

VOLUME 44, ISSUE 20

ISSUE DATE: **OCTOBER** 15, 2012

RULE ADOPTIONS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF COSMETOLOGY AND HAIRSTYLING**

Adopted Amendments: N.J.A.C. 13:28-1.1, 1.2, 1.3, 1.4, 1.7, 2.1, 2.2, 2.3, 2.5 through 2.15, 3.2, 3.3, 3.4, 4.1, 4.2, 4.3, 4.4, 6.1, 6.7, 6.15, 6.16, 6.20, 6.21, 6.23, 6.25, 6.27, 6.28, 6.29, 6.30, 6.31, 6.33, 6.34, and 6.36

Adopted New Rules: N.J.A.C. 13:28-1A, 6.29A, and 6.29B

Adopted Repeal: N.J.A.C. 13:28-6.26

Board of Cosmetology and Hairstyling Rules

Proposed: June 18, 2012 at 44 N.J.R. 1763(a).

Adopted: September 11, 2012 by the New Jersey State Board of Cosmetology and Hairstyling, Ms. Janice Alvarez, Chairperson.

Filed: September 19, 2012 as R.2012 d.169, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2009, c. 162; and N.J.S.A. 45:1-15.1 and 45:5B-6(r).

Effective Date: October 15, 2012.

Expiration Date: April 23, 2016.

Summary of Public Comment and Agency Response:

The official comment period ended August 17, 2012. **The Board received no comments.**

Summary of Agency-Initiated Changes Upon Adoption:

The Division is changing N.J.A.C. 13:28-2.10(d) upon adoption to update the references to the Massage, Bodywork, and Somatic Therapy Examining Committee rules. That Committee ceased to exist effective September 4, 2012, when P.L. 2007, c. 337 became fully effective and the New Jersey Board of Massage and Bodywork Therapy promulgated N.J.A.C. 13:37A, which replaced N.J.A.C. 13:37-16. See 43 N.J.R. 2721(a); 44 N.J.R. 2185(b). The references at N.J.A.C. 13:28-2.10 to N.J.A.C. 13:37-16 and 13:37-16.4 are being changed upon adoption to N.J.A.C. 13:37A and 13:37A-2, respectively. Further, reference to the Committee is being replaced with reference to the Board and "certified" is replaced with "licensed," as the Board has statutory authority to license these individuals.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments, repeal, and new rules are governed by P.L. 2009, c. 162 and N.J.S.A. 45:5B-1 et seq., and are not subject to any Federal standards or requirements.

Full text of the adoption 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 Practicing licenses; application and education requirements; acceptable documentation of credentials; license renewals; reinstatement; inactive status

(a) The following practicing licenses shall be available from the Board:

1. Cosmetology and hairstyling license, which shall authorize the holder to provide the following services:

- i. Shaving or trimming of the beard, mustache, or other facial hair;
- ii. Shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving, or styling of the hair;
- iii. Singeing, dyeing, tinting, coloring, or bleaching of the hair;
- iv. Applying cosmetic preparations, antiseptics, tonics, lotions, creams, or makeup to the hair, scalp, face, or neck;
- v. Massaging, cleansing, or stimulating the face, neck, or upper chest and upper back, with or without cosmetic preparations, either by hand, mechanical, or electrical appliances;
- vi. Removing superfluous hair from the face, neck, arms, legs, or abdomen by the use of depilatories, waxing, or tweezers, but not by the use of electrolysis;
- vii. Manicuring the fingernails, nail-sculpturing, or pedicuring the toenails;
- viii. Cutting, fitting, coloring, or styling of hairpieces or wigs to the extent that the services are being performed while the wig is being worn by a person; and
- ix. Hairweaving to the extent that the procedure does not involve the replacement of human hair by means of the insertion of any natural or synthetic fiber hair into the scalp;

2. Beauty culture license, which shall authorize the holder to provide the following services:

- i. Shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving, or styling of the hair;
- ii. Singeing, dyeing, tinting, coloring, or bleaching of the hair;
- iii. Applying cosmetic preparations, antiseptics, tonics, lotions, creams, or makeup to the hair, scalp, face, neck, or upper part of the body;

iv. Massaging, cleansing, or stimulating the face, scalp, neck, or upper chest and upper back, with or without cosmetic preparations either by hand, mechanical, or electrical appliances;

v. Removing superfluous hair from the face, neck, arms, legs, or abdomen by the use of depilatories, waxing, or tweezers, but not by the use of electrolysis;

vi. Manicuring the fingernails, nail-sculpturing, or pedicuring the toenails; and

vii. Cutting, fitting, coloring, or styling of hairpieces or wigs to the extent that the services are performed while the wig is being worn by a person;

3. Barbering license, which shall authorize the holder to provide the following services:

i. Shaving or trimming of the beard, mustache, or other facial hair;

ii. Shampooing, cutting, arranging, relaxing, or styling of the hair;

iii. Singeing, dyeing, tinting, coloring, or bleaching of the hair;

iv. Applying cosmetic preparations, antiseptics, tonics, lotions, or creams to the hair, scalp, face, or neck;

v. Massaging, cleansing, or stimulating the face, neck, or scalp with or without cosmetic preparations, either by hand, mechanical, or electrical appliances; and

vi. Cutting, fitting, coloring, or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person;

4. Skin care specialty license, which shall authorize the holder to provide the following services:

i. Applying cosmetic preparations, antiseptics, tonics, lotions, creams, or makeup to the scalp, face, or neck;

ii. Massaging, cleansing, or stimulating the face, neck, or upper chest and upper back, with or without cosmetic preparations, either by hand, mechanical, or electrical appliances; and

iii. Removing superfluous hair from the face, neck, arms, legs, or abdomen by the use of depilatories, waxing, or tweezers, but not by the use of electrolysis; and

5. Manicuring license, which shall authorize the holder to provide the following services:

i. Manicuring of the fingernails;

ii. Pedicuring of the toenails;

iii. Nail sculpturing; and

iv. Removing superfluous hair from the face, neck, arms, legs, or abdomen by the use of depilatories, waxing, or tweezers, but not by the use of electrolysis.

Recodify existing (a)-(c) as (b)-(d) (No change in text.)

(e) Applicants for licensure shall have completed an educational program in cosmetology and hairstyling, beauty culture, barbering, skin care specialty or manicuring, as appropriate for the practicing license the applicant seeks, consistent with the following:

[page=2367] 1. Applicants for licensure who have obtained training at a cosmetology and hairstyling school licensed in New Jersey shall submit an official transcript substantiating that the applicant meets the following requirements:

i. An applicant for licensure as a cosmetologist-hairstylist shall have completed a 1,200-hour course of instruction in cosmetology and hairstyling, consistent with the requirements of N.J.A.C. 13:28-6.29.

ii. An applicant for licensure as a beautician shall have completed an 1,100-hour course of instruction in beauty culture, consistent with the requirements of N.J.A.C. 13:28-6.29A.

iii. An applicant for licensure as a barber shall have completed a 900-hour course of instruction in barbering, consistent with the requirements of N.J.A.C. 13:28-6.29B.

iv. An applicant for licensure as a skin care specialist shall have completed a 600-hour course of instruction in skin care specialty, consistent with the requirements of N.J.A.C. 13:28-6.34.

v. An applicant for licensure as a manicurist shall have completed a 300-hour course of instruction in manicuring, consistent with the requirements of N.J.A.C. 13:28-6.33.

2. Applicants for licensure who have obtained training in a cosmetology and hairstyling, beauty culture, barbering, skin care specialty, or manicuring program in a public school approved by the State Board of Education to offer such vocational programs, or in other cosmetology and hairstyling, beauty culture, barbering, skin care specialty, or manicuring programs approved by the State Board of Education, shall submit an official transcript verifying completion of such program.

3. Applicants who have obtained training in another state or country shall demonstrate, by way of certification from the licensing authority in the state or country that such training is substantially equivalent to the training offered at cosmetology and hairstyling schools licensed in New Jersey. Applicants holding a license from another state or country who have engaged in the practice of cosmetology and hairstyling, beauty culture, barbering, skin care specialty, or manicuring for at least three years in that state or country, may submit, in lieu of the documentation of training required in this paragraph, a notarized affidavit of work experience and a letter of certification of licensure from the licensing authority in that state or country.

Recodify existing (e)-(h) as (f)-(i) (No change in text.)

(j) A licensee who continues to render services with a suspended license shall be deemed to be engaging in the unauthorized practice of cosmetology and hairstyling, beauty culture, barbering, skin care specialty, or manicuring, as appropriate, and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

(k) A licensee who has had his or her license suspended pursuant to (h) above, who applies to the Board for reinstatement shall submit a renewal application, all past delinquent renewal fees, the reinstatement fee set forth in N.J.A.C. 13:28-5.1, and an affidavit of employment listing each job held during the period of license suspension, including the names, addresses, and telephone numbers of each employer. An individual whose license has been suspended for more than five years shall also retake and pass the license examination set forth in N.J.A.C. 13:28-1.2.

(l) A licensee may, upon application to the Board, choose inactive status. A licensee electing inactive status shall not render cosmetology and hairstyling, beauty culture, barbering, skin care specialty, or manicuring services, as appropriate, for the entire biennial registration period. A licensee on inactive status may resume active practice upon payment of the renewal fee for the current biennial registration period set forth in N.J.A.C. 13:28-5.1.

13:28-1.2 Examination and reexaminations

(a)-(d) (No change.)

13:28-1.3 Temporary permits and student permits

(a) Upon the Board's acceptance of an application to sit for an examination, a temporary permit, which shall be valid for a period of 120 days, shall be issued, upon request, to an applicant for a practicing license.

(b) Upon application, the Board shall issue a student permit, consistent with the student's course work, to any student registered at a licensed New Jersey cosmetology and hairstyling school or enrolled in a New Jersey State approved high school or vocational program, in a cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty course of study, as appropriate.

1. An application for a student permit shall be accompanied by the appropriate fee as set forth in N.J.A.C. 13:28-5.1 and a certification from the school that the student has completed the requisite hours of training, as set forth in N.J.S.A. 45:5B-3(r) and N.J.A.C. 13:28-6.29 through 6.34 for the appropriate course of study.

13:28-1.4 Application for license to teach or practice cosmetology and hairstyling by persons holding both a barbering license and a beauty culture license issued prior to 1985

(a) Any person holding both a New Jersey State barbering license and a New Jersey State beauty culture license, issued prior to 1985, may be issued a license to practice cosmetology and hairstyling upon notice to the Board and payment of the appropriate fee as set forth in N.J.A.C. 13:28-5.1.

(b) Any person holding both a New Jersey State barbering license and a New Jersey State license to teach beauty culture, issued prior to 1985, may be issued a license to teach cosmetology and hairstyling upon application to the Board and payment of the appropriate fee as set forth in N.J.A.C. 13:28-5.1.

13:28-1.7 Teaching license; qualifications; application requirements

(a) Any person desiring to teach in a school of cosmetology and hairstyling shall secure a license from the Board.

(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.-5. (No change.)

6. Has successfully completed a teacher training course of 500 hours at a licensed school of cosmetology and hairstyling approved by the Board consistent with the requirements of N.J.A.C. 13:28-6.31;

7.-9. (No change.)

(d) The holder of a teaching license issued by the Board pursuant to this section shall be authorized to teach cosmetology and hairstyling, beauty culture, barbering, skin care specialty, and manicuring.

SUBCHAPTER 1A. DEFINITIONS

13:28-1A.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Barber" means any person holding a barbering license authorized to perform the services set forth in N.J.A.C. 13:28-1.1(a)3.

"Beautician" means any person holding a beauty culture license authorized to perform the services set forth in N.J.A.C. 13:28-1.1(a)2.

"Board" means the New Jersey State Board of Cosmetology and Hairstyling.

"Cosmetologist-hairstylist" means any person holding a cosmetology and hairstyling license authorized to perform the services set forth in N.J.A.C. 13:28-1.1(a)1.

"Cosmetology and hairstyling school" or "school of cosmetology and hairstyling" means licensed schools offering cosmetology and hairstyling, beauty culture, barbering, manicuring, and/or skin care specialty courses.

"Manicurist" means any person holding a limited license to perform only the manicuring services set forth in N.J.A.C. 13:28-1.1(a)5.

"Shop" means any fixed establishment or place where one or more persons engage in one or more of the practices of cosmetology or hairstyling, barbering, beauty culture, manicuring, or skin care specialty, wherein licensees are authorized to perform the services set forth in N.J.A.C. 13:28-1.1(a).

"Skin care specialist" means a person who holds a limited license to perform only the skin care specialty services set forth in N.J.A.C. 13:28-1.1(a)4.

"Teacher of cosmetology and hairstyling" means a teacher licensed by the Board to give instruction or training in the theory or practice at a licensed school of cosmetology and hairstyling in any of the following subject areas: cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty.

[page=2368] SUBCHAPTER 2. SHOP LICENSES

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

(a) The following shop licenses shall be available from the Board:

1. Cosmetology and hairstyling shop license, which shall authorize the holder to provide the services delineated in N.J.A.C. 13:28-1.1(a)1;
2. Beauty culture shop license, which shall authorize the holder to provide the services delineated in N.J.A.C. 13:28-1.1(a)2;
3. Barbering shop license, which shall authorize the holder to provide the services delineated in N.J.A.C. 13:28-1.1(a)3;
4. Skin care specialty shop license, which shall authorize the holder to provide the services delineated in N.J.A.C. 13:28-1.1(a)4; and
5. Manicuring shop license, which shall authorize the holder to provide the services delineated in N.J.A.C. 13:28-1.1(a)5.

Recodify existing (a)-(b) as (b)-(c) (No change in text.)

(d) 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, if applicable, lavatories, and laundry facilities, if applicable. A copy of the original floor plan shall be maintained on the shop premises.

Recodify existing (d) and (e) as (e) and (f) (No change in text.)

(g) Upon receipt of an acceptable application and the requisite fee as provided in N.J.A.C. 13:28-5.1, the Board shall conduct an inspection of the premises. No shop shall be permitted to operate until the Board has reviewed the inspection report and issues a shop license.

(h) (No change in text.)

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. (No change.)

2. The practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty, as appropriate, shall not be performed on the premises of the new shop until a shop license has been issued.

13:28-2.3 Transfer of ownership

(a) (No change.)

(b) Prior to the completion of a transfer of ownership, the intended new owner shall apply for a new shop license pursuant to N.J.A.C. 13:28-2.1, except as provided in (b)1 below. The practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty, as appropriate, shall not be performed on the premises of the shop until a new shop license has been issued.

1. (No change.)

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

(a) All licensed cosmetology and hairstyling, beauty culture, and barbering shops 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 shall contain the following:

i. (No change.)

ii. For barbering shops only, at least one chair with an adjustable headrest suitable for performing shaving services;

Recodify existing ii.-iii. as iii.-iv. (No change in text.)

v.-xi. (No change.)

(b) Cosmetology and hairstyling, beauty culture, and barbering shops shall display a permanent sign indicating the name of the shop, which shall be clearly visible to the general public from the exterior of the shop.

(c) (No change.)

(d) All cosmetology and hairstyling, beauty culture, and barbering shops shall display the following notice, as applicable, to the services offered in the shop, in a location clearly visible to all patrons:

NOTICE

This shop and the operators herein are licensed to engage in the practice of [cosmetology and hairstyling, beauty culture or barbering] 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, www.njconsumeraffairs.gov/complaint/cosmocom.pdf.

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.-3. (No change.)

Recodify existing 5.-10. as 4.-9. (No change in text.)

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

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, www.njconsumeraffairs.gov/complaint/cosmocom.pdf.

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.-3. (No change.)

Recodify existing 5.-10. as 4.-9. (No change in text.)

(b) 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, www.njconsumeraffairs.gov/complaint/cosmocom.pdf.

13:28-2.7 Shops within residential premises

(a) (No change.)

(b) Entrances to shops located within private residences shall permit patrons to enter the shop directly, without requiring passage through any portion of the residence.

(c) No cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty services shall be rendered or offered to be rendered upon residential premises which are not licensed pursuant to N.J.S.A. 45:5B-9 and this chapter.

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

(a) The holder of a cosmetology and hairstyling, beauty culture, or barbering shop license shall not engage in any business activities within the licensed premises except for the offering of cosmetology and hairstyling, beauty culture, or barbering services as defined in N.J.S.A. 45:5B-3(b), (d), and (j) and set forth in N.J.A.C. 13:28-1.1(a), as appropriate, 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 [page=2369] offering of skin care specialty services as defined in N.J.S.A. 45:5B-3(y) and set forth in N.J.A.C. 13:28-1.1(a), 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 set forth in N.J.A.C. 13:28-1.1(a) and the sale of merchandise pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.9.

13:28-2.8 Leasing space prohibited

No holder of a shop license shall lease or sublease space or provide space on the licensed premises to a non-employee for the purpose of providing cosmetology and hairstyling, beauty culture, barbering, manicuring, skin care specialty, or ancillary services as part of a separate business to be conducted by the non-employee. Practices commonly known as chair rentals or booth rentals are prohibited by this section.

13:28-2.9 Sale of merchandise

The holder of a cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty shop license may permit the sale of merchandise within licensed premises, provided that space allocated for such sales is in addition to the space required by N.J.A.C. 13:28-2.5, 2.6, or 2.6A.

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

(a) The holder of a cosmetology and hairstyling, beauty culture, barbering, or 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) or the offering set forth in N.J.A.C. 13:28-1.1(a), 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)-(c) (No change.)

(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) or the offerings set forth in N.J.A.C. 13:28-1.1(a), are offered, such services shall be performed by a massage therapist who has been *[certified]* ***licensed*** by the ***New Jersey Board of*** Massage*[,]* ***and*** Bodywork ***[and Somatic]* Therapy** ***[Examining Committee]*** pursuant to N.J.A.C. ***[13:37-16]*** ***13:37A*** or has completed a course or program that meets the requirements set forth at N.J.A.C. ***[13:37-16.4]*** ***13:37A-2***.

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

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 practices enumerated in the definition of manicuring, set forth at N.J.S.A. 45:5B-3(l) or the offerings set forth in N.J.A.C. 13:28-1.1(a).

13:28-2.12 Posting of licenses

(a) (No change.)

13:28-2.13 Supervision of shops; experienced practicing licensee

(a) Except as provided in (c) below, all shops shall ensure that there is at least one experienced practicing licensee present to generally oversee the management of the shop, consistent with the following requirements:

1. For a licensed cosmetology and hairstyling shop, the practicing licensee shall hold a cosmetology and hairstyling license and have three years of experience as a licensed cosmetologist-hairstylist.

2. For a licensed beauty culture shop, the practicing licensee shall hold either a cosmetology and hairstyling or beauty culture license and have three years of experience as a cosmetologist-hairstylist or beautician.

3. For a licensed barbering shop, the practicing licensee shall hold either a cosmetology and hairstyling or barbering license and have three years of experience as a cosmetologist-hairstylist or barber.

4. For a licensed skin care specialty shop, the practicing licensee shall hold a cosmetology and hairstyling, beauty culture, or skin care specialty license and have three years of experience as a cosmetologist-hairstylist, beautician, or skin care specialist.

5. For a licensed manicuring shop, the practicing licensee shall hold a cosmetology and hairstyling, beauty culture, or manicurist license and have three years of experience as a cosmetologist-hairstylist, beautician, or manicurist.

(b) A shop that satisfies the requirements of (a) above by employing a practicing licensee who holds a beauty culture, barbering, skin care specialty, or manicuring license shall not employ senior students who have been issued a student permit pursuant to N.J.A.C. 13:28-1.3, 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 cosmetology and hairstyling license and has at least three years of experience as a cosmetologist-hairstylist.

(c) Each cosmetology and hairstyling shop licensed prior to 1985, 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 cosmetology and hairstyling, beauty culture, or barbering license and have three years of experience as a beautician, barber, or cosmetologist-hairstylist.

(d) A shop which satisfies the requirements of (c) above by employing a practicing licensee who holds a barbering license shall be prohibited from employing senior students unless the shop employs a practicing licensee who holds a license as a beautician or a cosmetologist-hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist, who shall supervise the rendering of cosmetology and hairstyling services by the senior students.

(e) The name of the designated experienced practicing licensee shall be posted in a location clearly visible to all patrons.

Recodify existing (e)-(f) as (f)-(g) (No change in text.)

13:28-2.14 Unlicensed personnel

(a) The holder of a shop license shall not aid, abet, or permit a person not licensed by the Board to render any services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, skin care specialty, or manicuring, pursuant to N.J.S.A. 45:5B-1 et seq.

(b) (No change.)

13:28-2.15 Prohibited practices

(a) (No change.)

(b) A practitioner shall not:

1.-3. (No change.)

4. Provide, or offer to provide, fish pedicures.

i. For purposes of this paragraph, "fish pedicures" means the use of live fish to perform any service incident to the provision of pedicure services;

5.-7. (No change.)

8. Utilize any medical device to perform services within the definition of cosmetology and hairstyling, beauty culture, barbering, 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.-12. (No change.)

SUBCHAPTER 3. SAFETY AND SANITATION

13:28-3.2 Sanitizing implements and tools

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

(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.-ii. (No change.)

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 a half minute contact time; and

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

[page=2370] i.-iii. (No change.)

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.

(d) (No change in text.)

13:28-3.3 Personnel

(a)-(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, beauty culture, barbering, manicuring, or skin care specialty 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, beauty culture, barbering, manicuring, or skin care specialty 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, beauty culture, barbering, manicuring, or skin care specialty services. The holder of a shop license shall ensure that:

1.-4. (No change.)

13:28-3.4 Prohibited products

(a) A licensee, licensed shop, or school of cosmetology and hairstyling shall not utilize any product that contains methyl methacrylate monomer.

(b) A licensee, licensed shop, or school of cosmetology and hairstyling shall not utilize styptic pencils. Licensees, licensed shops and schools of cosmetology and hairstyling may utilize styptic liquid or powder, or other single-use antiseptic product.

Recodify existing (b)-(c) as (c)-(d) (No change in text.)

SUBCHAPTER 4. ENFORCEMENT

13:28-4.1 Inspection of premises

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

(b) All documents, implements, tools, and products maintained pursuant to this chapter shall be available for immediate inspection, photocopying, and photographing by the Board or its authorized representative.

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

13:28-4.2 Compliance with laws and rules

Any individual rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, or 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, beauty culture, barbering, 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, beauty culture, barbering, 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)-(e) (No change.)

SUBCHAPTER 6. SCHOOLS OF COSMETOLOGY AND HAIRSTYLING

13:28-6.1 Compliance with laws and rules

Licensed schools shall comply with all laws and rules relating to the practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty 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 Regulations of the **Division of Consumer Affairs**, N.J.A.C. 13:45C. Any school violating any provision of this chapter shall be subject to disciplinary action by the Board. A notice of proposed suspension or revocation of a license shall inform the licensee of the right to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:28-6.7 Size of schools; number of students

(a) Each school shall have at least 2,750 square feet of floor space, consisting of at least 500 square feet for offices, reception area and locker space separate and apart from the lavatories, and at least 2,250 square feet for working space.

1. (No change.)

2. For every student thereafter there shall be 20 square feet of floor space per cosmetology and hairstyling, beauty culture, barbering, or manicuring student, but there shall be 25 square feet of floor space per skin care specialty student.

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

13:28-6.15 School records

(a)-(d) (No change.)

(e) School rules and regulations and copies of current cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty laws and rules of the State of New Jersey shall be maintained by each school in a location readily accessible to the students and management.

13:28-6.16 Other trades; demonstrations

(a) Trades or professions other than the teaching of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty shall not be practiced on the premises of a licensed school.

(b) (No change.)

13:28-6.20 Minimum equipment

(a) (No change.)

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

1.-9. (No change.)

Recodify existing 11.-27. as 10.-26. (No change in text.)

27. A barber chair;

Recodify existing 29.-33. as 28.-32. (No change in text.)

(c) (No change.)

(d) Each school shall supply each beauty culture 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, workbook, and textbook.

[page=2371] (e) Each school shall supply each barbering student with the following tools: two barber combs, 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, metal pressing comb, shaving razor with disposable blades, electric clipper with attachment guards, workbook, and textbook.

Recodify existing (d)-(l) as (f)-(n) (No change in text.)

13:28-6.21 Student standards and requirements

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

(d) Junior and senior students shall be distinguished as follows:

1.-2. (No change.)

3. Junior beauty culture students are those students who have completed less than 550 hours of their courses in beauty culture;

4. Senior beauty culture students are those students who have completed 550 hours or more of their courses in beauty culture;

5. Junior barbering students are those students who have completed less than 450 hours of their courses in barbering;

6. Senior barbering students are those students who have completed 450 hours or more of their courses in barbering;

Recodify existing 3.-6. as 7.-10. (No change in text.)

(e)-(j) (No change.)

(k) Failure of a school or student to comply with any provision of this section may result in the Board's refusal to recognize credit hours claimed by or for a student and disqualify that student for examination by the Board.

(l) A student who desires to transfer to another school shall notify the Board of his or her intention at least two weeks in advance of the proposed transfer.

1. (No change.)

2. Credit hours for cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty training in out-of-State schools will be granted if such schools are approved by the Board.

(m)-(q) (No change.)

13:28-6.23 Number of teachers employed; teacher restrictions

(a) The number of teachers a school shall employ shall be determined in the following manner:

1. A minimum of one licensed teacher for every clinic area attended by up to 25 senior students (whether cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty students);

2.-3. (No change.)

4. A minimum of one licensed teacher for every classroom attended by up to 25 junior beauty culture students;

5. A minimum of one licensed teacher for every classroom attended by up to 25 junior barbering students;

6. A minimum of one licensed teacher for every classroom attended by up to 25 manicuring students; and

7. (No change in text.)

(b) Teachers shall devote their entire time during school hours to the proper instruction of students and shall not engage in private or public practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty during school hours. Teachers licensed by the Board shall be in constant attendance at all classes conducted by licensed schools.

(c)-(e) (No change.)

13:28-6.25 Refresher courses

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

1. Any person who holds a practitioner's license; and

2. Any person who held a practitioner's license that has been suspended for failure to renew who desires to prepare for an examination.

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

13:28-6.26 (Reserved)

13:28-6.27 Clinical work prerequisites and limitations

(a) (No change.)

(b) A school shall not permit its students to practice cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty on the public under any circumstances except by way of clinical work performed upon persons willing to submit themselves to such practice.

(c) Before clinical work may be performed, the person to receive cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty services shall be advised by the teacher in charge that the operator is a senior student.

(d) (No change.)

(e) Clinical services may be performed upon the general public during the hours of school training daily from Monday to Saturday inclusive by senior cosmetology and hairstyling, senior beauty culture, senior barber, senior manicuring, and senior skin care specialty students only.

(f)-(h) (No change.)

(i) Truthful, non-deceptive school advertisements for clinic patrons upon whom cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty services may be performed are permitted, provided however, that all such advertisements must clearly inform the prospective clinic client that the advertised services are to be performed by senior students under the supervision of licensed teachers.

(j) (No change.)

(k) The school shall keep records or slips showing the number of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty treatments provided by senior students. These records or slips shall be maintained and kept by the school on its premises as part of its official records.

(l) (No change.)

13:28-6.28 Curriculum for 500-hour course for barbers who wish to obtain a cosmetology-hairstyling license

TIME DISTRIBUTION FOR INSTRUCTION UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
...			
TOTAL HOURS	180	320	500

13:28-6.29 Curriculum for 1,200-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
State Laws, Rules, & Regulations for Cosmetology & Hairstyling & Administrative Shop Operations	10	0	10
Decontamination & Infection Control	15	5	20
Professional Image, Hygiene, & Related Practices	2	0	2
History of Barbering	4	0	4

Shaving	15	66	81
Beard & Mustache Trimming	5	10	15
Facials & Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching, Shaving	25	53	78
Shampooing - including Temporary & Semi-Permanent Rinses	20	40	60
Hair and Scalp Treatments, Reconditioning Treatments	15	35	50
Hair & Basic Layer & Clipper Cut - Razor, Scissors, Thinning Shears, Tapering	40	120	160
Hairstyling - including Pin Curls, Fingerwaving, & Blow Waving	25	135	160
. . . .			
Permanent Waving	25	90	115
. . . .			
Thermal Curling & Waving	10	35	45
Manicuring & Pedicure	45	90	135
. . . .			
TOTAL HOURS	351	849	1,200

[1372] 13:28-6.29A Curriculum for 1,100-hour beauty culture course
 TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL
 PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules, & Regulations for Cosmetology & Hairstyling & Administrative Shop Operations	10	0	10
Decontamination & Infection Control	15	5	20
Professional Image, Hygiene, & Related Practices	2	0	2
Facials & Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching	25	53	78
Shampooing - including Temporary & Semi-Permanent Rinses	20	40	60
Hair and Scalp Treatments, Reconditioning Treatments	15	35	50
Hair & Basic Layer & Clipper Cut - Razor, Scissors, Thinning Shears, Tapering	40	120	160
Hairstyling - including Pin Curls, Finger-waving, & Blow Waving	25	135	160
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	35	110	145

Permanent Waving	25	90	115
Chemical Relaxing & Pressing	30	60	90
Thermal Curling & Waving	10	35	45
Manicuring & Pedicure	45	90	135
Chemistry Relating to Cosmetology	30	0	30
TOTAL HOURS	327	773	1,100

13: 28-6.29B Curriculum for 900-hour barbering course
TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules, & Regulations for Cosmetology & Hairstyling & Administrative Shop Operations	10	0	10
History of Hair & Barbering	4	0	4
Professional Image, Hygiene, & Related Practices	2	0	2
Decontamination & Infection Control	15	5	20
Shampooing and Scalp Care	5	15	20
Honing & Stropping	2	2	4
Shaving	20	105	125
Men's Hair Cutting & Styling	25	200	225
Beard & Mustache Trimming	5	10	15
Women's Hair Cutting & Styling	15	55	70

Facials & Facial Massage [2373]	5	10	15
Anatomy of Head, Neck, & Face	5	0	5
Common Disorders of the Skin, Scalp, & Hair	5	0	5
Electricity	5	0	5
Men's Hairpiece Services	15	40	55
Chemistry & Chemical-Related Services - Straightening/Permanent Waving	75	135	210
Hair Color and Lightening	30	80	110
TOTAL HOURS	243	657	900

[2373] 13:28-6.30 Curriculum for 25-hour shaving course for beauticians who wish to obtain a cosmetology-hairstyling license

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

(No change.)

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
State Laws, Rules, & Regulations for Cosmetology & Hairstyling & Administrative Shop Operations	5	0	5
· · ·			
Classroom Management	20	0	20

TOTAL HOURS	220	280	500
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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
State Laws, Rules, & Regulations for Cosmetology & Hairstyling & Administrative Shop Operations	10	0	10
Professional Image, Hygiene, & Related Practices	2	0	2
Decontamination & Infection Control	15	5	20
Manicuring and Pedicuring	10	45	55
. . .			
Anatomy of the Hand, Arm, Foot, & Leg	10	0	10
Nail Tips and Extensions	5	25	30
Nail Wraps	5	25	30
Nail Gels	5	15	20
. . .			
Chemicals & Chemistry Relating to Products	13	0	13
TOTAL HOURS	120	180	300

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
State Laws, Rules, & Regulations for Cosmetology & Hairstyling & Administrative Shop Operations	10	0	10
Professional Image, Hygiene, & Related Practices	2	0	2
Decontamination & Infection Control	15	5	20
Anatomy, Physiology, & Nutrition	40	0	40
Structure & Functions of Skin	35	0	35
...			
Chemistry Related to Skin Care	48	0	48
...			
Facial and Body Procedures	50	150	200
Make-up Techniques & Corrective Make-up Techniques (post-surgical)	50	100	150
TOTAL HOURS	275	325	600

13:28-6.36 Annex classrooms

(a) An application for approval of a school of cosmetology and hairstyling to conduct an annex classroom separate and apart from the licensed main facility for specific training activities shall be submitted on an application form prescribed and provided by the Board. The application shall specify the location of the annex classroom and the type of instruction to be conducted in the annex classroom, whether cosmetology and hairstyling, beauty

culture, barbering, manicuring, or skin care specialty.

1.-4. (No change.)

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

[page=2374] 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. For every student thereafter, there shall be 20 square feet of floor space per cosmetology and hairstyling, beauty culture, barbering, and manicuring student and 25 square feet of floor space per skin care specialty student.

ii. (No change.)

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 and beauty culture 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 barbering 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, one chair with adjustable headrest suitable for performing shaving services, and a utility table with disposable sanitary covering.

Recodify existing ii.-iii. as iii.-iv. (No change in text.)

3.-7. (No change.)

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