

[First Reprint]

ASSEMBLY, No. 5019

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Assemblyman ANTWAN L. MCCLELLAN

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

**Assemblymen Simonsen, Bergen, Assemblywomen Murphy, Dunn,
Assemblyman Giblin and Assemblywoman Reynolds-Jackson**

SYNOPSIS

Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 21, 2021, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT concerning the practice of cosmetology and hairstyling and
2 amending and supplementing 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 c. "Beautician" means any person who is licensed to engage in
31 any of the practices encompassed in beauty culture.

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

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

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

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

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted June 21, 2021.

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 (C.45:4-
13 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;

- 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

- 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.

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 (cf: P.L.2019, c.334, s.1)

22

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

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

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

33 b. Upon inmates and residents of institutions of the Department
34 of Corrections or the Department of Human Services;

35 c. Upon **[an invalid or handicapped]** a person with a disability
36 in the person's place of residence, if the practicing licensee is
37 sponsored by a licensed shop and a record of those services is
38 maintained by that shop;

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

41 e. Upon potential consumers of cosmetic preparations, lotions,
42 creams, makeup or perfume which are intended for home use if the
43 application of the product is made for the purposes of effecting a
44 retail sale and the person neither accepts payment from the
45 consumer for the service, nor makes the provision of the service
46 contingent upon the purchase of any product or service.

47 Nothing contained in this section shall be construed to preclude a
48 student enrolled in a school of cosmetology and hairstyling licensed

1 in this State, or in a public school approved by the State Board of
2 Education to offer a vocational program in cosmetology and
3 hairstyling, or a student enrolled in a cosmetology and hairstyling
4 program approved by the State Board of Education, from engaging
5 in any activities incident to the instruction provided in such school
6 or program.

7 (cf: P.L.2018, c.126, s.5)

8
9 3. Section 36 of P.L.1984, c.205 (C.45:5B-36) is amended to
10 read as follows:

11 36. a. A shop or school owner shall notify the board prior to
12 initiating a change of location, a change of ownership, or such other
13 change as the board may determine pursuant to regulation. The
14 shop or school shall submit to the board an initial application for
15 licensure. If a change of ownership results from the death or
16 disability of a principal shareholder in a corporation, or partner in a
17 partnership which holds a shop or school license, the new owner
18 shall notify the board within six months after the change has been
19 effected. For purposes of this section, a change of ownership shall
20 be deemed to have occurred if more than 50% of the outstanding
21 stock or other financial interest is transferred.

22 b. ¹(1)¹ A shop that is a mobile facility shall ¹provide to the
23 board publish on a website that is accessible to the public¹ a 14-
24 day location schedule at least 14 days in advance of the first
25 scheduled date ¹and . The mobile facility may make changes to
26 the schedule within the first seven days after posting it to the
27 website. If the schedule changes after the first seven days, the
28 mobile facility¹ shall immediately notify the board of any change to
29 that schedule.

30 ¹(2) A shop that is a mobile facility shall be equipped with and
31 utilize an automatic vehicle location system to track the location of
32 the vehicle with respect to compliance with the schedule required
33 pursuant to paragraph (1) of this subsection, in such manner as may
34 be established by the board. For purposes of this paragraph,
35 “automatic vehicle location system” means an automated system,
36 such as a global positioning system, for tracking the geographic
37 location of a motor vehicle and transmitting that location
38 information to an authorized receiving entity, and “global
39 positioning system” means a reporting technology that is monitored
40 by a network of electronic navigation components in which a
41 vehicle may be identified and tracked via satellite.

42 (3) It shall be unlawful for a shop that is a mobile facility to
43 engage in services at a location other than the scheduled location as
44 set forth in the schedule published pursuant to paragraph (1) of this
45 subsection, unless the licensee shall demonstrate good cause for the
46 failure to comply with this requirement. It shall not be unlawful
47 pursuant to this paragraph for a mobile facility that is parked

1 outside the home of a customer receiving services to not to be at the
2 pre-determined location at the scheduled time.¹

3 (cf: P.L.2009, c.162, s.28)

4
5 4. (New section) a. To be licensed as a shop pursuant to
6 section 9 of P.L.1984, c.205 (C.45:5B-9), a mobile facility shall
7 'comply with the federal "Americans with Disabilities Act of 1990"
8 (42 U.S.C. s.12101 et seq.) and additionally shall¹ display a
9 permanent sign indicating the name of the shop, which shall be
10 clearly visible to the general public from the exterior of the shop,
11 and shall contain:

12 (1) a minimum of 75 square feet of floor space;

13 (2) one lavatory including a toilet, hand washing facilities, and a
14 door;

15 (3) one shampoo basin with hot and cold running water and a
16 reclining chair;

17 (4) a designated area for cleaning and disinfecting implements
18 and tools;

19 (5) one ultrasonic unit for cleaning metal implements and tools;

20 (6) a clean, closed receptacle for storage of sanitized
21 implements and tools at each work station;

22 (7) a closed container for clean linens;

23 (8) a closed container for soiled linens;

24 (9) a closed waste container accessible to each work station;

25 (10) hair drying facilities or hair drying equipment;

26 (11) a dispensary or place where supplies are prepared and
27 dispensed; and

28 (12) any other equipment necessary to provide the services
29 offered by the shop in a safe and sanitary manner.

30 b. A mobile facility licensed as a manicuring or skin care
31 specialty shop by the board shall be required to have at least one
32 sink in the work area with hot and cold running water but shall be
33 exempt from the requirement for a shampoo basin required pursuant
34 to subsection a. of this section.

35 c. A mobile facility licensed as a barbering shop shall be
36 required to contain at least one chair with an adjustable headrest
37 suitable for performing shaving services.

38 d. A mobile facility shall maintain a stationary position
39 whenever an individual therein is engaged in one or more of the
40 practices included in the definition of cosmetology and hairstyling,
41 barbering, beauty culture, manicuring, hair braiding or skin care
42 specialty.

43 ¹e. A mobile facility wherein an individual is engaged in one or
44 more of the services included in the definition of cosmetology and
45 hairstyling, barbering, beauty culture, manicuring, hair braiding or
46 skin care specialty shall not operate within 300 feet of a shop
47 licensed by the board to perform such services and that is not a
48 mobile facility unless the mobile facility is:

- 1 (1) parked outside the home of a customer receiving services;
- 2 (2) lawfully participating in an event, including, but not limited
- 3 to, a municipal or county function; or
- 4 (3) affiliated with the licensed shop.¹

5

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

7 as follows:

- 8 6. The board shall:
 - 9 a. Review the qualifications of applicants for licensure;
 - 10 b. Devise examinations for licensure which include practical
 - 11 and written portions;
 - 12 c. Administer and grade examinations or employ competent
 - 13 examiners to administer and grade examinations but in no case shall
 - 14 the board permit a person having any affiliation with a licensed
 - 15 school to examine or grade an applicant who has been a registered
 - 16 student at the school with which the examiner has an affiliation;
 - 17 d. Issue and renew licenses of any cosmetologist-hairstylist,
 - 18 beautician, barber, manicurist, skin care specialist, teacher, shop, or
 - 19 school;
 - 20 e. Issue student permits to senior students, which permits shall
 - 21 remain valid during the period that the student is registered at a
 - 22 licensed school or enrolled in an approved vocational training
 - 23 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 refuse 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;

- 1 o. Maintain a record of all shops licensed by the board to offer
- 2 one or more of the services encompassed within the definition of
- 3 cosmetology and hairstyling;
- 4 p. Maintain a record of all schools licensed by the board to
- 5 offer courses of instruction or training in the practice and theory of
- 6 cosmetology and hairstyling, beauty culture, barbering, manicuring,
- 7 hair braiding and skin care specialty to registered students, which
- 8 courses shall be approved by the board for the awarding of credit
- 9 for licensure;
- 10 q. Make available for public inspection all records required to
- 11 be kept pursuant to this section;
- 12 r. Promulgate regulations governing the practice and teaching
- 13 of cosmetology and hairstyling, beauty culture, barbering,
- 14 manicuring, hair braiding and skin care specialty as are necessary to
- 15 implement this act and to insure that cosmetology and hairstyling
- 16 services and instruction in those services are being offered both in a
- 17 manner which is sanitary and safe and in a manner which is not
- 18 intended to deceive or mislead the general public;
- 19 s. Promulgate regulations governing the conduct of shops,
20 including but not limited to mobile facilities, and schools as are
- 21 necessary to implement this act, including, but not limited to,
- 22 regulations that ensure that all schools offer instruction on
- 23 cosmetology and hairstyling, beauty culture, barbering, manicuring,
- 24 hair braiding and skin care specialty by instructors who are
- 25 knowledgeable in the practice and teaching of cosmetology and
- 26 hairstyling, beauty culture, barbering, manicuring, hair braiding and
- 27 skin care specialty, as the case may be, and to assure that
- 28 cosmetology and hairstyling services and instruction in those
- 29 services are being offered both in a manner that is sanitary and safe,
- 30 and in a manner not intended to deceive or mislead the general
- 31 public, students of the schools, or organizations awarding financial
- 32 aid to the students and to clarify or define any term used in the act
- 33 and to define any activity included in hairstyling and cosmetology,
- 34 beauty culture, barbering, manicuring, hair braiding and skin care
- 35 specialty;
- 36 t. Review curricula offered by licensed schools in courses of
- 37 instruction offered to registered students and approve those
- 38 curricula which offer comprehensive training in cosmetology and
- 39 hairstyling, beauty culture, barbering, manicuring, hair braiding and
- 40 skin care specialty;
- 41 u. Direct the conduct of inspections or investigations of all
- 42 licensed shops and schools;
- 43 v. Direct the conduct of inspections or investigations of any
- 44 premises from which the board may have reason to believe that
- 45 cosmetology and hairstyling, beauty culture, barbering, manicuring,
- 46 hair braiding and skin care specialty services are being offered, or
- 47 that courses of instruction are being offered to registered students;
- 48 and

1 w. Establish criteria and standards for education and experience
2 required for licensure.¹
3 (cf: P.L.2018, c.126, s.3)
4

5 ¹**[5.] 6.**¹ This act shall take effect ¹**[immediately]** on the first
6 day of the twelfth month following the date of enactment, but the
7 board may take such anticipatory action as shall be necessary for
8 the implementation of this act¹.