

# SPECIAL ADOPTION

## LAW AND PUBLIC SAFETY

(a)

**DIVISION OF CONSUMER AFFAIRS  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
Licensure Requirements for Hair Braiding and Hair  
Braiding Shops; Curriculum for Hair Braiders;  
Requirements for Cosmetology-Hairstyling,  
Beauty Culture, Barbering, Manicuring, and Skin  
Care Specialty**

**Special Adopted Amendments and Concurrent  
Proposed Readoption of Specially Adopted  
Amendments: N.J.A.C. 13:28-1.1, 1.1A, 1.2, 1.3,  
1.7, 1A.1, 2.1, 2.2, 2.3, 2.5, 2.7, 2.7A, 2.8, 2.9, 2.10,  
2.13, 2.14, 2.15, 3.3, 4.1, 4.2, 4.3, 4.4, 6.1, 6.7, 6.8,  
6.10, 6.13, 6.15, 6.16, 6.20, 6.21, 6.22, 6.23, 6.27,  
6.29, 6.31, and 6.36**

**Special Adopted New Rules and Concurrent  
Proposed Readoption of Specially Adopted New  
Rules: N.J.A.C. 13:28-6.35 and 6.36**

Specially Adopted Amendments and New Rules Adopted and  
Proposed Readoption of Specially Adopted Amendments and  
New Rules Authorized: March 12, 2019, by the Board of  
Cosmetology and Hairstyling, Jay Malanga, Executive Director.  
Filed: October 30, 2019, as R.2019 d.124.

Authority: N.J.S.A. 45:5B-6(r) and P.L. 2018, c. 126.

Calendar Reference: See Summary below for explanation of  
exception to calendar requirement.

Concurrent Proposal Number: PRN 2019-160.

Effective Date: October 30, 2019.

Expiration Date: October 27, 2020.

Submit written comments by January 31, 2020, to:

Jay Malanga, Executive Director  
New Jersey State Board of Cosmetology and Hairstyling  
PO Box 45003  
Newark, New Jersey 07101  
or electronically at: [www.NJConsumerAffairs.gov/proposal/  
comment/](http://www.NJConsumerAffairs.gov/proposal/comment/).

**Take notice** that in accordance with P.L. 2018, c. 126, which Governor Murphy signed on October 4, 2018, the Board of Cosmetology and Hairstyling (Board) has adopted the following amendments and new rules regarding the licensure of hair braiders and the provision of hair braiding services in licensed shops. The statute provides that the Board may adopt rules that are effective “immediately upon filing with the Office of Administrative Law.” Therefore, these rules became effective on October 30, 2019, upon acceptance for filing by the Office of Administrative Law. The rules will be effective for a period not to exceed six months from October 30, 2019, or April 30, 2020.

Concurrently, the provisions of the specially adopted new rules and amendments are being proposed for readoption in accordance with normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The filing of the concurrent notice of readoption extends the expiration date of the specially adopted new rules and amendments an additional 180 days, that is, until October 27, 2020. The adoption of the concurrent proposed readoption of the specially adopted new rules and amendments will become effective upon acceptance for filing at the Office of Administrative Law (see N.J.A.C. 1:30-6.4(f)), if filed on or before October 27, 2020.

The agency special adoption and concurrent proposal follows:

### Summary

On October 4, 2018, P.L. 2018, c. 126 amended the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq., to expand economic opportunities for African-American women, immigrants from African and Caribbean countries, and others, by easing certain licensure requirements that might otherwise prevent them from engaging in the practice of hair braiding.

Prior to enactment of P.L. 2018, c. 126, those interested in providing hair braiding services were required to complete 1,200 hours of training at a beauty school, which could cost as much as \$17,000 to attend, even though most of the instruction hours would be devoted to topics that do not pertain to hair braiding. With the enactment of P.L. 2018, c. 126, the Legislature sought to remove certain barriers to economic opportunity for individuals who might pursue work as hair braiders, while maintaining consumer protections for patrons of hair braiders, which primarily include African-American women and African- and Caribbean-immigrant women.

P.L. 2018, c. 126 creates a limited license to perform hair braiding services and a licensure requirement for hair braiding shops, with training requirements appropriately tailored to the practice of hair braiding. Pursuant to P.L. 2018, c. 126 and its own rulemaking authority at N.J.S.A. 45:5B-6.r, s, v, and w, the Board is specially adopting, and concurrently proposing to readopt the specially adopted, new rules to incorporate the requirements for licensure in hair braiding and for hair braiding shops. Additionally, the Board is specially adopting, and concurrently proposing to readopt, amendments to existing rules to clarify the impact of the new law on other Board licensees and shops providing other services regulated by the Board. Finally, the Board is specially adopting, and concurrently proposing to readopt, amendments to rules concerning licensed cosmetology and hairstyling schools, including elimination of the 60-day Board-review period for schools offering hair braiding programs, which waiver will allow schools to start their hair braiding programs more quickly.

The new rules provide that prior to applying, applicants will need to complete an approved hair braiding education course. The length of the course (either 40 or 50 hours) will depend on whether the applicant can demonstrate three years of hair braiding experience. If the applicant can demonstrate three years of experience, the applicant may complete a 40-hour course. If the applicant cannot demonstrate three years of experience, the applicant must complete a 50-hour course. Once the course is completed, applicants may submit their licensure applications for consideration by the Board.

The Board notes that it is amending various rules throughout N.J.A.C. 13:28 to incorporate references to “hair braiding” in the existing rules, as appropriate, to implement P.L. 2018, c. 126, and to ensure that licensees and the public are aware that hair braiding is now a regulated service that may be offered by Board licensees.

Existing N.J.A.C. 13:28-1.1 sets forth the scopes of practice of the occupations licensed by the Board and also lists the necessary steps to apply for, as well as to maintain, a license. The Board is proposing to amend N.J.A.C. 13:28-1.1(a)1ii, which sets forth the scope of practice for cosmetology-hairstyling, by adding language to note that in addition to the services delineated at subparagraph (a)1ii—shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving, or styling—a licensed cosmetologist-hairstylist may perform all the services in the definition of hair braiding as set forth at proposed new N.J.A.C. 13:28-1.1(a)6 and that there is no difference in the services that can be provided by those licensed cosmetologist-hairstylists who obtained licensure before P.L. 2018, c. 126 was enacted and those who obtained licensure after P.L. 2018, c. 126 was enacted. The Board is proposing to amend N.J.A.C. 13:28-1.1(a)2i regarding the scope of practice for licensed beauticians by adding language to note that in addition to the services listed at subparagraph (a)2i—shampooing, cutting, arranging, dressing, relaxing,

curling, permanent waving, or styling—a licensed beautician may perform all the services in the scope of practice of hair braiding as set forth at proposed new N.J.A.C. 13:28-1.1(a)6 with the exception of weaving. An identical amendment is proposed by the Board at subparagraph (a)3ii for licensed barbers. The incorporation of this language into each of these provisions clarifies that individuals that hold beauty culture or barbering licenses may perform hair braiding services, with the exception of weaving, without having to obtain a hair braiding license. The Board is also proposing for deletion N.J.A.C. 13:28-1.1(a)1ix, which is also consistent with the provisions of P.L. 2018, c. 126. The Board is also proposing to add new N.J.A.C. 13:28-1.1(a)6, as noted above, to formally add a scope of practice for hair braiding, which mirrors the definition of “hair braiding” at P.L. 2018, c. 126.

N.J.A.C. 13:28-1.1(b) details the application process and requirements for licensure. The Board is proposing to amend N.J.A.C. 13:28-1.1(b) to clarify to all applicants of any of the various licenses that the applications are filed with the Board for both examination and initial licensure, not solely examination, as the current regulation provides. Additionally, the rule has been amended to include the Board’s website address to advise applicants that the form is available both online and in hardcopy.

Proposed new N.J.A.C. 13:28-1.1(e)1vi states that an applicant for licensure in hair braiding who has three years of experience in hair braiding shall demonstrate completion of a 40-hour program that is consistent with the curriculum established at proposed new N.J.A.C. 13:28-6.35, discussed below. Proposed new N.J.A.C. 13:28-1.1(e)1vi(1) provides that an applicant from a 40-hour program may demonstrate three years of experience by submitting a W-2 or other document to show employment as a hair braider. Proposed new N.J.A.C. 13:28-1.1(e)1vii states that an applicant for licensure in hair braiding who does not have three years of experience in hair braiding shall complete a 50-hour program consistent with the curriculum established at proposed new N.J.A.C. 13:28-6.36, discussed below. In order to facilitate the licensure process for new applicants, the Board proposes new N.J.A.C. 13:28-1.1(e)1viii, which will give individuals who were employed as hair braiders as of October 30, 2019, the effective date of the specially adopted new rules and amendments, up to three months after the publication date of the notice of adoption of the proposed re-adoption of the specially adopted new rules and amendments to obtain a hair braiding license. This will also allow time for schools to establish hair braiding curricula consistent with P.L. 2018, c. 126 and this rulemaking, for students to then complete such educational programs, and for the Board to prepare the necessary application forms for hair braiding applicants.

The Board proposes new N.J.A.C. 13:28-1.2(a)1i to note that testing for the written theory portion of the examination for hair braiders will be paper-based unless a Board-approved vendor is able to administer a computer-based test for the hair braiding theory portion of the examination. This is to clarify for hair braiding applicants that the Board may not be able to contract with a third-party vendor in time for a computer-based test to be offered to the first few classes of graduates from a hair braiding program who sit for the braiding examination. The Board is currently working on proposals to send to vendors.

Subchapter 1A addresses definitions used in N.J.A.C. 13:28. The Board proposes to add seven new definitions: hair braiding, hair braiding specialist, mechanical device, practicing licensee, registered student, senior student, and senior permit. “Hair braiding” and “hair braiding specialist” are included because all other licensed specialties offered by the Board are already included in the definitions section. Consistent with the definition at P.L. 2018, c. 126, the new rules define “hair braiding” to mean “twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or mechanical device.” The Board proposes to add a definition for “mechanical device” to avoid confusion among licensees over whether they may perform hair braiding services solely by hand or can also perform them with a mechanical device. The Board is also proposing to add a definition for the term “practicing licensee.” As contemplated by the Legislature, adding this definition incorporates hair braiders into the classes of licensees regulated by the Board. Similarly, adding definitions for registered student, senior student, and student permit helps to carry out the Legislature’s intent by clarifying that, as with other licensees, an individual must be a registered student to qualify as a senior student, and must be a senior student to obtain a student permit.

Subchapter 2 addresses requirements for licensure as a shop. The Board proposes new N.J.A.C. 13:28-2.1(a)6 to incorporate a hair braiding shop into the list of shops licensed by the Board. Therefore, as with other types of shops the Board licenses, hair braiding shops will need to comply with rules concerning shop licensure, layout and square footage, minimum equipment, and restrictions on services offered. The Board is also proposing to amend N.J.A.C. 13:28-2.1(b) by adding a link to its website, so shop licensees know information on shop licensure is available both online and in hardcopy. Proposed new N.J.A.C. 13:28-2.1(i) provides hair braiding shops that were open on or before January 2, 2019, shall have until February 27, 2020, 120 days after the effective date of the specially adopted new rules and amendments, to comply with the requirements of N.J.A.C. 13:28-2 and submit, to the Board, an application for a shop license or waiver request. The Board is proposing this amendment to give these businesses adequate time to review the requirements and determine how a shop may comply with the Board’s requirements. The Board is also proposing to amend N.J.A.C. 13:28-2.5(c) to allow a hair braiding shop operating on or before January 2, 2019, to apply for a waiver of a Board requirement. The Board notes that this waiver process was also offered to shops licensed before a 1984 update of the Cosmetology and Hairstyling Act.

Proposed new N.J.A.C. 13:28-2.7A(d) incorporates provisions from P.L. 2018, c. 126, and prohibits hair braiding shops from engaging in business activities other than the offering of hair braiding services; sale of certain merchandise, as established by N.J.S.A. 45:5B-40 and existing N.J.A.C. 13:28-2.9; and certain ancillary beautification services, as established also by N.J.S.A. 45:5B-50 and existing N.J.A.C. 13:28-2.10.

The Board proposes new N.J.A.C. 13:28-2.13(a)6 to require a cosmetologist-hairstylist, beautician, or hair braider with three years of experience to act as the experienced practicing licensee of a hair braiding shop. The proposed new paragraph mirrors P.L. 2018, c. 126. The Board also proposes new N.J.A.C. 13:28-2.13(a)6i, which provides that, upon licensure, a hair braider who completed a 40-hour hair braiding program will be automatically considered eligible to act as an experienced practicing licensee of a hair braiding shop. As noted above, and at P.L. 2018, c. 126, if an individual can demonstrate three years of experience in hair braiding, he or she is permitted to attend a 40-hour, rather than a 50-hour, program in hair braiding.

Subchapter 3 addresses safety and sanitation requirements for licensed shops. The Board is proposing to amend N.J.A.C. 13:28-3.3(e)2 to change “Material Data Safety Sheets (MDSS)” to “Safety Data Sheets (SDS).” This change brings the rule language in line with current industry usage. The Board is also proposing a similar amendment at N.J.A.C. 13:28-3.3(e)4.

Subchapter 4 addresses enforcement of N.J.S.A. 45:5B-1 et seq., and the Board’s rules in licensed shops. Subchapter 5 addresses the fees charged by the Board.

Subchapter 6 addresses schools of cosmetology and hairstyling. The Board is proposing new N.J.A.C. 13:28-6.8(a)3 to indicate that each time a school submits a registration card request for a student enrolled in a 40-hour hair braiding program, the school must also submit the documentation the individual supplied to demonstrate three years of hair braiding experience. As noted above, three years of experience in braiding is required to attend a 40-hour, rather than a 50-hour, hair braiding program. The Board will review the information to ensure individuals are properly being admitted to 40-hour programs. The Board is also proposing new N.J.A.C. 13:28-6.10(a)1 to waive the requirement that the Board be given 60 days to review and approve a date for the commencement of a school’s classes if a school is offering programs in hair braiding. This will allow schools to get hair braiding programs operating more quickly than would strict adherence to the 60-day review period. In addition, the Board is proposing new N.J.A.C. 13:28-6.13(b)1 to waive the requirement that the Board be given one-month notice if a school proposes a change to its schedule of classes. This will allow schools to more expeditiously incorporate hair braiding courses into their schedules.

The Board is proposing new N.J.A.C. 13:28-6.20(h) to list the supplies a school will have to give to each hair braiding student. The Board is also proposing new N.J.A.C. 13:28-6.21(d)11 to incorporate the qualifications to be designated a junior hair braiding student and proposed new

paragraph (d)12 to incorporate the qualifications to be designated a senior hair braiding student.

The Board is proposing a technical amendment to N.J.A.C. 13:28-6.22 to clarify that a school is to submit applications to the Board for each student who is to sit for examination. The existing rule does not state that the Board is to receive the application. The Board is also proposing technical amendments to N.J.A.C. 13:28-6.23(a)6 because the term “junior” was missing from the requirement that a minimum of one licensed teacher attend to each classroom that has up to 25 manicuring students. The Board is also proposing to add N.J.A.C. 13:28-6.23(a)8 to establish that one licensed teacher is needed for every 25 hair braiding students in a classroom. This incorporates into a hair braiding program the teacher-to-student ratio requirement established for all other programs. The Board is also proposing to amend N.J.A.C. 13:28-6.29 and 6.31 to add “weaving” under the hours focused on “Hairstyling” in a cosmetology-hairstyling program for clarification purposes and to ensure that the public is aware cosmetologists-hairstylists are trained in, and may perform, weaving.

The Board is proposing new N.J.A.C. 13:28-6.35 and 6.36 to set forth the curriculum for the 40-hour and the 50-hour hair braiding courses, respectively. The 40-hour program must focus on sanitation, decontamination, and infection control, as outlined in proposed new N.J.A.C. 13:28-6.35. Similarly, proposed new N.J.A.C. 13:28-6.36, for students who cannot demonstrate three years’ braiding experience, requires the same 40-hour curriculum plus 10 hours of training in braiding services.

The Board has determined that the comment period for this notice of proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

#### **Social Impact**

The Board believes that the specially adopted new rules and amendments that are proposed herein for re-adoption will have a positive impact on the public and the individuals seeking licensure in hair braiding. Licensure of hair braiders will help ensure that an individual has met the minimum standards established in N.J.S.A. 45:5B-1 et seq., as amended by P.L. 2018, c. 126, including training related to health safety issues, such as device disinfection and chemical hair treatment risks, when performing this service for members of the public. The proposed amendments and new rules will also have a positive impact on licensed shops and hair braiders themselves to the extent that licensees will braid hair in a manner that complies with safety and health standards. Members of the public will also benefit in knowing they are receiving hair braiding services from a person appropriately trained in sanitation and safety matters when braiding hair, which subsequently may lead to an increase in patronage for licensed shops offering braiding services. Licensed schools may also benefit from the proposed amendments and new rules to the extent that schools will be able to offer additional programs, which may increase overall enrollment.

The specially adopted new rules and amendments that are proposed herein for re-adoption implement the provisions of P.L. 2018, c. 126, and are consistent with the legislative intent of this public law to put an end to the penalties incurred by people providing hair braiding services to the public and to create a solution to license these individuals without overly disrupting their livelihoods or causing extreme financial detriment. The proposed amendments and new rules aim to focus training and education requirements on hair braiding services, as is done with the other occupations licensed under the Board. The law and, subsequently, the specially adopted new rules and amendments that are proposed herein for re-adoption, are intended to provide a pathway for individuals, including African-American women and immigrants from African and Caribbean nations, to legally perform braiding services. P.L. 2018, c. 126 and the specially adopted new rules and amendments that are proposed herein for re-adoption also raise the stature of hair braiding by requiring licensure and ensure the public is aware of the authority granted hair braiders by the State to perform the services they are trained to do.

#### **Economic Impact**

The specially adopted new rules and amendments that are proposed herein for re-adoption will have an economic impact on all potential applicants for licensure to hair braid, all current hair braiding shops that

will now need to meet Board requirements and become licensed, and all schools adding hair braiding to their curriculum. However, while there are costs associated with the proposed new rules and amendments, those costs are, as a general matter, less than the regulatory burdens and compliance costs for the hair braiding profession prior to enactment of P.L. 2018, c. 126.

Applicants seeking to obtain a hair braiding license will incur costs to complete a 40- or 50-hour hair braiding program. However, students may qualify for financial aid and program schedules may offer students the ability to attend part-time, which would allow an individual to work and earn a salary while attending school, which may help offset some of these costs. A hair braiding program can also be completed in as little as two weeks, which could shorten the timeline for licensure for hair braiders compared to other licensees. Other costs would be incurred by a hair braiding license applicant including for a registration card, student permit, and temporary permit, in addition to a license.

Schools will likely incur costs for the development and administration of hair braiding programs, including purchasing supplies for each hair braiding student and hiring instructors to teach in a hair braiding program. However, the Board believes that given the number of hours required for the two types of braiding programs established by the proposed amendments and new rules, it is likely that these programs may be easily incorporated into existing school schedules, so that teachers currently working in a school may be able to provide the instruction. Therefore, schools may not need to hire additional staff. To the extent that schools incur costs to develop and administer these programs, schools may be able to recover such costs if the demand for training and licensure in hair braiding is high.

Hair braiding shops will incur costs as a result of the required licensure fee, as well as any costs associated with updating the layout of a shop to conform with Board requirements.

The Board anticipates that the proposed amendments and new rules will have no direct financial impact on the public, but hair braiders may pass the costs associated with their education and licensure onto consumers as part of the fees they charge for hair braiding services.

#### **Federal Standards Statement**

A Federal standards analysis is not required because the specially adopted new rules and amendments that are proposed herein for re-adoption are subject to State statutory requirements and are not subject to any Federal requirements.

#### **Jobs Impact**

The Board believes that the specially adopted new rules and amendments that are proposed herein for re-adoption may result in job growth since individuals who otherwise could be working productively as hair braiders but for the regulatory burdens of the prior licensing requirements and/or legal risk associated with non-compliance with those requirements would now have a less costly pathway to legally provide hair braiding services. The Board does not believe that the proposed amendments and new rules will cause a loss of jobs. Instead, the proposed amendments and new rules may cause an increase in the number of licensees overseen by the Board.

#### **Agricultural Industry Impact**

The Board believes that the specially adopted new rules and amendments that are proposed herein for re-adoption will not have an impact on the agricultural industry in the State.

#### **Regulatory Flexibility Analysis**

Currently, the Board licensees approximately 73,408 practicing licensees and approximately 7,000 shops. If, for the purposes of the Regulatory Flexibility Act (the Act), N.J.S.A. 52:14B-16 et seq., Board licensees are considered “small businesses” then the following analysis applies.

The proposed amendments in Subchapter 1 contain compliance and reporting requirements for persons applying to sit for examinations and be initially licensed as hair braiders. As outlined at proposed N.J.A.C. 13:28-1.1(e)1vi, (e)1vi(1), and (e)1vii, applicants must meet prescribed education or experience requirements to obtain licensure, and must submit documentation to substantiate such training and/or experience.

Subchapter 2 delineates the requirements for licensed shops. P.L. 2018, c. 126 requires hair braiding shop owners to obtain licensure to operate. The proposed amendments and new rules in Subchapter 2 impose various compliance requirements upon these shops, as well as upon all shops licensed by the Board. N.J.A.C. 13:28-2.1 imposes requirements to submit documentation to the Board demonstrating ownership, floor plans, and the description of services to be offered. Additional requirements call for submission of documentation showing a shop is approved to operate by its municipality. The rules also require the submission of a shop license fee. In addition, N.J.A.C. 13:28-2.2 and 2.3 require a shop to file the appropriate application with the Board if it changes locations or transfers ownership. N.J.A.C. 13:28-2.4 establishes requirements for shop license renewal. N.J.A.C. 13:28-2.5 imposes physical requirements for a shop. N.J.A.C. 13:28-2.7 imposes requirements for shops that are in a person's private residence. N.J.A.C. 13:28-2.7A, 2.9, and 2.10 imposes restrictions on merchandise a shop is allowed to sell and other services a shop may provide. N.J.A.C. 13:28-2.8 prohibits a shop from renting space for the operation of separate businesses. N.J.A.C. 13:28-2.13 imposes requirements for beauty culture, barber shops, and hair braiding shops with regard to individuals who act as experienced practicing licensees. N.J.A.C. 13:28-2.14 prohibits unlicensed personnel from practicing in a licensed shop, and N.J.A.C. 13:28-2.15 delineates the prohibited practices a licensed individual may not perform, including in a licensed shop.

Subchapter 3 concerns the safety and sanitation requirements in licensed shops. The rules in this subchapter impose requirements for ventilation, lighting, hot and cold water, waste disposal, laundry facilities (if the shop contains laundry facilities), and on the cleaning process to be followed in a shop. N.J.A.C. 13:28-3.2 addresses the sanitization requirements for implements and tools used in a shop, and N.J.A.C. 13:28-3.3 addresses the personal hygiene requirements of the staff working in a licensed shop. N.J.A.C. 13:28-3.4 delineates the products a licensed shop is prohibited from having in its premises. N.J.A.C. 13:28-3.5 continues to impose specific process requirements on shops providing manicuring and pedicuring services. N.J.A.C. 13:28-3.6 also continues to prohibit salons from having animals or pets unless they are trained to assist the disabled.

Subchapter 4 is amended to include hair braiding shops as premises subject to inspection by the State. N.J.A.C. 13:28-4.2 requires all shops to comply with the State's laws and rules, and N.J.A.C. 13:28-4.3 requires the holder of a shop license to be in compliance with State laws and rules. N.J.A.C. 13:28-4.4 requires the holder of a shop license and the experienced practicing licensee to verify the licensure of each practitioner in their shop and record the date of verification. N.J.A.C. 13:28-4.5 requires the holder of a shop license to maintain a list of the licensed personnel offering services inside the shop.

Subchapter 6 continues to impose requirements on schools adding hair braiding to the list of programs a school may offer. Proposed new N.J.A.C. 13:28-6.8(a)3 requires a school to submit the information to the Board that a hair braiding student uses to demonstrate three years of experience in order to qualify for a 40-hour braiding program. Proposed new N.J.A.C. 13:28-6.20(h) requires schools to purchase certain items for hair braiding students. Proposed new N.J.A.C. 13:28-6.23(a)8 imposes the requirement that one teacher be designated in a classroom where there are up to 25 junior hair braiding students. Proposed new N.J.A.C. 13:28-6.35 and 6.36 impose curricula requirements for 40-hour and 50-hour hair braiding programs that schools are required to follow. There is a possibility that additional teachers may be needed to provide instruction to hair braiding students as part of these programs.

No additional professional services will be needed to comply with the specially adopted new rules and amendments that are proposed herein for readoption, except as noted above. The Board believes the specially adopted new rules and amendments that are proposed herein for readoption are necessary to promote and protect the public welfare; thus, the Board has provided no differing or lesser standards for small businesses.

#### Housing Affordability Impact Analysis

The specially adopted new rules and amendments that are proposed herein for readoption will have an insignificant impact on the affordability of housing in New Jersey and it is extremely unlikely that the rules would evoke a change in the average costs associated with housing because the

specially adopted new rules and amendments that are proposed herein for readoption concern the practice of cosmetology-hairstyling, beauty culture, barbering, skin care specialty, manicuring, and hair braiding in the State of New Jersey.

#### Smart Growth Development Impact Analysis

The specially adopted new rules and amendments that are proposed herein for readoption will have an insignificant impact on smart growth development and it is extremely unlikely that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the specially adopted new rules and amendments that are proposed herein for readoption concern the practice of cosmetology-hairstyling, beauty culture, barbering, skin care specialty, manicuring, and hair braiding in the State of New Jersey.

#### Racial and Ethnic Community Criminal Justice and Public Safety Impact

The specially adopted new rules and amendments that are proposed herein for readoption concern the incorporation of hair braiding into the rules of the State Board of Cosmetology and Hairstyling pursuant to enactment of P.L. 2018, c. 126. As a result, the specially adopted new rules and amendments that are proposed herein for readoption will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in New Jersey.

**Full text** of the specially adopted new rules and amendments and concurrently proposed readoption of specially adopted new rules and amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [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. (No change.)

ii. Shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving, [or] styling of the hair, **and all services included in hair braiding, as set forth at (a)6 below;**

iii.-vi. (No change.)

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

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, **and all services included in hair braiding, as set forth at (a)6 below, with the exception of weaving;**

ii.-vii. (No change.)

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

i. (No change.)

ii. Shampooing, cutting, arranging, relaxing, [or] styling of the hair, **and all services included in hair braiding, as set forth at (a)6 below, with the exception of weaving;**

iii.-vi. (No change.)

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

i.-ii. (No change.)

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.-iii. (No change.)

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[.]; **and**

**6. Hair braiding license, which shall authorize the holder to provide the following services:**

**i. Twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices;**

**(1) Hair braiding services may include:**

**(A) The use of natural or synthetic hair extensions or fibers, decorative beads, and other hair accessories;**

**(B) Minor trimming of natural hair or hair extensions incidental to any twisting, wrapping, weaving, extending, locking, or braiding of hair;**

**(C) Making wigs from natural hair, natural or synthetic fibers, and hair extensions; and**

**(D) The use of topical agents in conjunction with performing hair braiding, including conditioners, gels, moisturizers, oils, pomades, and shampoos.**

(b) Applications for examination **and initial licensure** may be procured from the office of the Board [of Cosmetology and Hairstyling] **or online at <https://www.njconsumeraffairs.gov/cos/Pages/default.aspx>.**

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

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

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.-v. (No change.)

**vi. An applicant for licensure as a hair braiding specialist who demonstrates at least three years of experience as a hair braider shall have completed a 40-hour course of instruction in hair braiding, consistent with the requirements of N.J.A.C. 13:28-6.35.**

**(1) To demonstrate three years of experience, an applicant shall submit documents, such as, but not limited to, a Form W-2 from previously or currently held employment where the applicant performed hair braiding services, or a notarized attestation from previous or current employers under whom the applicant performed hair braiding services.**

**vii. An applicant for licensure as a hair braiding specialist who cannot demonstrate at least three years of experience as a hair braider shall have completed a 50-hour course of instruction in hair braiding, consistent with the requirements of N.J.A.C. 13:28-6.36.**

**viii. An individual employed to perform only hair braiding services, delineated at (a)6 above, as of October 30, 2019, shall have until (three months after the publication date of the notice of adoption of the proposed readoption of the specially adopted new rules and amendments), to obtain licensure as a hair braider.**

2. Applicants for licensure who have obtained training in a cosmetology and hairstyling, beauty culture, barbering, skin care specialty, [or] manicuring, **or hair braiding** 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, **or hair braiding** 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, **or hair braiding** 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.

(f)-(i) (No change.)

(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, **or hair braiding**, as appropriate, and shall be subject to the penalties set forth [in] **at N.J.S.A. 45:1-25.**

(k) (No change.)

(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, **or hair braiding**, 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] **at N.J.A.C. 13:28-5.1.**

13:28-1.1A Credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces

(a) (No change.)

(b) The Board shall issue a license to the applicant, if the applicant presents evidence to the Board that:

1. (No change.)

2. The relevant training, experience, and education the applicant received in the military, together with any training, experience, and education obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:28-1.1(e) or (f);

i. (No change.)

ii. An applicant seeking credit for education courses and/or training completed while in the military shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to the program as required for licensure under N.J.A.C. 13:28-1.1(e)1 or 2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those education courses and/or training relevant to the practice of cosmetology and hairstyling, beauty culture, barbering, skin care specialty, [or] manicuring, **or hair braiding**, as applicable, that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3. (No change.)

(c)-(e) (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] **at N.J.A.C. 13:28-5.1** with the application.

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] **at N.J.A.C. 13:28-5.1** to the Board.

**i. Testing for the written theory portion of the examination for hair braiding will be paper-based and administered by the Board, unless before, on, or after (the publication date of the notice of adoption of the proposed readoption of the specially adopted new rules and amendments), a Board-approved third-party vendor is able to administer the examination to applicants. The Board shall keep information on this matter updated online.**

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

## 13:28-1.3 Temporary permits and student permits

(a) (No change.)

(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] **State-approved** high school or vocational program, in a cosmetology and hairstyling, beauty culture, barbering, manicuring, [or] skin care specialty, **or hair braiding** course of study, as appropriate.

1. (No change.)

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

(a)-(c) (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, **and hair braiding**.

## 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:

...  
 "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, **and/or hair braiding** courses.

"**Hair braider/hair braiding specialist**" means a person who holds a limited license to perform only the hair braiding services set forth at N.J.A.C. 13:28-1.1(a)6.

"**Hair braiding**" means those services delineated at N.J.A.C. 13:28-1.1(a)6.

...  
 "**Mechanical device**" means, but is not limited to, items, such as clips and hairpins, used to assist in performing a service included in the definition of "hair braiding."

"**Practicing licensee**" means any person who holds a license to practice cosmetology or hairstyling, barbering, beauty culture, manicuring, skin care specialty, or hair braiding.

"**Registered student**" means a person who is engaged in learning and acquiring a knowledge of any of the practices in the definition of cosmetology and hairstyling, including beauty culture, barbering, manicuring, skin care specialty, and hair braiding, under the direction and supervision of a person duly authorized under N.J.S.A. 45:5B-1 et seq., and this chapter to teach cosmetology and hairstyling and who is enrolled in a program of instruction at a licensed school of cosmetology and hairstyling, completion of which may render the person eligible for licensure pursuant to N.J.S.A. 45:5B-1 et seq., and this chapter, but does not mean a person who is enrolled in a public school vocational program in cosmetology and hairstyling approved by the State Board of Education.

"**Senior student**" means a registered student who has successfully completed one-half of the total hours of instruction required for licensure as a cosmetologist-hairstylist, beautician, barber, manicurist, skin care specialist, or hair braider in a licensed school of cosmetology and hairstyling, as determined by the Board pursuant to this chapter, or in any public school vocational program approved by the State Department of Education.

"**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, **or hair braiding**, wherein licensees are authorized to perform the services set forth [in] at N.J.A.C. 13:28-1.1(a).

...  
 "**Student permit**" means a permit issued to a senior student that enables him or her to practice cosmetology and hairstyling, beauty culture, barbering, manicuring, skin care specialty, or hair braiding, as appropriate, based on the course of instruction in which the student is enrolled, in a school clinic or shop while a registered student at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational training program.

"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, **or hair braiding**.

## 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] at 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] at 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] at 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] at 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] at N.J.A.C. 13:28-1.1(a)5; **and**

6. **Hair braiding shop license, which shall authorize the holder to provide the services delineated at N.J.A.C. 13:28-1.1(a)6.**

(b) Applications for a shop license may be procured at the office of the Board **or online at <https://www.njconsumeraffairs.gov/cos/Pages/default.aspx>.**

(c)-(h) (No change.)

**(i) Hair braiding shops operating prior to January 2, 2019, shall have until February 27, 2020, to comply with N.J.A.C. 13:28-2.5(a) and (b) and to submit a shop license application, or request a waiver pursuant to N.J.A.C. 13:28-2.5(c), to the Board.**

## 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] at 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, **or hair braiding**, 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) Upon any transfer of ownership, the holder of a shop license shall, by letter, notify the Board of the transfer, by 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] at (b)1 below. The practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, [or] skin care specialty, **or hair braiding**, 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, **and hair braiding** shops applying for initial shop license

(a) All licensed cosmetology and hairstyling, beauty culture, [and] barbering, **and hair braiding** 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.-2. (No change.)

(b) Cosmetology and hairstyling, beauty culture, [and] barbering, **and hair braiding** 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) Where application is made to issue a new shop license for premises that had been licensed by the former Board of Barber Examiners or the former Board of Beauty Culture Control, **or for premises that operated as hair braiding shops prior to January 2, 2019**, and the shop premises

do not meet the minimum requirements of this section, the Board may, in its discretion, waive one or more of the requirements of this section for good cause shown. Such waiver will not be granted where the failure to meet minimum requirements may result in the inability of the shop owner to provide authorized services in a safe and sanitary manner.

(d) All cosmetology and hairstyling, beauty culture, [and] barbering, **and hair braiding** 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, **or hair braiding**] 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](http://www.njconsumeraffairs.gov/complaint/cosmocom.pdf).

## 13:28-2.7 Shops within residential premises

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

(c) No cosmetology and hairstyling, beauty culture, barbering, manicuring, [or] skin care specialty, **or hair braiding** services shall be rendered or offered to be rendered upon residential premises [which] **that** 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)-(c) (No change.)

**(d) The holder of a hair braiding shop license shall not engage in any business activities within the licensed premises except for the offering of hair braiding services as defined at N.J.S.A. 45:5B-3.bb and set forth at N.J.A.C. 13:28-1.1(a)6, and the sale of merchandise pursuant to N.J.S.A. 45:5B-40 and N.J.A.C. 13:28-2.9, and the offering of ancillary beautification services pursuant to N.J.S.A. 45:5B-40 and N.J.A.C. 13:28-2.10.**

## 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, **hair braiding**, 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, **or hair braiding** 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, **and hair braiding** shops

(a) The holder of a cosmetology and hairstyling, beauty culture, barbering, [or] skin care specialty, **or hair braiding** 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)3.j, or the offering set forth [in] **at** 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] **pursuant to** N.J.A.C. 13:28-2.5 and 2.6A.

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

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

(a) Except as provided [in] **at** (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.-5. (No change.)

**6. For a hair braiding shop, the practicing licensee shall hold a cosmetology and hairstyling, beauty culture, or hair braiding license and have three years of experience as a cosmetologist-hairstylist, beautician, or hair braider.**

**i. Upon receiving his or her initial license, a licensed hair braider shall be deemed to have met the three years of experience required to act as an experienced practicing licensee if the licensee completed a 40-hour hair braiding program.**

(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, **or hair braiding** 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)-(g) (No change.)

## 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, **or hair braiding** 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] **practicing licensee** shall not:

1.-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, **or hair braiding**, 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

## 13:28-3.3 Personnel

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

(c) No practitioner shall serve a patron if the practitioner has a communicable, contagious, or infectious disease[, which] **that** could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, [or] skin care specialty, **or hair braiding** 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] **that** could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling, beauty culture, barbering, manicuring, [or] skin care specialty, **or hair braiding** 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, **or hair braiding** services. The holder of a shop license shall ensure that:

1. (No change.)

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

3. (No change.)

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

## 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, **or hair braiding** 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, beauty culture, barbering, manicuring, [or] skin care specialty, **or hair braiding** 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; **and this chapter**.

## 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, **or hair braiding** 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; **and this chapter**.

## 13:28-4.4 Verification of license

(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, **or hair braiding** 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, **or hair braiding**, 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; **and this chapter**. 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 52:14F-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, **or hair braiding** student, but there shall be 25 square feet of floor space per skin care specialty student.

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

## 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.)

**3. When submitting a request for a registration card for a student in a hair braiding program of 40 hours, the school shall include in the request the documentation used by the student to demonstrate that he or she has three years of hair braiding experience.**

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

## 13:28-6.10 Commencement of classes

(a) 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.

**1. The Board shall waive the 60-day period required in (a) above for schools seeking to provide instruction in hair braiding prior to (the publication date of the notice of adoption of the proposed redaction of the specially adopted new rules and amendments).**

## 13:28-6.13 School schedules

(a) (No change.)

(b) The Board shall be advised one month in advance of any proposed change in the schedule of classes.

**1. The Board shall waive the one-month notice required of schools seeking to add hair braiding classes to the schedule of classes prior to (the publication date of the notice of adoption of the proposed redaction of the specially adopted new rules and amendments).**

## 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, **or hair braiding** 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, **and hair braiding**, shall not be practiced on the premises of a licensed school.

(b) (No change.)

## 13:28-6.20 Minimum equipment

(a)-(g) (No change.)

**(h) Each school shall supply each hair braiding student with a kit having brushes, including at least one boar bristle brush, one paddle, and one vent brush, combs, including at least one locking/twisting comb, wide tooth comb, hair pick, and tail comb, braiding hair packages consisting of human and synthetic hair, a hair weaving kit including weft hair, needles, and thread, stocking caps, hair bond and hair bond remover, clips, cape, shears, spray bottle, styptic powder or liquid, mannequin and mannequin stand, lab type jacket or smock uniform, a textbook, and a full copy of this chapter.**

Recodify existing (h)-(n) as **(i)-(o)** (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.-8. (No change.)

9. Junior skin care specialty students are those students who have completed less than 300 hours of their courses in skin care; [and]

10. Senior skin care specialty students are those students who have completed 300 hours or more of their courses in skin care[.];

**11. Junior hair braiding students are those students who have completed less than 20 hours of their courses if enrolled in a 40-hour**

hair braiding program; or less than 25 hours of their courses if enrolled in a 50-hour hair braiding program; and

12. Senior hair braiding students are those students who have completed 20 hours or more of their courses if enrolled in a 40-hour hair braiding program; or 25 hours or more of their courses if enrolled in a 50-hour hair braiding program.

(e)-(k) (No change.)

(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, or hair braiding training in out-of-State schools will be granted if such schools are approved by the Board.

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

13:28-6.22 Application submission by schools

The school shall submit applications to the Board for each student for examination within 30 days after the student's completion of the course of study. Each application must be accompanied by two recent photographs, a copy of a high school or equivalency diploma, and the appropriate fees pursuant to N.J.A.C. 13:28-5.1.

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, or hair braiding students);

2.-5. (No change.)

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

7. A minimum of one licensed teacher for every classroom attended by up to 25 junior skin care specialty students[.]; and

**8. A minimum of one licensed teacher for every classroom attended by up to 25 junior hair braiding students.**

(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, or hair braiding during school hours. Teachers licensed by the Board shall be in constant attendance at all classes conducted by licensed schools.

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

13:28-6.27 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, or hair braiding 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, or hair braiding 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, and senior hair braiding 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, or hair braiding 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, or hair braiding 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.)

13:28-6.29 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
...			
Hairstyling—including Pin Curls, Finger-waving, [&] Blow Waving, & Weaving	25	135	160
...			

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
...			
Hairstyling—including Pin Curls, Fingerwaving, [&] Blow Waving, & Weaving	10	30	40
...			

## 13:28-6.35 Curriculum for 40-hour hair braiding 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	2	17
Cleansing, Hair, and Scalp Analysis	2	6	8
Hair Growth & Loss, Diseases & Disorders, Fungal, & Parasitic Infection	3	0	3
<b>TOTAL HOURS</b>	<b>32</b>	<b>8</b>	<b>40</b>

## 13:28-6.36 Curriculum for 50-hour hair braiding 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	2	17
Cleansing, Hair, and Scalp Analysis	2	6	8
Hair Growth & Loss, Diseases & Disorders, Fungal, & Parasitic Infection	3	0	3
<b>Braiding:</b>	<b>3</b>	<b>7</b>	<b>10</b>
-Consultation			
-Classifying Texture			
-Types of Braids			
-Weaving; Wig and Wig Construction			
-Extensions, Synthetic & Human Hair			
-Braid Styling			
-Implements, Tools, & Materials			
<b>TOTAL HOURS</b>	<b>35</b>	<b>15</b>	<b>50</b>

13:28-[6.35]6.37 (No change in text.)

13:28-[6.36]6.38 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, **or hair braiding**.

1.-4. (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. For every student thereafter, there shall be 20 square feet of floor space per cosmetology and hairstyling, beauty culture, barbering, [and]

manicuring, **and hair braiding** 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, **and hair braiding** 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

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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.-iv. (No change.)  
3.-7. (No change.)  
(c)-(d) (No change.)

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