

45:5B-3

LEGISLATIVE HISTORY CHECKLIST
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(Cosmetology--skin care speciality)

NJSA: 45:5B-3

LAWS OF: 1995 CHAPTER: 82

BILL NO: A253

SPONSOR(S): Crecco

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Commerce

SENATE: Commerce

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: May 9, 1994

SENATE: March 2, 1995

DATE OF APPROVAL: April 11, 1995

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

KBG:pp

§13
C.45:5B-22.1
§14
C.45:5B-12.1
§15
Note To §§1-14

P.L.1995, CHAPTER 82, approved April 11, 1995
1994 Assembly No. 253 (First Reprint)

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

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

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

8 3. As used in this act:

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

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

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

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

20 (3) singeing or dyeing of the hair;

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

23 (5) massaging, cleansing or stimulating the face, neck or scalp
24 with or without cosmetic preparations, either by hand,
25 mechanical or electrical appliances; or

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

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

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

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

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

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

42 (4) massaging, cleansing, or stimulating the face, scalp, neck

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.

Matter enclosed in superscript numerals has been adopted as follows:
Assembly ACP committee amendments adopted March 28, 1994.

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

1 engage in only the practice of manicuring.

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

7 (1) manicuring of the fingernails;

8 (2) pedicuring of the toenails; or

9 (3) nail sculpturing.

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

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

19 o. "Registered student" means a person who is engaged in
20 learning and acquiring a knowledge of any of the [practice]
21 practices included in the definition of cosmetology and
22 hairstyling under the direction and supervision of a person duly
23 authorized under this act to teach cosmetology and hairstyling
24 and who is enrolled in a program of instruction at a licensed
25 school of cosmetology and hairstyling, completion of which may
26 render him eligible for licensure pursuant to this act but does not
27 mean a person who is enrolled in a public school vocational
28 program in cosmetology and hairstyling approved by the State
29 Board of Education.

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

34 q. "School" means an establishment or place licensed by the
35 board to be maintained for the purpose of teaching cosmetology
36 and hairstyling to registered students.

37 r. "Senior student" means a registered student who has
38 successfully completed 600 hours of instruction in a cosmetology
39 and hairstyling [in a] program, 100 hours of instruction in a
40 manicuring program or 300 hours of instruction in a skin care
41 specialty program offered at a licensed school of cosmetology
42 and hairstyling or a student enrolled in an approved vocational
43 training program [in cosmetology and hairstyling] who has
44 completed 600 hours of instruction in a cosmetology and hair
45 styling program, 100 hours of instruction in a manicuring program
46 or 300 hours of instruction in a skin care specialty program.

47 s. "Student permit" means a permit issued to a senior student
48 which enables him to practice cosmetology and hairstyling in a
49 school clinic or shop while a registered student at a licensed
50 school of cosmetology and hairstyling or enrolled in an approved
51 vocational training program.

52 t. "Shop" means any fixed establishment or place where one or
53 more persons engage in one or more of the practices included in
54 the definition of cosmetology or hairstyling, barbering, beauty

1 culture or manicuring.

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

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

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

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

15 y. "Skin care specialty" means any one or combination of the
16 following practices when done on the human body for cosmetic
17 purposes and not for the treatment of disease or physical or
18 mental ailments and when performed for payment either directly
19 or indirectly or when performed without payment for the general
20 public:

21 (1) ¹[singeing, dyeing, tinting, coloring, bleaching of the hair
22 on the face, neck, arms, legs or abdomen;

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

25 ¹~~[(3)]~~ (2)¹ massaging, cleansing or stimulating the face, neck
26 or upper part of the body, with or without cosmetic preparations,
27 either by hand, mechanical or electrical appliances; or

28 ¹~~[(4)]~~ (3)¹ removing superfluous hair from the face, neck,
29 arms, legs or abdomen by the use of depilatories, waxing or
30 tweezers, but not by the use of electrolysis.

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

36 (cf: P.L.1984, c.205, s.3)

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

39 6. The board shall:

40 a. Review the qualifications of applicants for licensure;

41 b. Devise examinations for licensure which include practical [,]
42 and written [and oral] portions;

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

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

52 e. Issue student permits to senior students, ¹manicuring
53 students and skin care specialty students,¹ which permits shall
54 remain valid during the period that the ¹~~[senior]~~¹ student is

- 1 registered at a licensed school or enrolled in an approved
2 vocational training program;
- 3 f. Issue temporary permits to applicants for licensure who are
4 awaiting scheduling for or results from an examination;
- 5 g. Issue registration cards to registered students;
- 6 h. Suspend, revoke or fail to renew a license and exercise
7 investigative powers pursuant to the provisions of P.L.1978, c.73
8 (C.45:1-14 et seq.);
- 9 i. Appoint and employ an executive [secretary] director and an
10 assistant [secretary] executive director subject to the approval of
11 the Attorney General, and other employees as necessary to carry
12 out the provisions of this act;
- 13 j. Determine the duties that the executive [secretary] director
14 and the assistant [secretary] executive director shall perform;
- 15 k. File with the Attorney General a petition to remove any
16 executive [secretary] director or assistant [secretary] executive
17 director for cause, which petition shall be acted upon by the
18 Attorney General in a manner which he deems appropriate;
- 19 l. Establish fees for initial licensure, permits, renewals and
20 restoration of licenses as well as for duplication of lost licenses
21 pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);
- 22 m. Maintain records of all practicing licensees and all licensed
23 teachers. Records shall include the latest work address of each
24 licensee, as provided on applications for licensure and renewals
25 thereof;
- 26 n. Maintain a record of all registered students and all persons
27 holding student permits, manicuring student permits and skin
28 care specialty student permits;
- 29 o. Maintain a record of all shops licensed by the board to offer
30 one or more of the services encompassed within the definition of
31 cosmetology and hairstyling;
- 32 p. Maintain a record of all schools licensed by the board to
33 offer courses of instruction or training in the practice and theory
34 of cosmetology and hairstyling to registered students, which
35 courses shall be approved by the board for the awarding of credit
36 for licensure;
- 37 q. Make available for public inspection all records required to
38 be kept pursuant to this section;
- 39 r. Promulgate regulations governing the practice and teaching
40 of cosmetology and hairstyling as are necessary to implement this
41 act and to insure that cosmetology and hairstyling services and
42 instruction in those services are being offered both in a manner
43 which is sanitary and safe and in a manner which is not intended
44 to deceive or mislead the general public;
- 45 s. Promulgate regulations governing the conduct of shops and
46 schools as are necessary to implement this act and to [insure]
47 assure that cosmetology and hairstyling services and instruction
48 in those services are being offered both in a manner that is
49 sanitary and safe, and in a manner not intended to deceive or
50 mislead the general public, students of the schools, or
51 organizations awarding financial aid to the students and to clarify
52 or define any term used in the act and to define any activity
53 included in hairstyling and cosmetology and beauty culture;
- 54 t. Review curricula offered by licensed schools in courses of

1 instruction offered to registered students and approve those
2 curricula which offer comprehensive training in cosmetology and
3 hairstyling;

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

6 v. Direct the conduct of inspections or investigations of any
7 premises from which the board may have reason to believe that
8 cosmetology and hairstyling services are being offered, or that
9 courses of instruction are being offered to registered students.

10 (cf: P.L.1984, c.205, s.6)

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

13 8. No person shall offer or render any of the services
14 encompassed within the definition of cosmetology and hairstyling
15 in a place which is not licensed as a shop or school, except that a
16 practicing licensee, duly licensed pursuant to this act, may render
17 the services which he is licensed to offer:

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

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

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

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

27 e. Upon potential consumers of cosmetic preparations, lotions,
28 creams, makeup or perfume which are intended for home use if
29 the application of the product is made for the purposes of
30 effecting a retail sale and the person neither accepts payment
31 from the consumer for the service, nor makes the provision of the
32 service contingent upon the purchase of any product or service.¹

33 (cf: P.L.1984, c.205, s.8)

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

36 9. No person, firm, corporation, partnership or other legal
37 entity shall operate, maintain or use premises for the offering of
38 or rendering of any one or more of the services encompassed in
39 the definition of cosmetology and hairstyling without first having
40 secured a shop license from the board.¹

41 (cf: P.L.1984, c.205, s.9)

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

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

47 a. Advertise in a manner which would tend to mislead
48 consumers of cosmetology [or] and hairstyling services;

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

51 c. Continue to practice while knowingly having an infectious,
52 contagious or communicable disease which could reasonably be
53 expected to be transmitted during the course of rendering
54 cosmetology and hairstyling services;

1 d. Engage in fraudulent practices for the purpose of securing
2 financial aid from any institution or agency offering that aid to
3 students of cosmetology [or] and hairstyling;

4 e. Aid, abet, or knowingly permit a person not licensed
5 pursuant to this act to render any of the services encompassed
6 within the definition of cosmetology and hairstyling;

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

9 g. Engage in one or more of the practices included in the
10 definition of cosmetology and hairstyling in premises not licensed
11 as a shop or a school, except as provided in section 8 of this act.¹

12 (cf: P.L.1984, c.205, s.12)

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

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

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

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

22 c. Knowingly permit any practicing licensee to render services
23 when that licensee has an infectious, contagious or communicable
24 disease which could reasonably be expected to be transmitted
25 during the course of rendering cosmetology and hairstyling
26 services;

27 d. Aid, abet or permit a person not licensed pursuant to this
28 act to render any of the services encompassed within the
29 definition of cosmetology and hairstyling;

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

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

32 g. Fail to employ one person with the required experience as
33 provided in section 11 of this act.¹

34 (cf: P.L.1984, c.205, s.13)

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

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

41 a. Advertise in a manner which would tend to mislead
42 potential students or consumers of cosmetology [or] and
43 hairstyling services offered within the school's clinic;

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

46 c. Permit students to practice upon each other or members of
47 the public while knowingly having an infectious, contagious or
48 communicable disease which could reasonably be expected to be
49 transmitted during the course of teaching or rendering
50 cosmetology and hairstyling services;

51 d. Permit teachers to demonstrate cosmetology and hairstyling
52 services on students while knowingly having an infectious,
53 contagious or communicable disease which could reasonably be
54 expected to be transmitted during the course of teaching or

1 rendering cosmetology and hairstyling services:

2 e. Engage in fraudulent practices for the purpose of securing
3 financial aid from any institution or agency offering aid to
4 students of cosmetology or hairstyling;

5 f. Aid, abet, or permit a person not licensed pursuant to this
6 act to teach any of the services encompassed within the
7 definition of cosmetology and hairstyling to registered students;

8 g. Maintain any premises from which the practice of
9 cosmetology and hairstyling is offered, or the teaching of
10 cosmetology and hairstyling is offered in a manner which is
11 [unsatisfactory] unsanitary or unsafe;

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

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

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

21 k. Fail to maintain the required bond during all periods of
22 operation.¹

23 (cf: P.L.1984, c.205, s.14)

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

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

29 a. Advertise in a manner which would tend to mislead
30 potential students or consumers of cosmetology [or] and
31 hairstyling services offered in the school clinic;

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

34 c. Knowingly permit students to practice upon each other or
35 members of the public while having an infectious, contagious or
36 communicable disease which could reasonably be expected to be
37 transmitted during the course of rendering cosmetology and
38 hairstyling services;

39 d. Demonstrate cosmetology and hairstyling services on
40 students while knowingly having an infectious, contagious or
41 communicable disease which could reasonably be expected to be
42 transmitted during the course of rendering cosmetology and
43 hairstyling services;

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

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

50 g. Teach cosmetology and hairstyling in a manner which is
51 unsatisfactory or unsafe;

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

54 i. Fail to accurately and truthfully record attendance by

1 registered students.¹

2 (cf: P.L.1984, c.205, s.15)

3 ^{19.} Section 16 of P.L.1984, c.205 (C.45:5B-16) is amended to
4 read as follows:

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

8 a. Is of good moral character;

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

10 c. Does not have any communicable, contagious or infectious
11 disease which could reasonably be expected to be transmitted
12 during the course of rendering cosmetology and hairstyling
13 services.¹

14 (cf: P.L.1984, c.205, s.16)

15 ^{1[3.] 10.} Section 25 of P.L.1984, c.205 (C.45:5B-25) is
16 amended to read as follows:

17 25. To be eligible to obtain a student permit, a ^{1[manicuring]}
18 manicurist¹ student permit or a skin care ^{1[specialist] specialty}
19 student permit, an applicant shall submit to the board
20 satisfactory evidence that he:

21 a. Is a registered student in a course of instruction in
22 cosmetology and hairstyling [or is enrolled on the effective date
23 of this act in a licensed beauty culture school in this State] or
24 manicuring or skin care, as appropriate, or is enrolled in a public
25 school approved by the State Board of Education to offer a
26 vocational program in cosmetology and hairstyling or manicuring
27 or skin care, as appropriate, and has completed 600 hours [in that
28 course of instruction] of a cosmetology and hairstyling course,
29 100 hours of a manicuring course or 300 hours of the skin care
30 specialty course; and

31 b. Does not have a communicable, contagious or infectious
32 disease ¹which could reasonably be expected to be transmitted
33 during the course of rendering cosmetology and hairstyling
34 services.¹

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

41 (cf: P.L.1984, c.205, s.25)

42 ^{111.} Section 29 of P.L.1984, c.205 (C.45:5B-29) is amended to
43 read as follows:

44 29. a. Applicants possessing a license to render services in
45 another state or foreign country, which services are included
46 within the definition of beauty culture pursuant to this act, may
47 be issued a license to practice cosmetology and hairstyling in
48 accordance with the provisions of section 18 of this act, if that
49 jurisdiction has established eligibility criteria substantially
50 similar to those established by the Board of Beauty Culture
51 Control and in effect on the date of enactment of this act. The
52 applicant shall pay a fee as required by the board and submit
53 certification from the licensing jurisdiction. An applicant
54 possessing a license to practice beauty culture services issued by

1 a licensing authority from another state or a foreign country
2 which has established eligibility criteria with respect to beauty
3 culture training which are, in the opinion of the board, less
4 stringent than those required by the Board of Beauty Culture
5 Control on the date of enactment of this act, may, nevertheless,
6 be eligible for licensure as a cosmetologist-hairstylist in
7 accordance with the provisions of section 18 of this act if the
8 applicant can present satisfactory evidence of prior practical
9 experience of three years working in a licensed shop.

10 b. Applicants possessing a license to render services in another
11 state or foreign country which was issued on or before December
12 4, 1985, which services are included within the definition of
13 beauty culture pursuant to P.L.1984, c.205 (C.45:5B-1 et seq.),
14 may be issued a license to practice beauty culture if that
15 jurisdiction had established eligibility criteria substantially
16 similar to those established by the Board of Beauty Culture
17 Control and in effect on the date of enactment of P.L.1984, c.205
18 (C.45:5B-1 et seq.). The applicant shall pay a fee as required by
19 the board and submit certification from the licensing
20 jurisdiction. An applicant possessing a license to practice beauty
21 culture services issued by a licensing authority from another
22 state or foreign country which was issued on or before December
23 4, 1985 which had established eligibility criteria with respect to
24 beauty culture training which are, in the opinion of the board,
25 less stringent than those required by the Board of Beauty Culture
26 Control on the date of enactment of P.L.1984, c.205 (C.45:5B-1
27 et seq.), may, nevertheless, be eligible for licensure to practice
28 beauty culture if the applicant can present satisfactory evidence
29 of prior practical experience of three years working in a licensed
30 shop.¹

31 (cf: P.L.1984, c.205, s.29)

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

34 30. a. Applicants possessing a license to render services in
35 another state or a foreign country, which services are included
36 within the definition of barbering pursuant to this act, may be
37 issued a license to practice cosmetology and hairstyling in
38 accordance with the provisions of section 19 of this act, if that
39 jurisdiction has established eligibility criteria substantially
40 similar to those established by the Board of Barber Examiners and
41 in effect on the date of enactment of this act. The applicant
42 shall pay a fee as required by the board and submit certification
43 from the licensing jurisdiction.

44 An applicant possessing a license to practice barbering services
45 issued by a licensing authority from another state or a foreign
46 country which has established eligibility criteria which are, in the
47 opinion of the board, less stringent than those required by the
48 Board of Barber Examiners on the date of enactment of this act,
49 may, nevertheless, be eligible for licensure as a
50 cosmetologist-hairstylist in accordance with the provisions of
51 section 19 of this act, if the applicant can present satisfactory
52 evidence of prior practical experience of three years working in a
53 licensed shop.

54 b. Applicants possessing a license to render services in another

1 state or foreign country which was issued on or before
 2 December 4, 1985, which services are included within the
 3 definition of barbering pursuant to P.L.1984, c.205 (C.45:5B-1 et
 4 seq.), may be issued a license to practice barbering if that
 5 jurisdiction had established eligibility criteria substantially
 6 similar to those established by the Board of Barber Examiners and
 7 in effect on the date of enactment of P.L.1984, c.205 (C.45:5B-1
 8 et seq.). The applicant shall pay a fee as required by the board
 9 and submit certification from the licensing jurisdiction. An
 10 applicant possessing a license to practice barbering services
 11 issued by a licensing authority from another state or foreign
 12 country which was issued on or before December 4, 1985 which
 13 had established eligibility criteria with respect to barber training
 14 which are, in the opinion of the board, less stringent than those
 15 required by the Board of Barber Examiners on the date of
 16 enactment of P.L.1984, c.205 (C.45:5B-1 et seq.), may,
 17 nevertheless, be eligible for licensure as a barber if the applicant
 18 can present satisfactory evidence of prior practical experience of
 19 three years working in a licensed shop.¹

20 (cf: P.L.1984, c.205, s.30)

21 ¹[4.] 13.¹ (New section) An applicant seeking initial licensure
 22 as a skin care specialist ¹[must] shall¹:

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

25 b. Demonstrate successful completion of a 600 hour course of
 26 instruction in the practice of a skin care specialty at

27 (1) a school of cosmetology and hairstyling licensed in this
 28 State; or

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

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

35 c. Take and pass an examination conducted by the board, as
 36 provided by ¹[this amendatory and supplementary act] P.L.1984,
 37 c.205 (C.45:5B-1 et seq.)¹.

38 ¹14. a. No person shall represent himself or hold himself out
 39 as engaging in the practices encompassed in cosmetology and
 40 hairstyling, or manicuring or as a skin care specialist unless
 41 licensed under this act.

42 b. No person shall use the title or designation of
 43 "cosmetologist-hairstylist," "manicurist," or "skin care
 44 specialist" or any other title or designation suggesting that the
 45 person is a cosmetologist-hairstylist, manicurist or skin care
 46 specialist unless licensed under this act, and unless the title or
 47 designation corresponds to the license held by the person pursuant
 48 to this act.¹

49 ¹[5.] 15.¹ This act shall take effect on the 180th day following
 50 enactment.

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 52
 53
 54 Concerns the practice of cosmetology and hairstyling and creates
 55 a skin care specialty license.

STATEMENT

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This bill creates a skin care specialty limited license within the practice of cosmetology and hairstyling. The bill provides educational standards that applicants for a skin care specialty license must meet, and provides that those applicants must pass an examination conducted by the New Jersey State Board of Cosmetology and Hairstyling.

The bill allows the board to issue skin care specialty student permits and manicurist student permits to senior students enrolled in skin care specialty or manicuring programs, which allow those students to practice skin care or manicuring, as the case may be, in a school clinic or shop.

The bill also amends the current law to remove the board's authority to conduct oral examinations for licensure to practice cosmetology and hairstyling.

Concerns the practice of cosmetology and hairstyling and creates a skin care specialty license.

ASSEMBLY COMMERCE AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 253

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 24, 1994

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 253 with amendments.

As amended, this bill creates a skin care specialty limited license within the practice of cosmetology and hairstyling. As defined in the amended definition in the bill, "skin care specialty" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for payment either directly or indirectly or when performed without payment for the general public:

- (1) applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the scalp, face or neck;
- (2) massaging, cleansing or stimulating the face, neck or upper part of the body, with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or
- (3) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis.

The bill provides educational standards that applicants for a skin care specialty license must satisfy. An applicant is required to: a. Demonstrate successful completion of high school or its equivalent; and b. Demonstrate successful completion of a 600 hour course of instruction in the practice of a skin care specialty at:

- (1) a school of cosmetology and hairstyling licensed in this State; or
- (2) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling; or
- (3) a school of cosmetology and hairstyling, beauty culture or barbering licensed in another state or foreign country which, in the opinion of the board, offers curricula which is substantially similar to that offered at licensed schools within this State. In addition, an applicant is required to pass an examination conducted by the New Jersey State Board of Cosmetology and Hairstyling in order to receive a skin care specialty limited license.

The bill allows the board to issue skin care specialty student permits and manicurist student permits to senior students enrolled in skin care specialty or manicuring programs, which allow those students to practice skin care or manicuring, as the case may be, in a school clinic or shop.

The committee amended the definition of "skin care specialty" by removing from this practice the singeing, dyeing, tinting, coloring, or bleaching of the hair on the face, neck, arms, legs or abdomen. In addition, the committee amended the bill to modify the prohibitions in the current law against practitioners with infectious, contagious or communicable diseases to provide that

they must reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services and to provide endorsement for certain applicants from other states or foreign countries for licensure to practice beauty culture or barbering.

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COMMERCE COMMITTEE

STATEMENT TO

**[FIRST REPRINT]
ASSEMBLY, No. 253**

STATE OF NEW JERSEY

DATED: JUNE 2, 1994

The Senate Commerce Committee reports favorably Assembly Bill No. 253 [1R].

This bill creates a skin care specialty limited license within the practice of cosmetology and hairstyling. The State Board of Cosmetology and Hairstyling will oversee the licensure of qualified applicants. As defined in the bill, "skin care specialty" means any one or combination of the following practices, when performed for cosmetic purposes:

- (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.

An applicant for licensure as a skin care specialist must: be a high school graduate or its equivalent; complete a 300-hour course of instruction in the practice of a skin care specialty at a qualified school; and pass an examination conducted by the board.

The bill allows the board to issue skin care specialty student permits and manicurist student permits to senior students enrolled in skin care specialty or manicuring programs that allow such students to practice skin care or manicuring in a school clinic or shop.

The bill also amends current law and makes it an unlawful practice for any person, or for a licensed shop or shop owner, licensed school or school owner, or licensed teacher to knowingly permit a person, to practice, demonstrate or render services if the person has an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services. In addition, only applicants who do not have any such diseases which could reasonably be expected to be transmitted during the course of rendering services, may obtain a license.

The bill provides that applicants from other states or foreign countries licensed to practice beauty culture or barbering prior to December 4, 1985, upon payment of the fee and submission of their certification from the licensing jurisdiction, may be issued a similar license in New Jersey provided the jurisdiction had established eligibility criteria substantially similar to those in effect in New Jersey at that time, or, at the board's discretion, if the eligibility criteria were less stringent than those for New Jersey licensure, the applicant may present satisfactory evidence of three years prior practical working experience in a licensed shop.

The bill also provides that no person may hold himself out as engaging in the practices of cosmetology and hairstyling, manicuring or as a skin care specialist; nor may anyone use the title or designation "cosmetologist-hairstylist," "manicurist," or "skin care specialist" unless licensed.

This bill is identical to the Senate Committee Substitute for Senate Bill Nos. 577 and 724, also reported by the committee today.