

[First Reprint]

SENATE, No. 2996

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

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Senator MICHAEL L. TESTA, JR.

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District 3 (Cumberland, Gloucester and Salem)

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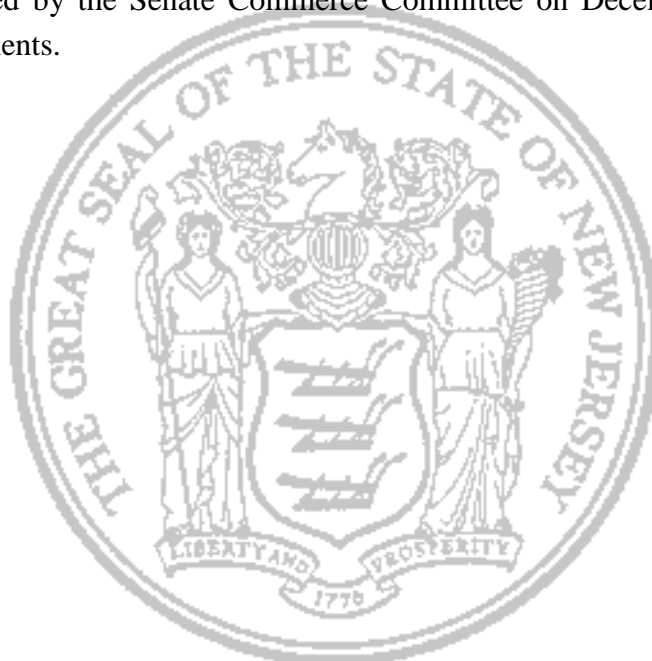
Senators Sarlo and Scutari

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on December 14, 2020, with amendments.



(Sponsorship Updated As Of: 1/28/2021)

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:

¹Senate SCM committee amendments adopted December 14, 2020.

- 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 land use approvals and permits, if applicable.
19 (cf: P.L.2019, c.334, s.1)

20

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

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

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

31 b. Upon inmates and residents of institutions of the Department
32 of Corrections or the Department of Human Services;

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

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

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

45 Nothing contained in this section shall be construed to preclude a
46 student enrolled in a school of cosmetology and hairstyling licensed
47 in this State, or in a public school approved by the State Board of
48 Education to offer a vocational program in cosmetology and

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

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

6

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

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

20 b. A shop that is a mobile facility shall provide to the board a
21 14-day location schedule at least 14 days in advance of the first
22 scheduled date and shall immediately notify the board of any
23 change to that schedule.

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

25

26 4. (New section) a. To be licensed as a shop pursuant to section
27 9 of P.L.1984, c.205 (C.45:5B-9), a mobile facility shall display a
28 permanent sign indicating the name of the shop, which shall be clearly
29 visible to the general public from the exterior of the shop, and shall
30 contain:

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

32 (2) one lavatory including a toilet, hand washing facilities, and a
33 door;

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

36 (4) a designated area for cleaning and disinfecting implements and
37 tools;

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

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

41 (7) a closed container for clean linens;

42 (8) a closed container for soiled linens;

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

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

45 (11) a dispensary or place where supplies are prepared and
46 dispensed; and

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

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

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

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

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

19 (1) parked outside the home of a customer receiving services;

20 (2) lawfully participating in an event, including, but not limited to,
21 a municipal or county function; or

22 (3) affiliated with the licensed shop.¹

23

24 5. This act shall take effect immediately.