

New Jersey Register
Volume 41, Issue 10
Issue Date: MAY 18, 2009
RULE ADOPTIONS
Law and Public Safety
Division of Consumer Affairs
STATE BOARD OF COSMETOLOGY AND HAIRSTYLING

Readoption with Amendments: N.J.A.C. 13:28
Adopted New Rules: N.J.A.C. 13:28-2.7A, 2.15, 3.5, 3.6 and 4.6
Adopted Repeals and New Rules: N.J.A.C. 13:28-2.15 and 6.14

Rules

Proposed: December 1, 2008 at 40 N.J.R. 6739(a).
Adopted: April 14, 2009 by the State Board of Cosmetology and Hairstyling, Ronald Brown, Chairperson.
Filed: April 23, 2009 as R.2009 d.169, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:5B-6(r) and 45:1-15.1.
Effective Dates: April 23, 2009, Readoption; May 18, 2009, Amendments, Repeals and New Rules.
Expiration Date: April 23, 2014.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments and new rules are governed by N.J.S.A. 45:5B-1 et seq., and are not subject to any Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:28.

Full text of the adopted amendments and new rules follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 1. PRACTICING LICENSES, APPLICATION AND EXAMINATIONS

13:28-1.1 Applicants for examination for licensure; acceptable documentation of credentials; license renewals; reinstatement; inactive status

(a)-(c) (No change.)

(d) Except as provided in (d)1 below, all applications shall be accompanied by a certified transcript from a cosmetology and hairstyling school in New Jersey substantiating that the applicant has attained the requisite training in cosmetology and hairstyling as set forth in N.J.A.C. 13:28-6.

1. (No change.)

(e) Application for licensure as a teacher must be accompanied by satisfactory proof of the requisite work experience in the form of affidavits from former employers. The required work experience shall consist of a minimum of ***[40]* *30*** hours a week working in a licensed shop for six consecutive months. The affidavit shall list the location of the shop and the applicant's job description.

(f) All applications for licensure must be accompanied by the appropriate fee as set forth in N.J.A.C. 13:28-5.1. Application fees shall be non-refundable. If an applicant for licensure fails to complete the licensure application process within six months from the date of initial application, the Board shall administratively close the application. Following such action, an applicant who wishes to obtain a license shall reapply to the Board and shall comply with all requirements set forth in this section, including repayment of the application fee set forth in N.J.A.C. 13:28-5.1.

(g) The Board shall send a notice of renewal to all licensees at least 60 days prior to the date of license expiration. If the notice to renew is not sent at least 60 days prior to the license expiration date, no monetary penalties or fines shall apply to a licensee for any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.

(h)-(k) (No change.)

13:28-1.2 Examination and reexaminations

(a) Applicants shall be subject to testing in all areas of cosmetology and hairstyling appropriate for the license sought, and such examination shall be in two parts: practical and theory. An applicant shall submit to the Board the examination fee set forth in N.J.A.C. 13:28-5.1 with the application.

[page=2130] 1. Applicants shall have the option of taking a computer-based test in lieu of the written theory portion of the examination. The computer-based test shall be administered by a Board-approved third-party vendor and the fee for such test shall be paid by the applicant directly to the vendor. In addition to the fee for the computer-based test, applicants for examination shall submit the examination fee set forth in N.J.A.C. 13:28-5.1 to the Board.

(b) Applicants must receive a passing grade on each part of the examination to obtain a license. An applicant shall achieve a score of not less than 75 percent on the theory portion of the examination in order to be eligible to take the practical examination. No applicant shall be permitted to take the practical examination unless the applicant has successfully completed the theory portion of the examination.

(c) An applicant who fails the theory portion of the examination or fails to appear for the examination may be rescheduled for examination upon written notice to the Board and submission of the examination fee set forth in N.J.A.C. 13:28-5.1.

(d) Payment of the initial examination fee set forth in N.J.A.C. 13:28-5.1 shall entitle an applicant to take and/or be scheduled to take the practical portion of the examination no more than two times. An applicant who fails the practical portion of the examination and/or who fails to appear for the practical portion of the examination twice, may be rescheduled for examination upon written notice to the Board and submission of the examination fee set forth at N.J.A.C. 13:28-5.1.

(e) If an applicant has not passed both the theory and practical portions of the examination within three years from the date the applicant first took the examination, the applicant shall take a refresher course pursuant to N.J.A.C. 13:28-6.25 prior to being reexamined.

(f) An applicant shall take the examination within five years of completing his or her training.

1. If an applicant applies for examination, but has not taken the examination or has failed to appear for the examination for more than three years, but less than five years, from the date he or she completed training, the applicant shall take a refresher course pursuant to N.J.A.C. 13:28-6.25 prior to being examined.

2. An applicant shall not be permitted to take the examination if the applicant applies for examination more than five years from the date he or she completed training. Any such applicant shall be required to retake and complete the training program in full prior to being admitted to the examination.

13:28-1.5 Lost licenses

(a) Licensees may secure a duplicate replacement license by appearing in person at the Board's office with the following:

1. Two forms of identification, one of which shall be a United States government-issued or State government-issued photo identification;

2.-3. (No change.)

13:28-1.7 Qualifications of teachers

(a)-(b) (No change.)

(c) To qualify as a candidate for licensure as a teacher of cosmetology and hairstyling, an applicant shall present satisfactory evidence to the Board that he or she:

1.-7. (No change.)

8. Has been employed for *[40]* ***30*** hours per week for six consecutive months in a licensed shop; and

9. (No change.)

13:28-2.1 Applications for initial shop license; changes to existing shops

(a)-(b) (No change.)

(c) All applications for an initial shop license shall be accompanied by a floor plan that shall be drawn to scale and shall accurately detail the location and the total floor space for work stations, waiting areas, dispensary, shampoo stations, lavatories and, if applicable, laundry facilities. A copy of the original floor plan shall be maintained on the shop premises.

(d) The application for an initial shop license shall contain a complete description of all services to be provided and the proposed hours of operation for the shop. The holder of the shop license shall notify the Board in writing of any changes to the list of services and hours of operation provided upon application.

(e) The application for an initial shop license shall contain a statement of approval from the planning, zoning or construction official in the municipality where the shop is located. If municipal approval is not required, the applicant shall submit a statement from the municipality to that effect.

(f) (No change in text.)

(g) The holder of a shop license who seeks to expand or make physical alterations to the shop, or who seeks to expand or make physical alterations to a shop as part of a transfer of ownership pursuant to N.J.A.C. 13:28-2.3, shall make application to the Board for approval of the expansion or physical alterations. The applicant shall submit an application fee as provided in N.J.A.C. 13:28-5.1, a detailed statement concerning the proposed changes, the original floor plan for the shop, the new floor plan for the shop and a statement of approval from the planning, zoning or construction official in the municipality where the shop is located. If municipal approval for the expansion or physical alterations is not required, the applicant shall submit a statement from the municipality to that effect.

13:28-2.2 Removal of a shop

(a) Prior to the removal of a shop to another address, the holder of a shop license shall apply to the Board for a new shop license and shall comply with the application requirements set forth in N.J.A.C. 13:28-2.1.

1.-2. (No change.)

13:28-2.5 Physical requirements for cosmetology and hairstyling shops applying for initial shop license

(a) All licensed premises shall contain at least 350 square feet of floor space. An additional 50 square feet of floor space shall be provided for every work station in excess of two.

1. (No change.)

2. All shops must contain the following:

i. (No change.)

ii. A designated area for cleaning and disinfecting implements and tools;

iii. One ultrasonic unit for cleaning metal implements and tools;

iv. A clean, closed receptacle at each work station that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection;

v. A clean, closed receptacle for storage of sanitized implements and tools at each work station;

Recodify existing iv. and v. as vi. and vii. (No change in text.)

viii. A closed waste container *[for]* ***accessible to*** each work station;

ix. Hair drying facilities and/or hair drying equipment;

Recodify existing vii. and viii. as x. and xi. (No change in text.)

(b)-(c) (No change.)

13:28-2.6 Physical requirements for manicuring shops applying for initial shop license

(a) In addition to meeting the requirements of N.J.A.C. 13:28-2.5(a), (a)1, (b) and (c), all manicuring shops shall contain the following:

1. (No change.)

2. A designated area for cleaning and disinfecting implements and tools;
3. One ultrasonic unit for cleaning metal implements and tools;
4. A clean, closed receptacle at each work station that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection;
5. A clean, closed receptacle for storage of sanitized implements and tools at each work station;

Recodify existing 4. and 5. as 6. and 7. (No change in text.)

8. A closed waste container for each work station;

Recodify existing 6. and 7. as 9. and 10. (No change in text.)

(b) (No change.)

(c) All licensed manicuring shops shall display the following notice in a location clearly visible to all patrons:

[page=2131] NOTICE

This shop and the operators herein are licensed to engage in the practice of manicuring and pedicuring and the temporary removal of hair by the State Board of Cosmetology and Hairstyling, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted may notify the State Board of Cosmetology and Hairstyling or the New Jersey Division of Consumer Affairs, PO Box 45003, Newark, New Jersey 07101.

13:28-2.6A Physical requirements for skin care specialty shops applying for initial shop license

(a) In addition to meeting the requirements of N.J.A.C. 13:28-2.5(a), (a)1, (b) and (c), all skin care specialty shops shall contain the following:

1. (No change.)

2. A designated area for cleaning and disinfecting implements and tools;
3. One ultrasonic unit for cleaning metal implements and tools;
4. A clean, closed receptacle at each work station that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection;
5. A clean, closed receptacle for storage of sanitized implements and tools at each work station;

Recodify existing 4. and 5. as 6. and 7. (No change in text.)

8. A closed waste container for each work station;

Recodify existing 6. and 7. as 9. and 10. (No change in text.)

(b) (No change.)

(c) All licensed skin care specialty shops shall display the following notice in a location clearly visible to all patrons:

NOTICE

This shop and the operators herein are licensed to provide skin care specialty services and the temporary removal of hair by the State Board of Cosmetology and Hairstyling, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the matter in which this practice is conducted may notify the State Board of Cosmetology and Hairstyling or the New Jersey Division of Consumer Affairs, PO Box 45003, Newark, New Jersey 07101.

13:28-2.7A Limitation of business activities within shops

(a) The holder of a cosmetology and hairstyling shop license shall not engage in any business activities within the licensed premises except for the offering of cosmetology and hairstyling

services as defined in N.J.S.A. 45:5B-3(j), the sale of merchandise pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.9 and the offering of ancillary beautification services pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.10.

(b) The holder of a skin care specialty shop license shall not engage in any business activities within the licensed premises except for the offering of skin care specialty services as defined in N.J.S.A. 45:5B-3(y), the sale of merchandise pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.9 and the offering of ancillary beautification services pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.10.

(c) The holder of a manicuring shop license shall not engage in any business activities within the licensed premises except for the offering of manicuring services as defined in N.J.S.A. 45:5B-3(l) and the sale of merchandise pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.9.

13:28-2.10 Ancillary services in licensed cosmetology and hairstyling and skin care specialty shops

(a) The holder of a cosmetology and hairstyling shop license and the holder of a skin care specialty shop license, may offer ancillary services related to the beautification of the body or the enhancement of personal appearance, but not included in the definition of cosmetology and hairstyling, as set forth at N.J.S.A. 45:5B-3(j), on the licensed premises, consistent with the provisions of this section, provided that these services are performed in a safe and sanitary manner by personnel who are adequately trained to render such services, and that the space allocated for such services is in addition to the space required by N.J.A.C. 13:28-2.5 and 2.6A.

(b) If electrolysis for the removal of superfluous hair is offered, it must be performed by an electrologist who has been licensed by the Electrologists Advisory Committee pursuant to N.J.A.C. 13:35-12.

(c) If tanning booths or tanning beds are utilized, they must be operated consistent with Department of Health and Senior Services rules set forth at N.J.A.C. 8:28.

(d) If massage services, which do not fall within the definition of cosmetology and hairstyling set forth in N.J.S.A. 45:5B-3(j), are offered, such services shall be performed by a massage therapist who has been certified by the Massage, Bodywork and Somatic Therapy Examining Committee pursuant to N.J.A.C. 13:37-16 or has completed a course or program that meets the requirements set forth at N.J.A.C. 13:37-16.4.

13:28-2.11 No ancillary services at licensed manicuring shops

(a) The holder of a manicuring shop license shall not offer on the licensed premises any ancillary services related to the beautification of the body or the enhancement of personal appearance except for the following practices enumerated in the definition of manicuring, set forth at N.J.S.A. 45:5B-3(l):

1.-4. (No change.)

13:28-2.12 Posting of licenses and required notices

(a) All shops shall display the following in a location clearly visible to all patrons:

1. (No change.)

2. Signed licenses for all practitioners rendering services within the shop. Each license shall contain a current picture of the licensee. A licensee's wallet identification card issued by the Board shall not be used to satisfy the requirements of this section; and

3. (No change.)

(b) (No change.)

13:28-2.13 Supervision of shops and absence of experienced practicing licensee

(a) Each cosmetology and hairstyling shop shall designate one experienced practicing licensee who shall be present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber or cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist. The name of the designated experienced practicing licensee shall be posted in a location clearly visible to all patrons.

(b) Each manicuring shop shall designate one experienced practicing licensee who shall be present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber, cosmetology-hairstylist or manicuring license and have three years of experience as a beautician, barber, cosmetologist or manicurist. The name of the designated experienced practicing licensee shall be posted in a location clearly visible to all patrons.

(c) Each skin care specialty shop shall designate one experienced practicing licensee who shall be present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber, cosmetology-hairstylist or skin care specialty license and have three years of experience as a beautician, barber, cosmetologist or skin care specialist. The name of the designated experienced practicing licensee shall be posted in a location clearly visible to all patrons.

(d) (No change.)

(e) A practitioner may be designated as the experienced practicing licensee for one shop only.

(f) When the shop's designated experienced practicing licensee is absent from the shop, the shop owner shall ensure that another practitioner who has three years of experience and who satisfies the requirements of this section is physically present to manage the shop. The name of the practitioner who will be managing the shop during the designated experienced practicing licensee's absence, shall be posted in a location clearly visible to all patrons.

13:28-2.15 Prohibited practices

(a) A practitioner shall not engage in any conduct set forth in this section. A practitioner who engages in such conduct shall be deemed to be engaged in unlawful practice pursuant to N.J.S.A. 45:5B-13(e) and may be subject to penalty. A holder of a shop license at which such unlawful practices occur shall be deemed to have engaged in unlawful [page=2132] practice pursuant to N.J.S.A. 45:5B-13(e) and may be subject to penalty if he or she aids, abets, or permits a practitioner to engage in any conduct prohibited by this section.

(b) A practitioner shall not:

1. Use or offer to use a credo blade, skin scraper, lancet, or other comparable implement;

2. Perform or offer to perform massaging, cleansing or stimulating of the skin, with or without cosmetic preparations, by hand, mechanical or electrical appliances, below the stratum corneum, thereby affecting the living cells of the epidermis;

3. Perform or offer to perform eyebrow and/or eyelash tinting;

4. *[Perform or offer to perform removal of hair from the genital area;]* ***(Reserved)***

5. Perform or offer to perform ear candle services.

i. For the purpose of this paragraph, "ear candle services" means placing a manufactured or homemade funnel type candle or any device in the ear for the purpose of cleansing and/or treatment of the ear or inner ear canal;

6. Perform or offer to perform any service that claims to cure or remedy any disease or illness;

7. Perform or offer to perform any service that has been determined by the New Jersey State Board of Medical Examiners to be a medical service. Such services shall include laser hair removal and injections of Botox<(R)>, Restylane<(R)> or other similar medications for purposes of skin enhancement or collagen production;

8. Utilize any medical device to perform services within the definition of cosmetology and hairstyling, manicuring or skin care specialty, other than Class I medical devices approved by the Federal Food and Drug Administration. A practitioner shall comply with manufacturers' instructions for use, cleaning and maintenance of Class I medical devices;

9. Perform or offer to perform the removal of skin tags;

10. Perform or offer to perform teeth whitening or other services related to the beautification of the teeth;

11. Perform or offer to perform permanent cosmetic applications, such as tattooing and permanent make-up; or

12. Perform or offer to perform body piercing.

i. For purposes of this paragraph, "body piercing" means puncturing or penetrating any part of a person's body with a needle or other implement for the purpose of inserting jewelry or another object into the body except for piercing of the ear lobe using only a pre-sterilized single use stud and clasp ear piercing system following manufacturer's instructions.

SUBCHAPTER 3. SAFETY AND SANITATION

13:28-3.1 Premises

(a) (No change.)

(b) All shops licensed after *[(the effective date of this section)]* **May 18, 2009**, and all shops applying after *[(the effective date of this section)]* **May 18, 2009**, for remodeling with a new configuration, shall be ventilated consistent with the requirements set forth in N.J.A.C. 5:23, the New Jersey Uniform Construction Code, and shall have a minimum of 70 foot candles of artificial light.

(c) All licensed shops shall have hot and cold potable water, consistent with the requirements set forth in N.J.A.C. 5:23, the New Jersey Uniform Construction Code.

(d) All licensed shops shall dispose of waste in clean, covered containers in a manner, which shall not pose a public health hazard.

(e) All shops licensed after *[(the effective date of this section)]* **May 18, 2009**, and all shops applying after *[(the effective date of this section)]* **May 18, 2009**, for remodeling with a new configuration, that contain laundry facilities shall ensure that the laundry facilities are separate from the shop work area and not in the lavatory. All laundry facilities shall be properly ventilated and lint free.

(f) All licensed shops and the furniture, fixtures, equipment, supply cabinets and drawers therein shall be maintained in a sanitary manner and in good repair.

(g) All floors in the licensed shop shall be thoroughly cleaned daily and shall be maintained in good repair.

(h) All linens and toweling used within a licensed shop shall be laundered and sanitized using agents that reduce the risk of microbial contamination, such as bleach, before each and every direct contact with a patron. In lieu of laundered and sanitized linens, disposable toweling may be used.

(i) (No change in text.)

(j) Smoking shall be prohibited in all areas of licensed shops pursuant to the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3d-55, and the Smoke Free Air Rules, N.J.A.C. 8:6.

13:28-3.2 Sanitizing implements and tools

(a) A licensee shall sanitize all implements and tools by:

1. Cleaning all implements and tools thoroughly with a mild alkaline detergent to remove any soil, blood or any other foreign material;
2. Rinsing all implements and tools with tap water after cleaning;
3. Processing all implements and tools with a chemical disinfectant registered by the Environmental Protection Agency and labeled as being tuberculocidal for a contact time as specified on the product label ***or processing all implements and tools in an autoclave that is registered with the Federal Food and Drug Administration***;

4. (No change.)

5. Allowing disinfected implements and tools to be air dried and storing them in a clean drawer.

(b) All *[shops offering manicuring services shall sanitize all]* reusable implements and tools ***used in the provision of manicuring services shall be sanitized***, consistent with the following:

1. An enzyme pre-soak shall be used prior to cleaning;
2. The implement shall be placed directly into an ultrasonic unit for a 10-minute cycle, or as recommended by the manufacturer.
 - i. The water and cleaning solution of the ultrasonic unit shall be changed whenever visibly soiled or, at a minimum, daily.
 - ii. The chamber of the ultrasonic unit shall be disinfected at the end of each day with 70 percent isopropyl alcohol.
 - iii. Each time the chamber of the ultrasonic unit is filled with water, it shall be degassed to remove any air bubbles caused by the turbulence of the tank filling. The degassing process shall run a cycle of five to 10 minutes, based upon manufacturers' recommendations;
3. The implement shall be inspected for pitting and rust, and damaged implements and tools shall be removed from use;
4. The implement shall be rinsed, dried and placed directly into a chemical disinfectant registered by the Environmental Protection Agency and labeled as being tuberculocidal for a contact

time as specified on the product label ***or into an autoclave that is registered with the Federal Food and Drug Administration***; and

5. The implement shall be rinsed, dried and stored in a clean drawer.

(c) All shops offering pedicuring services shall ensure that pedicure tubs are cleaned consistent with the following:

1. Cleaning procedures between clients shall include:

i. Brushing the interior surfaces of the tub with a mild detergent to remove surface debris and residual salts and oils;

ii. Draining, rinsing and wiping the tub dry with a disposable paper towel; and

iii. Spraying the interior surfaces with a chemical disinfectant registered by the Environmental Protection Agency and labeled as being tuberculocidal for a contact time as specified on the product label, or applying a bleach wipe at a 6% concentration of sodium hypochlorite for a two and half minute contact time;

2. Cleaning procedures at the end of the day shall include:

i. Removing, cleaning and disinfecting the screen, filter and any removable parts within the basin;

ii. Brushing the interior surfaces of the tub with a mild detergent;

iii. Preparing a solution of sodium hypochlorite 6% (bleach) and water at a concentration of 100 parts per million (PPM) (1 teaspoon of bleach to one gallon of water) and allowing the machine to operate for a 30-minute contact time; and

iv. Disinfecting all brushes at the end of the day by soaking them in a solution of sodium hypochlorite 6% (bleach) and water at a concentration of 2,600 PPM (3/4 cup of bleach to one gallon of water) for a 30-minute contact time; and

3. A disinfection log shall be established to record end of the day disinfection of each pedicuring tub. The log shall include, at a minimum, [page=2133] the date, tub number and name of the person disinfecting the equipment. The log shall be posted in a location clearly visible to all patrons.

(d) All shops offering pedicuring services shall, by ***[(six months following the effective date of this subsection)]* *November 18, 2009***, ensure that a .2 micron filter is installed on the incoming water line used to fill pedicure tubs. The date of installation shall be marked on the filter and shall be changed according to the manufacturers' recommendations.

(e) A licensee shall discard after each use all emery boards, orangewood sticks, and all implements and tools that cannot be sanitized.

13:28-3.3 Personnel

(a) All practitioners shall wash their hands or use waterless hand washing agents before and after serving each patron, before and after eating, after handling chemicals and after using the bathroom.

(b) (No change.)

(c) No practitioner shall serve a patron if the practitioner has a communicable, contagious or infectious disease, which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services.

(d) No practitioner shall serve a patron whom the practitioner knows or has reasonable grounds to believe has a communicable, contagious or infectious disease, which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services.

(e) All practitioners shall utilize safe practice techniques and follow manufacturers' instructions when utilizing any chemical preparations in the rendering of cosmetology and hairstyling services. The holder of a shop license shall ensure that:

1. Manufacturers written recommendations for use are readily available to all practitioners;

2. A copy of the most current Material Data Safety Sheet (MDSS) for each hazardous chemical is stored in a binder and available to all shop staff and to the Board or its authorized representative;

3. All containers shall be labeled so that shop staff can easily identify the contents; and

4. Disposal of liquid waste is performed in accordance with the instructions on the product label or the MSDS.

13:28-3.4 Prohibited products

(a) (No change.)

(b) A licensee, licensed premises or school of cosmetology and hairstyling shall utilize cosmetics that comply with the Department of Health and Senior Services requirements set forth at N.J.S.A. 24:1-1 and N.J.A.C. 8:21-1.2 and 1.5.

(c) (No change in text.)

13:28-3.5 Manicure and pedicuring services

(a) A licensee or a licensed shop offering manicuring and pedicuring services shall comply with the following requirements:

1. A licensee shall not cover a nail with nail polish, base coat, top coat or any nail overlay if the nail shows any sign of infection, physical damage or trauma;
2. A licensee shall remove the entire artificial nail if the nail has become loose;
3. All waste generated from applying acrylic nails shall be deposited directly into a covered waste container at each work station; and
4. Written after care instructions shall be provided to all clients receiving acrylic nails.

13:28-3.6 Animals and pets prohibited

The holder of a shop license shall not permit any animals or pets in the licensed premises. This prohibition shall not apply to trained guide dogs (or dogs in training) for the disabled, sightless or hearing impaired, consistent with the requirements of the Law Against Discrimination, N.J.S.A. 10:5-29.

SUBCHAPTER 4. ENFORCEMENT

13:28-4.1 Inspection of premises

(a) Any premises where it appears that cosmetology and hairstyling services, including manicuring and skin care specialty services, have been or are being rendered shall be subject to inspection by the Board or its representative.

(b)-(d) (No change.)

13:28-4.2 Compliance with laws and rules

Any individual rendering cosmetology and hairstyling services, including manicuring and skin care specialty services, shall comply with all laws and rules relating to the provision of such services including the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.; the rules of the New Jersey State Board of Cosmetology and Hairstyling, N.J.A.C. 13:28; the Uniform Enforcement Act, N.J.S.A. 45:1-7.1, 7.2, 7.3, and 14 et seq.; and the uniform rules of the Division of Consumer Affairs, N.J.A.C. 13:45C.

13:28-4.3 Responsibility for compliance with laws and rules

The holder of a shop license, as well as the shop's designated experienced practicing licensee, shall be responsible for compliance with all laws and rules relating to the operation of the premises at which cosmetology and hairstyling, manicuring or skin care specialty services are rendered and all laws and rules relating to the practice of such services including the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.; the rules of the New Jersey State Board of Cosmetology and Hairstyling, N.J.A.C. 13:28; the Uniform Enforcement Act, N.J.S.A. 45:1-7.1, 7.2, 7.3, and 14 et seq.; and the uniform rules of the Division of Consumer Affairs, N.J.A.C. 13:45C.

13:28-4.4 Verification of licensure

(a) The holder of a shop license and the designated experienced practicing licensee shall verify that each practitioner rendering cosmetology and hairstyling, manicuring or skin care specialty services in the shop holds a valid license or permit issued pursuant to this subchapter at all times. The holder of a shop license and the designated experienced practicing licensee shall review each practitioner's license or permit, as well as two additional forms of identification, at least one of which must bear a photograph of the practitioner.

(b) The holder of a shop license and the designated experienced practicing licensee shall record each occasion upon which he or she verifies licensure or permit status pursuant to (a) above. The record shall include the following information:

1.-4. (No change.)

(c) The holder of a shop license and the designated experienced practicing licensee shall have the documentation maintained pursuant to (b) above immediately available for inspection on the licensed premises upon request of the Board or its authorized representative.

(d) The holder of a shop license shall maintain the documentation pursuant to (b) above for at least two years from the date of each record. Such documentation shall be maintained in a safe and secure location on the premises, in a manner that ensures the confidentiality of a practitioner's personal information.

(e) (No change.)

13:28-4.5 Record of practitioners

(a) The holder of a shop license shall at all times maintain a record of all practitioners rendering services within the shop that contains the following information for each practitioner:

1. (No change.)

2. Current street address, including apartment number, if applicable;

3.-5. (No change.)

(b) The holder of a shop license and the designated experienced practicing licensee shall have the documentation maintained pursuant to (a) above immediately available for inspection on the licensed premises upon request of the Board or its authorized representative.

(c) The holder of a shop license shall maintain the documentation pursuant to (a) above for at least two years from the date upon which each practitioner terminated services. Such documentation shall be maintained in a safe and secure location on the premises, in a manner that ensures the confidentiality of a practitioner's personal information.

13:28-4.6 Grounds for suspension or revocation of license

The Board may suspend and/or revoke the license of any practitioner or shop for engaging in any of the conduct set forth in N.J.S.A. 45:1-21.

[page=2134] SUBCHAPTER 5. FEES

13:28-5.1 Fee schedule

(a) The following fees will be charged by the Board:

1.-18. (No change.)

19. Duplicate license	50.00
-----------------------	-------

20. Change of name or corporate status	50.00
--	-------

21. Verification of license	25.00
-----------------------------	-------

SUBCHAPTER 6. SCHOOLS OF COSMETOLOGY AND HAIRSTYLING

13:28-6.9 Non-English speaking student enrollment

(a) A licensed school shall evaluate each non-English speaking student to determine whether such student is likely to succeed in the intended course of study. Upon such determination being made, the school may enroll the non-English speaking student. The school shall submit documentation to the Board certifying that the school has evaluated a prospective non-English speaking student and has determined that the student is proficient in reading and writing the language in which the examination will be administered to that student.

(b)-(c) (No change.)

(d) Instruction materials, for example, textbooks, and demonstration materials, shall be printed in the language in which the examination will be administered to the student.

(e) Final testing and periodic examinations required to be taken by the non-English speaking student shall be given in the language the examination will be administered to the student.

(f) (No change.)

13:28-6.10 Commencement of classes

School classes shall commence on the first Monday of each month, provided, however, that if a holiday falls on the first Monday, school classes shall commence on the first working day following the holiday. The Board may, at its discretion, approve a date for the commencement of school classes other than the first Monday of each month provided the licensed school obtains Board approval at least 60 days prior to the commencement of classes.

13:28-6.11 School credits by hour

(a) (No change.)

(b) A student may be given credit for up to eight hours of make-up classes per calendar week in excess of his or her regularly scheduled classes where such make-up time is necessary because of absence of the student from his or her regularly scheduled classes.

1. (No change.)

13:28-6.14 Smoking in schools

Smoking shall be prohibited in all areas of licensed schools, including clinics, pursuant to the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3d-55, and the Smoke Free Air Rules, N.J.A.C. 8:6.

13:28-6.15 School records

(a)-(c) (No change.)

(d) Uniform student sign-in sheets shall be kept on a daily basis and shall be retained on the school premises at all times.

1. Uniform time sheets of daily attendance records for each student for each course of instruction shall be forwarded to the office of the Board at the end of each month. The time sheets shall contain the name and license number of the teacher conducting the course.

(e) (No change.)

13:28-6.18 Supervising teacher

A proposed new school shall supply the Board with satisfactory evidence, in the form of a one-year employment contract, of employment of a supervising teacher, consistent with the requirements of N.J.A.C. 13:28-6.24(b), prior to final approval of its application by the Board.

13:28-6.20 Minimum equipment

(a) (No change.)

(b) The minimum equipment required for schools shall be as follows:

1. Six shampoo bowls in good running condition, with a minimum of one shampoo bowl per classroom;
2. Three metal pressing combs and three flat irons;
3. (No change.)
4. Foot soaking equipment;

Recodify existing 4. and 5. as 5. and 6. (No change in text.)

7. One container for enzymatic cleaning solution for each manicure table that allows implements and tools to be totally immersed;
8. A designated location for cleaning and disinfecting implements and tools;
9. An ultrasonic unit for cleaning metal implements and tools;
10. A clean, closed receptacle at each work station that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection;
11. A clean, closed receptacle for storage of sanitized implements and tools at each work station;
12. (No change in text.)
13. One practice mannequin with stand and/or table clamp per student;

Recodify existing 11.-14. as 14.-17. (No change in text.)

18. A suction machine and attachments;
19. A galvanic machine and attachments;
20. (No change in text.)
21. An electric brushing machine and attachments;
22. (No change in text.)
23. A waxing unit;
24. A spray machine and attachments;

25. (No change in text.)

26. A high frequency instrument and attachments;
27. Robes for clinical service patrons, when desired or required;

Recodify existing 25. and 26. as 28. and 29. (No change in text.)

30. One professional clinical uniform or lab-type jacket per student. Tee shirts and aprons shall not be acceptable as a clinical uniform;

Recodify existing 27.-29. as 31.-33. (No change in text.)

(c) Each school shall supply each cosmetology and hairstyling student with the following tools: two hair brushes, one thermal brush, combs, 100 clips, cape, haircutting razor, shears, thinning shears, cold wave rods, end papers, rollers, tint brush, bowl and applicator bottle, duck clips, spray bottle, styptic powder or liquid, mannequin with stand and/or table clamp, hard rubber comb, marcel iron, blow dryer, protective eyewear, protective gloves, a manicuring kit with tips and wraps, a make-up kit, a tweezer, a cold wax kit,

metal pressing comb, shaving razor with disposable blades, workbook and textbook.

(d) Each school shall supply each manicuring student with a kit having a pusher, files, emery boards, nipper, nail brush, orange wood stick, spatula, tips, wraps (non-adhesive), adhesive, a clean, closed receptacle that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection, finger bowl, appropriate creams, nail polish remover, styptic powder or liquid, protective eyewear, pedicure slippers, workbook, textbook, a tweezer, a cold wax kit and a practice hand.

(e) Each school shall supply each skin care specialty student with a kit having one textbook, one workbook, one protective cloth drape, one pair of protective gloves, protective eyewear, two headbands, one shoulder cape, one package of cotton swabs, one roll of cotton, one box of tissues, six cleansing sponges, one package facial cotton pads, three spatulas, a clean, closed receptacle that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection, a tweezer, a cold wax kit, one make-up kit, one set of makeup brushes, three terry cloth towels, one bottle of alcohol, one bottle of antiseptic, two 20-ounce bowls and one container of each of the following: cleansing cream, astringent, massage cream, moisturizer and all purpose masque.

(f)-(g) (No change.)

(h) Each school shall have separate, closed cabinets for supplies as follows:

1. At least one closed container for soiled linens in each classroom;
2. At least one closed container for all waste materials in each classroom;
3. (No change.)

(i)-(l) (No change.)

[page=2135] 13:28-6.21 Student standards and requirements

(a) (No change.)

(b) Students and teachers shall be attired in washable, clean clinical uniforms or lab-type jackets during attendance at school. Tee shirts and aprons shall not be permitted. Students and teachers shall wear socks or stockings and shall wear clean, flat, rubber-soled shoes with closed toe and heel.

(c) Junior and senior students, and those enrolled in a teacher training course, shall be designated by the following forms of identification:

1. Junior students: white clinical uniform or lab-type jacket and a badge designating course of study;
2. Senior students: a clinical uniform or lab-type jacket of one color other than white to be designated by the school and a badge designating course of study;
3. Teachers: clinical uniform or lab-type jacket, in a color other than those used for junior and senior students and teachers-in-training, and an identification badge; and
4. Teachers-in-training: clinical uniform or lab-type jacket, in a color other than those used for junior and senior students and teachers, and an identification badge.

(d)-(h) (No change.)

(i) A school shall notify the Board in writing of all students whose training may be interrupted or terminated prior to graduation.

(j)-(m) (No change.)

(n) Any student who is absent from school over a period of three months shall automatically be dropped from the monthly time sheets. A student requesting reinstatement shall be re-registered in accordance with N.J.A.C. 13:28-6.8 and shall comply with the following requirements:

1. A student who has ceased attending school for a period of three months up to five years may return to school following an evaluation conducted by the school to determine the number of hours for which the student may be credited. The results of such evaluation shall be reported to the Board;
2. A student who has ceased attending school for a period of more than five years shall not receive credit for any hours of training previously completed and shall be required to retake and complete the course in full; and
3. (No change in text.)

(o)-(q) (No change.)

13:28-6.24 Employment of licensed teachers

(a) (No change.)

(b) Each school shall employ a teacher supervisor who has been a licensed teacher actively teaching for a period of two years who will be responsible for the conduct of the teaching staff and students. A teacher may be designated as the teacher supervisor for one school only. The name of the teacher supervisor shall be posted in a location clearly visible to all students and school staff members.

(c) The teacher supervisor shall be on-site at all times while school is in session and shall be responsible for conducting frequent observations of the teaching staff and the students throughout the school day.

(d) When the teacher supervisor is absent from the school, the school shall ensure that another licensed teacher who has been actively teaching for a period of two years is physically present to oversee the teaching staff and the students. The name of the teacher who will be supervising the school during the teacher supervisor's absence shall be posted in a location clearly visible to all students and school staff members.

(e) The teacher supervisor shall be responsible for conducting competency evaluations of all members of the teaching staff at least once per school year.

(f) (No change in text.)

13:28-6.25 Refresher courses

(a) Refresher courses may be administered to the following:

1. Any person who holds a practitioner's license;
2. Any person who held a practitioner's license that has been suspended for failure to renew who desires to prepare for an examination;
3. An applicant for licensure who applies for examination more than three years, but less than five years, from the date he or she completed training; and
4. An applicant for licensure who has not passed both the theory and practical portions of the examination within three years from the date the applicant first took the examination.

(b)-(d) (No change.)

13:28-6.29 Curriculum for 1200-hour cosmetology and hairstyling course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
...			
Decontamination & Infection Control	3	7	10
...			

13:28-6.31 Curriculum for 500-hour teacher training course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total

...			
Decontamination & Infection Control	5	0	5
...			

13:28-6.33 Curriculum for 300-hour manicuring course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total

...			
Decontamination & Infection Control	10	5	15
...			

13:28-6.34 Curriculum for 600-hour skin care specialty course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total

...			
Decontamination & Infection Control	20	5	25

[page=2136] 13:28-6.35
Bond for schools of
cosmetology and
hairstyling

(a) Each school of
cosmetology and
hairstyling licensed by
the Board shall post a
bond in favor of the
State in an amount to
be determined as
follows:

1. Schools
with an
average
weekly
enrollment
of 1 to 20
students . . \$20,000
.....
.....
....

2. Schools
with an
average
weekly
enrollment
of 21 to
75 \$30,000
students . .
.....
.....
..

3. Schools
with an
average
weekly
enrollment
of over 75
students . . \$40,000
.....
.....
....

13:28-6.36
Annex
classrooms

(a) (No

change.)

(b) The minimum requirements for an annex classroom are as follows:

1. The minimum floor space in any annex classroom shall be at least 500 square feet, excluding offices, reception, locker and lavatory space, for the first 25 students.

i. (No change.)

ii. The space provided for any annex classroom shall not be considered part of the minimum space required for a school license and shall not exceed the 2,250 square footage work space requirement of the primary school location. The annex classroom shall comply

with all applicable requirements in this subchapter.

2. Each annex classroom shall possess and operate equipment adequate and sufficient for the courses of instruction administered. This equipment shall be modern, installed in accordance with standard building codes or safety regulations and operated in conformity with standard safety regulations. The minimum equipment required for all annex classrooms shall include: an ultrasonic unit, a chalk board, one locker per student, separate lavatory facilities for men and women with toilets and

sinks having hot and cold running water, a library of texts and reference books and such other necessary equipment in accordance with the approved curriculum. In addition, annex classrooms shall conform to the following equipment standards:

i. An annex classroom approved for instruction in cosmetology and hairstyling shall include: work stations for at least 25 students or for the actual number of students in attendance, whichever is greater, two shampoo bowls and chairs, two dryers, two styling chairs, a manicure station, a utility table with disposable sanitary

covering, a
make-up
stool, a
facial
steamer, a
suction
machine, a
magnifying
lamp, an
electric
brushing
machine, an
electric
heating
mask, a
waxing unit,
a spray
machine, a
Wood's lamp
and a high
frequency
instrument.

ii. An annex
classroom
approved for
instruction in
manicuring
shall include:
a manicuring
table for
every two
students, two
basins, a foot
bath, a utility
table with
disposable
sanitary
covering and
a waxing
unit.

iii. An annex
classroom
approved for
instruction in
skin care
specialty
shall include:
a facial table
for every two
students, two
basins, one
utility table

with
disposable
sanitary
covering for
every two
students, a
make-up
stool, a
facial
steamer, a
suction
machine, a
galvanic
machine, a
magnifying
lamp, an
electric
brushing
machine, an
electric
heating
mask, a
waxing unit,
a spray
machine, a
Wood's lamp
and a high
frequency
instrument.

3.-7. (No
change.)

(c)-(d) (No
change.)