

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

**ADMINISTRATIVE ORDER AND NOTICE OF RULE ADOPTION AND WAIVER
PURSUANT TO P.L. 2020, c. 18**

**TEMPORARY PERMITS ISSUED BY
BOARD OF COSMETOLOGY AND HAIRSTYLING**

DCA Administrative Order No. 2020-16 and DCA Waiver No. W-2020-15

Administrative Order and Temporary Rule Adoption and Waiver by Paul R. Rodríguez, Acting Director, Division of Consumer Affairs

Date: September 1, 2020

Authority: P.L. 2020, c. 18

Effective Date: September 1, 2020

Expiration Date: Concurrent with the end of the state of emergency or the public health emergency declared pursuant to Executive Order No. 103 (EO 103), whichever is later.

* * *

WHEREAS, on March 9, 2020, through EO 103, the facts and circumstances of which are adopted by reference herein, Governor Murphy declared both a public health emergency and a state of emergency throughout the State due to the public health hazard posed by coronavirus disease 2019 (COVID-19); and

WHEREAS, the public health emergency declared in EO 103 has been extended through Executive Order Nos. 119, 138, 151, 162, and 171 (2020), issued on April 7, May 6, June 4, July 2, and August 1, 2020, respectively, and continues to exist today; and

WHEREAS, on April 14, 2020, Governor Murphy signed into law P.L. 2020, c. 18, which permits the Director to issue administrative orders to suspend temporarily any provision of Title 45 of the Revised Statutes or suspend or modify temporarily any rule adopted pursuant to such authority or to adopt temporarily any rule relating to the practice of any profession licensed by a board in the Division, upon concurrence by the Attorney General, after determining that such order is necessary to promote the public welfare and further such other purposes of the state of emergency or public health emergency declared in EO 103; and

WHEREAS, pursuant to N.J.S.A. 45:5B-26, the Board of Cosmetology and Hairstyling is authorized to issue temporary permits, that are valid for up to 120 days, to graduates of cosmetology programs that have passed the theory portion of the examination for licensure, to allow such permit holders to engage in the practice of cosmetology pending the applicant's passage of a practical examination and receipt of a license to practice; and

WHEREAS, due to the COVID-19 pandemic, practical examinations for cosmetology professionals, such as cosmetologist-hairstylists, barbers, beauticians, skin care specialists, manicurists, and hair braiders, have been cancelled or postponed or are only being made available with significantly reduced frequency and at fewer physical testing sites, and are unlikely to be rescheduled or otherwise made readily available for the foreseeable future; and

WHEREAS, a significant backlog of applicants waiting to take practical examinations has already accumulated, and due to the COVID-19 pandemic it will not be possible to reduce or eliminate that backlog for the foreseeable future; and

WHEREAS, in recognition that temporary permit holders have been unable to schedule practical examinations prior to the expiration of their temporary permits, it is in the interest of the public welfare to revive and extend the period of validity of certain previously expired temporary permits and to extend the period of validity of permits that will expire until such a time that those individuals are able to schedule the practical examination required for licensure;

NOW, THEREFORE, I, Paul R. Rodríguez, Acting Director of the Division of Consumer Affairs, by virtue of the authority vested in me by the statutes of this State, upon concurrence by the Attorney General, determine that this ORDER is necessary to promote the public welfare and further such other purposes for which the state of emergency and the public health emergency was declared in EO 103, and hereby ORDER as follows:

1. Temporary permits issued by the Board of Cosmetology and Hairstyling pursuant to N.J.S.A. 45:5B-26 to permit practice by cosmetologist-hairstylists, barbers, beauticians, skin care specialists, manicurists, and hair braiders, that would otherwise expire on or after the effective date of this Order, shall remain valid for one year beyond their original expiration date. Temporary permits issued by the Board that have expired since March 9, 2020, when the State of Emergency and Public Health Emergency were declared, shall be deemed reinstated, which reinstatement shall be deemed retroactive to the date of expiration, and shall remain valid for one year beyond their original expiration date. Nothing in this paragraph shall affect the authority of the Board or Director to limit, suspend, or revoke a temporary permit pursuant to N.J.S.A. 45:1-7 et seq., N.J.S.A. 45:5B-1 et seq., or any other authority.
2. N.J.S.A. 45:5B-26 and N.J.A.C.13:28-1.3(a) are hereby waived to the extent they are inconsistent with paragraph 1 of this Order.

This Order shall take effect immediately and shall remain in effect until the end of the state of emergency or public health emergency declared by the Governor in EO 103, whichever is later, unless expressly revoked or superseded by a subsequent Administrative Order issued by the Director of the Division of Consumer Affairs.

A handwritten signature in black ink that reads "Paul Rodríguez". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Date: September 1, 2020

Paul R. Rodríguez, Acting Director