

SENATE, No. 2510

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 16, 2018

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Exempts persons providing hair braiding services from licensure requirement; requires registration of hair braiding establishments.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2018)

1 AN ACT concerning licensure requirements for certain cosmetology
2 and hairstyling practices, requiring the registration of hair
3 braiding establishments, and amending and supplementing
4 P.L.1984, c.205.

5

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

8

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

11 3. As used in this act:

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

14 b. "Barbering" means any one or combination of the following
15 practices when performed on the human body for cosmetic purposes
16 and not for the treatment of disease or physical or mental ailments
17 and when performed for the general public, primarily for male
18 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, dyeing, tinting, coloring, bleaching of the hair;

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

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

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

32 "Barbering" shall not mean the practice of hair braiding when
33 performed for the general public.

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

36 d. "Beauty culture" means any one or combination of the
37 following practices when performed on the human body for
38 cosmetic purposes and not for the treatment of disease or physical
39 or mental ailments and when performed for the general public,
40 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;

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

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 body;

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

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

8 (6) manicuring the fingernails, nail-sculpturing or pedicuring the
9 toenails; or

10 (7) cutting, fitting, coloring or styling of hairpieces or wigs to
11 the extent that the services are performed while the wig is being
12 worn by a person.

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

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 and
25 hairstyling services from registered students in exchange for a fee
26 which shall be calculated to recoup only the cost of materials used
27 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 performed on the
33 human body for cosmetic purposes and not for the treatment of
34 disease or physical or mental ailments and when performed for the
35 general public, for male or female customers:

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

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

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

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

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

46 (6) removing superfluous hair from the face, neck, arms, legs or
47 abdomen by the use of depilatories, waxing or tweezers, but not by
48 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 when performed for the general public.

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

15 l. "Manicuring" means any one or combination of the
16 following practices when performed on the human body for
17 cosmetic purposes and not for the treatment of disease or physical
18 or mental ailments and when performed for the general public, for
19 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 “Manicuring” shall not mean the practice of hair braiding when
27 performed for the general public.

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

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

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

1 enrolled in a public school vocational program in cosmetology and
2 hairstyling approved by the State Board of Education or in any
3 other cosmetology and hairstyling program approved by the State
4 Board of Education.

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

8 q. "School" means an establishment or place licensed by the
9 board to be maintained for the purpose of teaching cosmetology and
10 hairstyling, beauty culture, barbering, manicuring or skin care
11 specialty to registered students.

12 r. "Senior student" means a registered student who has
13 successfully completed one-half of the total hours of instruction
14 required for licensure as a cosmetologist-hairstylist, beautician,
15 barber, manicurist or skin care specialist in a licensed school of
16 cosmetology and hairstyling, as determined by the board pursuant to
17 regulation, or in any public school vocational training program
18 approved by the State Board of Education.

19 s. "Student permit" means a permit issued to a senior student
20 which enables him to practice cosmetology and hairstyling, beauty
21 culture, barbering, manicuring or skin care specialty, as appropriate,
22 based on the course of instruction in which the student is enrolled,
23 in a school clinic or shop while a registered student at a licensed
24 school of cosmetology and hairstyling or enrolled in an approved
25 vocational training program.

26 t. "Shop" means any fixed establishment or place where one or
27 more persons engage in one or more of the practices included in the
28 definition of cosmetology and hairstyling, barbering, beauty culture,
29 manicuring or skin care specialty.

30 u. "Teacher" means any person who is licensed by the board to
31 give instruction or training in the theory or practice of cosmetology
32 and hairstyling, beauty culture, barbering, manicuring or skin care
33 specialty.

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

36 w. (Deleted by amendment, P.L.2009, c.162)

37 x. "Skin care specialist" means a person who holds a license to
38 engage in only the practices included in the definition of skin care
39 specialty.

40 y. "Skin care specialty" means any one or combination of the
41 following practices when performed on the male or female human
42 body for cosmetic purposes and not for the treatment of disease or
43 physical or mental ailments and when performed for the general
44 public, primarily for male customers:

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

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

4 (3) 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 “Skin care specialty” shall not mean the practice of hair braiding
8 when performed for the general public.

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

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

20 bb. “Committee” means the Hair Braiding Establishment
21 Advisory Committee established pursuant section 3 of P.L. _____,
22 c. (C. _____) (pending before the Legislature as this bill).

23 cc. “Hair braiding establishment” means any fixed
24 establishment or place where one or more persons engage in the
25 practice of hair braiding for the general public registered pursuant
26 to P.L. _____, c. (C. _____) (pending before the Legislature as this bill).

27 (cf: P.L.2009, c.162, 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 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, 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

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. Persons who engage in the practice of hair braiding when
13 performed for the general public for compensation.

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

15

16 3. (New section) a. There is created within the Division of
17 Consumer Affairs in the Department of Law and Public Safety,
18 under the New Jersey State Board of Cosmetology and Hairstyling,
19 a Hair Braiding Establishment Advisory Committee. The
20 committee shall consist of six members who are residents of the
21 State as follows: three members who own or operate a hair braiding
22 establishment in this State, two members who hold practicing
23 licenses issued by the board, and one public member.

24 b. The Governor shall appoint the members with the advice and
25 consent of the Senate. Each member shall be appointed for a term
26 of three years, except that of the members first appointed, three
27 shall serve for a term of three years, two shall serve for a term of
28 two years and one shall serve for a term of one year. Each member
29 shall hold office until a successor member has been qualified and
30 appointed. Any vacancy in the membership of the committee shall
31 be filled for the unexpired term in the manner provided for in the
32 original appointment. No member of the committee may serve
33 more than two successive terms in addition to any unexpired term to
34 which the member has been appointed.

35 c. Members of the committee shall be reimbursed for expenses
36 and provided with office and meeting facilities and personnel
37 required for the proper conduct of the business of the committee.

38 d. The committee shall organize within 30 days after the
39 appointment of its members and shall annually elect from its
40 members a chairperson and a vice-chairperson, and may appoint a
41 secretary, who need not be a member of the committee. The
42 committee shall meet at least twice a year and may hold additional
43 meetings as necessary to discharge its duties. A majority of the
44 committee membership shall constitute a quorum.

45

46 4. (New section) The committee shall have the following
47 powers and duties:

- 1 a. issue and renew registrations to owners of hair braiding
2 establishments pursuant to the provisions of P.L. , c. (C.)
3 (pending before the Legislature as this bill);
- 4 b. suspend, revoke or fail to renew the registration of an owner
5 who operates a hair braiding establishment pursuant to the
6 provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
- 7 c. maintain a record of every owner who operates a hair
8 braiding establishment in this State, their place of business, place of
9 residence, the date and number of their registration, and any other
10 information the committee deems necessary;
- 11 d. prescribe or change the charges for registration, renewal and
12 other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et
13 seq.);
- 14 e. in consultation with the board, establish minimum criteria
15 for the physical premises and the operation of hair braiding
16 establishments;
- 17 f. in consultation with the board, establish standards for initial
18 and periodic inspections of hair braiding establishments consistent
19 with the provisions of P.L. , c. (C.) (pending before the
20 Legislature as this bill); and
- 21 g. promulgate rules and regulations to carry out matters
22 delegated to the committee by the board concerning any provisions
23 of P.L.1984, c.205 (C.45:5B-1 et seq.) or P.L. , c. (C.)
24 (pending before the Legislature as this bill), in conformance with
25 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
26 et seq.).
- 27
- 28 5. (New section) a. A person, corporation, firm or partnership
29 intending to operate a hair braiding establishment shall:
- 30 (1) make application for initial registration to the committee on
31 forms as it may require demonstrating that the physical premises
32 and the operation of the hair braiding establishment will meet
33 minimum criteria as established by the committee;
- 34 (2) permit an initial inspection of the premises of the hair
35 braiding establishment; and
- 36 (3) pay a registration fee as may be required by the committee;
- 37 b. No person, corporation, firm or partnership shall operate an
38 establishment that permits persons to engage in the practice of hair
39 braiding for the general public which is not duly registered pursuant
40 to P.L. , c. (C.) (pending before the Legislature as this bill).
- 41 c. Nothing contained in P.L. , c. (C.) (pending before
42 the Legislature as this bill) shall be construed to preclude the owner
43 of a hair braiding establishment from also engaging the practice of
44 hair braiding in the owner’s hair braiding establishment.
- 45
- 46 6. (New section) a. An official, authorized by the committee or
47 the board, may enter and inspect a hair braiding establishment
48 during all operating hours without prior notice. If conducting an

1 inspection, the official shall inspect and copy records of the hair
2 braiding establishment, inspect the premises and pertinent
3 equipment, and inspect any other files, objects, and facilities of the
4 hair braiding establishment relating to a violation of P.L. ,
5 c. (C.) (pending before the Legislature as this bill).

6 b. Every owner of a hair braiding establishment shall either
7 remain on the premises of the hair braiding establishment, or
8 provide a representative of the owner who remains on the premises,
9 during all operating hours. Every owner or representative of the
10 owner shall permit an inspection of the hair braiding establishment
11 by any official authorized to conduct an inspection by the
12 committee or the board, as provided by this section.

13 c. If a hair braiding establishment is located within an owner's
14 residence or located within an office space or facility shared with
15 other business entities, the official conducting the inspection shall
16 have independent and sufficient legal justification before inspecting
17 areas not used for the purposes of the hair braiding establishment.
18

19 7. (New section) It shall be unlawful for a hair braiding
20 establishment or an owner of a hair braiding establishment to
21 engage in the following practices:

22 a. advertise in a manner which would tend to mislead
23 consumers of hair braiding;

24 b. advertise, operate, or attempt to operate a hair braiding
25 establishment in a manner that indicates that it renders any of the
26 services encompassed within the definition of cosmetology and
27 hairstyling, beauty culture, barbering, manicuring or skin care
28 specialty;

29 c. aid, abet, or permit the operation of a hair braiding
30 establishment that is not registered pursuant to P.L. , c. (C.)
31 (pending before the Legislature as this bill), or to aid, abet, or
32 permit a person or persons to engage in the practice of hair braiding
33 for the general public in a hair braiding establishment that is not
34 registered pursuant to P.L. , c. (C.) (pending before the
35 Legislature as this bill);

36 d. maintain a hair braiding establishment in a manner which is
37 unsafe or unsanitary;

38 e. fail to permit an inspection of a hair braiding establishment
39 by an official authorized to conduct an inspection by the committee
40 or the board; or

41 f. fail to maintain, in a conspicuous place, a copy of its hair
42 braiding establishment registration.
43

44 8. (New section) Hair braiding establishment registrations shall
45 be renewed within 90 days following expiration. All hair braiding
46 establishment registrations shall be renewable on a biennial basis on
47 a date determined by the committee. No hair braiding

1 establishment registration may be restored after 90 days and an
2 application for initial registration shall be submitted.

3
4 9. (New section) An owner of a hair braiding establishment
5 shall notify the committee prior to initiating a change of location, a
6 change of ownership, or any other change the committee may
7 determine pursuant to regulation. The owner of the hair braiding
8 establishment shall submit to the committee an application for
9 initial registration. If a change of ownership results from the death
10 or disability of a principal shareholder in a corporation, or partner
11 in a partnership which holds the hair braiding establishment
12 registration, the new owner shall notify the committee within six
13 months after the change has been effected. For purposes of this
14 section, a change of ownership shall be deemed to have occurred if
15 more than 50 percent of the outstanding stock or other financial
16 interest is transferred.

17
18 10. (New section) a. Nothing in P.L. , c. (C.) (pending
19 before the Legislature as this bill) shall be construed to preclude the
20 lawful sale of merchandise or the provision of services related to
21 the beautification of the body or the enhancement of personal
22 appearance in a hair braiding establishment, except that no services
23 shall be rendered that are encompassed within the definition of
24 cosmetology and hairstyling, beauty culture, barbering, manicuring,
25 and skin care specialty.

26 b. To the extent that the committee determines that certain
27 ancillary beautification services provided in a hair braiding
28 establishment pose a health hazard to the public, it may adopt
29 regulations prohibiting the services or placing restrictions on the
30 manner in which the services are offered in the hair braiding
31 establishment.

32
33 11. (New section) a. The provisions of P.L. , c. (C.)
34 (pending before this Legislature as this bill) shall supersede any
35 county or municipal ordinance or regulation providing for the
36 licensure, certification, or registration of, or otherwise regulating, a
37 person who engages in the practice of hair braiding for the general
38 public or an owner of an establishment in which a person or persons
39 engage in the practice of hair braiding for the general public.

40 No county or municipality shall have the authority to: inspect an
41 establishment in which a person or persons engage in the practice of
42 hair braiding for the general public; penalize a person who engages
43 in the practice of hair braiding for the general public or penalize an
44 owner of an establishment in which a person or persons engage in
45 the practice of hair braiding for the general public; or otherwise
46 regulate the standards and manners by which a person engages in
47 the practice of hair braiding for the general public or by which an

1 owner operates an establishment in which a person or persons
2 engage in the practice of hair braiding for the general public.
3 b. All fees, fines, or penalties imposed, prior to the effective
4 date of P.L. , c. (C.) (pending before the Legislature as this
5 bill) and with respect to the regulation of hair braiding, by any
6 county or municipality, or by any department, division, bureau,
7 board, council, agency, or authority of any county or municipality,
8 on a person who engages in the practice of hair braiding for the
9 general public or the owner of an establishment in which a person
10 or persons engage in the practice of hair braiding, shall be waived.
11 Nothing in this subsection shall be construed as providing a person
12 who engages in the practice of hair braiding for the general public
13 or an owner of an establishment in which a person or persons
14 engage in the practice of hair braiding for the general public with
15 the right to a refund of the amount of any fees, fines, or penalties
16 paid, prior to the effective date of P.L. , c. (C.) (pending
17 before the Legislature as this bill), by the person or owner to a
18 county or municipality with respect to the county's or municipality's
19 regulation of hair braiding.

20
21 12. This act shall take effect on the 90th day next following
22 enactment, except the New Jersey State Board of Cosmetology and
23 Hairstyling may take any anticipatory administrative action in
24 advance as shall be necessary for the implementation of this act.

25
26
27

STATEMENT

28
29 This bill amends and supplements the "Cosmetology and
30 Hairstyling Act of 1984," P.L.1984, c.205 (C.45:5B-1 et seq.) to
31 exempt persons who engage in the practice of hair braiding for the
32 general public from the licensure requirements under that act, and
33 provide for the registration and regulation of owners of hair
34 braiding establishments.

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

43 The bill defines "hair braiding" as the twisting, wrapping,
44 weaving, extending, locking, or braiding of hair by hand or with
45 mechanical devices. "Hair braiding" may include the use of:
46 natural or synthetic hair extensions or fibers, decorative beads, and
47 other hair accessories; minor trimming of natural hair or hair
48 extensions incidental to twisting, wrapping, weaving, extending,

1 locking, or braiding hair; making of wigs from natural hair, natural
2 or synthetic fibers, and hair extensions; and the use of topical
3 agents in conjunction with performing hair braiding, including
4 conditioners, gels, moisturizers, oils, pomades, and shampoos.

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

17 The committee will have the following powers and duties:

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

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

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

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

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

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

34 (7) promulgate rules and regulations to carry out matters
35 delegated to the committee by the board concerning any provisions
36 of P.L.1984, c.205 (C.45:5B-1 et seq.) or this bill.

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

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

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

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

46 The bill also provides that nothing in the bill will be construed to
47 preclude the owner of a hair braiding establishment from also

1 engaging the practice of hair braiding in the owner's hair braiding
2 establishment.

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

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

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

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

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

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

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

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

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

1 The provisions of the bill will supersede any county or municipal
2 ordinance or regulation providing for the licensure, certification, or
3 registration of, or otherwise regulating, a person who engages in the
4 practice of hair braiding for the general public or an owner of an
5 establishment in which a person or persons engage in the practice of
6 hair braiding for the general public. No county or municipality will
7 have the authority to: inspect an establishment in which a person or
8 persons engage in the practice of hair braiding for the general
9 public; penalize a person who engages in the practice of hair
10 braiding for the general public or penalize an owner of an
11 establishment in which a person or persons engage in the practice of
12 hair braiding for the general public; or otherwise regulate the
13 standards and manners by which a person engages in the practice of
14 hair braiding for the general public or by which an owner operates
15 an establishment in which a person or persons engage in the
16 practice of hair braiding for the general public. Finally, the bill
17 provides that all fees, fines, or penalties imposed, prior to the
18 effective date of the bill and with respect to the regulation of hair
19 braiding, by any county or municipality, or by any department,
20 division, bureau, board, council, agency, or authority of any county
21 or municipality, on a person who engages in the practice of hair
22 braiding for the general public or the owner of an establishment in
23 which a person or persons engage in the practice of hair braiding,
24 will be waived.