this act] initial meeting of the committee<sup>1</sup>, is a resident of this State,  
16 has completed 120 hours of instruction in electrology at a school of  
17 electrology approved by the board, in consultation with the committee,  
18 and has been actively engaged in the practice of electrology for at least  
19 five years immediately preceding the date of application for licensure;  
20 or

21 c. Applies for licensure within 180 days of the effective date of  
22 this act, is a resident of this State, and presents evidence of having  
23 passed the written electrology certification examination of a nationally  
24 recognized board or agency approved by the board, in consultation  
25 with the committee.

26

27 11. a. The board or committee, if so delegated by the board, shall:

28 (1) approve only such continuing professional education programs  
29 as are available to all electrologists and electrology instructors in this  
30 State on a reasonable nondiscriminatory basis. Programs may be held  
31 within or without this State, but shall be held so as to allow  
32 electrologists and electrology instructors in all areas of the State to  
33 attend;

34 (2) establish standards for continuing professional education  
35 programs, including the specific subject matter and contents of courses  
36 of study and the selection of instructors;

37 (3) accredit education programs offering credits toward the  
38 continuing education requirements; and

39 (4) establish the number of credits of continuing professional  
40 education required by each applicant for license renewal. Each credit  
41 shall represent or be equivalent to one hour of actual course  
42 attendance.

43 b. Prior to license renewal, each licensee shall submit to the board  
44 proof of completion of the required number of hours of continuing  
45 education.

46 c. If any applicant for renewal of registration completes a number

1 of credit hours in excess of the number established pursuant to  
2 paragraph 4 of subsection a. of this section, the excess credits may, at  
3 the discretion of the board, in consultation with the committee, be  
4 applicable to the continuing education requirement for the following  
5 biennial renewal period, but not thereafter.

6

7 12. The examinations required by sections 8 and 9 of this act shall  
8 include a written practical examination which shall test the applicant's  
9 knowledge of the theory and clinical practice of electrology.  
10 Examinations shall be held within the State at least twice a year at a  
11 time and place to be determined by the board, in consultation with the  
12 committee. The board shall give adequate written notice of the  
13 examination to applicants for licensure and examination.

14 An applicant who fails the initial examination or a section of the  
15 examination may retake the section or the entire examination upon  
16 payment to the board of the prescribed fee. If an applicant fails the  
17 examination twice, the applicant may take a third examination only if  
18 he retakes the entire examination and completes an electrology  
19 education program as required by the board, in consultation with the  
20 committee.

21

22 13. a. The board shall by rule or regulation establish, prescribe or  
23 change the fees for licenses, renewals of licenses or other services  
24 provided by the board or the committee pursuant to the provisions of  
25 this act. Licenses shall be issued for a period of two years and be  
26 biennially renewable, except that the board may, in order to stagger  
27 the expiration dates thereof, provide that those licenses first issued or  
28 renewed after the effective date of this act shall expire or become void  
29 on a date fixed by the board, not sooner than six months nor later than  
30 29 months after the date of issue.

31 b. Fees shall be established, prescribed or changed by the board to  
32 the extent necessary to defray all proper expenses incurred by the  
33 committee, the board and any staff employed to administer this act,  
34 except that fees shall not be fixed at a level that will raise amounts in  
35 excess of the amount estimated to be so required.

36 c. All fees and any fines imposed by the board shall be paid to the  
37 board and shall be forwarded to the State Treasurer and become part  
38 of the General Fund.

39

40 14. a. The board, in consultation with the committee, shall issue  
41 a license to any applicant who in the opinion of the board has  
42 satisfactorily met all the requirements of this act. The license shall  
43 indicate whether the holder is licensed as an electrologist or an  
44 electrology instructor. The holder of an electrologist's license is  
45 authorized to practice electrology during the licensure period, and the  
46 holder of an electrology instructor's license is authorized to practice



1 electrology and to teach the clinical practice and theory of electrology  
2 during the licensure period.

3 b. The board shall, in consultation with the committee and in  
4 accordance with its rules and regulations, reinstate the license of an  
5 electrologist or electrology instructor who has failed to renew the  
6 license if the applicant is eligible for licensure pursuant to section 9 or  
7 10 of this act and regulations of the board, and pays to the board all  
8 past due renewal fees and a reinstatement fee, to be determined by the  
9 board in consultation with the committee.

10

11 15. A person, firm, corporation, partnership or other legal entity  
12 shall not operate, maintain or use premises for the rendering of any  
13 service provided in the definition of electrology without having first  
14 secured an office license. To be eligible for an office license, a  
15 person, firm, corporation, partnership or other legal entity intending  
16 to open and operate an electrologist's office shall:

17 a. Make application to the board on forms as it may require,  
18 demonstrating that the physical premises and the operation of the  
19 office will meet the criteria as recommended by the "Universal  
20 Precautions for Infection Control" established by the Center for  
21 Disease Control;

22 b. Permit inspections of the premises; and

23 c. Pay fees as may be required by the board.

24

25 16. The provisions of the uniform enforcement law, P.L.1978, c.73  
26 (C.45:1-14 et seq.) shall apply to this act. The authority of the board  
27 may be delegated to the committee at the discretion of the board.

28

29 17. The board shall maintain a list of approved electrology  
30 education programs located within the State and of out-of-state  
31 programs recognized by the board. The board shall not approve or  
32 recognize a program unless the program consists of at least 200 hours  
33 of instruction in the theory of electrology and 400 hours of training in  
34 the clinical practice of electrology.

35

36 18. The board, after consultation with the committee, shall adopt  
37 rules and regulations pursuant to the "Administrative Procedure Act,"  
38 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
39 purposes of this act.

40

41 19. This act shall take effect immediately, except that sections 1  
42 through 17 shall remain inoperative for 180 days following enactment.

43

44

45

46 "Electrology Practice Act."

ASSEMBLY CONSUMER AFFAIRS AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2407**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 23, 1997

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 2407.

This bill provides for the licensing of electrologists and electrology instructors. It establishes a five-member "Electrologists Advisory Committee" under the jurisdiction of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety. The committee is to consist of five members: a licensed New Jersey physician, three electrologists, and one public member who will represent consumer interests. The committee will advise the Board of Medical Examiners regarding standards of practice, licensing qualifications, electrology education programs, and inspections of electrologists' offices.

To be eligible for an electrologist's license, an applicant must be at least 18 years old, of good moral character, and have obtained a high school diploma or its equivalent. The applicant must have successfully completed an electrology education program that includes at least 200 hours of instruction in the theory of electrology and at least 400 hours of clinical instruction. Additionally, applicants must pass an examination administered or approved by the Board of Medical Examiners.

"Electrology" is defined in the bill as the removal of hair permanently through the utilization of solid probe electrode-type epilation, including thermolysis, being of a short-wave, high frequency type, and including electrolysis, being of a galvanic type, or a combination of both, which is accomplished by a super-imposed or sequential blend.

The bill prohibits anyone from practicing or teaching electrology or using any title or abbreviation such as "LE" or "LEI" or any other title, designation, words, letters, abbreviations or insignia indicating the practice or teaching of electrology unless duly licensed. No person shall operate an electrology office without obtaining an office license under the act. The Board of Medical Examiners shall set minimum

criteria for the operation and physical premises of electrology offices, and may inspect offices.

As amended, this bill provides that applicants who apply for licensure within 180 days of the first advisory committee meeting may be granted a license without sitting for an examination under certain circumstances. This would give practicing electrologists additional time to apply for licensure in order to be certified under the bill's "grandfather" provision. Additionally, another amendment opens committee membership to all licensed New Jersey physicians.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2407**

# **STATE OF NEW JERSEY**

DATED: MARCH 20, 1997

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2407 (1R).

Assembly Bill No. 2407 (1R) provides for the licensing of electrologists and electrology instructors. It establishes a five-member "Electrologists Advisory Committee" under the jurisdiction of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety. The committee is to consist of a licensed New Jersey physician, three electrologists, and one public member who will represent consumer interests. The committee will advise the Board of Medical Examiners regarding standards of practice, licensing qualifications, electrology education programs, and inspections of electrologists' offices.

To be eligible, an applicant must be at least 18 years old, of good moral character, and have obtained a high school diploma or its equivalent; must have successfully completed an electrology education program that includes at least 200 hours of instruction in the theory of electrology and at least 400 hours of clinical instruction. Additionally, applicants must pass an examination administered or approved by the Board of Medical Examiners.

### FISCAL IMPACT:

According to information from the Electrology Association of New Jersey there are approximately 500 electrologists eligible for licenses. The Division of Consumer Affairs informally estimated a cost of \$114,000 the first year, \$103,000 in the second and \$108,000 in the third. The bill requires that fee receipts fully defray the administrative expenses of this licensing program.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2407**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 24, 1997

The Senate Commerce Committee reports favorably Assembly Bill No. 2407 (1R).

This bill provides for the licensing of electrologists and electrology instructors. It establishes a five-member "Electrologists Advisory Committee" under the jurisdiction of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety. The committee is to consist of five members: a licensed New Jersey physician, three electrologists, and one public member who will represent consumer interests. The committee will advise the Board of Medical Examiners regarding standards of practice, licensing qualifications, electrology education programs, and inspections of electrologists' offices. Electrologists are trained in the use of electrolysis for removing excess hair from the skin. Electrolysis is the process of removing hair roots by an electric current.

Applicants for licensure as an electrologist must be at least 18 years of age, of good moral character, have successfully completed high school or its equivalent, have successfully completed an electrology education program approved by the board, which shall include at least 200 hours of instruction in the theory of electrology and at least 400 hours of instruction in the clinical practice of electrology (if from another state, the applicants must have completed a substantially equivalent electrology education program), and pass a board examination.

An applicant for an electrology instructor license must be licensed as an electrologist according the provisions of the bill, have been actively engaged in the practice of electrology for at least five years immediately preceding the date of application and pass a board examination.

Only persons licensed under the bill may practice or teach electrology or use any title, word, or abbreviation indicating the practice or teaching of electrology, including "licensed electrologist" or "licensed electrology instructor," or the letters "L.E." or "L.E.I." However, the provisions of the bill do not apply to any person licensed to practice or certified to teach in this State under any other law.

A person, firm, corporation, partnership or other legal entity is

required to obtain an office license from the board before operating, maintaining or using any premises for the practice of electrology. The physical premises and operation of an office must meet minimum criteria established by the board, including the "Universal Precautions for Infection Control" criteria established by the Center for Disease Control, and an office may be inspected by the board.

Written examinations are not required of applicants who hold a valid license issued by another state which has standards substantially equivalent to those of this State; who present evidence, within 180 days of the effective date of the bill, that they have passed the written electrology certification examination of a nationally recognized board or agency approved by the board; or who apply within 180 days of the initial meeting of the committee and are residents of this State, have completed 120 hours of instruction in electrology at a school of electrology approved by the board, and have been actively engaged in the practice of electrology for at least five years immediately preceding application.

The bill provides for continuing education as a condition of license renewal.

The provisions of the uniform enforcement powers and procedures act, P.L.1978, c.73 (C.45:14-1 et seq.), regarding disciplinary and remedial authority of professional boards, applies the provisions of this bill.