

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

**ADMINISTRATIVE ORDER AND NOTICE OF RULE ADOPTION
PURSUANT TO P.L. 2020, c. 18; EXECUTIVE ORDER NO. 154 (MURPHY) (JUNE 13,
2020)**

**REOPENING OF PERSONAL CARE SERVICES:
COSMETOLOGY AND MASSAGE AND BODYWORK THERAPY SERVICES**

DCA Administrative Order No. 2020-09

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

Date: June 13, 2020

Authority: P.L. 2020, c. 18; Executive Order No. 154 (Murphy) (EO 154)

Effective Date: June 13, 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.

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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 No. 119 (2020), signed on April 7, 2020; through Executive Order No. 138
(2020), signed on May 6, 2020, and through Executive Order No. 151, signed on June 4, 2020 and
continues to exist today; and

WHEREAS, on March 21, 2020, through Executive Order No. 107 (EO 107), the facts and
circumstances of which are adopted by reference herein, to further protect the health, safety and
welfare of New Jersey residents, Governor Murphy ordered all New Jersey residents to remain
home or at their place of residence, except in specifically enumerated, limited circumstances,
implemented social distancing requirements for individuals when in public and required the
closure of the brick-and-mortar premises of all non-essential retail businesses for as long as the
Order remains in effect; and

WHEREAS, the implementation of social distancing strategies in EO 107 was based upon the CDC's recommendation to engage in social distancing to limit community spread of the virus, as limiting unnecessary movement of individuals in and around communities as well as person-to-person interaction mitigates community spread of the virus, and the ongoing need to take all possible steps to preserve our health care system's capacity to treat those who require emergency or intensive care; and

WHEREAS, in EO 107, paragraph 9(g), Governor Murphy specifically ordered that facilities where personal care services are performed that, by their very nature, result in non-compliance with social distancing guidelines, to close to the public for as long as the Executive Order remains in effect, including cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons and massage establishments; and

WHEREAS, on April 27, 2020, Colonel Patrick J. Callahan, State Director of Emergency Management, in the exercise of the discretion granted to him by Governor Murphy in Executive Order No. 4, paragraph 7, to clarify the list of the essential and non-essential businesses, issued Administrative Order No. 2020-10 and therein ordered that "licensees, owners, operators, employees, or independent contractors of personal care services facilities ordered to be closed to the public in paragraph 9(g)" of EO 107 are not permitted to provide personal care services "in their own homes, the homes of others, or in any facility of business setting unless the individual personal care service provider is providing the service to their household members, immediate family or other individual with whom the personal care services provider has a close personal relationship, such as those for whom the personal care service provider is a caretaker or romantic partner"; and

WHEREAS, on April 8, 2020, through Executive Order No. 122; on April 28, 2020, through Executive Order No. 125; on May 13, 2020, through Executive Order No. 142; on May 30, 2020, through Executive Order No. 149; and on June 3, 2020, through Executive Order 150, the facts and circumstances of which are adopted by reference herein, Governor Murphy required various businesses that are authorized to be open to the public to adopt certain policies to mitigate spread of the virus; and

WHEREAS, through their respective authorities, consistent with guidance provided by the Department of Health, various state agencies also have established requirements for the continued operation of businesses that are authorized to be open to the public, which have included implementing adaptations to the physical space to facilitate social distancing, screenings of employees and individuals, requiring face coverings appropriate to the level of risk, mandating sanitization and limiting person-to-person contact, where feasible; 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, in recognition of the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, Governor Murphy has taken strategic and methodical steps to reopen and relax restrictions on certain business and allow a number of lower-risk outdoor activities, while continuing to require measures like social distancing, cleaning, sanitizing, and hygiene practices remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, on June 6, 2020, through Executive Order No. 152, Governor Murphy relaxed restrictions indoor gatherings, but required that the number of individuals at an indoor gathering shall be limited to 25% of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 50 persons or smaller than 10 persons, and required other precautions to reduce the risk of infection; and

WHEREAS, on June 13, 2020, through Executive Order No. 154 (EO 154), the facts and circumstances of which are adopted by reference herein, in recognition of the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, Governor Murphy rescinded paragraph 9 of EO 107 and declared that effective 6:00 a.m. on Monday, June 22, 2020, cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; electrology facilities; spas, including day spas and medical spas, at which solely elective and cosmetic medical procedures are performed; massage parlors, tanning salons, and tattoo parlors, collectively referred to as “personal care service facilities,” are permitted to reopen to the public provided that the facility complies with health and safety standards issued by the Division of Consumer Affairs in the exercise of his authority under P.L. 2020, c.18;

WHEREAS, in order to continue preventing the spread of the virus, public health, safety and welfare will be promoted by establishing standards for the safe provision of personal care services, including but not limited to all cosmetology services and massage therapy and bodywork services, in the continued effort to mitigate the spread of COVID-19 by minimizing person-to-person interaction, limiting unnecessary exposure to COVID-19 for clients, staff and licensees; and

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 and EO 154, 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:

A. The following words and terms when used in this rule shall have the following meaning, unless the context indicates otherwise:

“Cosmetology Board” means the New Jersey State Board of Cosmetology and Hairstyling, which pursuant to N.J.S.A 45:5B-1 et seq. and N.J.A.C. 13:28- 1 et seq., regulates cosmetologists, beauticians, barbers, manicurists, skin care specialists and hair braiders, as well as shops at which any of such services are offered or performed by any of those licensees.

“Client” means any person receiving services from a licensee of the Cosmetology Board or the Massage Board.

“Licensee” means any person holding a license to engage in any practice within the definition of cosmetology or massage and bodywork therapy in New Jersey.

“Massage Board” means the New Jersey Board of Massage and Bodywork Therapy which, pursuant to N.J.S.A. 45:11-53, et seq. and N.J.A.C. 13:37A-1.1 et seq., regulates massage and bodywork therapists.

“Personal Protective Equipment” (also known as “PPE”) refers to items worn or used by an individual to provide protection against the spread of COVID-19, including but not limited to face coverings, masks, face shields, goggles, gloves, drapes or any other item that provides protection against the spread of COVID-19.

“Premises” means any fixed establishment where practices included in the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, skin care specialty, and hair braiding are provided, licensed as a shop, or any fixed establishment or place where massage services are provided and which is controlled by an employer registered with the Massage Board or by an individual licensee who does not employ another licensee to provide massage and bodywork services.

“Screening questions” refers to questions which are to be asked during a telephonic or online consultation and at the time of arrival at the premises for an appointment, to screen clients for symptoms consistent with COVID-19, with regard to presentation of a list of symptoms. Such questions must address, at a minimum, whether individuals have had, in the last 72 hours, the following symptoms: fever or chills; cough; shortness of breath or difficulty breathing; fatigue; muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; and questions concerning known exposure to individuals with suspected or confirmed COVID-19 within the previous 14 days.

“Staff” or “Staff member” shall include any person employed by a licensee or at premises at which licensees of the Cosmetology Board or the Massage Board provide services as well as, owners, managers, contractors, and administrative personnel.

- B.** All licensees and owners of premises subject to regulation of the Cosmetology Board or the Massage Board are authorized to provide services consistent with the laws and regulations of their respective boards and the applicable scope of practice, unless specifically waived or modified during the state of emergency or public health emergency, and shall be required to adopt and comply, and ensure that their staff comply, with policies that include, at a minimum, all of the requirements below.

1. Prepare for Reopening the Premises to Facilitate Social Distancing

- a.** Refer to the Occupational Safety and Health Administration's (OSHA) "Guidance on Preparing Workplaces for COVID-19," located at <https://www.osha.gov/Publications/OSHA3990.pdf>, as a guide for reopening shops.
- b.** Install physical barriers, if feasible, to minimize client contact with staff in the reception area.
- c.** Utilize floor markers (such as signs or tape) to designate six-foot distance in common areas of the premises, including the reception and/or waiting area, client service stations, bathrooms, and employee break rooms. Seating in the reception and/or waiting area shall be rearranged or removed to ensure that individuals are seated at least six feet apart.
- d.** Reconfigure the premises to ensure that staff-client pairs maintain at least six feet distance between any other staff-client pairs at all times, unless separated in private closed-rooms or by physical barriers. No more than one person may provide services to a client at any given time. Staff and clients who are not providing or receiving services shall remain six feet apart at all times, unless separated by physical barriers. In order to allow for required social distancing, licensees and owners should consider allowing for additional spacing, using divider shields, and/or establishing alternative work schedules.
- e.** Utilize pre-payment or remote, contactless payment options, when possible. If point of sale equipment is utilized that requires a signature or a PIN, then equipment shall be disinfected after each use. If the exchange of cash is unavoidable, cash should be placed on the counter and not exchanged hand-to-hand. In addition, staff accepting cash shall wipe the counter between each transaction and wash their hands with soap or utilize hand sanitizer after each transaction.
- f.** Establish an isolated area for delivery of supplies and materials.
- g.** Clean all surfaces at the premises with hot soapy water, or cleaning wipes prior to reopening and before disinfecting. Hard non-porous surfaces, such as glass, metal, and plastic and all tools should be disinfected even if they were cleaned before the premises was closed.
- h.** Remove items that are intended to be used by multiple persons and are difficult to disinfect to reduce the risk of transmission, including magazines/books/newspapers or other publications; candy dishes; product testers/samples; any and all open food or self-service food or beverage stations (except for contactless beverage dispensers accompanied by single-use cups); and toys.
- i.** Install hand sanitizers for use by clients and staff.

- j. Train all staff on the importance of reporting symptoms of illness, infection control procedures, cleaning and disinfection, social distancing, proper use of PPE, cough and sneeze etiquette and hand-washing as often as possible, but always after eating, smoking, using the restroom, removing any PPE, and before and after providing client services.
- k. Post signs at the premises entrance stating that services will not be offered on a walk-in basis as well as signs in common areas and restrooms to advise clients of the importance social distancing, hand washing for at least 20 seconds, face-coverings, and proper coughing and sneezing etiquette.

2. Establish Protocols for the Scheduling of Client Appointments

- a. Decline to provide services to any clients without a pre-scheduled appointment that has been arranged by telephone, text messaging, or online; no walk-ins shall be permitted.
- b. Advise clients during the scheduling of appointments of the requirements below.
- c. Screen no more than twenty-four hours prior to the appointment all clients scheduled for appointments (or, as applicable, the client's parent or guardian) via a telephonic or online consultation or questionnaire that includes the screening questions. Any individual who answers "yes" to any one of the screening questions shall be advised that the appointment cannot take place and if they arrive at the premises, they will be sent home and not permitted to proceed with an appointment, without being charged for the appointment or a cancellation fee, and that fees already paid will be refunded or credited toward a future appointment. If the client responds in the affirmative, the client is to be advised that no appointment can be scheduled for at least 72 hours after being symptom free, without having taken fever-reducing medication or before 14 days after exposure to a suspected or confirmed COVID-19 positive individual. Licensees shall follow CDC guidance to determine when a client may be rescheduled for an appointment. <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.
- d. Advise clients that anyone coming to the premises will be asked the screening questions again and required to submit to a no-contact forehead temperature check and wear, at a minimum, a cloth face covering at all times, except where doing so would inhibit the individual's health or the individual is under two years of age. Clients should be further advised that any individual refusing to wear a face covering, if not exempt, without any other exception, shall be denied entry to the premises.
- e. Space appointments to allow adequate time for cleaning and disinfecting all non-porous surfaces in between appointments and to minimize person-to-person contact and the number of people on the premises at any given time. If feasible, consistent

with social distancing, clients should remain in their cars or outside until they are ready to be seen.

- f. Limit individuals inside the premises to clients, minor children of clients, a parent of a client if the client is a minor, or a single companion if necessary to assist with communication or mobility. Unless needed in order to assist with the provision of services, all such individuals not receiving services shall maintain six feet distance in the reception and/or waiting area or remain outside, maintaining six feet distance from others, or in their vehicles.
- g. At no point may occupancy on premises exceed applicable indoor gathering limits established by Executive Order.
- h. Conduct a forehead temperature check on any clients or accompanying individuals entering the premises; those with a temperature exceeding 100.4 degrees, along with individuals accompanying them, should be denied entry. All thermometers shall be disinfected after each use. Temperature checks should be performed in a manner that complies with CDC guidelines to protect staff, including self-administration, physical barriers, or the use of PPE.
- i. Have clients answer the screening questions upon arrival at the premises at the time of the appointment, prior to the provision of services. Any individual who answers “yes” to any of the screening questions shall be advised that the appointment cannot take place; they should be sent home and not permitted to proceed with an appointment. The client shall be advised that no appointment can be rescheduled for at least 72 hours after being symptom free, without having taken fever-reducing medication or before 14 days after exposure to a suspected or confirmed COVID-19 positive individual. Licensees shall follow CDC guidance to determine when a client may be rescheduled for an appointment. <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.
- j. Stagger work hours of staff or adjust operating hours to limit the number of individuals in the premises at any given time and accommodate social distancing.

3. Implement Protocols for Screening All Staff

- a. Require all staff immediately prior to the initial re-entry after the re-opening of the premises to respond to screening questions. Any staff member who answers “yes” to any of the screening questions shall not be permitted to enter the premises at that time. The staff member shall be advised that no return to work will be permitted for at least 72 hours after being symptom free, without having taken fever-reducing medication or before 14 days after exposure to a suspected or confirmed COVID-19 positive individual. Licensees shall follow CDC guidance to determine when an individual may return to the premises. <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

- b. Direct all staff to self-monitor for symptoms daily and advise premises managers if they are sick or have had exposure to individuals suspected to have or confirmed to have COVID-19. Should any member of the staff develop a temperature or symptoms of illness, they should cancel or reschedule appointments until at least 72 hour after being symptom free without the use of fever reducing medication. Should a staff member report exposure to an individual who suspected or confirmed to be COVID-19 positive, the staff member should not be permitted to return to work for 14 days or pending receipt of a negative COVID-19 test result. Premises managers shall establish a plan for staff who get ill, and a return-to-work plan following CDC guidance. <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.
- c. Screen all staff members prior to or immediately upon entry into the premises, at the start of every shift, regardless of symptoms, by means of a no-contact temperature check or by means of a thermometer with a disposable cover. All thermometers shall be disinfected after each use. Temperature checks should be performed in a manner that complies with CDC guidelines to protect staff, including self-administration, physical barriers, or the use of PPE. Any individual, who has a temperature over 100.4 degrees shall be sent home and not permitted to enter the premises until at least 72 hours after being symptom free without the use of fever reducing medication. Should a staff member report exposure to an individual who suspected or confirmed to be COVID-19 positive, the staff member should not be permitted to return to work for 14 days or pending receipt of a negative COVID-19 test result.

4. Require Protective Equipment and Supplies

- a. Require premises owners, managers, staff, clients, and anyone else in the premises to wear, at minimum, a cloth face covering at all times before, during, and after performing services, except when a client is face down on a massage table, when doing so would inhibit an individual's health, or the individual is under two years of age. No services may be performed that would require the removal of the client's face covering, except that a client may remove their face covering when face down on a massage table. When providing manicuring services, manicurists may elect to use a table shield, in lieu of a face shield or goggles. Face shields, goggles and table shields shall be disinfected between each client.
- b. Provide clients with, at minimum, cloth face coverings, if they arrive for an appointment without a face covering, or decline to provide services. Face coverings need not be provided to those not required to wear them because doing so would inhibit an individual's health or the individual is under two years of age.
- c. Direct staff to wear gloves when required to handle dirty linens or laundry.
- d. Utilize disposable paper products to the greatest extent possible, including paper towels in restrooms, in lieu of cloth towels or air dryers, disposable cups and

utensils in breakrooms and neck strips, table drapes, chair coverings, which are to be changed after every client, and immediately discard disposable items in a closed container.

- e. Allow for break time for repeated hand washing between clients, throughout the day.
- f. Provide supplies for regular hand washing with non-antimicrobial soap and water, alcohol-based hand rub with at least 60 to 95% alcohol or antiseptic hand wash and use no-touch receptacles for disposal.
- g. Make sanitizing and disinfectant materials available to staff and clients, such as hand sanitizer and sanitizing wipes for hands and surface disinfecting for environment surfaces.

5. Enhance Disinfection and Cleaning Practices

- a. Adhere to infection control guidelines by cleaning and disinfecting high-touch areas routinely, and after each use, and at the end of the day, particularly in areas that are accessible to staff or other individuals, including restroom facilities, toilet and sink knobs, light and fan switches, countertops, floors, door knobs, hand rails, water fountains, phones, shared equipment, credit card machines, key pads, displays, and display products (unless kept in an enclosure out of the reach of clients), as set forth at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html>.
- b. Implement additional infection control measures to assure that all surfaces, stations, tables, rolling carts, chairs, head rests, arm rests, products on stations, and equipment are disinfected between clients.
- c. Cover massage tables or the warmer and padding, as well as porous, soft surfaces in plastic or a comparable non-porous material and disinfect between clients.
- d. Allocate sufficient time between appointments to ensure that there will be ample time for appropriate disinfection between clients (10-15 minutes).
- e. Improve ventilation by increasing the circulation of outdoor air as much as possible, by opening doors and windows and by using HEPA air filtration systems, whenever possible.
- f. Use disinfectants that are EPA-registered and labeled as bactericidal, virucidal and fungicidal as verified at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>. Disinfectant for immersion should be made daily and discarded if contaminated. Homemade cleaning products (e.g., vinegar and essential oils) may not be utilized as cleaning agents or disinfectant.

- g. Ensure that all cloth capes, neck strips, drapes and towels are clean and laundered or disinfected, following the fabric recommendations, between every use, using a disinfectant spray, a disinfectant wipe, or a clean disinfectant saturated towel, and allowed to set according to recommended contact time for the specific product used. Disinfectants can be mixed according to directions and put in a spray bottle for use.
- h. Place staff garments in a closed container for laundering and disinfection immediately after use. Launder all garments, linens, towels, drapes, and capes in soapy water and dry completely at the warmest temperature allowed until they are hot to the touch prior to reuse.
- i. Prohibit product-sharing between and among staff and for multi-use products, use single-use disposable applicators to safely remove product without contamination.
- j. Perform enhanced cleaning and disinfection after individuals suspected or confirmed to have COVID-19 have been in the premises, referring to CDC guidance on “Cleaning and disinfecting your building or facility if someone is sick.” <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>.
- k. Decline to provide personal care services in any location not licensed as a shop by the Cosmetology Board, or in a fixed establishment or place where massage services are provided that is controlled by an employer registered with the Massage Board or by an individual licensee who does not employ another licensee to provide massage and bodywork services, until such time as permitted by a subsequent Executive Order or Administrative Order issued by the State Director of Emergency Management. The prohibition of personal care services offered outside of the facilities authorized in this section shall not prevent the provision of services to a person that is confined to their home and unable to travel due to a disability, if these services 1) are permitted under existing statutes and regulations and 2) are provided in a manner that substantially complies with the requirements of this order.

6. Stay Informed About Developments and Obligations

- a. Monitor guidelines and directives issued by the New Jersey Department of Health, the Cosmetology Board, the Massage Board, the CDC and OSHA on an ongoing basis.
- b. Maintain an appointment book with contact information regarding clients served, as well as a daily log of staff, and submit such information if requested to do so by, or on behalf of, the Department of Health or the local board of health.
- c. Notify the local health department immediately if it is suspected that any person who is known to have contracted COVID-19 was on the premises while COVID-19 positive, and cooperate with contact tracing efforts.

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; provided, however, that cosmetology and massage and bodywork therapy services prohibited by EO 107 may not resume until 6:00 a.m. on Monday, June 22, 2020, in accordance with EO 154.

A handwritten signature in black ink, reading "Paul Rodríguez". The signature is fluid and cursive, with the first name "Paul" and the last name "Rodríguez" clearly distinguishable.

Date: June 13, 2020

Paul R. Rodríguez, Acting Director