

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Recodified (b) and (c) to (a)1 and (a)2 and recodified (d) and (e) to (b) and (c).

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Petition for Rulemaking.

See: 30 N.J.R. 2091(a), 30 N.J.R. 3108(c).

Petition for Rulemaking.

See: 32 N.J.R. 1438(a).

13:28-2.6 Physical requirements for manicuring shops applying for initial shop license

(a) In addition to meeting the requirements of N.J.A.C. 13:28-2.5(a), (a)1, (b) and (c), all manicuring shops shall contain the following:

1. At least one sink in the work area with hot and cold running water;
2. A dry sterilizer for each work station;
3. A wet sterilizer for each work station;
4. A closed container for clean linens;
5. A closed container for soiled linens;
6. A dispensary or place where supplies are prepared and dispensed; and
7. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.

(b) Each shop shall ensure that there is at least one experienced practicing licensee, as defined in N.J.S.A. 45:5B-11(a) or (b), present to generally oversee the management of the shop.

(c) All licensed manicuring shops shall display the following notice in a location clearly visible to all patrons:

NOTICE

This shop and the operators herein are licensed to engage in the practice of manicuring 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.

New Rule, R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.6, "Shops within residential premises", recodified to 13:28-2.7.

Petition for Rulemaking.

See: 30 N.J.R. 2091(a), 30 N.J.R. 3108(c).

Administrative correction.

See: 33 N.J.R. 3753(a).

13:28-2.7 Shops within residential premises

(a) No portion of any licensed shop shall be used as a portion of a private residence.

(b) Entrances to shops located within private residences must permit patrons to enter the shop directly, without requiring passage through any portion of the residence.

(c) No services encompassed within the definition of cosmetology and hairstyling services shall be rendered or offered to be rendered upon residential premises which are not licensed pursuant to N.J.S.A. 45:5B-9.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Recodified from 13:28-2.6 and amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.7, "Leasing space prohibited", recodified to 13:28-2.8.

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 services 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.

Recodified from 13:28-2.7 by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.8, "Sale of merchandise", recodified to 13:28-2.9.

13:28-2.9 Sale of merchandise

The holder of a 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.

Recodified from 13:28-2.8 by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.9, "Ancillary services", recodified to 13:28-2.10.

13:28-2.10 Ancillary services

(a) The holder of a shop license, other than a manicuring 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, on the licensed premises, 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 N.J.A.C. 13:28-2.5.

(b) If electrolysis for the removal of superfluous hair is offered, it must be performed by an electrologist who has completed either a course or program of training in electrolysis approved by the New Jersey State Department of Education or another course or program of training in

electrolysis substantially equivalent to a course or program approved by the New Jersey Department of Education.

(c) If tanning booths or tanning beds are utilized, they must be operated by an individual who is appropriately trained in the use of the tanning equipment. Manufacturer's instructions concerning the use and limitations on the use of the tanning equipment must be scrupulously followed.

1. Appropriate warnings concerning possible hazards from over-exposure to ultraviolet radiation must be posted in plain sight near the equipment and clients using the equipment must be verbally informed of such possible hazards.

(d) Permanent cosmetic application such as, but not limited to, tattooing and permanent make-up, is prohibited on any licensed premises.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Recodified from 13:28-2.9 and amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.10, "Posting of licenses and required notices", recodified to 13:28-2.12.

13:28-2.11 No ancillary services at licensed manicuring shops

The holder of a manicuring shop license shall not offer on the licensed premises any ancillary services related to the beautification of the body or the enhancement of personal appearance or any services contained within the definition of cosmetology as set forth in N.J.S.A. 45:5B-3(j) except for manicuring the fingernails, nail-sculpturing, pedicuring the toenails, or removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezing, but not by the use of electrolysis.

New Rule, R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.11, "Supervision of shops and absence of experienced practicing licensee", recodified to 13:28-2.13.

13:28-2.12 Posting of licenses and required notices

(a) All shops shall display the following in a location clearly visible to all patrons:

1. The shop license;
2. Licenses for all practitioners rendering services within the shop. Each license shall contain a current picture of the licensee; and
3. A listing of all services performed and the charges for each service.

(b) All licensed shops other than manicuring shops shall display the following notice:

NOTICE

This shop and the operators herein are licensed to engage in the practice of cosmetology and hairstyling by the State of 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 at 124 Halsey Street, Newark, New Jersey 07102, or the New Jersey Division of Consumer Affairs, Post Office Box 45003, Newark, New Jersey 07101.

Administrative Change to (a)4.

See: 25 N.J.R. 1516(b).

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Recodified from 13:28-2.10 and amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Added (b).

13:28-2.13 Supervision of shops and absence of experienced practicing licensee

(a) Each shop shall ensure that there is at least one experienced practicing licensee present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber or cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist.

(b) A shop which satisfies the requirements of (a) above by employing a practicing licensee who holds a barber license shall be prohibited from employing senior students unless the shop employs a practicing licensee who holds a license as a beautician or a cosmetologist-hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist, who shall supervise the rendering of cosmetological services by the senior students.

(c) A letter of permission shall be issued by the Board to allow a shop owner to operate his licensed shop for one day per week without the services of an experienced practicing licensee.

1. The shop owner shall furnish the Board with the name and license number of a New Jersey licensee, who has been licensed in the State for at least one year, who will be in charge of the licensed shop in the absence of the experienced practicing licensee.

2. This subsection is intended specifically to allow continuous operation of the licensed shop on the experienced practicing licensee's regularly scheduled day off. The day of the week must remain consistent. If the licensed shop owner desires to change his licensee-in-charge or experienced practicing licensee's day off, he must request a new letter of permission. The Board requires 30 days notice prior to approving any change.