

45:4-29 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 45:4-29 et al (Barbering-Various Amendments.)

Laws of 1977 Chapter 186

Bill No. S352

Sponsor(s) Merlino

Date Introduced Pre-filed

Committee: Assembly Commerce, Industry and Professions

Senate Labor, Industry & Professions

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly April 28, 1977

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Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note No ~~Yes~~

Veto message No ~~Yes~~

Message on signing No ~~Yes~~

Following were printed:

Reports No ~~Yes~~

Hearings No ~~Yes~~

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10/4/76

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SENATE, No. 352

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator MERLINO

AN ACT concerning barbers, barber shops and barbering, amending P. L. 1938, c. 197, P. L. 1946, c. 133, P. L. 1963, c. 156, and repealing section 5 of P. L. 1946, c. 132.

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

1 1. Section 3 of P. L. 1938, c. 197 (C. 45:4-29) is amended to read
2 as follows:

3 3. (a) No registered apprentice shall independently practice
4 barbering, but he may, as an apprentice, do any or all of the acts
5 constituting the practice of barbering under the immediate super-
6 vision of a registered barber**],** and only one such apprentice shall
7 be employed in any barber shop**].** Each apprentice shall be regis-
8 tered with the State Board of Barber Examiners by the master
9 ***[barger]*** **barber** employing such apprentice. The apprentice
10 certificate issued to such apprentice shall be valid for 18 months
11 from the date of issue, except that the certificate issued upon failure
12 of an examination shall be valid for 6 months. The apprentice
13 shall pay the fee as hereinafter provided.

14 (b) *A master barber may employ a registered apprentice for*
15 *each registered barber working in a licensed barber shop* ***[but no**
16 *more than two registered apprentices may be employed in any*
17 *licensed barber shop]*.*

1 2. Section 2 of P. L. 1963, c. 156 (C. 45:4-29.2) is amended to
2 read as follows:

3 2. ***[(a)]*** A person is qualified to receive a certificate as a regis-
4 tered apprentice barber if:

5 (1) He has successfully completed eight grades of grammar
6 school or its equivalent;

7 (2) He is at least 16½ years of age;

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

8 (3) He is of good moral and temperate habits;

9 (4) He **【has been】** is a resident of New Jersey **【for at least 1**
10 **year】**;

11 (5) He has qualified under the provisions of section 3 of the act
12 hereby supplemented; and

13 (6) He has paid the required fee to the State Board of Barber
14 Examiners.

15 ***【(b) A licensed beauty culture manager operator or licensed**
16 **beauty culture operator is qualified to receive a certificate as a**
17 **registered apprentice barber, which certificate shall be valid for**
18 **a period of 6 months upon application therefor and payment of the**
19 **apprentice barber certificate fee to the State Board of Barber**
20 **Examiners.】***

1 3. Section 4 of P. L. 1938, c. 197, (C. 45:4-30) is amended to
2 read as follows:

3 4. The following persons are exempt from the provisions of this
4 act while in the proper discharge of their professional duties:

5 (a) Persons authorized by the law of this State to practice
6 medicine and surgery;

7 (b) Commissioned medical or surgical officers of the United
8 States Army, Navy**, *Air Force*** or Marine Hospital Service;

9 (c) Registered nurses;

10 (d) **【Male and female persons】** *Persons* practicing hair and
11 beauty culture in beauty shops**【, catering to female persons】**;

12 However, the provisions of this section shall not be construed
13 to authorize any of the persons to shave or trim the beard ****【or cut**
14 **the hair of any】**** **【male】** ****【person for cosmetic purposes】****;
15 provided, however, that any person holding a license from the
16 New Jersey State Board of Beauty Culture Control shall have the
17 right to cut the hair of any **【female】** person *in a beauty shop*.

1 4. Section 5 of P. L. 1938, c. 197 (C. 45:4-31) is amended to read
2 as follows:

3 5. ***【(a)】*** A person is qualified to receive a certificate of regis-
4 tration to practice barbering:

5 (1) Who is qualified under the provisions of section 6 of this
6 act; and

7 (2) Who is at least 18 years of age; and

8 (3) Who is of good moral character and temperate habits; and

9 (4) Who has successfully completed eight grades of grammar
10 school or its equivalent; and

11 (5) Who has practiced as a registered apprentice for a period
 12 of 18 months under the immediate personal supervision of a
 13 registered barber in a licensed barber shop, or who has practiced
 14 as a registered barber in this State but who has [retired from the
 15 practice of barbering] *not practiced barbering in this State* for a
 16 period in excess of 2 years; and

17 (6) Who has passed a satisfactory examination conducted by
 18 the State Board of Barber Examiners to determine his fitness to
 19 practice barbering.

20 A registered apprentice barber or any person who has prac-
 21 ticed as a registered barber in this State but who has [retired from
 22 the practice of barbering] *not practiced barbering in this State*
 23 for a period in excess of 2 years, who is an applicant for a certificate
 24 of registration to practice as a registered barber and who fails
 25 to pass a satisfactory examination conducted by the State Board
 26 of Barber Examiners, must obtain an apprentice certificate valid
 27 for 6 months from the date of issue and must practice as a regis-
 28 tered apprentice barber under the immediate personal supervision
 29 of a registered barber in a licensed barber shop, before he is again
 30 entitled to take the examination for a registered barber.

31 A person who fails to pass an examination to qualify for a
 32 certificate of registration to practice barbering shall file a new
 33 application accompanied by the fee as required by this act before
 34 he may take another examination.

35 An apprentice barber or any person who has practiced as a
 36 registered barber in this State but who has [retired from the
 37 practice of barbering] *not practiced barbering in this State* for
 38 a period in excess of 2 years, who fails three consecutive times
 39 must cease to practice barbering.

40 *[(b) *A licensed beauty culture manager operator or licensed*
 41 *beauty culture operator who has been issued a certificate as a*
 42 *registered apprentice barber shall be eligible for examination as a*
 43 *registered barber 6 months after the date he has been issued such*
 44 *certificate upon payment of the requisite fee therefor.]**

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

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

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

9 (2) He has successfully completed eight grades of grammar
 10 school [and two grades of high school or their equivalents]* **[or*
 11 *its equivalent]** *and two grades of high school or their equiva-
 11A *lents**; and

12 (3) He presents to the board:

13 (a) A valid license or certificate of registration as a practicing
 14 barber from another state or country which has substantially the
 15 same requirements for licensing or registering brabers as required
 16 by this act[, and]; *or if that state or country does not issue licenses*
 17 *to practice barbering.*

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

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

1 6. Section 14 of P. L. 1938, c. 197 (C. 45:4-40) is amended to
 2 read as follows:

3 14. The State Board of Barber Examiners may either refuse to
 4 issue or renew or may suspend or revoke any certificate of regis-
 5 tration for any one or combination of the following causes:

6 (1) Conviction of a felony shown by a certified copy of the record
 7 of the court of conviction;

8 (2) Gross malpractice or gross incompetency;

9 (3) Continued practice by a person knowingly having an infec-
 10 tious or contagious disease;

11 (4) Advertising by means of knowingly false or deceptive state-
 12 ments;

13 (5) Habitual drunkenness or habitual addiction to the use of
 14 morphine, cocaine, or other habit-forming drugs;

15 (6) Immoral or unprofessional conduct;

16 (7) For repeated violation of sanitary rules *or laws governing*
 17 *the practice of barbering in this State;* and,

18 (8) The commission of any of the offenses described in sections
 19 15 and 16.

1 7. Section 2 of P. L. 1946, c. 133 (C. 45:4-50.2) is amended to
 2 read as follows:

3 2. No person shall receive a license to use or maintain any
 4 premises as a barber shop unless he has had at least [2 years] 1

5 *year of experience as a registered barber in this State immediately*
 6 *prior to his application for such license, or unless such barber shop*
 7 *shall be under the direct supervision of a registered barber who*
 8 *has had at least [2 years] 1 year of experience as a registered*
 9 *barber in this State immediately prior to his application, or unless*
 10 *he is a veteran of World War II who was a member of the Armed*
 11 *Forces of the United States and who immediately prior to his*
 12 *entry into such service was a registered barber in this State and*
 13 *who is a registered barber at the time of his application for such*
 14 *license and who has been a registered barber for 1 year immedi-*
 15 *ately prior to such application.*

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

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

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

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

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

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

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

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

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

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

45 (g) At least two receptacles for soiled towels and waste shall
46 be provided. Only used towels shall be deposited in one and
47 wastes such as used shaving paper shall be deposited in the
48 other. All towels used on each patron must be deposited in
49 an enclosed towel receptacle. All laundered linen must be kept
50 in a closed compartment at all times.

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

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

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

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

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

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

- 74 One barber pole or barber sign;
 75 Stand and mirror;
 76 One hand mirror;
 77 Barber chair (revolving type);
 78 **【Sanitary headrest,】**
 79 Closed container for clean towels;
 80 A waste container for each chair;
 81 Running hot and cold water;
 82 A supply cabinet for stock of towels and supplies;
 83 Seating accommodations for not less than three persons;
 84 A clothes tree or its equivalent to accommodate the wraps
 85 of at least three customers;
 86 One cabinet or closet for mops, brooms and cleaning equip-
 87 ment;
 88 A sufficient number of tools and instruments for each chair;
 89 Freshly laundered face towels and turkish towels for each
 90 chair;
 91 Two clean haircloths for each chair;
 92 Neck strips and dispenser;
 93 Hair tonic, face lotion, cold cream and massage cream;
 94 Powder or styptic liquid;
 95 Provision for proper display of all licenses;
 96 Proper display of rules and regulations.
- 97 (n) Any person or persons proposing to open a barber shop in
 98 a new location, or to change the location of an existing shop, shall
 99 first make application to the State Board of Barber Examiners
 100 for **【an】** *its* inspection and approval of the premises to be licensed
 101 at least 5 days in advance of opening of same.
- 102 (o) Any barber shop maintaining toilet facilities for public use
 103 shall maintain such facilities in a clean and sanitary condition.
- 104 (p) All new barber shops and barber shops for which a new
 105 shop license is required pursuant to subsection (b) of section 5
 106 (C. 45:4-50.5) of P. L. 1946, chapter 133, shall be provided with
 107 lavatory facilities including hot and cold running water and a
 108 water flushed toilet. Office buildings and hotels are exempted as
 109 to the provision of toilet only.
- 110 q. The entrances to new barber shops located in private resi-
 111 dences must permit patrons to enter the shop directly from the
 112 public thoroughfare without passing through any other portion of
 113 the building.
- 114 (r) Each barber shop shall display a sign, clearly legible, indi-
 115 cating that it is a barber shop.

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

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

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

124 (v) All barbers, apprentices or student barbers while engaged
125 in the practice of barbering shall wear clean outer garments.

126 (w) No barber, apprentice or student barber shall engage in
127 barbering nor be employed in a barber shop or barber school who
128 is affected with any contagious or infectious diseases in a com-
129 municable stage.

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

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

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

1 *§9. Section 29 of P. L. 1938, c. 197 (C. 45:4-55) is amended to
2 read as follows:

3 29. (a) Any person, corporation or their agents, violating any of
4 the provisions of this act, shall be liable to a penalty of not less
5 than \$5.00 nor more than \$100.00, and for the second and each
6 subsequent offense to a penalty of not less than \$50.00. Any person,
7 corporation or their agents violating the provisions of section 26
8 of this act shall be liable to a penalty of not less than \$5.00 nor
9 more than \$100.00 and for the second and each subsequent offense
10 to a penalty of not less than \$50.00. The penalties shall be sued
11 for and recovered by and in the name of the New Jersey State
12 Board of Barber Examiners, as plaintiff.

13 (b) Every county district court and municipal court shall have
14 jurisdiction of proceedings for the collection and enforcement of
15 a penalty imposed because of the violation, within the territorial
16 jurisdiction of the court, of any provision of this act. The penalty
17 shall be collected and enforced in summary proceedings pursuant
18 to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). Process
19 shall issue at the suit of the plaintiff and shall be either in the
20 nature of a summons or warrant. The court shall, if judgment be
21 rendered for the plaintiff, cause any such defendant who may refuse
22 or neglect to pay forthwith the amount of the judgment rendered
23 against him and all the costs and charges incident thereto, to be

24 committed to the county jail for any period not exceeding 100 days.

25 (c) Any penalty recovery in any action brought under the pro-
26 visions of this act shall be paid to the plaintiff therein for the use
27 of the municipality within which the violation occurred.

28 (d) *Payment of a penalty for any alleged violation of the law*
29 *governing the practice of barbering in this State either before or*
30 *after the institution of proceedings for the collection thereof, shall*
31 *be deemed equivalent to a conviction of the violation for which*
32 *such penalty was claimed.】**

1 ***[10.]*** *9.* Section 5 of P. L. 1946, c. 132 (C. 45:4-35.3) is
2 repealed.

1 ***[11.]*** *10.* This act shall take effect immediately.

24 committed to the county jail for any period not exceeding 100 days.

25 (c) Any penalty recovered in any action brought under the pro-
26 visions of this act shall be paid to the plaintiff therein for the use
27 of the municipality within which the violation occurred.

28 (d) *Payment of a penalty for any alleged violation of the law*
29 *governing the practice of barbering in this State either before or*
30 *after the institution of proceedings for the collection thereof, shall*
31 *be deemed equivalent to a conviction of the violation for which*
32 *such penalty was claimed.*

1 10. Section 5 of P. L. 1946, c. 132 (C. 45:4-35.3) is repealed.

1 11. This act shall take effect immediately.

STATEMENT

The purposes of this bill are to:

a. Eliminate discrimination between barbers and beauticians in the rendering of tonsorial services to male and female patrons of barber and beauty shops.

b. Delete those provisions of the law governing the practice of barbering which have become antiquated by technological development of barber shop equipment and barber shop management.

c. Expedite enforcement of laws governing the practice of barbering.

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 352

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 14, 1977

As amended by the Senate Labor, Industry and Professions Committee, this bill provides the following:

1. Permits the employment of a registered apprentice for each registered barber working in a barber shop. Present law permits only one apprentice per barber shop.
2. Eliminates discriminatory references to sex in the provision which exempts persons practicing hair and beauty culture in beauty shops from the law regulating the practice of barbering.
3. Reduces the number of years of experience as a registered barber required to obtain a license to maintain a barber shop from 2 years to 1 year.
4. Makes technical changes in a few sections to clarify their meaning.
5. Repeals a provision which eliminated journeymen's permits in 1946 which is no longer necessary.

The committee amended the bill to add the Air Force to the list of military services whose medical and surgical officers are exempt from the law, and to eliminate contradictory wording in the subsection exempting persons practicing hair and beauty culture in beauty shops from the law.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 352

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1976

As amended by the committee, Senate Bill No. 352 would permit a master barber to employ a registered apprentice for each registered barber working in a barber shop. Present law allows only one apprentice per barber shop. Prior to being amended, the bill would have permitted two apprentices per shop.

The bill also amends sections of the law to eliminate discriminatory references to sex with respect to the provision and receipt of tonsorial services. For example, persons of either sex could have their hair cut in a beauty parlor, whereas present law limits it to female patrons.

Present law requires 2 years of experience as a registered barber before a person can be licensed to maintain a barber shop. This bill would reduce the requirement to 1 year.

Again, as originally drafted, the bill would have provided that the payment of any fine, either before or after proceedings for collection are instituted, shall be equivalent to a conviction. The committee deleted this provision.

Finally, the committee amended out those sections of the bill which would have made it easier for a beautician to become a registered apprentice barber and, subsequently, a registered barber.