

August 27, 2018

ASSEMBLY BILL NO. 3754

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3754 with my recommendations for reconsideration.

I commend the Legislature for taking steps to expand economic opportunities for African-American women, immigrants from African and Caribbean countries, and others, by easing potentially burdensome licensing requirements that may prevent many from engaging in the practice of hair braiding. Currently, those interested in providing hair braiding services must complete 1,200 hours of training at beauty school, which can cost as much as \$17,000 to attend. Despite this significant investment of time and resources, most of the instruction hours are devoted to topics that do not pertain to hair braiding. As a consequence of the expense and expansiveness of this training, many hair braiders opt not to seek licensure. Those who operate without a license are exposed to legal risk, and those who could otherwise be productively employed as hair braiders who choose not to operate forego a readily available source of income for themselves and their families. In order to create a stronger and fairer New Jersey, it is important to remove or reduce barriers to economic opportunity.

At the same time, it is important to balance opening economic opportunity with maintaining consumer protections. Just as those who provide hair braiding services are primarily African-American women and African- and Caribbean-immigrant women, the primary consumers who utilize hair braiding services are African-American women and African- and Caribbean-immigrant women. I want to ensure that, by rolling back regulatory requirements for hair braiders, we do not expose those who use hair braiding services to harm.

Accordingly, I believe a more equitable approach to balancing regulatory relief with consumer safety is to reduce - rather than remove - the requirements necessary for hair braiding licensure. We can accomplish this by reducing the amount of training hours needed and by appropriately tailoring the scope of the training required. I note that certain types of personal care and grooming services that involve specialized areas of limited practice, such as beauty culture, barbering, manicuring and skin care, are subject to lesser administrative and regulatory burdens which focus training and education on the specific area of practice, while still incorporating necessary components designed to protect the health and safety of the public. As in these other limited areas of practice, we can reduce barriers to professional hair braiding by implementing a streamlined, reasonable regulatory approach which features effective, essential protections for consumers.

For individuals with hair braiding experience, I recommend limiting training to a maximum of 40 hours, which could be completed in as little as two weeks, with requisite instruction in courses teaching sanitation, decontamination, and infection control. For those who lack knowledge and experience in hair braiding, I recommend training limited to a maximum of 50 hours, which would also allow time for technique training to go along with the courses on sanitation, decontamination, and infection control.

Additionally, I believe that the State's Board of Cosmetology and Hairstyling should include those with insight into all the practice areas it regulates. The Board's current composition does not assure the presence or participation of an individual with hair braiding expertise. It would make sense to remedy this shortcoming, particularly given the importance of hair and hair care to communities of color. Assembly Bill No. 3754 seeks to

serve this interest by creating a Hair Braiding Establishment Advisory Committee that would be placed under the Board of Cosmetology and Hairstyling. I commend the Legislature for recognizing the need for proper representation and expertise on the regulatory body that oversees this profession. However, I believe that the bill should take a different, more inclusive approach. Rather than have an advisory committee that is under the Board, I believe that individuals with experience and expertise in hair braiding should have a seat on the Board itself. The insights and understanding that individuals with a specific background in hair braiding can bring to broaden the perspective of the Board will inure to the public benefit, both in how the Board carries out its responsibilities in overseeing the practice of hair braiding and in how it deals with broader issues in the realm of cosmetology and hairstyling.

Thus, I recommend that we expand the Board of Cosmetology and Hairstyling from 11 members to 13 members. The two new members will be individuals with experience owning and operating hair braiding establishments.

Therefore, I herewith return Assembly Bill No. 3754 and recommend that it be amended as follows:

<u>Page 2, Title, Lines 2-3:</u>	Delete "requiring the registration of hair braiding establishments" and insert "establishing a limited license for hair braiding"
<u>Page 2, Section 1, Lines 32-33:</u>	Delete in their entirety
<u>Page 3, Section 1, Lines 12-13:</u>	Delete in their entirety
<u>Page 4, Section 1, Lines 11-12:</u>	Delete in their entirety
<u>Page 4, Section 1, Lines 26-27:</u>	Delete in their entirety
<u>Page 4, Section 1, Line 35:</u>	Delete "establishment" and insert "shop"
<u>Page 5, Section 1, Line 10:</u>	After "manicuring" insert ", hair braiding"

Page 5, Section 1, Line 29: After "manicuring" insert ", hair braiding"

Page 6, Section 1, Lines 7-8: Delete in their entirety

Page 6, Section 1, Line 10: After "aa." insert ""Hair braider" or "hair braiding specialist" means a person who holds a license to engage in only the practice of hair braiding. bb."

Page 6, Section 1, Line 20: Delete "bb." and insert "cc."

Page 6, Section 1, Lines 23-26: Delete in their entirety

Page 6, Section 2, Lines 29-47: Delete in their entirety

Page 7, Section 2, Lines 1-14: Delete in their entirety

Page 7, Section 3, Lines 16-44: Delete in their entirety

Page 7, Section 4, Lines 46-47: Delete in their entirety

Page 8, Section 4, Lines 1-26: Delete in their entirety

Page 8, Section 5, Lines 28-44: Delete in their entirety

Page 8, Section 6, Lines 46-48: Delete in their entirety

Page 9, Section 6, Lines 1-17: Delete in their entirety

Page 9, Section 7, Lines 19-42: Delete in their entirety

Page 9, Section 8, Lines 44-47: Delete in their entirety

Page 10, Section 8, Lines 1-2: Delete in their entirety

Page 10, Section 9, Lines 4-16: Delete in their entirety

Page 10, Line 17: Insert new sections 2-21:

"2. Section 4 of P.L.1984, c.205 (C.45:5B-4) is amended to read as follows:

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the New Jersey State Board of Cosmetology and Hairstyling. The board shall consist of [11] 13 members who are residents of the State, three of whom shall be public members, two appointed pursuant to subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one additional public member, and one of whom shall be a State executive department member appointed pursuant to subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2). Of the remaining [seven] nine members, six shall hold practicing licenses issued by

the board and shall have been engaged in the practice of beauty culture, barbering or cosmetology and hairstyling for at least five years prior to their appointments, but shall not have been engaged in the conduct of or teaching at a licensed school of beauty culture or cosmetology and hairstyling, and two shall own or operate a hair braiding shop in this State. The remaining one member appointed by the board created by this act shall hold a teacher's license issued by the board and shall have been engaged in the teaching of beauty culture or cosmetology and hairstyling or shall have been involved in the conduct of a licensed school of beauty culture or school of cosmetology and hairstyling in this State for at least five years prior to the appointment.

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

6. The board shall:

a. Review the qualifications of applicants for licensure;

b. Devise examinations for licensure which include practical and written portions;

c. Administer and grade examinations or employ competent examiners to administer and grade examinations but in no case shall the board permit a person having any affiliation with a licensed school to examine or grade an applicant who has been a registered student at the school with which the examiner has an affiliation;

d. Issue and renew licenses of any cosmetologist-hairstylist, beautician, barber, manicurist, skin care specialist, teacher, shop, or school;

e. Issue student permits to senior students, which permits shall remain valid during the period that the student is registered at a licensed school or enrolled in

an approved vocational training program;

f. Issue temporary permits to applicants for licensure who are awaiting scheduling for or results from an examination;

g. Issue registration cards to registered students;

h. Suspend, revoke or refuse to renew a license and exercise investigative powers pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

i. Appoint and employ an executive director and an assistant executive director subject to the approval of the Attorney General, and other employees as necessary to carry out the provisions of this act;

j. Determine the duties that the executive director and the assistant executive director shall perform;

k. File with the Attorney General a petition to remove any executive director or assistant executive director for cause, which petition shall be acted upon by the Attorney General in a manner which he deems appropriate;

l. Establish fees for initial licensure, permits, renewals and restoration of licenses as well as for duplication of lost licenses pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);

m. Maintain records of all practicing licensees and all licensed teachers. Records shall include the latest work address of each licensee, as provided on applications for licensure and renewals thereof;

n. Maintain a record of all registered students and all persons holding student permits;

o. Maintain a record of all shops licensed by the board to offer one or more of the services encompassed within

the definition of cosmetology and hairstyling;

p. Maintain a record of all schools licensed by the board to offer courses of instruction or training in the practice and theory of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty to registered students, which courses shall be approved by the board for the awarding of credit for licensure;

q. Make available for public inspection all records required to be kept pursuant to this section;

r. Promulgate regulations governing the practice and teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty as are necessary to implement this act and to insure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner which is sanitary and safe and in a manner which is not intended to deceive or mislead the general public;

s. Promulgate regulations governing the conduct of shops and schools as are necessary to implement this act, including, but not limited to, regulations that ensure that all schools offer instruction on cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty by instructors who are knowledgeable in the practice and teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty, as the case may be, and to assure that cosmetology and hairstyling services and instruction in those services are being offered both in a manner that is sanitary and safe, and in a manner not intended to deceive or mislead the general public, students of the schools, or organizations awarding financial aid to the students

and to clarify or define any term used in the act and to define any activity included in hairstyling and cosmetology, beauty culture, barbering, manicuring, hair braiding and skin care specialty;

t. Review curricula offered by licensed schools in courses of instruction offered to registered students and approve those curricula which offer comprehensive training in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty;

u. Direct the conduct of inspections or investigations of all licensed shops and schools;

v. Direct the conduct of inspections or investigations of any premises from which the board may have reason to believe that cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty services are being offered, or that courses of instruction are being offered to registered students; and

w. Establish criteria and standards for education and experience required for licensure.

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

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

a. Persons authorized by the laws of this State to

practice medicine and surgery, dentistry, chiropractic and acupuncture;

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

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

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

e. Persons employed to demonstrate, recommend or administer cosmetic preparations, lotions, creams, makeup or perfume intended for home use for the purposes of effecting retail sales if those persons neither accept payment from the consumer for that demonstration nor make the demonstration contingent upon the purchase of any product or service; or

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

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

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

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

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

c. Upon an invalid or handicapped person in the person's place of residence, if the practicing licensee is sponsored by a licensed shop and a record of those services is maintained by that shop;

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

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

Nothing contained in this section shall be construed to preclude a student enrolled in a school of cosmetology and hairstyling licensed in this State, or in a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, or a student enrolled in a cosmetology and hairstyling program approved by the State Board of Education, from engaging in any activities incident to the instruction provided in such school or program.

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

9. No person, firm, corporation, partnership or other legal entity shall operate, maintain or use premises for the offering of or rendering of any one or more of the services encompassed in

the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty without first having secured a shop license from the board.

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

10. No person, firm, corporation, partnership or other legal entity shall operate, maintain or use premises at which courses of instruction in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty services are offered to registered students without first having secured a school license from the board. Nothing herein shall prohibit the offering of educational programs and courses in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty to practicing licensees or teachers at unlicensed premises. However, no course offered at an unlicensed premises shall be recognized by the board in satisfaction of licensure eligibility requirements. All educational programs and courses offered at unlicensed premises shall be conducted by practicing licensees.

8. Section 11 of P.L.1984, c.205 (C.45:5B-11) is amended to read as follows:

11. A shop licensed by the board shall employ at least one experienced practicing licensee to generally oversee the management of the shop. The practicing licensee shall:

a. Hold a cosmetologist-hairstylist license and have three years of experience as a cosmetologist-hairstylist; or

b. (1) If the shop performs only beauty culture services, hold a cosmetologist-hairstylist or beauty culture license and have three years of experience as a cosmetologist-hairstylist

or beautician; or

(2) If the shop performs only barbering services, hold a cosmetologist-hairstylist or barbering license and have three years of experience as a cosmetologist-hairstylist or barber; or

c. If the shop performs only manicuring services, hold a cosmetologist-hairstylist, beautician or manicurist license and have three years of experience as a cosmetologist-hairstylist, beautician or manicurist; or

d. If a shop performs only skin care specialty services, hold a cosmetologist-hairstylist, beautician or skin care specialty license and have three years of experience as a cosmetologist-hairstylist, beautician or skin care specialist.

e. If a shop performs only hair braiding services, hold a cosmetologist-hairstylist, beautician or hair braiding license and have three years of experience as a cosmetologist-hairstylist, beautician or hair braiding specialist.

A shop which satisfies the requirements of this section by employing a practicing licensee who holds a beautician, barber, manicuring, hair braiding or skin care specialty license is precluded from employing senior students other than those being trained in the practice for which the practicing licensee holds a license unless the shop also employs a practicing licensee who holds a license as a cosmetologist-hairstylist and has at least three years of experience as a cosmetologist-hairstylist.

9. Section 12 of P.L.1984, c.205 (C.45:5B-12) is amended to read as follows:

12. In addition to any practice declared unlawful pursuant to P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for any person to

engage in the following practices:

a. Advertise in a manner which would tend to mislead consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

b. Advertise, practice or attempt to practice under another's name or trade name;

c. Continue to practice while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering that aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

e. Aid, abet, or knowingly permit a person not licensed pursuant to this act to render any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

f. Fail to display a practicing license at any place at which the licensee renders services; or

g. Engage in one or more of the practices included in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty, in premises not licensed as a shop or a school, except as provided in section 8 of this act.

10. Section 14 of P.L.1995, c.82 (C.45:5B-12.1) is amended to read as follows:

14. a. No person shall represent himself or hold himself out as engaging in the practices encompassed in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty, unless licensed under this act.

b. No person shall use the title or designation "cosmetologist-hairstylist," "beautician," "barber," "manicurist," "hair braider or hair braiding specialist," or "skin care specialist" or any other title or designation suggesting that the person is a cosmetologist-hairstylist, beautician, barber, manicurist, hair braider or skin care specialist unless licensed under this act, and unless the title or designation corresponds to the license held by the person pursuant to this act.

11. Section 13 of P.L.1984, c.205 (C.45:5B-13) is amended to read as follows:

13. In addition to any practice declared unlawful pursuant to P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a licensed shop or shop owner to engage in the following practices:

a. Advertise in a manner which would tend to mislead consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

b. Advertise, operate a shop or attempt to operate a shop under another's name or trademark;

c. Knowingly permit any practicing licensee to render services when that licensee has an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Aid, abet or permit a person not licensed pursuant

to this act to render any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

e. Maintain a shop in a manner which is unsafe or unsanitary;

f. Fail to display, in a conspicuous place, its shop license; or

g. Fail to employ one person with the required experience as provided in section 11 of this act.

12. Section 14 of P.L.1984, c.205 (C.45:5B-14) is amended to read as follows:

14. In addition to any practice declared unlawful pursuant to P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a licensed school or school owner to engage in the following practices:

a. Advertise in a manner which would tend to mislead potential students or consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services offered within the school's clinic;

b. Advertise, operate a school or attempt to open a school under another's name or trade name;

c. Permit students to practice upon each other or members of the public while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of teaching or rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Permit teachers to demonstrate cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services on students

while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of teaching or rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

e. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

f. Aid, abet, or permit a person not licensed pursuant to this act to teach any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty to registered students;

g. Maintain any premises from which the practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty is offered, or the teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty is offered in a manner which is unsanitary or unsafe;

h. Fail to display, in a conspicuous place, its school license;

i. Fail to maintain accurate records of attendance by any registered student for at least five years after the student's enrollment ends, which records shall be subject to inspection by the board;

j. Fail to notify the board on forms it may prescribe of any student who obtains a leave of absence, fails to attend classes for a period of more than 90 consecutive days or withdraws from school; or

k. Fail to maintain the required bond during all periods of operation.

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

15. In addition to any practice declared unlawful pursuant to P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a licensed teacher to engage in the following practices:

a. Advertise in a manner which would tend to mislead potential students or consumers of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services offered in the school clinic;

b. Advertise, teach or attempt to open a school under another person's name;

c. Knowingly permit students to practice upon each other or members of the public while having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

d. Demonstrate cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services on students while knowingly having an infectious, contagious or communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services;

e. Engage in fraudulent practices for the purpose of securing financial aid from any institution or agency offering aid to students of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty;

f. Aid, abet or permit a person not licensed pursuant to this act to teach any of the services included in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty to registered students;

g. Teach cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty in a manner which is unsatisfactory or unsafe;

h. Fail to display in a conspicuous place a valid teacher's license at the school; or

i. Fail to accurately and truthfully record attendance by registered students.

14. Section 16 of P.L.1984, c.205 (C.45:5B-16) is amended to read as follows:

16. Each applicant for initial licensure as a practicing licensee shall submit to the board satisfactory evidence, on forms as the board requires, that he:

a. Is of good moral character;

b. Is at least 17 years of age;

c. Does not have any communicable, contagious or infectious disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services; and

d. Has successfully completed high school or has successfully passed an examination developed by the General Education Development (GED) Testing Service.

15. (New section) a. An applicant seeking initial licensure as a hair braiding specialist who demonstrates to

the satisfaction of the board that the applicant has at least three years of prior experience as a hair braider shall:

(1) Demonstrate successful completion of a course of instruction in hair braiding, the curriculum for which shall be established by the board pursuant to regulation but which shall not exceed 40 hours of instruction and shall include training in sanitization, decontamination, and infection control at:

(i) a school of cosmetology and hairstyling licensed in this State; or

(i) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, beauty culture, hair braiding, or other cosmetology and hairstyling, beauty culture or hair braiding program approved by the State Board of Education; or

(ii) a school of cosmetology and hairstyling, beauty culture or hair braiding licensed in another state or foreign country which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State; and

(2) Take and pass an examination conducted by the board.

b. An applicant seeking initial licensure as a hair braiding specialist who cannot demonstrate to the satisfaction of the board that the applicant has at least three years of prior experience as a hair braider shall:

(1) Demonstrate successful completion of a course of instruction in hair braiding, the curriculum for which shall be established by the board pursuant to regulation but which shall not exceed 50 hours of instruction and shall include training in sanitization, decontamination

and infection control, and technique, at:

(i) a school of cosmetology and hairstyling licensed in this State; or

(ii) a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, beauty culture, hair braiding, or other cosmetology and hairstyling, beauty culture or hair braiding program approved by the State Board of Education; or

(iii) a school of cosmetology and hairstyling, beauty culture or hair braiding licensed in another state or foreign country which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State; and

(2) Take and pass an examination conducted by the board.

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

25. To be eligible to obtain a student permit, an applicant shall submit to the board satisfactory evidence that he:

a. Is a senior student in a course of instruction in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care, as appropriate; and

b. Does not have a communicable, contagious or infectious disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services.

All permits shall remain valid only during the period that the student is registered at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational program and shall expire upon a student's

graduation, withdrawal or leave of absence from the school or program for more than 90 consecutive days.

17. Section 28 of P.L.1984, c.205 (C.45:5B-28) is amended to read as follows:

28. Applicants possessing a license to render services in another state or a foreign country, which services are included within the definition of cosmetology and hairstyling as set forth in this act, may be issued a license as a cosmetologist-hairstylist, beautician, barber, manicurist, hair braiding or skin care specialist, as appropriate, without examination, provided, however, that the state or country has established eligibility criteria substantially similar to those established in this State, and the applicant has paid a fee as required by the board and submitted certification from the licensing jurisdiction. A person possessing a license to practice cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty services issued by a licensing authority from another state or a foreign country which has established eligibility criteria with respect to cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding or skin care specialty training which are, in the opinion of the board, less stringent than those required in this State may, nevertheless, be eligible for licensure without examination, if he can present satisfactory evidence of prior practical experience of three years working in a licensed shop in the practice in which the applicant is seeking licensure.

18. Section 31 of P.L.1984, c.205 (C.45:5B-31) is amended to read as follows:

31. a. A person, corporation, firm or partnership intending to open a shop shall:

- (1) Make application to

the board on forms as it may require demonstrating that the physical premises and the operation of the shop will meet minimum criteria as established by the board;

(2) Permit an inspection of the premises;

(3) Pay a fee as may be required by the board;

(4) Employ a practicing licensee with the required experience pursuant to section 11 of P.L.1984, c.205 (C.45:5B-11).

b. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.) shall be construed to preclude a person, corporation, firm or partnership from obtaining a shop license for a shop which offers only manicuring services as enumerated in subsection 1. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for a manicuring shop license complies with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

c. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.) shall be construed to preclude a person, corporation, firm or partnership from obtaining a shop license for a shop which offers only skin care specialty services as enumerated in subsection y. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for a skin care specialty shop license complies with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

d. Nothing contained in

this act shall be construed to preclude a person, corporation, firm or partnership from obtaining a shop license for a shop which offers only beauty culture services as enumerated in subsection d. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for a beauty culture shop license complies with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

e. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.) shall be construed to preclude a person, corporation, firm or partnership from obtaining a shop license for a shop which offers only barbering services as enumerated in subsection b. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for a barber shop license complies with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

f. Nothing contained in P.L.1984, c.205 (C.45:5B-1 et seq.) shall be construed to preclude a person, corporation, firm or partnership from obtaining a shop license for a shop which offers only hair braiding services as enumerated in subsection l. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided the applicant for a hair braiding shop license complies with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

19. Section 35 of P.L.1984, c.205 (C.45:5B-35) is amended to read as follows:

35. Shop and school licenses shall be renewed within 90 days following expiration. All shop licenses and school licenses issued shall be renewable on a biennial basis on a date determined by the board. Applicants for renewal of school licenses shall provide satisfactory evidence that a bond required pursuant to section 32 of [this act] P.L.1984, c.205 (C.45:5B-35) has been secured and shall remain valid through the next licensing period. No shop or school license may be restored after 90 days and an application for initial licensure shall be submitted.

20. Section 38 of P.L.1984, c.205 (C.45:5B-38) is amended to read as follows:

38. Nothing in this act shall be construed to limit in any way the right of the State Board of Education to establish, operate and approve courses in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty, to employ teachers, to determine the standards for teaching and the qualifications of teachers, to determine courses of study, to determine the standards for the admission, progress, certification and graduation of students, to determine any and all standards and rules as to location, supplies, equipment and anything whatsoever pertaining to the establishment, operation and maintenance of a course in cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty operated by a public school. Nothing in this act shall be interpreted to give any person or agency other than the State Board of Education the right to prescribe any requirement of any kind whatsoever for courses of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty in public schools or

for teachers or pupils in school courses.

21. (New section) If an official, authorized by the board, inspects a hair braiding shop that is located within an owner's residence or located within an office space or facility shared with other business entities, the official conducting the inspection shall be required to have an independent and sufficient legal justification in order to inspect areas not used for the purposes of the hair braiding shop."

Page 10, Section 10, Line 18:

Delete "10." and insert "22."

Page 10, Section 11, Line 33:

Delete "11." and insert "23."

Page 10, Line 20:

Insert new section:

"24. The New Jersey Board of Cosmetology and Hairstyling may adopt, immediately upon filing with the Office of Administrative Law, rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968,c.410 (c. 52:14B-1et seq.) to effectuate the purposes of this act, which regulations shall be effective for a period not to exceed six months and may thereafter be amended, adopted or readopted by the State Board of Cosmetology and Hairstyling in accordance with the requirements of P.L.1968,c.410 (C.52:14B-1 et seq.)."

Page 11, Section 12, Line 21:

Delete "12." and insert "25."

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Deputy Chief Counsel to the Governor