

ASSEMBLY, No. 1926

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

SYNOPSIS

Provides option for individuals to satisfy requirements for licensure as manicurist through apprenticeship.

CURRENT VERSION OF TEXT

As reported by the Assembly Regulated Professions Committee with technical review.



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2

1 AN ACT concerning apprenticeships for manicurists, and
2 supplementing and amending P.L.1984, c.205 (C.45:5B-1 et
3 seq.).
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 performed on the human body for cosmetic purposes
15 and not for the treatment of disease or physical or mental ailments
16 and when performed for the general public, primarily for male
17 customers:

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, dyeing, tinting, coloring, bleaching 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 performed on the human body for
35 cosmetic purposes and not for the treatment of disease or physical
36 or mental ailments and when performed for the general public,
37 primarily for female customers:

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
46 by hand, mechanical or electrical appliances;

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 (5) 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 (6) manicuring the fingernails, nail-sculpturing or pedicuring the
5 toenails; or
- 6 (7) cutting, fitting, coloring or styling of hairpieces or wigs to
7 the extent that the services are performed while the wig is being
8 worn by a person.
- 9 e. "Board" means the New Jersey State Board of Cosmetology
10 and Hairstyling.
- 11 f. "Board of Barber Examiners" means the State Board of
12 Barber Examiners established pursuant to P.L.1938, c.197
13 (C.45:4-27 et seq.).
- 14 g. "Board of Beauty Culture Control" means the Board of
15 Beauty Culture Control established pursuant to Chapter 4A of Title
16 45 of the Revised Statutes.
- 17 h. "Clinic" means a designated portion of a licensed school in
18 which members of the general public may receive cosmetology and
19 hairstyling services from senior students in exchange for a fee. The
20 clinic shall clearly post the fees for the cosmetology and hairstyling
21 services and provide notice to consumers that the services provided
22 in the clinic are performed by senior students under the supervision
23 of licensed instructors.
- 24 i. "Cosmetologist-hairstylist" means any person who is
25 licensed to engage in the practices encompassed in cosmetology and
26 hairstyling.
- 27 j. "Cosmetology and hairstyling" means any one or
28 combination of the following practices when performed on the
29 human body for cosmetic purposes and not for the treatment of
30 disease or physical or mental ailments and when performed for the
31 general public, for male or female customers:
- 32 (1) shaving or trimming of the beard, mustache or other facial
33 hair;
- 34 (2) shampooing, cutting, arranging, dressing, relaxing, curling,
35 permanent waving or styling of the hair;
- 36 (3) singeing, dyeing, tinting, coloring, bleaching of the hair;
- 37 (4) applying cosmetic preparations, antiseptics, tonics, lotions,
38 creams or makeup to the hair, scalp, face or neck;
- 39 (5) massaging, cleansing or stimulating the face, neck or upper
40 part of the body, with or without cosmetic preparations, either by
41 hand, mechanical or electrical appliances;
- 42 (6) removing superfluous hair from the face, neck, arms, legs or
43 abdomen by the use of depilatories, waxing or tweezers, but not by
44 the use of electrolysis;
- 45 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
46 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.
- 4 (9) (Deleted by amendment, P.L.2018, c.126)
- 5 k. "Manicurist" means a person who holds a license to engage
6 in only the practice of manicuring.
- 7 l. "Manicuring" means any one or combination of the
8 following practices when performed on the human body for
9 cosmetic purposes and not for the treatment of disease or physical
10 or mental ailments and when performed for the general public, for
11 male or female customers:
- 12 (1) manicuring of the fingernails;
13 (2) pedicuring of the toenails;
14 (3) nail sculpturing; or
15 (4) 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 m. "Owner" means any person, corporation, firm or partnership
19 who has a financial interest in a school or shop entitling him to
20 participate in the promotion, management and proceeds thereof. It
21 does not include a person whose connection with a school or shop
22 entitles him only to reasonable salary or wages for services actually
23 rendered. "Owner" shall also mean any person, corporation, firm or
24 partnership who has a financial interest in a hair braiding shop
25 entitling the person, corporation, firm or partnership to participate
26 in the promotion, management and proceeds thereof.
- 27 n. "Practicing licensee" means any person who holds a license
28 to practice barbering, beauty culture, cosmetology and hairstyling,
29 manicuring or as a 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, including beauty
33 culture, barbering, manicuring and skin care specialty, under the
34 direction and supervision of a person duly authorized under this act
35 to teach cosmetology and hairstyling and who is enrolled in a
36 program of instruction at a licensed school of cosmetology and
37 hairstyling, completion of which may render him eligible for
38 licensure pursuant to this act but does not mean a person who is
39 enrolled in a public school vocational program in cosmetology and
40 hairstyling approved by the State Board of Education or in any
41 other cosmetology and hairstyling program approved by the State
42 Board of Education.
- 43 p. "Registration card" means a document issued by the board to
44 a registered student upon receipt of documentation from a licensed
45 school of cosmetology and hairstyling that the student is enrolled.
- 46 q. "School" means an establishment or place licensed by the
47 board to be maintained for the purpose of teaching cosmetology and

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- 1 hairstyling, beauty culture, barbering, manicuring, hair braiding or
2 skin care specialty to registered students.
- 3 r. "Senior student" means a registered student who has
4 successfully completed one-half of the total hours of instruction
5 required for licensure as a cosmetologist-hairstylist, beautician,
6 barber, manicurist or skin care specialist in a licensed school of
7 cosmetology and hairstyling, as determined by the board pursuant to
8 regulation, or in any public school vocational training program
9 approved by the State Board of Education.
- 10 s. "Student permit" means a permit issued to a senior student
11 which enables him to practice cosmetology and hairstyling, beauty
12 culture, barbering, manicuring or skin care specialty, as appropriate,
13 based on the course of instruction in which the student is enrolled,
14 in a school clinic or shop while a registered student at a licensed
15 school of cosmetology and hairstyling or enrolled in an approved
16 vocational training program.
- 17 t. "Shop" means any fixed establishment, mobile facility, or
18 place where one or more persons engage in one or more of the
19 practices included in the definition of cosmetology and hairstyling,
20 barbering, beauty culture, manicuring, hair braiding or skin care
21 specialty.
- 22 u. "Teacher" means any person who is licensed by the board to
23 give instruction or training in the theory or practice of cosmetology
24 and hairstyling, beauty culture, barbering, manicuring or skin care
25 specialty.
- 26 v. "Temporary permit" means a permit issued to applicants for
27 licensure awaiting scheduling or results of an examination.
- 28 w. (Deleted by amendment, P.L.2009, c.162)
- 29 x. "Skin care specialist" means a person who holds a license to
30 engage in only the practices included in the definition of skin care
31 specialty.
- 32 y. "Skin care specialty" means any one or combination of the
33 following practices when performed on the male or female human
34 body for cosmetic purposes and not for the treatment of disease or
35 physical or mental ailments and when performed for the general
36 public, primarily for male customers:
- 37 (1) applying cosmetic preparations, antiseptics, tonics, lotions,
38 creams or makeup to the scalp, face or neck;
- 39 (2) massaging, cleansing or stimulating the face, neck or upper
40 part of the body, with or without cosmetic preparations, either by
41 hand, mechanical or electrical appliances; or
- 42 (3) removing superfluous hair from the face, neck, arms, legs or
43 abdomen by the use of depilatories, waxing or tweezers, but not by
44 the use of electrolysis.
- 45 z. (Deleted by amendment, P.L.2009, c.162)
- 46 aa. "Hair braider" or "hair braiding specialist" means a person
47 who holds a license to engage in only the practice of hair braiding.

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1 bb. "Hair braiding" means the twisting, wrapping, weaving,
2 extending, locking, or braiding of hair by hand or with mechanical
3 devices. "Hair braiding" may include the use of: natural or
4 synthetic hair extensions or fibers, decorative beads, and other hair
5 accessories; minor trimming of natural hair or hair extensions
6 incidental to twisting, wrapping, weaving, extending, locking, or
7 braiding hair; making of wigs from natural hair, natural or synthetic
8 fibers, and hair extensions; and the use of topical agents in
9 conjunction with performing hair braiding, including conditioners,
10 gels, moisturizers, oils, pomades, and shampoos.

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

14 dd. "Mobile facility" means a shop capable of being moved from
15 one place to another as or by a motor vehicle that shall be properly
16 registered, insured, and inspected in accordance with all applicable
17 motor vehicle laws and regulations and in compliance with all
18 appropriate municipal laws and regulations including, but not
19 limited to, licensing and land use approvals and permits, if
20 applicable.

21 ee. "Manicuring apprenticeship" means a plan containing all
22 terms and conditions for the qualification, recruitment, selection,
23 employment, and training of apprentices, as required pursuant to 29
24 C.F.R. ss.29 and 30, in pursuit of licensure as a manicurist. A
25 "manicuring apprentice" means an individual enrolled in a
26 manicuring apprenticeship.

27 (cf: P.L.2021, c.275, s.1)

28

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

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

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

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

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

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

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

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

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

12 g. Manicuring apprentices.

13 (cf: P.L.2018, c.126, s.4)

14

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

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

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

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

27 c. Upon a person with a disability in the person's place of
28 residence, if the practicing licensee is sponsored by a licensed shop
29 and a record of those services is maintained by that shop;

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

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

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

46 (cf: P.L.2021, c.275, s.2)

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- 1 4. (New section) A licensure in manicuring may be obtained if an
2 individual demonstrates:
- 3 a. meeting the requirements of section 16 of P.L.1984, c.205
4 (C.45:5B-16);
- 5 b. completion, in a form and manner as determined by the board,
6 of an apprenticeship program in manicuring registered with or
7 approved by the United States Department of Labor, or a similar
8 program as provided by a trade school or other facility accredited by a
9 regional or national accrediting agency recognized by the United
10 States Department of Education, that allows for the individual to
11 prepare for a career in manicuring, and
- 12 c. passage of an examination in accordance with subsection c. of
13 section 22 of P.L.1984, c.205 (C.45:5B-22).
- 14
- 15 5. This act shall take effect on the first day of the thirteenth
16 month next after enactment.