

SENATE, No. 3136

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MAY 8, 2017

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

SYNOPSIS

Exempts certain persons providing hair braiding or eyebrow threading services from licensure requirement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/6/2017)

1 AN ACT concerning licensure requirements for certain cosmetology
2 and hairstyling practices and amending P.L.1984, c.205.

3

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

6

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

9 3. As used in this act:

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

12 b. "Barbering" means any one or combination of the following
13 practices when performed on the human body for cosmetic purposes
14 and not for the treatment of disease or physical or mental ailments
15 and when performed for the general public, primarily for male
16 customers:

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

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

21 (3) singeing, dyeing, tinting, coloring, bleaching of the hair;

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

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

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

30 "Barbering" shall not mean the practice of hair braiding or
31 eyebrow threading when performed for the general public.

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

34 d. "Beauty culture" means any one or combination of the
35 following practices when performed on the human body for
36 cosmetic purposes and not for the treatment of disease or physical
37 or mental ailments and when performed for the general public,
38 primarily for female customers:

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

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

42 (3) applying cosmetic preparations, antiseptics, tonics, lotions,
43 creams or makeup to the hair, scalp, face, neck or upper part of the
44 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.

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 "Beauty culture" shall not mean the practice of hair braiding or
13 eyebrow threading when performed for the general public.

14 e. "Board" means the New Jersey State Board of Cosmetology
15 and Hairstyling.

16 f. "Board of Barber Examiners" means the State Board of
17 Barber Examiners established pursuant to P.L.1938, c.197 (C.45:4-
18 27 et seq.).

19 g. "Board of Beauty Culture Control" means the Board of
20 Beauty Culture Control established pursuant to Chapter 4A of Title
21 45 of the Revised Statutes.

22 h. "Clinic" means a designated portion of a licensed school in
23 which members of the general public may receive cosmetology and
24 hairstyling services from registered students in exchange for a fee
25 which shall be calculated to recoup only the cost of materials used
26 in the performance of those services.

27 i. "Cosmetologist-hairstylist" means any person who is
28 licensed to engage in the practices encompassed in cosmetology and
29 hairstyling.

30 j. "Cosmetology and hairstyling" means any one or
31 combination of the following practices when performed on the
32 human body for cosmetic purposes and not for the treatment of
33 disease or physical or mental ailments and when performed for the
34 general public, for male or female customers:

35 (1) shaving or trimming of the beard, mustache or other facial
36 hair;

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

39 (3) singeing, dyeing, tinting, coloring, bleaching of the hair;

40 (4) applying cosmetic preparations, antiseptics, tonics, lotions,
41 creams or makeup to the hair, scalp, face or neck;

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

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

1 (7) manicuring the fingernails, nail-sculpturing or pedicuring the
2 toenails;

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

6 (9) ~~hairweaving to the extent that the procedure does not~~
7 ~~involve the replacement of human hair by means of the insertion of~~
8 ~~any natural or synthetic fiber hair into the scalp.~~ (Deleted by
9 amendment, P.L. , c.) (pending before the Legislature as this
10 bill)

11 "Cosmetology and hairstyling" shall not mean the practice of
12 hair braiding or eyebrow threading when performed for the general
13 public.

14 k. "Manicurist" means a person who holds a license to engage
15 in only the practice of manicuring.

16 l. "Manicuring" means any one or combination of the
17 following practices when performed on the human body for
18 cosmetic purposes and not for the treatment of disease or physical
19 or mental ailments and when performed for the general public, for
20 male or female customers:

21 (1) manicuring of the fingernails;

22 (2) pedicuring of the toenails;

23 (3) nail sculpturing; or

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

27 "Manicuring" shall not mean the practice of hair braiding or
28 eyebrow threading when performed for the general public.

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

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

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

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

1 (3) 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 “Skin care specialty” shall not mean the practice of hair braiding
5 or eyebrow threading when performed for the general public.

6 z. (Deleted by amendment, P.L.2009, c.162)

7 aa. “Eyebrow threading” means the method of removing hair
8 from the eyebrows by using cotton thread to pull hair from follicles
9 without the use of chemicals, heat, or any type of wax. “Eyebrow
10 threading” may include the use of over-the-counter astringents, gels
11 and powders, and tweezers and scissors incidental to threading.

12 bb. “Hair braiding” means the twisting, wrapping, weaving,
13 extending, locking, or braiding of hair by hand or with mechanical
14 devices. “Hair braiding” may include the use of: natural or
15 synthetic hair extensions or fibers, decorative beads, and other hair
16 accessories; minor trimming of natural hair or hair extensions
17 incidental to twisting, wrapping, weaving, extending, locking, or
18 braiding hair; making of wigs from natural hair, natural or synthetic
19 fibers, and hair extensions; and the use of topical agents in
20 conjunction with performing hair braiding, including conditioners,
21 gels, moisturizers, oils, pomades, and shampoos.

22 (cf: P.L.2009, c.162, s.1)

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

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

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

35 b. Registered nurses, licensed practical nurses, nurses' aides,
36 physical therapists, physical therapy assistants, and other licensed
37 health care professionals;

38 c. Personnel employed by, and providing services in facilities
39 regulated by, the United States Department of Veterans Affairs or
40 the United States Department of Defense;

41 d. Persons employed to render cosmetology and hairstyling
42 services in the course of and incidental to the business of employers
43 engaged in the theatrical, radio, television or motion picture
44 production industries, modeling or photography;

45 e. Persons employed to demonstrate, recommend or administer
46 cosmetic preparations, lotions, creams, makeup or perfume intended
47 for home use for the purposes of effecting retail sales if those
48 persons neither accept payment from the consumer for that

1 demonstration nor make the demonstration contingent upon the
2 purchase of any product or service; **[or]**

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

6 g. Persons who provide hair braiding or eyebrow threading
7 services when performed for the general public for compensation.

8 (cf: P.L.2009, c.162, s.5)

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10 3. This act shall take effect immediately.

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STATEMENT

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15 This bill exempts persons who provide hair braiding or eyebrow
16 threading services from the licensure requirements under the
17 “Cosmetology and Hairstyling Act of 1984,” P.L.1984, c.205
18 (C.45:5B-1 et seq.). Currently, any person who provides any of the
19 services encompassed within the definition of cosmetology and
20 hairstyling, beauty culture, barbering, manicuring or skin care
21 specialty services must secure a license from the New Jersey State
22 Board of Cosmetology and Hairstyling. This bill removes the
23 practices of hair braiding and eyebrow threading from those
24 definitions, and exempts persons who provide hair braiding or
25 eyebrow threading services, when performed for the general public
26 for compensation, from the licensure requirement.

27 The bill defines “eyebrow threading” as the method of removing
28 hair from the eyebrows by using cotton thread to pull hair from
29 follicles without the use of chemicals, heat, or any type of wax.
30 “Eyebrow threading” may include the use of over-the-counter
31 astringents, gels and powders, and tweezers and scissors incidental
32 to threading. The bill also defines “hair braiding” as the twisting,
33 wrapping, weaving, extending, locking, or braiding of hair by hand
34 or with mechanical devices. “Hair braiding” may include the use
35 of: natural or synthetic hair extensions or fibers, decorative beads,
36 and other hair accessories; minor trimming of natural hair or hair
37 extensions incidental to twisting, wrapping, weaving, extending,
38 locking, or braiding hair; making of wigs from natural hair, natural
39 or synthetic fibers, and hair extensions; and the use of topical
40 agents in conjunction with performing hair braiding, including
41 conditioners, gels, moisturizers, oils, pomades, and shampoos.