

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3754

STATE OF NEW JERSEY

DATED: JUNE 18, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3754.

This bill exempts persons who engage in the practice of hair braiding for the general public from the licensure requirements under the “Cosmetology and Hairstyling Act of 1984,” N.J.S.A.45:5B-1 et seq., and provides for the registration and regulation of owners of hair braiding establishments.

Currently, any person who provides any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty services must obtain a license from the New Jersey State Board of Cosmetology and Hairstyling. This bill removes the practice of hair braiding from those definitions, and exempts persons who engage in the practice of hair braiding, when performed for the general public, from the licensure requirement.

The bill defines “hair braiding” as the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices. “Hair braiding” may include the use of: natural or synthetic hair extensions or fibers, decorative beads, and other hair accessories; minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair; making of wigs from natural hair, natural or synthetic fibers, and hair extensions; and the use of topical agents in conjunction with performing hair braiding, including conditioners, gels, moisturizers, oils, pomades, and shampoos.

The bill creates a Hair Braiding Establishment Advisory Committee, within the Division of Consumer Affairs in the Department of Law and Public Safety, and under the New Jersey State Board of Cosmetology and Hairstyling. The committee will consist of six members who are residents of the State as follows: three members who own or operate a hair braiding establishment in this State, two members who hold practicing licenses issued by the board, and one public member. The members of the committee will be appointed by the Governor with the advice and consent of the Senate. Members of the committee will be reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the committee.

The committee will have the following powers and duties:

(1) issue and renew registrations to owners of hair braiding establishments pursuant to the provisions of the bill;

(2) suspend, revoke or fail to renew the registration of an owner who operates a hair braiding establishment;

(3) maintain a record of every owner who operates a hair braiding establishment in this State, their place of business, place of residence, the date and number of their registration, and any other information the committee deems necessary;

(4) prescribe or change the charges for registration, renewal and other services performed;

(5) in consultation with the board, establish minimum criteria for the physical premises and the operation of hair braiding establishments;

(6) in consultation with the board, establish standards for initial and periodic inspections of hair braiding establishments consistent with the provisions of the bill; and

(7) promulgate rules and regulations to carry out matters delegated to the committee by the board concerning any provisions of N.J.S.A.45:5B-1 et seq. or this bill.

The bill provides that a person, corporation, firm or partnership intending to operate a hair braiding establishment must:

(1) make application for initial registration to the committee demonstrating that the physical premises and the operation of the hair braiding establishment will meet minimum criteria as established by the committee;

(2) permit an initial inspection of the premises of the hair braiding establishment; and

(3) pay a registration fee as may be required by the committee.

The bill also provides that nothing in the bill will be construed to preclude the owner of a hair braiding establishment from also engaging the practice of hair braiding in the owner's hair braiding establishment.

Under the bill, an official, authorized by the committee or the board, may enter and inspect a hair braiding establishment during all operating hours without prior notice. If conducting an inspection, the official will inspect and copy records of the hair braiding establishment, inspect the premises and pertinent equipment, and inspect any other files, objects, and facilities of the hair braiding establishment relating to a violation of the provisions of the bill. Every owner of a hair braiding establishment must either remain on the premises of the hair braiding establishment, or provide a representative of the owner who remains on the premises, during all operating hours, and must permit an inspection of the hair braiding establishment by any official authorized to conduct an inspection by the committee or the board.

The bill provides that it is unlawful for a hair braiding establishment or an owner of a hair braiding establishment to engage in the following practices:

(1) advertise in a manner which would tend to mislead consumers of hair braiding;

(2) advertise, operate, or attempt to operate a hair braiding establishment in a manner that indicates that it renders any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring or skin care specialty;

(3) aid, abet, or permit the operation of a hair braiding establishment that is not registered pursuant to this bill; or aid, abet, or permit a person or persons to engage in the practice of hair braiding for the general public in a hair braiding establishment that is not registered pursuant to this bill;

(4) maintain a hair braiding establishment in a manner which is unsafe or unsanitary;

(5) fail to permit an inspection of a hair braiding establishment by an official authorized to conduct an inspection by the committee or the board; or

(6) fail to maintain, in a conspicuous place, a copy of its hair braiding establishment registration.

No provision of the bill will be construed to preclude the lawful sale of merchandise or the provision of services related to the beautification of the body or the enhancement of personal appearance in a hair braiding establishment, except that no services will be rendered that are encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, and skin care specialty. To the extent that the committee determines that certain ancillary beautification services pose a health hazard to the public, it may adopt regulations prohibiting the services or placing restrictions on the manner in which the services are offered.

The provisions of the bill will supersede any county or municipal ordinance or regulation providing for the licensure, certification, or registration of, or otherwise regulating, a person who engages in the practice of hair braiding for the general public or an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public. No county or municipality will have the authority to: inspect an establishment in which a person or persons engage in the practice of hair braiding for the general public; penalize a person who engages in the practice of hair braiding for the general public or penalize an owner of an establishment in which a person or persons engage in the practice of hair braiding for the general public; or otherwise regulate the standards and manners by which a person engages in the practice of hair braiding for the general public or by which an

owner operates an establishment in which a person or persons engage in the practice of hair braiding for the general public. Finally, the bill provides that all fees, fines, or penalties imposed, prior to the effective date of the bill and with respect to the regulation of hair braiding, by any county or municipality, or by any department, division, bureau, board, council, agency, or authority of any county or municipality, on a person who engages in the practice of hair braiding for the general public or the owner of an establishment in which a person or persons engage in the practice of hair braiding, will be waived.

As reported, this bill is identical to Senate Bill No. 2510, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill's revised hair braiding regulations will have an indeterminate net effect on annual State revenue collections and expenditures. Unknown factors include the extent to which the regulatory changes will cause hair braiders to seek and maintain State Board of Cosmetology and Hairstyling licenses and new hair braiding establishment registrations under the bill, the marginal regulatory cost differential to the State between the two regulatory systems, and the operating expenditures of the new Hair Braiding Establishment Advisory Committee.

In prohibiting counties and municipalities from regulating hair braiding, the bill affects counties and municipalities that currently do so or would begin to do so in the future absent the prohibition. These counties and municipalities will incur an indeterminate decrease in annual administrative expenditures related to the discontinued regulation of hair braiding and an indeterminate annual revenue loss from not being able to collect fees, fines, and penalties in the course of regulating hair braiding.

Concerned counties and municipalities will also experience an indeterminate one-time revenue loss attributable to the bill's waiving of all fees, fines, or penalties imposed by any county or municipality in the regulation of hair braiding prior to the effective date of the bill.