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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF COSMETOLOGY AND HAIRSTYLING
BOARD OF COSMETOLOGY AND HAIRSTYLING RULES

Readoption with Amendments: N.J.A.C. 13:28

Proposed: June 2, 2003 at 35 N.J.R. 2400(a).

Adopted: August 12, 2003 by the New Jersey State Board of Cosmetology and Hairstyling, Rose Policastro, Chairperson.

Filed: October 27, 2003 as R.2003 d.458, without change.

Authority: N.J.S.A. 45:5B-6(r) and 45:1-15.1.

Effective Dates: October 27, 2003, Readoption;
December 1, 2003, Amendments.
Expiration Date: October 27, 2008.

Federal Standards Statement

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

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

Full text of the adopted amendments follows:

<< NJ ADC 13:28-1.1 >>

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

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

(c) All applications must be accompanied by proof of satisfactory completion of high school or its equivalent. The following are deemed to constitute such proof:

1. A high school diploma;

2.-3. (No change.)

(d)-(f) (No change.)

(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 failure to renew.

(h) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall remit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:28-5.1, prior to the date of license expiration. A licensee who submits a renewal application within 30 days following the date of license expiration shall submit the renewal fee, as well as the late fee set forth in N.J.A.C. 13:28-5.1. A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(i) A licensee who continues to render cosmetology and hairstyling services with a suspended license shall be deemed to be engaging in the unauthorized practice of cosmetology and hairstyling and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

(j) A licensee who has had his or her license suspended pursuant to (g) 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.

(k) A licensee may, upon application to the Board, choose inactive status. A licensee electing inactive status shall not render cosmetology and hairstyling services for the entire biennial registration period. A licensee on inactive status may resume the practice of cosmetology and hairstyling upon payment of the renewal fee for the current biennial registration period set forth in N.J.A.C. 13:28-5.1.

<< NJ ADC 13:28-1.2 >>

13:28-1.2 Examination and reexaminations

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

(c) An applicant who fails one part of the examination shall be reexamined only on the part failed; provided, however, that an applicant applying for a cosmetology and hairstyling license pursuant to N.J.S.A. 45:5B-29 and 30 who fails one part of the examination shall retake the complete examination.

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

<< NJ ADC 13:28-1.3 >>

13:28-1.3 Temporary permits and student permits

(a) (No change.)

(b) Upon application, the Board may issue a student permit 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.

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).

<< NJ ADC 13:28-1.4 >>

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

(a) (No change.)

(b) Any person holding both a New Jersey State barber license and a New Jersey State license to teach beauty culture 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.

<< NJ ADC 13:28-1.7 >>

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.-2. (No change.)

3. Does not have a communicable, contagious, or infectious disease which could reasonably be expected to be transmitted during the course of teaching cosmetology and hairstyling services;

4.-7. (No change.)

8. Has attained six months employment experience in a licensed shop; and

9. (No change.)

<< NJ ADC 13:28-2.2 >>

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 notify the Board of his or her intention and make application for a new shop license pursuant to N.J.A.C. 13:28-2.1.

1. (No change.)

2. The practice of cosmetology and hairstyling shall not be performed on the premises of the new shop until a shop license has been issued.

<< NJ ADC 13:28-2.3 >>

13:28-2.3 Transfer of ownership

(a) Upon any transfer of ownership the holder of a shop license shall, by letter, notify the Board of the transfer, providing the name and address of the new owner. The shop license shall be surrendered to the Board as soon as the transfer of ownership is complete.

(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 shall not be performed on the premises of the shop until a new shop license has been issued.

1. If a transfer of ownership by a licensed shop results from the death or disability of a principal shareholder or partner in the business entity which holds the shop license, the shop may continue to operate for six months, pursuant to N.J.S.A. 45:5B-36, pending completion of the application process to obtain a new license.

<< NJ ADC 13:28-2.12 >>

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. 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.)

<< NJ ADC 13:28-2.15 >>

13:28-2.15 Prohibited practices

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

(d) Massaging, cleansing or stimulating the skin, with or without cosmetic preparations, by hand, mechanical or electrical appliances, below the stratum corneum, affecting the living cells of the epidermis shall be prohibited on any licensed premises.

(e) Any practitioner who massages, cleanses or stimulates the skin, with or without cosmetic preparations, by hand, mechanical or electrical appliances, below the stratum corneum, affecting the living cells of the epidermis shall be deemed to be engaging in unlawful practice by rendering services in an unsafe and unsanitary manner.

(f) A holder of a shop licensed shall be deemed to be engaging in unlawful practice pursuant to N.J.S.A. 45:5B-13(e) if he or she aids, abets or permits a practitioner to massage, cleanse or stimulate the skin with or without cosmetic preparations, by hand, mechanical or electrical appliances, below the stratum corneum, affecting the living cells of the epidermis.

<< NJ ADC 13:28-4.2 >>

13:28-4.2 Compliance with laws and rules

Any individual rendering cosmetology and hairstyling services shall comply with all laws and rules relating to the provision of cosmetology and hairstyling 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, 14 et seq. and the uniform regulations of the Division of Consumer Affairs, N.J.A.C. 13:45C.

<< NJ ADC 13:28-4.3 >>

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

The holder of a shop license, as well as the shop's supervisor, shall be responsible for compliance with all laws and rules relating to the operation of the premises at which cosmetology and hairstyling services are rendered and all laws and rules relating to the practice of cosmetology and hairstyling 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, 14 et seq., and the uniform regulations of the Division of Consumer Affairs, N.J.A.C. 13:45C.

<< NJ ADC 13:28-5.1 >>

13:28-5.1 Fee schedule

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

1.-5. (No change.)	
6. Biennial license renewal (individual) i. Inactive renewal status	\$60.00 (Fee to be determined by the Director)
7.-16. (No change.)	
17. Late fee	30.00
18. Reinstatement fee	50.00

<< NJ ADC 13:28-6.1 >>

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, 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, 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.

<< NJ ADC 13:28-6.8 >>

13:28-6.8 Student registration cards

(a) A request shall be submitted by the school to the Board for a student registration card.

1.-2. (No change.)

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

<< NJ ADC 13:28-6.17 >>

13:28-6.17 Transfer of school business, relocation, renewal

(a) (No change.)

(b) In the case of a move by a duly licensed school to a new location, the Board may waive any provisions of this subchapter relating to the initial application for licensure of schools which the Board in its discretion deems to be unduly burdensome under the circumstances of the particular move. The Board may permit the new school to operate pending completion of the application

process to obtain a new license.

(c) In the case of a transfer of ownership by a licensed school, the new school shall not commence operations until the provisions of this subchapter relating to the initial application for licensure of schools are satisfied, except as provided in (c)1 below.

1. If a transfer of ownership by a licensed school results from the death or disability of a principal shareholder or partner in the business entity which holds the school license, the school may continue to operate for six months, pursuant to N.J.S.A. 45:5B-36, pending completion of the application process to obtain a new license.

<< NJ ADC 13:28-6.20 >>

13:28-6.20 Minimum equipment

(a) (No change.)

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

1.-3. (No change.)

4. Three marcel ovens and irons or three electronically controlled marcel irons;

5.-8. (No change.)

9. Six canvas or styrofoam blocks;

10.-25. (No change.)

26. A latherizer, one hone, one strop and electric clippers;

27.-29. (No change.)

(c) Each school shall supply each cosmetology and hairstyling student with the following tools: two hair brushes, combs, 100 clips, cape, razor, shears, thinning shears, cold wave rods, end papers, rollers, tint brush or applicator bottle, 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, 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, sterilizer, 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, one sterilizer container with lid, 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)-(l) (No change.)

<< NJ ADC 13:28-6.21 >>

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 manicuring students are those students who have completed less than 150 hours of their course in manicuring;

4. Senior manicuring students are those students who have completed 150 hours or more of their course in manicuring;

5.-6. (No change.)

(e) Upon filing and acceptance by the Board of applications for permission to enroll in a teacher training course, student registration cards shall be issued by the Board. Students enrolled in a teacher training course shall comply with all Board rules and the rules of the particular school.

(f)-(q) (No change.)

<< NJ ADC 13:28-6.24 >>

13:28-6.24 Employment of licensed teachers

(a) A school shall permit only a licensed teacher or a registered teacher training student, under the direct supervision of a licensed teacher, to teach its students; provided, however, a demonstrator may demonstrate new processes, preparations and appliances to a class of school students if such demonstration is supervised by a licensed teacher at the school.

1. For purposes of this section, "direct supervision" means that the licensed teacher is physically present in the room at all times during the teacher training student's instruction and is immediately available to provide assistance, if necessary.

(b) (No change.)

(c) Each school shall submit a list of its teachers and registered teacher training students to the Board and advise the Board in writing immediately of changes in its teaching staff.

<< NJ ADC 13:28-6.27 >>

13:28-6.27 Clinical work prerequisites and limitations

(a)-(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 manicuring and senior skin care specialty students only.

(f)-(l) (No change.)

<< NJ ADC 13:28-6.31 >>

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

**TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS
AND CLINICAL PRACTICE**

19. (No
change.)

	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
Sanitation & Sterilization	5	0	5
Facials, Massage, Skin Care, Make- up,Depilatory, Eyebrow Arching, Shaving	15	15	30
Shampooing-- including Temporary & Semi- Permanent Rinses	5	10	15
Hair and Scalp Treatments, Reconditioning Treatments	5	10	15
Hair & Basic Layer & Clipper Cut-- Razor,Scissors, Thinning Shears, Tapering	10	30	40
Hairstyling-- including Pin Curls, Fingerwaving	10	30	40

& Blow Waving					
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	10	20	30		
Permanent Waving	10	20	30		
Chemical Relaxing & Pressing Thermal Curling & Waving	10	25	35		
Manicuring & Pedicuring	10	20	30		
Chemistry Relating to Cosmetology	10	0	10		
Teaching Methods	40	100	140		
Motivation & Learning	10	0	10		
Testing	10	0	10		
Teacher Preparation	15	0	15		
Instruction Evaluation	20	0	20		
Classroom Management	20	0	20		
			500		
			<p style="text-align: center;"><< NJ ADC 13:28-6.34 >></p> <p>13:28-6.34 Curriculum for 600-hour skin care specialty course</p> <p style="text-align: center;">TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE</p>		
			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: center;">Hours of</td> </tr> </table>		Hours of
	Hours of				

TOTAL

220

280

	Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules and Regulations for Cosmetology and Hairstyling Administrative Shop Operations	10	0	10
Orientation, Safety and Health and Professionalism	10	0	10
Bacteriology, Sanitation and Sterilization	20	5	25
Anatomy, Physiology and Nutrition	40	0	40
Structure and Functions of Skin	25	0	25
Superfluous Hair	10	30	40
Chemistry Related to Skin Care	40	0	40
Electricity and Machines	15	40	55
Facial and Body Procedures	50	125	175
Make-up Techniques and Corrective Make-up Techniques (post-surgical)	50	100	150
Business			

				Practices and Job Skills	30	0	30
				Total Hours	300	300	600