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ASSEMBLY SUBSTITUTE FOR  
**ASSEMBLY, No. 3181**

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**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

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ADOPTED MARCH 16, 2009

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblywoman CARIDAD RODRIGUEZ**

**District 33 (Hudson)**

**Assemblyman LOUIS D. GREENWALD**

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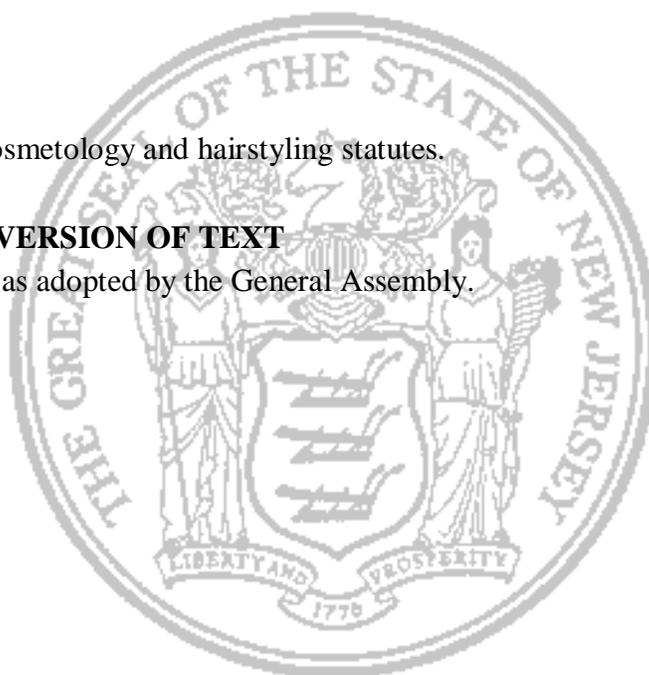
**Senators Kyrillos, Stack and Cunningham**

**SYNOPSIS**

Revises cosmetology and hairstyling statutes.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the General Assembly.



**(Sponsorship Updated As Of: 5/22/2009)**

1 **AN ACT** concerning the practice of cosmetology and hairstyling,  
2 amending P.L.1984, c.205, P.L.1995, c.82 and P.L.1987, c.92,  
3 and repealing parts of the statutory law.

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

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

10 3. As used in this act:

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

13 b. "Barbering" means any one or combination of the following  
14 practices when **[done]** performed on the human body for cosmetic  
15 purposes and not for the treatment of disease or physical or mental  
16 ailments and when **[done for payment either directly or indirectly**  
17 **or when done without payment]** performed for the general public,  
18 primarily for male customers:

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

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

23 (3) singeing, **[or]** dyeing, tinting, coloring, bleaching of the  
24 hair;

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

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

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

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

35 d. "Beauty culture" means any one or combination of the  
36 following practices when **[done]** performed on the human body for  
37 cosmetic purposes and not for the treatment of disease or physical  
38 or mental ailments and when **[done for payment either directly or**  
39 **indirectly or when done without payment]** performed for the  
40 general public, primarily for female customers:

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

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

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

**Matter underlined thus is new matter.**

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

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

4 (7) manicuring the fingernails, nail-sculpturing or pedicuring the  
5 toenails;

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

9 (9) hairweaving to the extent that the procedure does not involve  
10 the replacement of human hair by means of the insertion of any  
11 natural or synthetic fiber hair into the scalp.

12 k. "Manicurist" means a person who holds a **[limited]** license  
13 to engage in only the practice of manicuring.

14 l. "Manicuring" means any one or combination of the  
15 following practices when **[done]** performed on the human body for  
16 cosmetic purposes and not for the treatment of disease or physical  
17 or mental ailments and when **[done for payment directly or**  
18 **indirectly or when done without payment]** performed for the  
19 general public, for male or female customers:

20 (1) manicuring of the fingernails;

21 (2) pedicuring of the toenails;

22 (3) nail sculpturing; or

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

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

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

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

- 1 p. "Registration card" means a document issued by the board to  
2 a registered student upon receipt of documentation from a licensed  
3 school of cosmetology and hairstyling that the student is enrolled.
- 4 q. "School" means an establishment or place licensed by the  
5 board to be maintained for the purpose of teaching cosmetology and  
6 hairstyling, beauty culture, barbering, manicuring or skin care  
7 specialty to registered students.
- 8 r. "Senior student" means a registered student who has  
9 successfully completed ~~600~~ hours of instruction in a cosmetology  
10 and hairstyling program, 150 hours of instruction in a manicuring  
11 program or 300 hours of instruction in a skin care specialty program  
12 offered at a licensed school of cosmetology and hairstyling or a  
13 student enrolled in an approved vocational training program who  
14 has completed 600 hours of instruction in a cosmetology and hair  
15 styling program, 150 hours of instruction in a manicuring program  
16 or 300 hours of instruction in a skin care specialty program] one-  
17 half of the total hours of instruction required for licensure as a  
18 cosmetologist-hairstylist, beautician, barber, manicurist or skin care  
19 specialist in a licensed school of cosmetology and hairstyling, as  
20 determined by the board pursuant to regulation, or in any public  
21 school vocation training program approved by the State Board of  
22 Education.
- 23 s. "Student permit" means a permit issued to a senior student  
24 which enables him to practice cosmetology and hairstyling, beauty  
25 culture, barbering, manicuring or skin care specialty, as appropriate,  
26 based on the course of instruction in which the student is enrolled,  
27 in a school clinic or shop while a registered student at a licensed  
28 school of cosmetology and hairstyling or enrolled in an approved  
29 vocational training program.
- 30 t. "Shop" means any fixed establishment or place where one or  
31 more persons engage in one or more of the practices included in the  
32 definition of cosmetology ~~or~~ and hairstyling, barbering, beauty  
33 culture, manicuring or skin care specialty.
- 34 u. "Teacher" means any person who is licensed by the board to  
35 give instruction or training in the theory or practice of cosmetology  
36 and hairstyling, beauty culture, barbering, manicuring or skin care  
37 specialty.
- 38 v. "Temporary permit" means a permit issued to applicants for  
39 licensure awaiting scheduling or results of an examination.
- 40 w. ~~["Manicurist student permit" means a permit issued to a~~  
41 ~~senior student in a manicuring program which enables him to~~  
42 ~~practice manicuring in a school clinic or shop while a registered~~  
43 ~~student at a licensed school of cosmetology and hairstyling or~~  
44 ~~enrolled in an approved vocational program.] (Deleted by~~  
45 ~~amendment, P.L. , c. ) (pending before the Legislature as this~~  
46 ~~bill)~~

1 x. "Skin care specialist" means a person who holds a **[limited]**  
2 license to engage in only the practices included in the definition of  
3 skin care specialty.

4 y. "Skin care specialty" means any one or combination of the  
5 following practices when **[done]** performed on the male or female  
6 human body for cosmetic purposes and not for the treatment of  
7 disease or physical or mental ailments and when performed **[for**  
8 payment either directly or indirectly or when performed without  
9 payment**]** for the general public, primarily for male customers:

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

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

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

18 z. **["Skin care specialty student permit"** means a permit issued  
19 to a senior student in a skin care specialty program which enables  
20 him to practice skin care in a school clinic or shop while a  
21 registered student at a licensed school of cosmetology and  
22 hairstyling or enrolled in an approved vocational program.]  
23 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the  
24 Legislature as this bill)

25 (cf: P.L.2000, c.159, s.1)

26

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

29 4. There is created within the Division of Consumer Affairs in  
30 the Department of Law and Public Safety the New Jersey State  
31 Board of Cosmetology and Hairstyling. The board shall consist of  
32 11 members who are residents of the State, three of whom shall be  
33 public members, two appointed pursuant to subsection b. of section  
34 2 of P.L.1971, c.60 (C.45:1-2.2) and one additional public member,  
35 and one of whom shall be a State executive department member  
36 appointed pursuant to subsection c. of section 2 of P.L.1971, c.60  
37 (C.45:1-2.2). Of the remaining seven members, six shall hold  
38 practicing licenses issued by the board **[, by the Board of Barber**  
39 **Examiners or by the Board of Beauty Culture Control]** and shall  
40 have been engaged in the practice of beauty culture, barbering or  
41 cosmetology and hairstyling for at least five years prior to their  
42 appointments, but shall not have been engaged in the conduct of or  
43 teaching at a licensed school of beauty culture or cosmetology and  
44 hairstyling. **[Three of the practicing members appointed to the**  
45 **initial board created by this act shall hold a license to practice**  
46 **barbering issued by the Board of Barber Examiners. Three of the**  
47 **practicing members appointed to the initial board created by this act**

1 shall hold a license issued by the Board of Beauty Culture Control.]  
2 The remaining one member appointed by the board created by this  
3 act shall hold a teacher's license issued by the [Board of Beauty  
4 Culture Control or by the] board and shall have been engaged in  
5 the teaching of beauty culture or cosmetology and hairstyling or  
6 shall have been involved in the conduct of a licensed school of  
7 beauty culture or school of cosmetology and hairstyling in this State  
8 for at least five years prior to the appointment.

9 (cf: P.L.1984, c.205, s.4)

10

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

13 5. The Governor shall appoint members to the board with the  
14 advice and consent of the Senate. The Governor shall appoint each  
15 member for a term of three years[, except that of the seven  
16 members first appointed who are actively involved in the practice  
17 or teaching of cosmetology and hairstyling, three shall serve for  
18 terms of three years, two shall serve for terms of two years and two  
19 shall serve for a term of one year]. Each member shall hold office  
20 until his successor has been qualified. Any vacancy in the  
21 membership of the board shall be filled in the same manner as the  
22 original appointment for the unexpired term only. No member of  
23 the board may serve more than two successive terms in addition to  
24 any unexpired term to which he has been appointed. Members of  
25 the board shall be compensated and reimbursed for expenses and  
26 provided with office and meeting facilities pursuant to section 2 of  
27 P.L.1977, c.285 (C.45:1-2.5). The board shall annually elect from  
28 among its members a chairman and vice chairman. The board shall  
29 meet six times per year and may hold additional meetings as  
30 necessary to discharge its duties.

31 (cf: P.L.1984, c.205, s.5)

32

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

35 6. The board shall:

36 a. Review the qualifications of applicants for licensure;

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

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

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

- 1 e. Issue student permits to senior students, [manicuring  
2 students and skin care specialty students,] which permits shall  
3 remain valid during the period that the student is registered at a  
4 licensed school or enrolled in an approved vocational training  
5 program;
- 6 f. Issue temporary permits to applicants for licensure who are  
7 awaiting scheduling for or results from an examination;
- 8 g. Issue registration cards to registered students;
- 9 h. Suspend, revoke or [fail] refuse to renew a license and  
10 exercise investigative powers pursuant to the provisions of  
11 P.L.1978, c.73 (C.45:1-14 et seq.);
- 12 i. Appoint and employ an executive director and an assistant  
13 executive director subject to the approval of the Attorney General,  
14 and other employees as necessary to carry out the provisions of this  
15 act;
- 16 j. Determine the duties that the executive director and the  
17 assistant executive director shall perform;
- 18 k. File with the Attorney General a petition to remove any  
19 executive director or assistant executive director for cause, which  
20 petition shall be acted upon by the Attorney General in a manner  
21 which he deems appropriate;
- 22 l. Establish fees for initial licensure, permits, renewals and  
23 restoration of licenses as well as for duplication of lost licenses  
24 pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);
- 25 m. Maintain records of all practicing licensees and all licensed  
26 teachers. Records shall include the latest work address of each  
27 licensee, as provided on applications for licensure and renewals  
28 thereof;
- 29 n. Maintain a record of all registered students and all persons  
30 holding student permits[, manicuring student permits and skin care  
31 specialty student permits];
- 32 o. Maintain a record of all shops licensed by the board to offer  
33 one or more of the services encompassed within the definition of  
34 cosmetology and hairstyling;
- 35 p. Maintain a record of all schools licensed by the board to  
36 offer courses of instruction or training in the practice and theory of  
37 cosmetology and hairstyling, beauty culture, barbering, manicuring  
38 and skin care specialty to registered students, which courses shall  
39 be approved by the board for the awarding of credit for licensure;
- 40 q. Make available for public inspection all records required to  
41 be kept pursuant to this section;
- 42 r. Promulgate regulations governing the practice and teaching  
43 of cosmetology and hairstyling, beauty culture, barbering,  
44 manicuring and skin care specialty as are necessary to implement  
45 this act and to insure that cosmetology and hairstyling services and  
46 instruction in those services are being offered both in a manner

1 which is sanitary and safe and in a manner which is not intended to  
2 deceive or mislead the general public;

3 s. Promulgate regulations governing the conduct of shops and  
4 schools as are necessary to implement this act and to assure that  
5 cosmetology and hairstyling services and instruction in those  
6 services are being offered both in a manner that is sanitary and safe,  
7 and in a manner not intended to deceive or mislead the general  
8 public, students of the schools, or organizations awarding financial  
9 aid to the students and to clarify or define any term used in the act  
10 and to define any activity included in hairstyling and cosmetology,  
11 and beauty culture, barbering, manicuring and skin care  
12 specialty;

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

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

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

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

27 (cf: P.L.1995, c.82, s.2)

28

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

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

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

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

43 c. **Commissioned medical officers of the United States Armed**  
44 **Forces Hospital Services** Personnel employed by, and providing  
45 services on facilities regulated by, the United States Department of  
46 Veterans Affairs or the United States Department of Defense;

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

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

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

14 (cf: P.L.1984, c.205, s.7)

15  
16 6. Section 8 of P.L.1984, c.205 (C.45:5B-8) is amended to read  
17 as follows:

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

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

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

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

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

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

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

47 (cf: P.L.1995, c.82, s.3)

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

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

9 (cf: P.L.1995, c.82, s.4)

10

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

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

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

27

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

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

33       a. Hold a **【beautician, barber or】** cosmetologist-hairstylist  
34 license and have three years of experience as a **【beautician, barber**  
35 **or】** cosmetologist-hairstylist; or

36       b. **【Hold a beautician or cosmetologist-hairstylist license and**  
37 **have been issued a manager-operator license by the Board of**  
38 **Beauty Culture Control; or】**

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

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

45       c. If the shop performs only manicuring services, hold a  
46 cosmetologist-hairstylist, beautician or manicurist license and have

1 three years of experience as a cosmetologist-hairstylist, beautician  
2 or manicurist; or

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

7 A shop which satisfies the requirements of this section by  
8 employing a practicing licensee who holds a beautician, barber,  
9 manicuring or skin care specialty license is precluded from  
10 employing senior students other than those being trained in the  
11 practice for which the practicing licensee holds a license unless the  
12 shop also employs a practicing licensee who holds **[either]** a  
13 license as a **[beautician or a]** cosmetologist-hairstylist and has at  
14 least three years of experience as a **[beautician or a]** cosmetologist-  
15 hairstylist.

16 (cf: P.L.2000, c.159, s.2)

17

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

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

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

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

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

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

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

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

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

47 (cf: P.L.1995, c.82, s.5)

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

3       14. a. No person shall represent himself or hold himself out as  
4 engaging in the practices encompassed in cosmetology and  
5 hairstyling, beauty culture, barbering, [or] manicuring or [as a]  
6 skin care [specialist] specialty, unless licensed under this act.

7       b. No person shall use the title or designation [of]  
8 "cosmetologist-hairstylist," "beautician," "barber," "manicurist," or  
9 "skin care specialist" or any other title or designation suggesting  
10 that the person is a cosmetologist-hairstylist, beautician, barber,  
11 manicurist or skin care specialist unless licensed under this act, and  
12 unless the title or designation corresponds to the license held by the  
13 person pursuant to this act.

14 (cf: P.L.1995, c.82, s.14)

15

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

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

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

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

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

31       d. Aid, abet or permit a person not licensed pursuant to this act  
32 to render any of the services encompassed within the definition of  
33 cosmetology and hairstyling, beauty culture, barbering, manicuring  
34 or skin care specialty;

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

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

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

39 (cf: P.L.1995, c.82, s.6)

40

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

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

- 1 a. Advertise in a manner which would tend to mislead potential  
2 students or consumers of cosmetology and hairstyling, beauty  
3 culture, barbering, manicuring or skin care specialty services  
4 offered within the school's clinic;
- 5 b. Advertise, operate a school or attempt to open a school  
6 under another's name or trade name;
- 7 c. Permit students to practice upon each other or members of  
8 the public while knowingly having an infectious, contagious or  
9 communicable disease which could reasonably be expected to be  
10 transmitted during the course of teaching or rendering cosmetology  
11 and hairstyling, beauty culture, barbering, manicuring or skin care  
12 specialty services;
- 13 d. Permit teachers to demonstrate cosmetology and hairstyling,  
14 beauty culture, barbering, manicuring or skin care specialty services  
15 on students while knowingly having an infectious, contagious or  
16 communicable disease which could reasonably be expected to be  
17 transmitted during the course of teaching or rendering cosmetology  
18 and hairstyling, beauty culture, barbering, manicuring or skin care  
19 specialty services;
- 20 e. Engage in fraudulent practices for the purpose of securing  
21 financial aid from any institution or agency offering aid to students  
22 of cosmetology **[or]** and hairstyling, beauty culture, barbering,  
23 manicuring or skin care specialty;
- 24 f. Aid, abet, or permit a person not licensed pursuant to this act  
25 to teach any of the services encompassed within the definition of  
26 cosmetology and hairstyling, beauty culture, barbering, manicuring  
27 or skin care specialty to registered students;
- 28 g. Maintain any premises from which the practice of  
29 cosmetology and hairstyling, beauty culture, barbering, manicuring  
30 or skin care specialty is offered, or the teaching of cosmetology and  
31 hairstyling, beauty culture, barbering, manicuring or skin care  
32 specialty is offered in a manner which is unsanitary or unsafe;
- 33 h. Fail to display, in a conspicuous place, its school license;
- 34 i. Fail to maintain accurate records of attendance by any  
35 registered student for at least five years after the student's  
36 enrollment ends, which records shall be subject to inspection by the  
37 board;
- 38 j. Fail to notify the board on forms it may prescribe of any  
39 student who obtains a leave of absence, fails to attend classes for a  
40 period of more than 90 consecutive days or withdraws from school;  
41 or
- 42 k. Fail to maintain the required bond during all periods of  
43 operation.

44 (cf: P.L.1995, c.82, s.7)

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

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

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

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

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

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

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

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

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

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

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

37 (cf: P.L.1995, c.82, s.8)

38  
39 15. Section 16 of P.L.1984, c.205 (C.45:5B-16) is amended to  
40 read as follow:

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

44 a. Is of good moral character;

45 b. Is at least 17 years of age; **[and]**

46 c. Does not have any communicable, contagious or infectious  
47 disease which could reasonably be expected to be transmitted

1 during the course of rendering cosmetology and hairstyling, beauty  
2 culture, barbering, manicuring or skin care specialty services; and

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

6 (cf: P.L.1995, c.82, s.9)

7  
8 16. Section 17 of P.L.1984, c.205 (C.45:5B-17) is amended to  
9 read as follows:

10 17. An applicant seeking licensure as a cosmetologist-  
11 hairstylist~~],~~ who does not at the time of that application hold a  
12 license to practice barbering issued by the Board of Barber  
13 Examiners or the board or a license to practice beauty culture issued  
14 by the Board of Beauty Culture Control or the board,] shall:

15 a. ~~]~~ **[Demonstrate successful completion of high school or its**  
16 **equivalent; and]** ~~(Deleted by amendment, P.L. , c. ) (pending~~  
17 ~~before the Legislature as this bill)~~

18 b. Demonstrate successful completion of a course in  
19 cosmetology and hairstyling consisting of:

20 (1) **[1,200 hours of instruction]** Instruction at a school of  
21 cosmetology and hairstyling licensed in this State, the curriculum  
22 for which shall be established by the board pursuant to regulation;

23 or

24 (2) A program in a public school approved by the State Board of  
25 Education to offer a vocational program in cosmetology and  
26 hairstyling, or other cosmetology and hairstyling program approved  
27 by the State Board of Education; or

28 (3) **[1,200 hours of instruction]** Instruction at a school of  
29 cosmetology and hairstyling **[, beauty culture or barbering]**  
30 licensed in another state or a foreign country which, in the opinion  
31 of the board, offers curricula which is substantially similar to that  
32 offered at licensed schools within the State; and

33 c. Take and pass an examination conducted by the board, as  
34 provided by this act.

35 (cf: P.L.1985, c.272, s.1)

36  
37 17. Section 20 of P.L.1984, c.205 (C.45:5B-20) is amended to  
38 read as follows:

39 20. An applicant seeking initial licensure as a beautician **[, who**  
40 **does not hold a license to practice beauty culture issued by the**  
41 **Board of Beauty Culture Control,]** shall:

42 a. **[Demonstrate successful completion of high school or its**  
43 **equivalent;]** ~~(Deleted by amendment, P.L. , c. ) (pending before~~  
44 ~~the Legislature as this bill)~~

45 b. **[Demonstrate that he was a registered student at a school of**  
46 **cosmetology and hairstyling, or beauty culture in this State on or**

1 before the effective date of this act or enrolled in an approved  
2 vocational course of instruction in beauty culture on or before the  
3 effective date of this act;] (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_)  
4 (pending before the Legislature as this bill)

5 c. **[Demonstrate successful completion of a 1,200 hour course**  
6 **of instruction in beauty culture within two years of the effective**  
7 **date of this act at a school of cosmetology and hairstyling licensed**  
8 **in this State, or a program at a public school approved by the State**  
9 **Board of Education to offer a vocational program in cosmetology**  
10 **and hairstyling, or beauty culture; and]** (Deleted by amendment,  
11 P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the Legislature as this bill)

12 d. **[Take and pass an examination conducted by the board, as**  
13 **provided by this act.]** (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_)  
14 (pending before the Legislature as this bill)

15 e. Demonstrate successful completion of a course of instruction  
16 in beauty culture consisting of:

17 (1) Instruction at a school of cosmetology and hairstyling  
18 licensed in this State, the curriculum for which shall be established  
19 by the board pursuant to regulation; or

20 (2) A program in a public school approved by the State Board of  
21 Education to offer a vocational program in cosmetology and  
22 hairstyling or beauty culture, or other cosmetology and hairstyling  
23 or beauty culture program approved by the State Board of  
24 Education; or

25 (3) Instruction at a school of cosmetology and hairstyling or  
26 beauty culture licensed in another state or a foreign country which,  
27 in the opinion of the board, offers curricula which are substantially  
28 similar to that offered at licensed schools within the State; and

29 f. Take and pass an examination conducted by the board.  
30 (cf: P.L.1985, c.272, s.2)

31

32 18. Section 21 of P.L.1984, c.205 (C.45:5B-21) is amended to  
33 read as follows:

34 21. An applicant seeking initial licensure as a barber **[who does**  
35 **not hold a license to practice barbering issued by the Board of**  
36 **Barber Examiners]** shall:

37 a. **[Demonstrate successful completion of eighth grade or its**  
38 **equivalent;]** (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before  
39 the Legislature as this bill)

40 b. **[Demonstrate that he held an apprentice registration**  
41 **certificate issued by the Board of Barber Examiners on or before the**  
42 **effective date of this act and has successfully completed that**  
43 **apprenticeship within two years of the effective date of this act or**  
44 **was enrolled in a public or private school vocational program in**  
45 **barbering on December 4, 1985, received a certificate as a**  
46 **registered apprentice barber from the New Jersey Board of**

1 Cosmetology and Hairstyling pursuant to section 6 of P.L. 1987, c.  
2 92 (C. 45:5B-21.1) upon completion of the program and has  
3 successfully completed an apprenticeship of 18 months' duration  
4 within two years of completing the vocational program in  
5 barbering; and] (Deleted by amendment, P.L. , c. ) (pending  
6 before the Legislature as this bill)

7 c. **Take and pass an examination conducted by the board as**  
8 **provided by this act.]** (Deleted by amendment, P.L. , c. )  
9 (pending before the Legislature as this bill)

10 d. Demonstrate successful completion of a course of instruction  
11 in barbering consisting of:

12 (1) Instruction at a school of cosmetology and hairstyling  
13 licensed in this State, the curriculum for which shall be established  
14 by the board pursuant to regulation; or

15 (2) A program at a public school approved by the State Board of  
16 Education to offer a vocational program in cosmetology and  
17 hairstyling or barbering, or other cosmetology and hairstyling or  
18 barbering program approved by the State Board of Education; or

19 (3) Instruction at a school of cosmetology and hairstyling or  
20 barbering licensed in another state or a foreign country which, in  
21 the opinion of the board, offers curricula which are substantially  
22 similar to that offered at licensed schools within the State; and

23 e. Take and pass an examination conducted by the board, as  
24 provided by this act.

25 (cf: P.L.1987, c.92, s.5)

26

27 19. Section 22 of P.L.1984, c.205 (C.45:5B-22) is amended to  
28 read as follows:

29 22. An applicant seeking initial licensure as a manicurist **[**, who  
30 does not hold a license to practice manicuring issued by the Board  
31 of Beauty Culture Control must] shall:

32 a. **Demonstrate successful completion of high school or its**  
33 **equivalent; and]** (Deleted by amendment, P.L. , c. ) (pending  
34 before the Legislature as this bill)

35 b. Demonstrate successful completion of a **[300-hour]** course  
36 of instruction in manicuring, the curriculum for which shall be  
37 established by the board pursuant to regulation at:

38 (1) a school of cosmetology and hairstyling licensed in this  
39 State; or

40 (2) a public school approved by the State Board of Education to  
41 offer a vocational program in cosmetology and hairstyling, beauty  
42 culture or manicuring, or other cosmetology and hairstyling, beauty  
43 culture or manicuring program approved by the State Board of  
44 Education; or

45 (3) a school of cosmetology and hairstyling, beauty culture or  
46 **[barbering]** manicuring licensed in another state or foreign country

1 which, in the opinion of the board, offers curricula which **[is]** are  
2 substantially similar to that offered at licensed schools within this  
3 State; and

4 c. Take and pass an examination conducted by the board**[, as**  
5 **provided by this act]**.

6 (cf: P.L.2000, c.159, s.3)

7

8 20. Section 13 of P.L.1995, c.82 (C.45:5B-22.1) is amended to  
9 read as follows:

10 13. An applicant seeking initial licensure as a skin care  
11 specialist shall:

12 a. **[Demonstrate successful completion of high school or its**  
13 **equivalent; and]** (Deleted by amendment, P.L. , c. ) (pending  
14 before the Legislature as this bill)

15 b. Demonstrate successful completion of a **[600 hour]** course  
16 of instruction in the practice of a skin care specialty, the curriculum  
17 for which is to be established by the board pursuant to regulation at:

18 (1) a school of cosmetology and hairstyling licensed in this  
19 State; or

20 (2) a public school approved by the State Board of Education to  
21 offer a vocational program in cosmetology and hairstyling, beauty  
22 culture or skin care specialty or other cosmetology and hairstyling,  
23 beauty culture or skin care specialty program approved by the State  
24 Board of Education; or

25 (3) a school of cosmetology and hairstyling, beauty culture or  
26 **[barbering]** skin care specialty licensed in another state or foreign  
27 country which, in the opinion of the board, offers curricula which is  
28 substantially similar to that offered at licensed schools within this  
29 State; and

30 c. Take and pass an examination conducted by the board**[, as**  
31 **provided by P.L.1984, c.205 (C.45:5B-1 et seq.)]**.

32 (cf: P.L.1995, c.82, s.13)

33

34 21. Section 23 of P.L.1984, c.205 (C.45:5B-23) is amended to  
35 read as follows:

36 23. An applicant for a license to teach cosmetology and  
37 hairstyling **[who does not hold a license to teach beauty culture**  
38 **issued by the Board of Beauty Culture Control]** shall submit to the  
39 board satisfactory evidence that he:

40 a. Is of good moral character;

41 b. Is at least 18 years of age;

42 c. Does not have a communicable, contagious or infectious  
43 disease;

44 d. Has successfully completed high school or **[its equivalent]**  
45 successfully passed the examination developed by the General  
46 Education Development (GED) Testing Service ;

1 e. Holds a cosmetologist-hairstylist license issued by the board  
2 **【**or an operator's license issued by the Board of Beauty Culture  
3 Control prior to the effective date of this act or a beautician's  
4 license issued within two years of the effective date of this act**】**;

5 f. Has successfully completed a teacher training course **【**of 500  
6 hours**】**, the curriculum for which shall be established by the board  
7 pursuant to regulation, consisting of practice and theory of teaching  
8 conducted at a licensed school of cosmetology and hairstyling in  
9 this State or a school of cosmetology and hairstyling or beauty  
10 culture licensed in another state or foreign country which, in the  
11 opinion of the board, offers a curriculum which is substantially  
12 similar to that offered at licensed schools within this State;

13 g. Has successfully completed a 30-hour teaching methods  
14 course conducted by a college approved by the **【**State Board of**】**  
15 Commission on Higher Education and recognized by the board or a  
16 substantially equivalent teaching methods course conducted by a  
17 college in another state which is approved by the higher education  
18 authorities of that state and recognized by the board;

19 h. Has attained six months' employment experience in a  
20 licensed shop within this State which may be obtained prior to, at  
21 the same time as, or subsequent to the period during which the  
22 applicant is attending the teacher training course offered by a  
23 licensed school of cosmetology and hairstyling of this State or has  
24 attained six months' licensed employment in another state or foreign  
25 country; and

26 i. Has successfully completed an examination conducted by  
27 the board.

28 (cf: P.L.1987, c.92, s.2)

29  
30 22. Section 25 of P.L.1984, c.205 (C.45:5B-25) is amended to  
31 read as follows:

32 25. To be eligible to obtain a student permit, **【**a manicurist  
33 student permit or a skin care specialty student permit,**】** an applicant  
34 shall submit to the board satisfactory evidence that he:

35 a. Is a **【**registered**】** senior student in a course of instruction in  
36 cosmetology and hairstyling, beauty culture, barbering, **【**or**】**  
37 manicuring or skin care, as appropriate, **【**or is enrolled in a public  
38 school approved by the State Board of Education to offer a  
39 vocational program in cosmetology and hairstyling or manicuring or  
40 skin care, as appropriate, and has completed 600 hours of a  
41 cosmetology and hairstyling course, 100 hours of a manicuring  
42 course or 300 hours of the skin care specialty course**】**; and

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

1 All permits shall remain valid only during the period that the  
2 student is registered at a licensed school of cosmetology and  
3 hairstyling or enrolled in an approved vocational program and shall  
4 expire upon a student's graduation, withdrawal or leave of absence  
5 from the school or program for more than 90 consecutive days.  
6 (cf: P.L.1995, c.82, s.10)

7  
8 23. Section 28 of P.L.1984, c.205 (C.45:5B-28) is amended to  
9 read as follows:

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

30 (cf: P.L.1984, c.205, s.28)

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

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

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

39 (2) Permit an inspection of the premises;

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

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

43 b. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.)  
44 shall be construed to preclude a person, corporation, firm or  
45 partnership from obtaining a shop license for a shop which offers  
46 only manicuring services as enumerated in subsection l. of section 3  
47 of P.L.1984, c.205 (C.45:5B-3); provided **【they comply】** the

1 applicant for a manicuring shop license complies with the  
2 requirements of subsection a. of this section. The minimum criteria  
3 established by the board by regulation for such a shop shall be  
4 appropriate to the practice offered by the shop, without regard to the  
5 practices not offered by the shop.

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

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

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

36 (cf: P.L.2000, c.159, s.4)

37

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

40 34. All practicing licenses and teachers' licenses issued shall  
41 **【automatically expire on September 30 of the next even numbered**  
42 **year following the date of license issuance. Shop and school**  
43 **licenses shall automatically expire on July 31 of the next even**  
44 **numbered year following the date of license issuance】** be renewable  
45 on a biennial basis on a date determined by the board.

46 (cf: P.L.2000, c.159, s.5)

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

3       35. **【Any practicing license issued by the Board of Cosmetology**  
4 **and Hairstyling, the Board of Beauty Culture Control or the Board**  
5 **of Barber Examiners may be renewable biennially if the expired**  
6 **licenses are renewed within six months following expiration.**  
7 **Applications shall be submitted to the board and accompanied by**  
8 **the fee to be determined by the board. Applications for renewal**  
9 **submitted more than six months after the expiration of a license**  
10 **shall be accompanied by a restoration fee to be determined by the**  
11 **board. Applicants seeking restoration of a license more than five**  
12 **years after the license has expired shall be required to make**  
13 **application for initial licensure.】** Shop and school licenses shall be  
14 renewed within 90 days following expiration. **All shop licenses and**  
15 **school licenses issued shall be renewable on a biennial basis on a**  
16 **date determined by the board.** Applicants for renewal of school  
17 licenses shall provide satisfactory evidence that a bond required  
18 pursuant to section 32 of this act has been secured and shall remain  
19 valid through the next licensing period. No shop or school license  
20 may be restored after 90 days and an application for initial licensure  
21 shall be submitted.

22 (cf: P.L.1987, c.92, s.3)

23

24       27. Section 4 of P.L.1987, c.92 (C.45:5B-35.1) is amended to  
25 read as follows:

26       4. The provisions of P.L.1984, c.205 (C.45:5B-1 et seq.) shall  
27 not affect the validity of any license issued by the Board of Beauty  
28 Culture Control or the Board of Barber Examiners prior to the  
29 effective date of P.L.1984, c.205 (C.45:5B-1 et seq.), however, a  
30 person holding a license issued by either board is subject to the  
31 provisions of P.L.1984, c.205 (C.45:5B-1 et seq.), as amended by  
32 P.L. , c. (C. ) (pending before the Legislature as this bill).

33 (cf: P.L.1987, c.92, s.4)

34

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

37       36. A shop or school owner shall notify the board prior to  
38 **【undertaking】** initiating a change of location, **【or undergoing】** a  
39 change of ownership, or such other change as the board may  
40 determine pursuant to regulation. The shop or school shall submit  
41 to the board an initial application for licensure. If a change of  
42 ownership results from the death or disability of a principal  
43 shareholder in a corporation, or partner in a partnership which holds  
44 a shop or school license, the new owner shall notify the board  
45 within six months after the change has been effected. For purposes  
46 of this section, a change of ownership shall be deemed to have

1 occurred if more than 50% of the outstanding stock or other  
2 financial interest is transferred.  
3 (cf: P.L.1984, c.205, s.36)  
4

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

7 38. Nothing in this act shall be construed to limit in any way the  
8 right of the State Board of Education [or any local board of  
9 education] to establish, [and] operate and approve courses in  
10 cosmetology and hairstyling, beauty culture, barbering, manicuring  
11 and skin care specialty, to employ teachers, to determine the  
12 standards for teaching and the qualifications of teachers, to  
13 determine courses of study, to determine the standards for the  
14 admission, progress, certification and graduation of students, to  
15 determine any and all standards and rules as to location, supplies,  
16 equipment and anything whatsoever pertaining to the establishment,  
17 operation and maintenance of a course in cosmetology and  
18 hairstyling, beauty culture, barbering, manicuring and skin care  
19 specialty operated by a public school. Nothing in this act shall be  
20 interpreted to give any person or agency other than the State Board  
21 of Education [and the local boards of education] the right to  
22 prescribe any requirement of any kind whatsoever for courses of  
23 cosmetology and hairstyling, beauty culture, barbering, manicuring  
24 and skin care specialty in public schools or for teachers or pupils in  
25 school courses.

26 (cf: P.L.1984, c.205, s.38)  
27

28 30. The following sections are repealed:

29 Section 18 of P.L.1984, c.205 (C.45:5B-18);

30 Section 19 of P.L.1984, c.205 (C.45:5B-19);

31 Section 6 of P.L.1987, c.92 (C.45:5B-21.1);

32 Section 24 of P.L.1984, c.205 (C.45:5B-24);

33 Section 29 of P.L.1984, c.205 (C.45:5B-29); and

34 Section 30 of P.L.1984, c.205 (C.45:5B-30).  
35

36 31. This act shall take effect upon the adoption by the New  
37 Jersey State Board of Cosmetology and Hairstyling of regulations to  
38 effectuate the purposes of this act.  
39

40

#### 41 STATEMENT

42

43 This Assembly Substitute creates two new limited licenses for  
44 beauty culture and barbering within the practice of cosmetology and  
45 hairstyling, and sets forth the requirements to qualify for each such  
46 license. Currently, only those persons “grandfathered” under the  
47 provisions of the “Cosmetology and Hairstyling Act of 1984” are

1 permitted to practice beauty culture or barbering. Also, this bill  
2 authorizes and makes particular reference to four limited licenses:  
3 beauty culture; barbering; manicuring; and skin care specialty.  
4 In addition, the Assembly Substitute eliminates existing  
5 provisions of law that specify the number of hours of instruction  
6 necessary as a pathway for an applicant to qualify for licensure as a  
7 cosmetologist-hairstylist, manicurist or skin care specialist, and,  
8 instead, stipulates that an applicant seeking initial licensure as a  
9 cosmetologist-hairstylist, manicurist or skin care specialist shall  
10 demonstrate successful completion of a course of instruction, the  
11 curriculum for which is to be established by the New Jersey State  
12 Board of Cosmetology and Hairstyling pursuant to regulation.

# ASSEMBLY, No. 3181

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2008

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Creates limited licenses for general barbering and for barbering and hairstyling within the practice of cosmetology and hairstyling.

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning the practice of cosmetology and hairstyling,  
2 amending P.L.1995, c.82 and amending and supplementing  
3 P.L.1984, c.205.

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

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

10 3. As used in this act:

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

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

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

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

22 (3) singeing or dyeing of the hair;

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

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

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

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

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

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

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

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

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

**Matter underlined thus is new matter.**

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

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- 1 (8) cutting, fitting, coloring or styling of hairpieces or wigs to  
2 the extent that the services are being performed while the wig is  
3 being worn by a person; or
- 4 (9) hairweaving to the extent that the procedure does not involve  
5 the replacement of human hair by means of the insertion of any  
6 natural or synthetic fiber hair into the scalp.
- 7 k. "Manicurist" means a person who holds a limited license to  
8 engage in only the practice of manicuring.
- 9 l. "Manicuring" means any one or combination of the  
10 following practices when done on the human body for cosmetic  
11 purposes and not for the treatment of disease or physical or mental  
12 ailments and when done for payment directly or indirectly or when  
13 done without payment for the general public:
- 14 (1) manicuring of the fingernails;  
15 (2) pedicuring of the toenails;  
16 (3) nail sculpturing; or  
17 (4) removing superfluous hair from the face, neck, arms, legs or  
18 abdomen by the use of depilatories, waxing or tweezers, but not by  
19 the use of electrolysis.
- 20 m. "Owner" means any person, corporation, firm or partnership  
21 who has a financial interest in a school or shop entitling him to  
22 participate in the promotion, management and proceeds thereof. It  
23 does not include a person whose connection with a school or shop  
24 entitles him only to reasonable salary or wages for services actually  
25 rendered.
- 26 n. "Practicing licensee" means any person who holds a license  
27 to practice barbering, general barbering, barbering and hairstyling,  
28 beauty culture, cosmetology and hairstyling, manicuring, or as a  
29 skin care specialist.
- 30 o. "Registered student" means a person who is engaged in  
31 learning and acquiring a knowledge of any of the practices included  
32 in the definition of cosmetology and hairstyling under the direction  
33 and supervision of a person duly authorized under this act to teach  
34 cosmetology and hairstyling and who is enrolled in a program of  
35 instruction at a licensed school of cosmetology and hairstyling,  
36 completion of which may render him eligible for licensure pursuant  
37 to this act but does not mean a person who is enrolled in a public  
38 school vocational program in cosmetology and hairstyling approved  
39 by the State Board of Education.
- 40 p. "Registration card" means a document issued by the board to  
41 a registered student upon receipt of documentation from a licensed  
42 school of cosmetology and hairstyling that the student is enrolled.
- 43 q. "School" means an establishment or place licensed by the  
44 board to be maintained for the purpose of teaching cosmetology and  
45 hairstyling to registered students.
- 46 r. "Senior student" means a registered student who has  
47 successfully completed 600 hours of instruction in a cosmetology  
48 and hairstyling program, 150 hours of instruction in a manicuring

1 program [or], 300 hours of instruction in a skin care specialty  
2 program or 400 hours of instruction in a barbering and hairstyling  
3 program offered at a licensed school of cosmetology and hairstyling  
4 or a student enrolled in an approved vocational training program  
5 who has completed 600 hours of instruction in a cosmetology and  
6 hair styling program, 150 hours of instruction in a manicuring  
7 program [or], 300 hours of instruction in a skin care specialty  
8 program or 400 hours of instruction in a barbering and hairstyling  
9 program.

10 s. "Student permit" means a permit issued to a senior student  
11 which enables him to practice cosmetology and hairstyling in a  
12 school clinic or shop while a registered student at a licensed school  
13 of cosmetology and hairstyling or enrolled in an approved  
14 vocational training program.

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

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

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

25 w. "Manicurist student permit" means a permit issued to a  
26 senior student in a manicuring program which enables him to  
27 practice manicuring in a school clinic or shop while a registered  
28 student at a licensed school of cosmetology and hairstyling or  
29 enrolled in an approved vocational program.

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

33 y. "Skin care specialty" means any one or combination of the  
34 following practices when done on the human body for cosmetic  
35 purposes and not for the treatment of disease or physical or mental  
36 ailments and when performed for payment either directly or  
37 indirectly or when performed without payment for the general  
38 public:

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

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

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

47 z. "Skin care specialty student permit" means a permit issued  
48 to a senior student in a skin care specialty program which enables

1 him to practice skin care in a school clinic or shop while a  
2 registered student at a licensed school of cosmetology and  
3 hairstyling or enrolled in an approved vocational program.

4 aa. "Barber-hairstylist" means a person who holds a limited  
5 license to engage in only the practices included in the definition of  
6 barbering and hairstyling.

7 bb. "Barbering and hairstyling" means any one or combination  
8 of the following practices when done on the human body for  
9 cosmetic purposes and not for the treatment of disease or physical  
10 or mental ailments and when done for payment either directly or  
11 indirectly or when done without payment for the general public:

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

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

15 (3) applying cosmetic preparations, antiseptics, tonics, lotions,  
16 or creams to the hair, scalp, face or body;

17 (4) cutting, fitting, coloring or styling of hairpieces or wigs, to  
18 the extent that the services are performed while the wig is being  
19 worn by a person; or

20 (5) hairweaving to the extent that the procedure does not involve  
21 the replacement of human hair by means of the insertion of any  
22 natural or synthetic fiber hair into the scalp.

23 cc. "Barbering and hairstyling apprenticeship certificate" means  
24 a certificate issued by the board which authorizes an individual to  
25 participate in a barbering and hairstyling program approved by the  
26 board and enables the individual to practice barbering and  
27 hairstyling in a licensed shop.

28 dd. "Barbering and hairstyling student permit" means a permit  
29 issued to a senior student in a barbering and hairstyling program  
30 which enables the student to practice barbering and hairstyling in a  
31 school clinic or licensed shop while a registered student at a  
32 licensed school of cosmetology and hairstyling or enrolled in an  
33 approved vocational program.

34 ee. "General barber" means a person who holds a limited license  
35 to engage in only the practices included in the definition of general  
36 barbering.

37 ff. "General barbering" means any one or combination of the  
38 following practices when done on the human body for cosmetic  
39 purposes and not for the treatment of disease or physical or mental  
40 ailments and when done for payment either directly or indirectly or  
41 when done without payment for the general public:

42 (1) shaving or trimming of the beard, mustache or other facial  
43 hair;

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

46 (3) applying cosmetic preparations, antiseptics, tonics, lotions,  
47 or creams to the hair, scalp, face or body;

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1       gg. "General barbering apprenticeship certificate" means a  
2 certificate issued by the board which authorizes an individual to  
3 participate in a general barbering program approved by the board  
4 and enables the individual to practice general barbering in a  
5 licensed shop.

6 (cf: P.L.2000, c.159, s.1)

7

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

10       6. The board shall:

11       a. Review the qualifications of applicants for licensure;

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

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

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

22       e. Issue student permits to senior students, barbering and  
23 hairstyling students, manicuring students and skin care specialty  
24 students, which permits shall remain valid during the period that the  
25 student is registered at a licensed school or enrolled in an approved  
26 vocational training program;

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

29       g. Issue registration cards to registered students;

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

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

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

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

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

46       m. Maintain records of all practicing licensees and all licensed  
47 teachers. Records shall include the latest work address of each

1 licensee, as provided on applications for licensure and renewals  
2 thereof;

3 n. Maintain a record of all registered students and all persons  
4 holding student permits, barbering and hairstyling student permits,  
5 manicuring student permits [and], skin care specialty student  
6 permits, general barbering apprenticeship certificates and barbering  
7 and hairstyling apprenticeship certificates;

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

11 p. Maintain a record of all schools licensed by the board to  
12 offer courses of instruction or training in the practice and theory of  
13 cosmetology and hairstyling to registered students, which courses  
14 shall be approved by the board for the awarding of credit for  
15 licensure;

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

18 r. Promulgate regulations governing the practice and teaching  
19 of cosmetology and hairstyling as are necessary to implement this  
20 act and to insure that cosmetology and hairstyling services and  
21 instruction in those services are being offered both in a manner  
22 which is sanitary and safe and in a manner which is not intended to  
23 deceive or mislead the general public;

24 s. Promulgate regulations governing the conduct of shops and  
25 schools as are necessary to implement this act and to assure that  
26 cosmetology and hairstyling services and instruction in those  
27 services are being offered both in a manner that is sanitary and safe,  
28 and in a manner not intended to deceive or mislead the general  
29 public, students of the schools, or organizations awarding financial  
30 aid to the students and to clarify or define any term used in the act  
31 and to define any activity included in hairstyling and cosmetology  
32 and beauty culture;

33 t. Review curricula offered by licensed schools in courses of  
34 instruction offered to registered students and approve those  
35 curricula which offer comprehensive training in cosmetology and  
36 hairstyling;

37 u. Direct the conduct of inspections or investigations of all  
38 licensed shops and schools; **[and]**

39 v. Direct the conduct of inspections or investigations of any  
40 premises from which the board may have reason to believe that  
41 cosmetology and hairstyling services are being offered, or that  
42 courses of instruction are being offered to registered students; and

43 w. Issue general barbering and barbering and hairstyling  
44 apprenticeship certificates and establish standards for  
45 apprenticeship programs for initial licensure as a general barber or  
46 barber-hairstylist.

47 (cf: P.L.1995, c.82, s.2)

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

3       7. No person shall render any of the services encompassed  
4 within the definition of cosmetology and hairstyling without first  
5 having secured a license from the board which permits the offering  
6 of that service, except for the following persons when acting within  
7 the scope of their profession or occupation:

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

10       b. Registered nurses, licensed practical nurses, nurses' aides,  
11 physical therapists and physical therapy assistants;

12       c. Commissioned medical officers of the United States Armed  
13 Forces Hospital Services;

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

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

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

27       g. Persons holding a general barbering or a barbering and  
28 hairstyling apprenticeship certificate; provided that those services  
29 are rendered in an apprenticeship program approved by the board.

30 (cf: P.L.1984, c.205, s.7)

31

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

34       10. No person, firm, corporation, partnership or other legal  
35 entity shall operate, maintain or use premises at which courses of  
36 instruction in cosmetology and hairstyling services are offered to  
37 registered students without first having secured a school license  
38 from the board. Nothing herein shall prohibit the offering of  
39 educational programs and courses in cosmetology and hairstyling to  
40 practicing licensees or teachers at unlicensed premises. However,  
41 no course offered at an unlicensed premises shall be recognized by  
42 the board in satisfaction of licensure eligibility requirements. All  
43 educational programs and courses offered at unlicensed premises  
44 shall be conducted by practicing licensees.

45       Nothing in this section shall be construed to prohibit the offering  
46 of an approved general barbering or barbering and hairstyling  
47 apprenticeship program in a licensed shop.

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

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

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

6 a. Hold a beautician, barber, general barber, barber-hairstylist  
7 or cosmetologist-hairstylist license and have three years of  
8 experience as a beautician, barber, general barber, barber-hairstylist  
9 or cosmetologist-hairstylist; or

10 b. Hold a beautician or cosmetologist-hairstylist license and  
11 have been issued a manager-operator license by the Board of  
12 Beauty Culture Control; or

13 c. If the shop performs only manicuring services, hold a  
14 manicurist license and have three years of experience as a  
15 manicurist; or

16 d. If a shop performs only skin care specialty services, hold a  
17 skin care specialty license and have three years of experience as a  
18 skin care specialist.

19 A shop which satisfies the requirements of this section by  
20 employing a practicing licensee who holds a barber license is  
21 precluded from employing senior students or conducting an  
22 apprenticeship program unless the shop also employs a practicing  
23 licensee who holds [either] a license as a beautician, general  
24 barber, barber-hairstylist or a cosmetologist-hairstylist and has at  
25 least three years of experience as a beautician, general barber,  
26 barber-hairstylist or a cosmetologist-hairstylist.

27 (cf: P.L.2000, c.159, s.2)

28

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

31 14. a. No person shall represent himself or hold himself out as  
32 engaging in the practices encompassed in cosmetology and  
33 hairstyling, general barbering, barbering and hairstyling, or  
34 manicuring or as a skin care specialist unless licensed under [this  
35 act] P.L.1984, c.205 (C.45:5B-1 et seq.).

36 b. No person shall use the title or designation of "cosmetologist-  
37 hairstylist," "general barber," "barber-hairstylist," "manicurist," or  
38 "skin care specialist" or any other title or designation suggesting  
39 that the person is a cosmetologist-hairstylist, general barber, barber-  
40 hairstylist, manicurist or skin care specialist unless licensed under  
41 this act, and unless the title or designation corresponds to the  
42 license held by the person pursuant to [this act] P.L.1984, c.205  
43 (C.45:5B-1 et seq.).

44 (cf: P.L.1995, c.82, s.14)

45

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

1       25. To be eligible to obtain a student permit, a barbering and  
2 hairstyling student permit, a manicurist student permit or a skin care  
3 specialty student permit, an applicant shall submit to the board  
4 satisfactory evidence that he:

5       a. Is a registered student in a course of instruction in  
6 cosmetology and hairstyling or barbering and hairstyling or  
7 manicuring or skin care, as appropriate, or is enrolled in a public  
8 school approved by the State Board of Education to offer a  
9 vocational program in cosmetology and hairstyling or barbering and  
10 hairstyling or manicuring or skin care, as appropriate, and has  
11 completed 600 hours of a cosmetology and hairstyling course,  
12 **[100]** 150 hours of a manicuring course **[or]**, 300 hours of the skin  
13 care specialty course or 400 hours of a barbering and hairstyling  
14 course; and

15       b. Does not have a communicable, contagious or infectious  
16 disease which could reasonably be expected to be transmitted  
17 during the course of rendering cosmetology and hairstyling  
18 services.

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

24 (cf: P.L.1995, c.82, s.10)

25

26       8. (New section) To be eligible to receive a general barbering  
27 or barbering and hairstyling apprenticeship certificate, an applicant  
28 shall submit to the board satisfactory evidence that he does not  
29 have a communicable, contagious or infectious disease which could  
30 reasonably be expected to be transmitted during the course of  
31 rendering general barbering or barbering and hairstyling services.

32       An apprenticeship certificate shall remain valid only during the  
33 period that the individual is participating in an apprenticeship  
34 program which meets board standards at a licensed shop and shall  
35 expire upon the individual's completion of the program, or  
36 withdrawal or absence from the program for more than 90  
37 consecutive days.

38

39       9. (New section) Except as provided in sections 10 and 11 of  
40 P.L. , c. (C. ) (pending before the Legislature as this bill), an  
41 applicant seeking initial licensure as a barber-hairstylist shall:

42       a. Demonstrate successful completion of high school or its  
43 equivalent;

44       b. (1) Demonstrate successful completion of an 800 hour  
45 course of instruction in the practice of barbering and hairstyling at:

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

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- 1 (b) a public school approved by the State Board of Education to  
2 offer a vocational program in cosmetology and hairstyling; or  
3 (c) a school of cosmetology and hairstyling, beauty culture or  
4 barbering licensed in another state or foreign country, which, in the  
5 opinion of the board, offers curricula which is substantially similar  
6 to that offered at licensed schools within this State; or  
7 (2) Demonstrate successful completion of a 12-month barbering  
8 and hairstyling apprenticeship program in a licensed shop under the  
9 immediate supervision of a licensed barber-hairstylist; and  
10 c. Take and pass an examination conducted by the board.  
11  
12 10. (New section) An applicant holding a license to practice  
13 beauty culture issued by the Board of Beauty Culture Control or the  
14 board, who is seeking licensure as a barber-hairstylist shall:  
15 a. Demonstrate successful completion of a course of instruction  
16 in shaving, the length of which is to be determined by the board and  
17 which is offered at:  
18 (1) a school of cosmetology and hairstyling licensed in this  
19 State; or  
20 (2) a public school approved by the State Board of Education to  
21 offer a vocational program in cosmetology and hairstyling; or  
22 (3) a school of cosmetology and hairstyling, beauty culture or  
23 barbering licensed in another state or foreign country, which, in the  
24 opinion of the board, offers curricula which is substantially similar  
25 to that offered at licensed schools within this State; and  
26 b. Take and pass an examination conducted by the board.  
27  
28 11. (New section) An applicant holding a license to practice  
29 barbering issued by the Board of Barber Examiners or the board,  
30 who is seeking licensure as a barber-hairstylist, shall be given two  
31 opportunities to take and pass an examination conducted by the  
32 board, which shall demonstrate to the board's satisfaction that the  
33 applicant has attained a proficiency in services included within the  
34 definition of barbering and hairstyling which are not encompassed  
35 within the definition of barbering, without undertaking additional  
36 training. If the applicant does not pass either one of the two  
37 examinations, the applicant may not take the examination again  
38 until the applicant can demonstrate successful completion of a 300-  
39 hour course in barbering and hairstyling offered at:  
40 a. A school of cosmetology and hairstyling licensed in this  
41 State; or  
42 b. A public school approved by the State Board of Education to  
43 offer a vocational program in cosmetology and hairstyling; or  
44 c. A school of cosmetology and hairstyling, beauty culture or  
45 barbering licensed in another state or foreign country, which, in the  
46 opinion of the board, offers curricula which is substantially similar  
47 to that offered at licensed schools within this State.



1 cosmetic preparations, antiseptics, tonics, lotions or creams to the  
2 hair, scalp, face or body; cutting, fitting, coloring, or styling of  
3 hairpieces or wigs, to the extent that the services are performed  
4 while the wig is being worn by a person; or hairweaving to the  
5 extent that the procedure does not involve the replacement of  
6 human hair by the means of the insertion of any natural or synthetic  
7 fiber hair into the scalp.

8 The bill establishes certain educational requirements which  
9 general barbers and barber-hairstylists must satisfy. An applicant  
10 for licensure as a general barber must: demonstrate successful  
11 completion of high school or its equivalent; demonstrate successful  
12 completion of a 12-month general barbering apprenticeship program  
13 in a licensed shop; and take and pass an examination conducted by  
14 the New Jersey State Board of Cosmetology and Hairstyling. An  
15 applicant for licensure as a barber-hairstylist must: demonstrate  
16 successful completion of high school or its equivalent; demonstrate  
17 successful completion of an 800-hour course of instruction in  
18 barbering and hairstyling at a duly licensed or approved educational  
19 facility, or successful completion of a 12-month barbering and  
20 hairstyling apprenticeship program in a licensed shop; and take and  
21 pass an examination conducted by the New Jersey State Board of  
22 Cosmetology and Hairstyling.

23 A licensed beautician may qualify for licensure as a barber-  
24 hairstylist by successful completion of a course of instruction in  
25 shaving at a duly licensed or approved educational facility and take  
26 and pass an examination conducted by the board. A licensed barber  
27 may qualify for licensure as a barber-hairstylist by taking and  
28 passing an examination conducted by the board which demonstrates  
29 to the board's satisfaction that the applicant is proficient in services  
30 included in barbering and hairstyling and not encompassed within  
31 the definition of barbering. If the barber fails the examination  
32 twice, he would be required to successfully complete a 300-hour  
33 course in barbering and hairstyling before being allowed to take the  
34 examination again.

35 The bill authorizes a shop licensed by the board to employ a  
36 general barber or barber-hairstylist to oversee the management of a  
37 shop. In addition, the bill authorizes the board to issue a general  
38 barbering or a barbering and hairstyling apprenticeship certificate,  
39 which enables an individual to practice general barbering or  
40 barbering and hairstyling in a licensed shop under the immediate  
41 supervision of a licensed general barber or barber-hairstylist, as  
42 appropriate.

43 Also, the bill provides that applicants from another jurisdiction  
44 possessing a license to render services in that jurisdiction which are  
45 included within the definition of general barbering or barbering and  
46 hairstyling may be issued a license to practice general barbering or  
47 barbering and hairstyling, as appropriate, upon payment of a fee  
48 and submission of their certification, if that jurisdiction has

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1 established eligibility criteria substantially similar to those  
2 established by the board. If another jurisdiction's eligibility criteria  
3 is determined to be less stringent than that required by the board,  
4 the board, at its discretion, may, nevertheless, issue a general  
5 barbering or barbering and hairstyling license upon an applicant's  
6 satisfactory proof of prior practical experience of three years  
7 working in a licensed shop.

# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3181

# STATE OF NEW JERSEY

DATED: OCTOBER 23, 2008

The Assembly Regulated Professions Committee reports favorably on Assembly, No. 3181.

This bill creates limited licenses for general barbering, and barbering and hairstyling, within the practice of cosmetology and hairstyling. A general barber is defined as a person who holds a limited license to engage in the following activities: shaving or trimming the beard, mustache or other facial hair; shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling the hair; or applying cosmetic preparations, antiseptics, tonics, lotions, or creams to the hair, scalp, face or body. A barber-hairstylist is defined as a person who holds a limited license to engage in the following activities: shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair; singeing, dyeing, tinting, coloring, bleaching of the hair; applying cosmetic preparations, antiseptics, tonics, lotions or creams to the hair, scalp, face or body; cutting, fitting, coloring, or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person; or hairweaving to the extent that the procedure does not involve the replacement of human hair by the means of the insertion of any natural or synthetic fiber hair into the scalp.

The bill establishes certain educational requirements which general barbers and barber-hairstylists must satisfy. An applicant for licensure as a general barber must: demonstrate successful completion of high school or its equivalent; demonstrate successful completion of a 12-month general barbering apprenticeship program in a licensed shop; and take and pass an examination conducted by the New Jersey State Board of Cosmetology and Hairstyling. An applicant for licensure as a barber-hairstylist must: demonstrate successful completion of high school or its equivalent; demonstrate successful completion of an 800-hour course of instruction in barbering and hairstyling at a duly licensed or approved educational facility, or successful completion of a 12-month barbering and hairstyling apprenticeship program in a licensed shop; and take and pass an examination conducted by the New Jersey State Board of Cosmetology and Hairstyling.

A licensed beautician may qualify for licensure as a barber-hairstylist by successful completion of a course of instruction in shaving at a duly licensed or approved educational facility and take

and pass an examination conducted by the board. A licensed barber may qualify for licensure as a barber-hairstylist by taking and passing an examination conducted by the board which demonstrates to the board's satisfaction that the applicant is proficient in services included in barbering and hairstyling and not encompassed within the definition of barbering. If the barber fails the examination twice, he would be required to successfully complete a 300-hour course in barbering and hairstyling before being allowed to take the examination again.

The bill authorizes a shop licensed by the board to employ a general barber or barber-hairstylist to oversee the management of a shop. In addition, the bill authorizes the board to issue a general barbering or a barbering and hairstyling apprenticeship certificate, which enables an individual to practice general barbering or barbering and hairstyling in a licensed shop under the immediate supervision of a licensed general barber or barber-hairstylist, as appropriate.

Also, the bill provides that applicants from another jurisdiction possessing a license to render services in that jurisdiction which are included within the definition of general barbering or barbering and hairstyling may be issued a license to practice general barbering or barbering and hairstyling, as appropriate, upon payment of a fee and submission of their certification, if that jurisdiction has established eligibility criteria substantially similar to those established by the board. If another jurisdiction's eligibility criteria is determined to be less stringent than that required by the board, the board, at its discretion, may, nevertheless, issue a general barbering or barbering and hairstyling license upon an applicant's satisfactory proof of prior practical experience of three years working in a licensed shop.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY SUBSTITUTE FOR ASSEMBLY, No. 3181

# STATE OF NEW JERSEY

DATED: JUNE 11, 2009

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3181 (AS).

The substitute bill creates two new limited licenses for beauty culture and barbering within the practice of cosmetology and hairstyling, and sets forth the requirements to qualify for each such license. Currently, only those persons “grandfathered” under the provisions of the “Cosmetology and Hairstyling Act of 1984” are permitted to practice beauty culture or barbering. Also, the bill authorizes and makes particular reference to four limited licenses: beauty culture; barbering; manicuring; and skin care specialty.

In addition, the substitute bill eliminates existing provisions of law that specify the number of hours of instruction necessary as a pathway for an applicant to qualify for licensure as a cosmetologist-hairstylist, manicurist or skin care specialist, and, instead, stipulates that an applicant seeking initial licensure as a cosmetologist-hairstylist, manicurist or skin care specialist shall demonstrate successful completion of a course of instruction, the curriculum for which is to be established by the New Jersey State Board of Cosmetology and Hairstyling pursuant to regulation.

As reported, this substitute bill is identical to the Senate Committee Substitute for Senate Bill No. 1240, as also reported by the committee.

#### FISCAL IMPACT:

Information obtained from the Executive for a similar bill in a previous Session (Senate Bill No. 1397 1R of 2006) indicated that the changes provided by this bill will have a direct State cost of \$127,000 in the first full year of implementation, and an additional \$127,000 and \$129,000 during the second and third years following enactment.

These State costs include additional expenses associated with materials and supplies, data processing, and postage, telephone, and travel, but also represent personnel costs related to the hiring of additional staff in the Division of Consumer Affairs in the Department of Law and Public Safety. The creation of two new limited licenses for beauty culture and barbering would, according to the Executive,

necessitate two new customer service representative to oversee and process additional license applications.

The Office of Legislative Services (OLS) generally agrees with the Executive's estimate, but notes that State costs incurred as a result of this bill may be offset by additional fees collected for licensees. Current law authorizes the New Jersey State Board of Cosmetology and Hairstyling to establish and modify fees for initial licensure, permits, renewals, and the restoration of licenses.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3181**  
**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

DATED: APRIL 2, 2009

**SUMMARY**

**Synopsis:** Creates limited licenses for general barbering and for barbering and hairstyling within the practice of cosmetology and hairstyling.

**Type of Impact:** Expenditure Increase Offset by Fees. General Fund.

**Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs; New Jersey State Board of Cosmetology and Hairstyling

**Executive Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2007</u></b>	<b><u>FY 2008</u></b>	<b><u>FY 2009</u></b>
<b>State Cost</b>	\$122,000	\$123,000	\$125,000
<b>State Revenue</b>	Fees Charged to Licensees to Offset State Expenditure.		

- The Office of Legislative Services (OLS) concurs with a prior Executive estimate of the cost, but notes that compensating revenue will depend on the fees that are established and the number of people who request this limited license.
- Creates limited licenses for general barbering, and barbering and hairstyling, within the practice of cosmetology and hairstyling.
- Establishes effective date six months after the bill's enactment.

**BILL DESCRIPTION**

Assembly Bill No. 3181 of 2008 creates limited licenses for general barbering, and barbering and hairstyling within the practice of cosmetology and hairstyling.

The bill establishes certain educational requirements which general barbers and barber-hairstylists must satisfy to hold a license.

Additionally, the bill establishes certain qualification requirements for a beautician to qualify for licensure as a barber-hairstylist.

The bill authorizes a shop licensed by the board to employ a general barber or barber-hairstylist to oversee the management of a shop. In addition, the bill authorizes the board to issue a general barbering or a barbering and hairstyling apprenticeship certificate, which enables

an individual to practice general barbering or barbering and hairstyling in a licensed shop under the immediate supervision of a licensed general barber or barber-hairstylist, as appropriate.

Also, the bill provides that applicants from another jurisdiction possessing a license may render services as appropriate, upon payment of a fee and submission of their certification, if that jurisdiction has established eligibility criteria substantially similar to those established by the board. If another jurisdiction's eligibility criteria is determined to be less stringent than that required by the board, the board, at its discretion, may, nevertheless, issue a general barbering or barbering and hairstyling license upon an applicant's satisfactory proof of prior practical experience of three years working in a licensed shop.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Division of Consumer Affairs, in the Department of Law and Public Safety, provided a fiscal estimate on Senate Bill No. 1801 of 2006, which is identical to this bill, that projected that the enactment of this bill would cost \$122,000 in the first year.

In order to process the additional licenses, the division would need an increase in staff under this legislation. This figure includes the salary of two Customer Service Representatives, at \$70,000; fringe benefits at \$23,000; materials and supplies, at \$2,000; postage, telephone and travel, at \$25,000; and data processing, at \$2,000. After adjustment for inflation, the Division estimated the cost of this bill at \$123,000 and \$125,000 in the second and third years, respectively.

At the time of the estimate, the Office of Management and Budget agreed with the Executive estimate. The costs of licensing general barbers, issuing permits to barbering and hairstyling students, maintaining licensee records, and approving training curricula may be offset by fees charged to licensees and permit holders.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Executive's prior fiscal estimate, given the division's assumptions about how it would implement the requirements of this bill.

It is unknown how many people are interested in attaining this limited license, and therefore OLS is unable to estimate the revenue that will be generated by the new fees. The legislation however, allows the New Jersey State Board of Cosmetology and Hairstyling to establish fees for initial licensure, permits, renewals and restoration of licenses. This fee to licensees should offset the expenditures needed to fulfill the requirements of this bill.

*Section: Law and Public Safety*  
*Analyst: Kristin A. Brunner*  
*Senior Fiscal Analyst*  
*Approved: David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY SUBSTITUTE FOR**  
**ASSEMBLY, No. 3181**  
**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

DATED: MAY 28, 2009

**SUMMARY**

**Synopsis:** Revises cosmetology and hairstyling statutes.

**Type of Impact:** Expenditure Increase Offset by Fees. General Fund.

**Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs; New Jersey State Board of Cosmetology and Hairstyling

**Executive Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2007</u></b>	<b><u>FY 2008</u></b>	<b><u>FY 2009</u></b>
<b>State Cost</b>	\$122,000	\$123,000	\$125,000
<b>State Revenue</b>	Fees Charged to Licensees to Offset State Expenditure.		

- The Office of Legislative Services (OLS) **concurs** with the Executive's prior fiscal estimate, given the division's assumptions about how it would implement the requirements of this bill and noting the cost may be increased due to inflation. Additionally, this analysis assumes the division will be permitted to hire the personnel needed to effectuate this act. It is unknown how many people will request one of the new licenses.
- Creates two new limited licenses for beauty culture and barbering within the practice of cosmetology and hairstyling, and establishes the requirements to qualify for each such license.

**BILL DESCRIPTION**

Assembly Substitute for Assembly Bill No. 3181 of 2009 creates two new limited licenses for beauty culture and barbering within the practice of cosmetology and hairstyling, and establishes the requirements to qualify for each such license.

Currently, only those persons “grandfathered” under the provisions of the “Cosmetology and Hairstyling Act of 1984” are permitted to practice beauty culture or barbering.

This bill authorizes and makes particular reference to four limited licenses: beauty culture; barbering; manicuring; and skin care specialty. In addition, the bill eliminates existing provisions of law that specify the number of hours of instruction necessary as a pathway for an applicant to qualify for licensure as a cosmetologist-hairstylist, manicurist or skin care specialist, and, instead, stipulates that an applicant seeking initial licensure as a cosmetologist-hairstylist, manicurist or skin care specialist shall demonstrate successful completion of a course of instruction, the curriculum for which is to be established by the New Jersey State Board of Cosmetology and Hairstyling pursuant to regulation.

The New Jersey State Board of Cosmetology and Hairstyling currently is provided the authority to establish fees for initial licensure, permits, renewals and restoration of licenses.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Division of Consumer Affairs, in the Department of Law and Public Safety, provided a fiscal estimate on Senate Bill No. 1801 of 2006, which is similar to this bill, that projected that the enactment of this bill would cost \$122,000 in the first year.

At the time of the 2006 estimate, the division determined that in order to process the additional licenses it would need an increase in staff. The estimate included the salary of two customer service representatives, at \$70,000; fringe benefits at \$23,000; materials and supplies, at \$2,000; postage, telephone and travel, at \$25,000; and data processing, at \$2,000. After adjustment for inflation, the division estimated the cost of this bill at \$123,000 and \$125,000 in the second and third years, respectively.

At the time of the 2006 estimate, the Office of Management and Budget agreed with the Executive estimate. The costs of licensing and issuing permits, maintaining licensee records, and approving training curricula may be offset by fees charged to licensees and permit holders.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Executive’s prior fiscal estimate, given the division's assumptions about how it would implement the requirements of this bill and noting the cost may be increased due to inflation. Additionally, this analysis assumes the division will be permitted to hire the personnel needed to effectuate this act.

Furthermore, it is unknown how many people are interested in attaining a license to perform beauty culture and barbering, and therefore OLS is unable to provide a fee for licensure estimate.

It is important to note that current law allows the New Jersey State Board of Cosmetology and Hairstyling to establish fees for initial licensure, permits, renewals and restoration of licenses to defer costs associated with the license. This fee to licensees should offset the expenditures needed to fulfill the requirements of this bill.

*Section: Law and Public Safety*

*Analyst: Kristin A. Brunner  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for an updated fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

# SENATE, No. 1240

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 21, 2008

**Sponsored by:**

**Senator JOSEPH M. KYRILLOS, JR.**  
**District 13 (Middlesex and Monmouth)**  
**Senator BRIAN P. STACK**  
**District 33 (Hudson)**

**Co-Sponsored by:**

**Senator Cunningham**

**SYNOPSIS**

Creates limited licenses for general barbering and for barbering and hairstyling within the practice of cosmetology and hairstyling.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/12/2009)**

S1240 KYRILLOS, STACK

2

1 AN ACT concerning the practice of cosmetology and hairstyling,  
2 amending P.L.1995, c.82 and amending and supplementing  
3 P.L.1984, c.205.

4

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

7

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

10 3. As used in this act:

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

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

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

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

22 (3) singeing or dyeing of the hair;

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

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

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

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

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

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

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

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

44 (4) massaging, cleansing, or stimulating the face, scalp, neck or  
45 upper part of the body, with or without cosmetic preparations either

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

**Matter underlined thus is new matter.**

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

1 (9) hairweaving to the extent that the procedure does not involve  
2 the replacement of human hair by means of the insertion of any  
3 natural or synthetic fiber hair into the scalp.

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

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

11 (1) manicuring of the fingernails;

12 (2) pedicuring of the toenails;

13 (3) nail sculpturing; or

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

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

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

27 o. "Registered student" means a person who is engaged in  
28 learning and acquiring a knowledge of any of the practices included  
29 in the definition of cosmetology and hairstyling under the direction  
30 and supervision of a person duly authorized under this act to teach  
31 cosmetology and hairstyling and who is enrolled in a program of  
32 instruction at a licensed school of cosmetology and hairstyling,  
33 completion of which may render him eligible for licensure pursuant  
34 to this act but does not mean a person who is enrolled in a public  
35 school vocational program in cosmetology and hairstyling approved  
36 by the State Board of Education.

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

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

43 r. "Senior student" means a registered student who has  
44 successfully completed 600 hours of instruction in a cosmetology  
45 and hairstyling program, 150 hours of instruction in a manicuring  
46 program **[or]**, 300 hours of instruction in a skin care specialty  
47 program or 400 hours of instruction in a barbering and hairstyling  
48 program offered at a licensed school of cosmetology and hairstyling

1 or a student enrolled in an approved vocational training program  
2 who has completed 600 hours of instruction in a cosmetology and  
3 hair styling program, 150 hours of instruction in a manicuring  
4 program **[or]**, 300 hours of instruction in a skin care specialty  
5 program or 400 hours of instruction in a barbering and hairstyling  
6 program.

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

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

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

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

22 w. "Manicurist student permit" means a permit issued to a senior  
23 student in a manicuring program which enables him to practice  
24 manicuring in a school clinic or shop while a registered student at a  
25 licensed school of cosmetology and hairstyling or enrolled in an  
26 approved vocational program.

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

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

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

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

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

44 z. "Skin care specialty student permit" means a permit issued to  
45 a senior student in a skin care specialty program which enables him  
46 to practice skin care in a school clinic or shop while a registered  
47 student at a licensed school of cosmetology and hairstyling or  
48 enrolled in an approved vocational program.

- 1       aa. "Barber-hairstylist" means a person who holds a limited  
2 license to engage in only the practices included in the definition of  
3 barbering and hairstyling.
- 4       bb. "Barbering and hairstyling" means any one or combination  
5 of the following practices when done on the human body for  
6 cosmetic purposes and not for the treatment of disease or physical  
7 or mental ailments and when done for payment either directly or  
8 indirectly or when done without payment for the general public:
- 9       (1) shampooing, cutting, arranging, dressing, relaxing, curling,  
10 permanent waving or styling of the hair;
- 11       (2) singeing, dyeing, tinting, coloring, bleaching of the hair;
- 12       (3) applying cosmetic preparations, antiseptics, tonics, lotions,  
13 or creams to the hair, scalp, face or body;
- 14       (4) cutting, fitting, coloring or styling of hairpieces or wigs, to  
15 the extent that the services are performed while the wig is being  
16 worn by a person; or
- 17       (5) hairweaving to the extent that the procedure does not involve  
18 the replacement of human hair by means of the insertion of any  
19 natural or synthetic fiber hair into the scalp.
- 20       cc. "Barbering and hairstyling apprenticeship certificate" means  
21 a certificate issued by the board which authorizes an individual to  
22 participate in a barbering and hairstyling program approved by the  
23 board and enables the individual to practice barbering and  
24 hairstyling in a licensed shop.
- 25       dd. "Barbering and hairstyling student permit" means a permit  
26 issued to a senior student in a barbering and hairstyling program  
27 which enables the student to practice barbering and hairstyling in a  
28 school clinic or licensed shop while a registered student at a  
29 licensed school of cosmetology and hairstyling or enrolled in an  
30 approved vocational program.
- 31       ee. "General barber" means a person who holds a limited license  
32 to engage in only the practices included in the definition of general  
33 barbering.
- 34       ff. "General barbering" means any one or combination of the  
35 following practices when done on the human body for cosmetic  
36 purposes and not for the treatment of disease or physical or mental  
37 ailments and when done for payment either directly or indirectly or  
38 when done without payment for the general public:
- 39       (1) shaving or trimming of the beard, mustache or other facial  
40 hair;
- 41       (2) shampooing, cutting, arranging, dressing, relaxing, curling,  
42 permanent waving or styling of the hair; or
- 43       (3) applying cosmetic preparations, antiseptics, tonics, lotions, or  
44 creams to the hair, scalp, face or body;
- 45       gg. "General barbering apprenticeship certificate" means a  
46 certificate issued by the board which authorizes an individual to  
47 participate in a general barbering program approved by the board

1 and enables the individual to practice general barbering in a  
2 licensed shop.

3 (cf: P.L.2000, c.159, s.1)

4

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

7 6. The board shall:

8 a. Review the qualifications of applicants for licensure;

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

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

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

19 e. Issue student permits to senior students, barbering and  
20 hairstyling students, manicuring students and skin care specialty  
21 students, which permits shall remain valid during the period that the  
22 student is registered at a licensed school or enrolled in an approved  
23 vocational training program;

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

26 g. Issue registration cards to registered students;

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

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

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

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

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

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

47 n. Maintain a record of all registered students and all persons  
48 holding student permits, barbering and hairstyling student permits,

- 1 manicuring student permits **[and]**, skin care specialty student  
2 permits, general barbering apprenticeship certificates and barbering  
3 and hairstyling apprenticeship certificates;
- 4 o. Maintain a record of all shops licensed by the board to offer  
5 one or more of the services encompassed within the definition of  
6 cosmetology and hairstyling;
- 7 p. Maintain a record of all schools licensed by the board to offer  
8 courses of instruction or training in the practice and theory of  
9 cosmetology and hairstyling to registered students, which courses  
10 shall be approved by the board for the awarding of credit for  
11 licensure;
- 12 q. Make available for public inspection all records required to be  
13 kept pursuant to this section;
- 14 r. Promulgate regulations governing the practice and teaching of  
15 cosmetology and hairstyling as are necessary to implement this act  
16 and to insure that cosmetology and hairstyling services and  
17 instruction in those services are being offered both in a manner  
18 which is sanitary and safe and in a manner which is not intended to  
19 deceive or mislead the general public;
- 20 s. Promulgate regulations governing the conduct of shops and  
21 schools as are necessary to implement this act and to assure that  
22 cosmetology and hairstyling services and instruction in those  
23 services are being offered both in a manner that is sanitary and safe,  
24 and in a manner not intended to deceive or mislead the general  
25 public, students of the schools, or organizations awarding financial  
26 aid to the students and to clarify or define any term used in the act  
27 and to define any activity included in hairstyling and cosmetology  
28 and beauty culture;
- 29 t. Review curricula offered by licensed schools in courses of  
30 instruction offered to registered students and approve those  
31 curricula which offer comprehensive training in cosmetology and  
32 hairstyling;
- 33 u. Direct the conduct of inspections or investigations of all  
34 licensed shops and schools; **[and]**
- 35 v. Direct the conduct of inspections or investigations of any  
36 premises from which the board may have reason to believe that  
37 cosmetology and hairstyling services are being offered, or that  
38 courses of instruction are being offered to registered students; and
- 39 w. Issue general barbering and barbering and hairstyling  
40 apprenticeship certificates and establish standards for  
41 apprenticeship programs for initial licensure as a general barber or  
42 barber-hairstylist.
- 43 (cf: P.L.1995, c.82, s.2)
- 44
- 45 3. Section 7 of P.L.1984, c.205 (C.45:5B-7) is amended to read  
46 as follows:
- 47 7. No person shall render any of the services encompassed  
48 within the definition of cosmetology and hairstyling without first

- 1 having secured a license from the board which permits the offering  
2 of that service, except for the following persons when acting within  
3 the scope of their profession or occupation:
- 4 a. Persons authorized by the laws of this State to practice  
5 medicine and surgery, dentistry, chiropractic and acupuncture;
  - 6 b. Registered nurses, licensed practical nurses, nurses' aides,  
7 physical therapists and physical therapy assistants;
  - 8 c. Commissioned medical officers of the United States Armed  
9 Forces Hospital Services;
  - 10 d. Persons employed to render cosmetology or hairstyling  
11 services in the course of and incidental to the business of employers  
12 engaged in the theatrical, radio, television or motion picture  
13 production industries, modeling or photography;
  - 14 e. Persons employed to demonstrate, recommend or administer  
15 cosmetic preparations, lotions, creams, makeup or perfume intended  
16 for home use for the purposes of effecting retail sales if those  
17 persons neither accept payment from the consumer for that  
18 demonstration nor make the demonstration contingent upon the  
19 purchase of any product or service; **[or]**
  - 20 f. Senior students holding a student permit; provided that those  
21 services are rendered in a school clinic or licensed shop during  
22 hours that the student does not have scheduled classes; or
  - 23 g. Persons holding a general barbering or a barbering and  
24 hairstyling apprenticeship certificate; provided that those services  
25 are rendered in an apprenticeship program approved by the board.  
26 (cf: P.L.1984, c.205, s.7)

27  
28 4. Section 10 of P.L.1984, c.205 (C.45:5B-10) is amended to  
29 read as follows:

30 10. No person, firm, corporation, partnership or other legal  
31 entity shall operate, maintain or use premises at which courses of  
32 instruction in cosmetology and hairstyling services are offered to  
33 registered students without first having secured a school license  
34 from the board. Nothing herein shall prohibit the offering of  
35 educational programs and courses in cosmetology and hairstyling  
36 to practicing licensees or teachers at unlicensed premises.  
37 However, no course offered at an unlicensed premises shall be  
38 recognized by the board in satisfaction of licensure eligibility  
39 requirements. All educational programs and courses offered at  
40 unlicensed premises shall be conducted by practicing licensees.

41 Nothing in this section shall be construed to prohibit the offering  
42 of an approved general barbering or barbering and hairstyling  
43 apprenticeship program in a licensed shop.  
44 (cf: P.L.1984, c.205, s.10)

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

48 11. A shop licensed by the board shall employ at least one

1 experienced practicing licensee to generally oversee the  
2 management of the shop. The practicing licensee shall:

3 a. Hold a beautician, barber, general barber, barber-hairstylist or  
4 cosmetologist-hairstylist license and have three years of experience  
5 as a beautician, barber, general barber, barber-hairstylist or  
6 cosmetologist-hairstylist; or

7 b. Hold a beautician or cosmetologist-hairstylist license and  
8 have been issued a manager-operator license by the Board of  
9 Beauty Culture Control; or

10 c. If the shop performs only manicuring services, hold a  
11 manicurist license and have three years of experience as a  
12 manicurist; or

13 d. If a shop performs only skin care specialty services, hold a  
14 skin care specialty license and have three years of experience as a  
15 skin care specialist.

16 A shop which satisfies the requirements of this section by  
17 employing a practicing licensee who holds a barber license is  
18 precluded from employing senior students or conducting an  
19 apprenticeship program unless the shop also employs a practicing  
20 licensee who holds [either] a license as a beautician, general  
21 barber, barber-hairstylist or a cosmetologist-hairstylist and has at  
22 least three years of experience as a beautician, general barber,  
23 barber-hairstylist or a cosmetologist-hairstylist.

24 (cf: P.L.2000, c.159, s.2)

25

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

28 14. a. No person shall represent himself or hold himself out as  
29 engaging in the practices encompassed in cosmetology and  
30 hairstyling, general barbering, barbering and hairstyling, or  
31 manicuring or as a skin care specialist unless licensed under [this  
32 act] P.L.1984, c.205 (C.45:5B-1 et seq.).

33 b. No person shall use the title or designation of "cosmetologist-  
34 hairstylist," "general barber," "barber-hairstylist," "manicurist," or  
35 "skin care specialist" or any other title or designation suggesting  
36 that the person is a cosmetologist-hairstylist, general barber, barber-  
37 hairstylist, manicurist or skin care specialist unless licensed under  
38 this act, and unless the title or designation corresponds to the  
39 license held by the person pursuant to [this act] P.L.1984, c.205  
40 (C.45:5B-1 et seq.).

41 (cf: P.L.1995, c.82, s.14)

42

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

45 25. To be eligible to obtain a student permit, a barbering and  
46 hairstyling student permit, a manicurist student permit or a skin care  
47 specialty student permit, an applicant shall submit to the board  
48 satisfactory evidence that he:

1 a. Is a registered student in a course of instruction in  
2 cosmetology and hairstyling or barbering and hairstyling or  
3 manicuring or skin care, as appropriate, or is enrolled in a public  
4 school approved by the State Board of Education to offer a  
5 vocational program in cosmetology and hairstyling or barbering and  
6 hairstyling or manicuring or skin care, as appropriate, and has  
7 completed 600 hours of a cosmetology and hairstyling course,  
8 **[100]** 150 hours of a manicuring course **[or]**, 300 hours of the  
9 skin care specialty course or 400 hours of a barbering and  
10 hairstyling course; and

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

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

20 (cf: P.L.1995, c.82, s.10)

21

22 8. (New section) To be eligible to receive a general barbering or  
23 barbering and hairstyling apprenticeship certificate, an applicant  
24 shall submit to the board satisfactory evidence that he does not have  
25 a communicable, contagious or infectious disease which could  
26 reasonably be expected to be transmitted during the course of  
27 rendering general barbering or barbering and hairstyling services.

28 An apprenticeship certificate shall remain valid only during the  
29 period that the individual is participating in an apprenticeship  
30 program which meets board standards at a licensed shop and shall  
31 expire upon the individual's completion of the program, or  
32 withdrawal or absence from the program for more than 90  
33 consecutive days.

34

35 9. (New section) Except as provided in sections 10 and 11 of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill), an  
37 applicant seeking initial licensure as a barber-hairstylist shall:

38 a. Demonstrate successful completion of high school or its  
39 equivalent;

40 b. (1) Demonstrate successful completion of an 800 hour course  
41 of instruction in the practice of barbering and hairstyling at:

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

44 (b) a public school approved by the State Board of Education to  
45 offer a vocational program in cosmetology and hairstyling; or

46 (c) a school of cosmetology and hairstyling, beauty culture or  
47 barbering licensed in another state or foreign country, which, in the  
48 opinion of the board, offers curricula which is substantially similar

- 1 to that offered at licensed schools within this State; or
- 2 (2) Demonstrate successful completion of a 12-month barbering
- 3 and hairstyling apprenticeship program in a licensed shop under the
- 4 immediate supervision of a licensed barber-hairstylist; and
- 5 c. Take and pass an examination conducted by the board.
- 6
- 7 10. (New section) An applicant holding a license to practice
- 8 beauty culture issued by the Board of Beauty Culture Control or the
- 9 board, who is seeking licensure as a barber-hairstylist shall:
- 10 a. Demonstrate successful completion of a course of instruction
- 11 in shaving, the length of which is to be determined by the board and
- 12 which is offered at:
- 13 (1) a school of cosmetology and hairstyling licensed in this
- 14 State; or
- 15 (2) a public school approved by the State Board of Education to
- 16 offer a vocational program in cosmetology and hairstyling; or
- 17 (3) a school of cosmetology and hairstyling, beauty culture or
- 18 barbering licensed in another state or foreign country, which, in the
- 19 opinion of the board, offers curricula which is substantially similar
- 20 to that offered at licensed schools within this State; and
- 21 b. Take and pass an examination conducted by the board.
- 22
- 23 11. (New section) An applicant holding a license to practice
- 24 barbering issued by the Board of Barber Examiners or the board,
- 25 who is seeking licensure as a barber-hairstylist, shall be given two
- 26 opportunities to take and pass an examination conducted by the
- 27 board, which shall demonstrate to the board's satisfaction that the
- 28 applicant has attained a proficiency in services included within the
- 29 definition of barbering and hairstyling which are not encompassed
- 30 within the definition of barbering, without undertaking additional
- 31 training. If the applicant does not pass either one of the two
- 32 examinations, the applicant may not take the examination again
- 33 until the applicant can demonstrate successful completion of a 300-
- 34 hour course in barbering and hairstyling offered at:
- 35 a. A school of cosmetology and hairstyling licensed in this
- 36 State; or
- 37 b. A public school approved by the State Board of Education to
- 38 offer a vocational program in cosmetology and hairstyling; or
- 39 c. A school of cosmetology and hairstyling, beauty culture or
- 40 barbering licensed in another state or foreign country, which, in the
- 41 opinion of the board, offers curricula which is substantially similar
- 42 to that offered at licensed schools within this State.
- 43
- 44 12. (New section) An applicant seeking initial licensure as a
- 45 general barber shall:
- 46 a. Demonstrate successful completion of high school or its
- 47 equivalent;
- 48 b. Demonstrate successful completion of a 12-month general

1 barbering apprenticeship program in a licensed shop under the  
2 immediate supervision of a licensed general barber; and

3 c. Take and pass an examination conducted by the board.  
4

5 13. (New section) Applicants possessing a license to render  
6 services in another state or a foreign country, which services are  
7 included within the definition of general barbering or barbering and  
8 hairstyling pursuant to P.L. , c. (C. ) (pending before the  
9 Legislature as this bill), may be issued a license to practice general  
10 barbering or barbering and hairstyling in accordance with the  
11 provisions of P.L. , c. (C. ) (pending before the Legislature as  
12 this bill), if that jurisdiction has established eligibility criteria  
13 substantially similar to those established by the board. The  
14 applicant shall pay a fee as required by the board and submit  
15 certification from the licensing jurisdiction. An applicant  
16 possessing a license to practice general barbering or barbering and  
17 hairstyling services issued by a licensing authority from another  
18 state or foreign country which has established eligibility criteria  
19 with respect to general barbering or barbering and hairstyling which  
20 are, in the opinion of the board, less stringent than that required by  
21 the board, may, nevertheless, be eligible for licensure as a general  
22 barber or barber-hairstylist pursuant to the provisions of P.L. , c.  
23 (C. ) (pending before the Legislature as this bill), if the applicant  
24 can present satisfactory evidence of prior practical experience of  
25 three years working in a licensed shop.  
26

27 14. This act shall take effect on the 180th day after enactment.  
28  
29

30 STATEMENT  
31

32 This bill creates limited licenses for general barbering, and  
33 barbering and hairstyling, within the practice of cosmetology and  
34 hairstyling. A general barber is defined as a person who holds a  
35 limited license to engage in the following activities: shaving or  
36 trimming the beard, mustache or other facial hair; shampooing,  
37 cutting, arranging, dressing, relaxing, curling, permanent waving or  
38 styling the hair; or applying cosmetic preparations, antiseptics,  
39 tonics, lotions, or creams to the hair, scalp, face or body. A barber-  
40 hairstylist is defined as a person who holds a limited license to  
41 engage in the following activities: shampooing, cutting, arranging,  
42 dressing, relaxing, curling, permanent waving or styling of the hair;  
43 singeing, dyeing, tinting, coloring, bleaching of the hair; applying  
44 cosmetic preparations, antiseptics, tonics, lotions or creams to the  
45 hair, scalp, face or body; cutting, fitting, coloring, or styling of  
46 hairpieces or wigs, to the extent that the services are performed  
47 while the wig is being worn by a person; or hairweaving to the  
48 extent that the procedure does not involve the replacement of

1 human hair by the means of the insertion of any natural or synthetic  
2 fiber hair into the scalp.

3 The bill establishes certain educational requirements which  
4 general barbers and barber-hairstylists must satisfy. An applicant  
5 for licensure as a general barber must: demonstrate successful  
6 completion of high school or its equivalent; demonstrate successful  
7 completion of a 12-month general barbering apprenticeship program  
8 in a licensed shop; and take and pass an examination conducted by  
9 the New Jersey State Board of Cosmetology and Hairstyling. An  
10 applicant for licensure as a barber-hairstylist must: demonstrate  
11 successful completion of high school or its equivalent; demonstrate  
12 successful completion of an 800-hour course of instruction in  
13 barbering and hairstyling at a duly licensed or approved educational  
14 facility, or successful completion of a 12-month barbering and  
15 hairstyling apprenticeship program in a licensed shop; and take and  
16 pass an examination conducted by the New Jersey State Board of  
17 Cosmetology and Hairstyling.

18 A licensed beautician may qualify for licensure as a barber-  
19 hairstylist by successful completion of a course of instruction in  
20 shaving at a duly licensed or approved educational facility and take  
21 and pass an examination conducted by the board. A licensed barber  
22 may qualify for licensure as a barber-hairstylist by taking and  
23 passing an examination conducted by the board which demonstrates  
24 to the board's satisfaction that the applicant is proficient in services  
25 included in barbering and hairstyling and not encompassed within  
26 the definition of barbering. If the barber fails the examination  
27 twice, he would be required to successfully complete a 300-hour  
28 course in barbering and hairstyling before being allowed to take the  
29 examination again.

30 The bill authorizes a shop licensed by the board to employ a  
31 general barber or barber-hairstylist to oversee the management of a  
32 shop. In addition, the bill authorizes the board to issue a general  
33 barbering or a barbering and hairstyling apprenticeship certificate,  
34 which enables an individual to practice general barbering or  
35 barbering and hairstyling in a licensed shop under the immediate  
36 supervision of a licensed general barber or barber-hairstylist, as  
37 appropriate.

38 Also, the bill provides that applicants from another jurisdiction  
39 possessing a license to render services in that jurisdiction which are  
40 included within the definition of general barbering or barbering and  
41 hairstyling may be issued a license to practice general barbering or  
42 barbering and hairstyling, as appropriate, upon payment of a fee  
43 and submission of their certification, if that jurisdiction has  
44 established eligibility criteria substantially similar to those  
45 established by the board. If another jurisdiction's eligibility criteria  
46 is determined to be less stringent than that required by the board,  
47 the board, at its discretion, may, nevertheless, issue a general  
48 barbering or barbering and hairstyling license upon an applicant's

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- 1 satisfactory proof of prior practical experience of three years
- 2 working in a licensed shop.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### SENATE, No. 1240

# STATE OF NEW JERSEY

DATED: FEBRUARY 2, 2009

The Senate Commerce Committee reports favorably Senate Bill No. 1240.

This bill creates limited licenses for general barbering, and barbering and hairstyling, within the practice of cosmetology and hairstyling. A general barber is defined as a person who holds a limited license to engage in the following activities: shaving or trimming the beard, mustache or other facial hair; shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling the hair; or applying cosmetic preparations, antiseptics, tonics, lotions, or creams to the hair, scalp, face or body. A barber-hairstylist is defined as a person who holds a limited license to engage in the following activities: shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair; singeing, dyeing, tinting, coloring, bleaching of the hair; applying cosmetic preparations, antiseptics, tonics, lotions or creams to the hair, scalp, face or body; cutting, fitting, coloring, or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person; or hairweaving to the extent that the procedure does not involve the replacement of human hair by the means of the insertion of any natural or synthetic fiber hair into the scalp.

The bill establishes certain educational requirements that general barbers and barber-hairstylists shall satisfy as a condition for licensure. An applicant for licensure as a general barber must: demonstrate successful completion of high school or its equivalent; demonstrate successful completion of a 12-month general barbering apprenticeship program in a licensed shop; and take and pass an examination conducted by the New Jersey State Board of Cosmetology and Hairstyling. An applicant for licensure as a barber-hairstylist must: demonstrate successful completion of high school or its equivalent; demonstrate successful completion of an 800-hour course of instruction in barbering and hairstyling at a duly licensed or approved educational facility, or successful completion of a 12-month barbering and hairstyling apprenticeship program in a licensed shop; and take and pass an examination conducted by the New Jersey State Board of Cosmetology and Hairstyling.

A licensed beautician may qualify for licensure as a barber-hairstylist by successful completion of a course of instruction in

shaving at a duly licensed or approved educational facility and take and pass an examination conducted by the board. A licensed barber may qualify for licensure as a barber-hairstylist by taking and passing an examination conducted by the board which demonstrates to the board's satisfaction that the applicant is proficient in services included in barbering and hairstyling and not encompassed within the definition of barbering. If the barber fails the examination twice, he would be required to successfully complete a 300-hour course in barbering and hairstyling before being allowed to take the examination again.

The bill authorizes a shop licensed by the board to employ a general barber or barber-hairstylist to oversee the management of a shop. In addition, the bill authorizes the board to issue a general barbering or a barbering and hairstyling apprenticeship certificate, which enables an individual to practice general barbering or barbering and hairstyling in a licensed shop under the immediate supervision of a licensed general barber or barber-hairstylist, as appropriate.

Also, the bill provides that applicants from another jurisdiction possessing a license to render services in that jurisdiction which are included within the definition of general barbering or barbering and hairstyling may be issued a license to practice general barbering or barbering and hairstyling, as appropriate, upon payment of a fee and submission of their certification, if that jurisdiction has established eligibility criteria substantially similar to those established by the board. If another jurisdiction's eligibility criteria is determined to be less stringent than that required by the board, the board, at its discretion, may, nevertheless, issue a general barbering or barbering and hairstyling license upon an applicant's satisfactory proof of prior practical experience of three years working in a licensed shop.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1240**

# **STATE OF NEW JERSEY**

DATED: JUNE 11, 2009

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1240.

The substitute bill creates two new limited licenses for beauty culture and barbering within the practice of cosmetology and hairstyling, and sets forth the requirements to qualify for each such license. Currently, only those persons “grandfathered” under the provisions of the “Cosmetology and Hairstyling Act of 1984” are permitted to practice beauty culture or barbering. Also, the bill authorizes and makes particular reference to four limited licenses: beauty culture; barbering; manicuring; and skin care specialty.

In addition, the substitute bill eliminates existing statutory provisions that specify the number of hours of instruction necessary for an applicant to qualify for licensure as a cosmetologist-hairstylist, manicurist or skin care specialist, and, instead, stipulates that an applicant seeking initial licensure as a cosmetologist-hairstylist, manicurist or skin care specialist shall demonstrate successful completion of a course of instruction, the curriculum for which is established by the New Jersey State Board of Cosmetology and Hairstyling pursuant to regulation.

As reported, this Senate Committee Substitute is identical to Assembly Bill No. 3181 (AS), as also reported by the committee.

#### FISCAL IMPACT:

Information obtained from the Executive for a similar bill in a previous Session (Senate Bill No. 1397 1R of 2006) indicated that the changes provided by this bill will have a direct State cost of \$127,000 in the first full year of implementation, and an additional \$127,000 and \$129,000 during the second and third years following enactment.

These State costs include additional expenses associated with materials and supplies, data processing, and postage, telephone, and travel, but also represent personnel costs related to the hiring of additional staff in the Division of Consumer Affairs in the Department of Law and Public Safety. The creation of two new limited licenses for beauty culture and barbering would, according to the Executive,

necessitate two new customer service representative to oversee and process additional license applications.

The Office of Legislative Services (OLS) generally agrees with the Executive's estimate, but notes that State costs incurred as a result of this bill may be offset by additional fees collected for licensees. Current law authorizes the New Jersey State Board of Cosmetology and Hairstyling to establish and modify fees for initial licensure, permits, renewals, and the restoration of licenses.