

**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 FOR APPLICANTS FOR LICENSURE AS TEACHERS OF  
COSMETOLOGY AND HAIRSTYLING**

**BOARD OF COSMETOLOGY AND HAIRSTYLING**

**DCA Administrative Order No. 2021-10 and DCA Waiver No. W-2021-06**

Administrative Order and Temporary Rule Adoption and Waiver by Kaitlin A. Caruso, Acting Director, Division of Consumer Affairs

Date: May 6, 2021

Authority: P.L. 2020, c. 18

Effective Date: May 6, 2021

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 authorized agency heads to waive, suspend, or modify existing rules when enforcement would be detrimental to the public interest during the emergency; and

WHEREAS, the public health emergency declared in EO 103 has been extended most recently by Executive Order No. 235 (2021), issued on April 15, 2021, 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 of the Division of Consumer Affairs (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-6(b) and -27, and N.J.A.C. 13:28-1.2, applicants for licensure by the Board of Cosmetology and Hairstyling are subject to examination corresponding to the license sought, consisting of written and practical portions; and

WHEREAS, pursuant to N.J.S.A. 45:5B-26, the Board of Cosmetology and Hairstyling is authorized to issue temporary permits, which are valid for up to 120 days, to graduates of cosmetology programs that have passed the written 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, pursuant to N.J.S.A. 45:5B-26, no temporary permit shall be issued to an applicant awaiting scheduling of and results from the teacher examination; and

WHEREAS, practical examination protocols, which involve dozens of individuals remaining in close proximity to each other for extended periods of time while the examination is conducted, are inconsistent with social distancing strategies that mitigate community spread of COVID-19; and

WHEREAS, due to the COVID-19 pandemic, practical examinations for cosmetology and hairstyling teachers have been cancelled or postponed, and are unlikely to be rescheduled or otherwise made readily available in the immediate future; and

WHEREAS, more than 125 applicants for licensure as teachers are eligible to sit for the practical examination but have been unable to do so because the examinations have been cancelled or postponed; and

WHEREAS, it is reasonable and appropriate to allow the issuance of temporary permits to applicants for licensure as teachers who have passed the written examination within two years preceding the date of entry of this Order and who would thereby otherwise be eligible to sit for the practical examination, as passage of the written examination within the past two years provides a level of assurance that the applicant presently possesses the theoretical knowledge required for licensure as a teacher, that would allow such applicants to practice in a manner akin to a plenary licensed teacher under the general supervision of a teacher supervisor pursuant to N.J.A.C. 13:28-6.24, pending the applicant's successful passage of the practical examination; and

WHEREAS, in recognition that applicants for licensure as teachers are currently unable to schedule practical examinations, and that it is unlikely that such practical examinations will be made readily available in the immediate future, and but for the suspension of the practical examination would otherwise be afforded the opportunity to fulfill the requirements for licensure, it is in the public interest to allow the issuance of temporary permits to applicants for licensure as teachers who meet all other requirements for such licensure, including passage of the written portion of the examination within two years preceding the date of entry of this Order, and to authorize those individuals to temporarily teach under the general supervision of a teacher supervisor, in a manner consistent with the requirements of N.J.A.C. 13:28-6.24 and with the provisions set forth below;

**NOW, THEREFORE**, I, Kaitlin A. Caruso, 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 were declared in EO 103, and hereby ORDER as follows:

1. The Board of Cosmetology and Hairstyling may issue a temporary permit to an applicant for licensure as a teacher of cosmetology and hairstyling who meets all requirements for such licensure, including passage of the written portion of the examination for a teacher license within the two years preceding the date of entry of this order, but who has not taken and passed the applicable practical examination. Such temporary permit shall permit the applicant to practice as a teacher of cosmetology and hairstyling for the duration of validity of the permit, subject to the requirements at N.J.A.C. 13:28-6.24 that teaching be conducted under the general supervision of a teacher supervisor.
2. A temporary permit issued pursuant to this Order shall be valid until the sooner of:
  - a. One year after the date of issue;
  - b. 90 days after the end of the state of emergency or the end of the public health emergency declared pursuant to EO 103, whichever is later;
  - c. 30 days after the Division may terminate this program; or
  - d. For an individual holder of a temporary permit who takes and fails the practical exam, upon their failure of the practical examination.
3. Individuals who have taken and failed the practical examination shall not be eligible for a temporary permit.
4. Nothing in this Order shall affect the authority of the Board or Director to limit, suspend, revoke or otherwise take action against a temporary permit or license pursuant to N.J.S.A. 45:1-7 et seq., N.J.S.A. 45:5B-1 et seq., or any other authority.
5. N.J.S.A. 45:5B-26 is hereby waived to the extent that it prohibits the issuance of temporary permits to applicants awaiting scheduling of and results from the teacher examination.
6. An applicant seeking a temporary permit pursuant to this Order shall not be required to pay the temporary permit fee set forth at N.J.A.C. 13:28-5.1.
7. The Division may terminate this program at any time, including but not limited to such time as an alternative option for administration of a practical examination may be developed and such alternative examination becomes available, or upon the resumption of the practical examination, at which time applicants may be required to take and pass the practical examination in order to engage in the practice of a teacher of cosmetology and hairstyling.

8. In addition to the waiver contained in paragraph 5 of this Order, the fee schedule for a temporary permit issued by the Board contained at N.J.A.C. 13:28-5.1 is hereby waived to the extent that it would require a fee to be paid for a temporary permit issued pursuant to 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.

Date: May 6, 2021



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Kaitlin A. Caruso, Acting Director