

CHAPTER 28

BOARD OF COSMETOLOGY AND HAIRSTYLING

Authority

N.J.S.A. 45:1-15.1 and 45:5B-6(r).

Source and Effective Date

R.2009 d.169, effective April 23, 2009.
See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 28, Board of Cosmetology and Hairstyling, expires on April 23, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 28, originally Board of Beauty Culture Control, Subchapters 1 through 3, was adopted pursuant to N.J.S.A. 45:4A-13, and was filed and became effective prior to September 1, 1969. Subsequently, Chapter 28 was amended by the following rule adoptions:

R.1977 d.34, effective February 10, 1977. See: 8 N.J.R. 530(a), 9 N.J.R. 129(a).

R.1980 d.94, effective February 27, 1980. See: 11 N.J.R. 452(c), 12 N.J.R. 208(b).

R.1980 d.109, effective March 14, 1980. See: 11 N.J.R. 561(b), 12 N.J.R. 209(a).

R.1980 d.228, effective May 21, 1980. See: 12 N.J.R. 207(b), 12 N.J.R. 433(a).

R.1980 d.229, effective May 21, 1980. See: 12 N.J.R. 206(a), 12 N.J.R. 433(b).

R.1980 d.261, effective June 17, 1980. See: 12 N.J.R. 206(b), 12 N.J.R. 434(c).

R.1981 d.109, effective May 7, 1981. See: 13 N.J.R. 102(b), 13 N.J.R. 308(a).

R.1982 d.69, effective March 15, 1982. See: 13 N.J.R. 931(a), 14 N.J.R. 283(b).

R.1982 d.70, effective March 15, 1982. See: 13 N.J.R. 930(b), 14 N.J.R. 283(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Beauty Culture Industry, was readopted as R.1985 d.139, effective February 25, 1985. See: 17 N.J.R. 49(a), 17 N.J.R. 709(c). Pursuant to Executive Order No. 66(1978), Subchapter 2, Beauty Culture Schools, expired on February 25, 1985, and subsequently was adopted as new rules by R.1985 d.160, effective April 1, 1985. See: 17 N.J.R. 172(a), 17 N.J.R. 835(a). Subchapter 3, Forms, referencing a uniform penalty letter, was not readopted. Subchapter 4, Fees, was adopted as R.1985 d.464, effective September 3, 1985. See: 17 N.J.R. 1638(a), 17 N.J.R. 2139(c).

Chapter 28, Board of Beauty Culture Control, was repealed by R.1988 d.214 and a new Chapter 28, Board of Cosmetology and Hairstyling, Subchapters 1 through 6, was adopted, effective May 16, 1988. See: 20 N.J.R. 370(b), 20 N.J.R. 1088(a). A new Subchapter 5, Fees, was adopted as R.1988 d.343, effective July 18, 1988. See: 20 N.J.R. 886(a), 20 N.J.R. 1723(a).

Pursuant to Executive Order No. 66(1978), Chapter 28, Board of Cosmetology and Hairstyling, was readopted as R.1993 d.287, effective May 14, 1993. See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Pursuant to Executive Order No. 66(1978), Chapter 28, Board of Cosmetology and Hairstyling, was readopted as R.1998 d.285, effective May 8, 1998. See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Chapter 28, Board of Cosmetology and Hairstyling, was readopted as R.2003 d.458, effective October 27, 2003. See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Chapter 28, Board of Cosmetology and Hairstyling, was readopted as R.2009 d.169, effective April 23, 2009. See: Source and Effective Date. See, also, section annotations.

Subchapter 1, Practicing Licenses, Application and Examinations, was renamed Practicing Licenses, Application, and Examinations; and Subchapter 1A, Definitions, was adopted as new rules by R.2012 d.169, effective October 15, 2012. See: 44 N.J.R. 1763(a), 44 N.J.R. 2366(a).

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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. Shaving or trimming of the beard, mustache, or other facial hair;
- ii. Shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving, or styling of the hair;
- iii. Singeing, dyeing, tinting, coloring, or bleaching of the hair;
- iv. Applying cosmetic preparations, antiseptics, tonics, lotions, creams, or makeup to the hair, scalp, face, or neck;
- v. Massaging, cleansing, or stimulating the face, neck, or upper chest and upper back, with or without cosmetic preparations, either by hand, mechanical, or electrical appliances;
- vi. 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;
- vii. Manicuring the fingernails, nail-sculpturing, or pedicuring the toenails;
- 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;
- ii. Singeing, dyeing, tinting, coloring, or bleaching of the hair;
- iii. Applying cosmetic preparations, antiseptics, tonics, lotions, creams, or makeup to the hair, scalp, face, neck, or upper part of the body;

“Skin care specialist” means a person who holds a limited license to perform only the skin care specialty services set forth in N.J.A.C. 13:28-1.1(a)4.

“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.

Petition for Rulemaking.
See: 47 N.J.R. 2888(a), 47 N.J.R. 3165(a).

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 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 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 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 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 N.J.A.C. 13:28-1.1(a)5.

(b) Applications for a shop license may be procured at the office of the Board.

(c) Where the application is for other than an individual proprietorship it must be accompanied by proof of the form of ownership of the shop. The following are deemed to be proof of the form of ownership:

1. Incorporation papers;
2. Partnership agreement; or
3. Any other document or affidavit which constitutes reliable proof of ownership.

(d) All applications for an initial shop license shall be accompanied by a floor plan that shall be drawn to scale and shall accurately detail the location and the total floor space for work stations, waiting areas, dispensary, shampoo sta-

tions, if applicable, lavatories, and laundry facilities, if applicable. A copy of the original floor plan shall be maintained on the shop premises.

(e) The application for an initial shop license shall contain a complete description of all services to be provided and the proposed hours of operation for the shop. The holder of the shop license shall notify the Board in writing of any changes to the list of services and hours of operation provided upon application.

(f) The application for an initial shop license shall contain a statement of approval from the planning, zoning or construction official in the municipality where the shop is located. If municipal approval is not required, the applicant shall submit a statement from the municipality to that effect.

(g) Upon receipt of an acceptable application and the requisite fee as provided in N.J.A.C. 13:28-5.1, the Board shall conduct an inspection of the premises. No shop shall be permitted to operate until the Board has reviewed the inspection report and issues a shop license.

(h) The holder of a shop license who seeks to expand or make physical alterations to the shop, or who seeks to expand or make physical alterations to a shop as part of a transfer of ownership pursuant to N.J.A.C. 13:28-2.3, shall make application to the Board for approval of the expansion or physical alterations. The applicant shall submit an application fee as provided in N.J.A.C. 13:28-5.1, a detailed statement concerning the proposed changes, the original floor plan for the shop, the new floor plan for the shop and a statement of approval from the planning, zoning or construction official in the municipality where the shop is located. If municipal approval for the expansion or physical alterations is not required, the applicant shall submit a statement from the municipality to that effect.

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

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

In (d), changed N.J.A.C. reference.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was “Applications”. Rewrote (c); added new (d), (e) and (g); and recodified former (d) as (f).

Amended by R.2012 d.169, effective October 15, 2012.

See: 44 N.J.R. 1763(a), 44 N.J.R. 2366(a).

Added new (a); recodified former (a) through (g) as (b) through (h); in (d), inserted “if applicable,” following “shampoo stations,” a comma following “lavatories” and “, if applicable” following “laundry facilities,” and deleted “, if applicable,” preceding “laundry facilities”; and in (g), updated the N.J.A.C. reference.

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 N.J.A.C. 13:28-2.1.

1. An acceptable application shall be received by the Board not less than three weeks prior to the intended opening date of the new shop.

2. The practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty, as appropriate, shall not be performed on the premises of the new shop until a shop license has been issued.

Amended by R.2003 d.458, effective December 1, 2003.
See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (a), inserted "or her" following "his" in the introductory paragraph, and substituted "The" for "No", and substituted "shall not performed" for "shall be done" in 2.

Amended by R.2009 d.169, effective May 18, 2009.
See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote the introductory paragraph of (a).
Amended by R.2012 d.169, effective October 15, 2012.
See: 44 N.J.R. 1763(a), 44 N.J.R. 2366(a).

In (a)2, inserted ", beauty culture, barbering, manicuring, or skin care specialty, as appropriate,".

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, 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 (b)1 below. The practice of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty, as appropriate, shall not be performed on the premises of the shop until a new shop license has been issued.

1. If a transfer of ownership by a licensed shop results from the death or disability of a principal shareholder or partner in the business entity which holds the shop license, the shop may continue to operate for six months, pursuant to N.J.S.A. 45:5B-36, pending completion of the application process to obtain a new license.

Amended by R.1996 d.584, effective December 16, 1996.
See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).
Amended by R.2003 d.458, effective December 1, 2003.
See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Rewrote (b).
Amended by R.2012 d.169, effective October 15, 2012.
See: 44 N.J.R. 1763(a), 44 N.J.R. 2366(a).

In the introductory paragraph of (b), inserted ", beauty culture, barbering, manicuring, or skin care specialty, as appropriate,".

13:28-2.4 Renewal of shop license

(a) The holder of any shop license shall submit an application for renewal of that license prior to the expiration of the current license.

(b) The Board, in its discretion, may renew shop licenses within 90 days from the date of expiration.

(c) The Board will not renew a shop license if the application for renewal is submitted more than 90 days after the date of expiration. In such cases the shop owner shall be required to make application for an initial shop license pursuant to N.J.A.C. 13:28-2.1.

(d) Notwithstanding the Board's renewal or restoration of an expired license, the Board may initiate whatever penalty action it may deem appropriate for the operator of a shop without a valid license.

Amended by R.1996 d.584, effective December 16, 1996.
See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

13:28-2.5 Physical requirements for cosmetology and hairstyling, beauty culture, and barbering shops applying for initial shop license

(a) All licensed cosmetology and hairstyling, beauty culture, and barbering 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. Each shop shall contain at least one lavatory. Lavatories shall include a toilet, hand washing facilities and a door.

2. All shops shall contain the following:

i. At least one shampoo basin with hot and cold running water and a reclining chair;

ii. For barbering shops only, at least one chair with an adjustable headrest suitable for performing shaving services;

iii. A designated area for cleaning and disinfecting implements and tools;

iv. One ultrasonic unit for cleaning metal implements and tools;

v. A clean, closed receptacle for storage of sanitized implements and tools at each work station;

vi. A closed container for clean linens;

vii. A closed container for soiled linens;

viii. A closed waste container accessible to each work station;

ix. Hair drying facilities and/or hair drying equipment;

x. A dispensary or place where supplies are prepared and dispensed; and

xi. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.

(b) Cosmetology and hairstyling, beauty culture, and barbering 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, and the shop premises do not meet the minimum

13:28-6.27 Clinical work prerequisites and limitations

(a) Any school performing clinical work shall display in a conspicuous place in the waiting room and senior room a sign readily visible and legible, stating: SERVICES DONE HERE BY SENIOR STUDENTS ONLY. This sign shall be in letters at least one inch high.

(b) A school shall not permit its students to practice cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty 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 services shall be advised by the teacher in charge that the operator is a senior student.

(d) Theory shall be taught in every subject before a senior student may be permitted to perform clinical services upon any subject or model.

(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 students only.

(f) Senior students shall be prohibited from distributing appointment cards and soliciting or making appointments for services to patrons during school hours.

(g) The instructor shall at all times be responsible for assigning subjects or models to the senior student.

(h) Teachers shall not perform or complete any one or a series of services or receive compensation for services on patrons in school clinics.

(i) Truthful, non-deceptive school advertisements for clinic patrons upon whom cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty 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) Fees shall not be accepted from any person who acts as the subject or model for the purpose of a demonstration in school classes or clinics.

(k) The school shall keep records or slips showing the number of cosmetology and hairstyling, beauty culture, barbering, manicuring, or skin care specialty 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) Clinic hours may be determined by the school; provided, however, that at least one hour of classroom instruction for full-time students and one half hour of classroom instruction for part-time students must be scheduled for each day in addition to any scheduled clinic practice for such students.

Amended by R.1996 d.584, effective December 16, 1996. See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

In (e), added senior skin care specialty students. Amended by R.2003 d.458, effective December 1, 2003. See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (e), inserted "and hairstyling" following "senior cosmetology". Amended by R.2012 d.169, effective October 15, 2012. See: 44 N.J.R. 1763(a), 44 N.J.R. 2366(a).

In (b), (c), (i) and (k), inserted " beauty culture, barbering, manicuring, or skin care specialty"; in (e), inserted "senior beauty culture, senior barber," and inserted a comma following "manicuring"; and in (k), substituted "provided" for "or operations of clinical work". Petition for Rulemaking. See: 47 N.J.R. 2888(a), 47 N.J.R. 3165(a).

13:28-6.28 Curriculum for 500-hour course for barbers who wish to obtain a cosmetology-hairstyling license

TIME DISTRIBUTION FOR INSTRUCTION UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
Make-up, Depilatory, Eyebrow Arching	15	45	60
Roller Control, Pin Curls, Fingerwaving, Back Combing	50	90	140
Bleaching including Frosting, Tipping & Streaks	50	70	120
Permanent Waving	50	80	130
Manicuring & Pedicuring	<u>15</u>	<u>35</u>	<u>50</u>
TOTAL HOURS	180	320	500

Amended by R.2012 d.169, effective October 15, 2012. See: 44 N.J.R. 1763(a), 44 N.J.R. 2366(a).

In the last row of the table, inserted "HOURS", and deleted the underlines from the hours entries.

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
State Laws, Rules & Regulations for Cosmetology & Hairstyling & Administrative Shop Operations	10	0	10
Decontamination & Infection Control	15	5	20

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
Professional Image, Hygiene, & Related Practices	2	0	2
History of Barbering	4	0	4
Shaving	15	66	81
Beard & Mustache Trimming	5	10	15
Facials & Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching, Shaving	25	53	78
Shampooing—including Temporary & Semi-Permanent Rinses	20	40	60
Hair and Scalp Treatments, Reconditioning Treatments	15	35	50
Hair & Basic Layer & Clipper Cut—Razor, Scissors, Thinning Shears, Tapering	40	120	160
Hairstyling—including Pin Curls, Fingerwaving, & Blow Waving	25	135	160
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	35	110	145
Permanent Waving	25	90	115
Chemical Relaxing & Pressing	30	60	90
Thermal Curling & Waving	10	35	45
Manicuring & Pedicure	45	90	135
Chemistry Relating to Cosmetology	<u>30</u>	<u>0</u>	<u>30</u>
TOTAL HOURS	351	849	1,200

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
Decontamination & Infection Control	15	5	20
Professional Image, Hygiene, & Related Practices	2	0	2
Facials & Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching	25	53	78
Shampooing—including Temporary & Semi-Permanent Rinses	20	40	60
Hair and Scalp Treatments, Reconditioning Treatments	15	35	50
Hair & Basic Layer & Clipper Cut—Razor, Scissors, Thinning Shears, Tapering	40	120	160
Hairstyling—including Pin Curls, Fingerwaving, & Blow Waving	25	135	160
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	35	110	145
Permanent Waving	25	90	115
Chemical Relaxing & Pressing	30	60	90
Thermal Curling & Waving	10	35	45
Manicuring & Pedicure	45	90	135
Chemistry Relating to Cosmetology	<u>30</u>	<u>0</u>	<u>30</u>
TOTAL HOURS	327	773	1,100

Amended by R.1993 d.287, effective June 7, 1993.
See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).
Amended by R.2009 d.169, effective May 18, 2009.
See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Curriculum for 1200 hour cosmetology and hairstyling course". In the first column, substituted "Decontamination & Infection Control" for "Sanitation & Sterilization".

Administrative correction.

See: 41 N.J.R. 3938(a).

Amended by R.2012 d.169, effective October 15, 2012.

See: 44 N.J.R. 1763(a), 44 N.J.R. 2366(a).

Section was "Curriculum for 1200-hour cosmetology and hairstyling course". Rewrote the table.

13:28-6.29A Curriculum for 1,100-hour beauty culture 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

New Rule, R.2012 d.169, effective October 15, 2012.
See: 44 N.J.R. 1763(a), 44 N.J.R. 2366(a).

13:28-6.29B Curriculum for 900-hour barbering 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
History of Hair & Barbering	4	0	4
Professional Image, Hygiene, & Related Practices	2	0	2
Decontamination & Infection Control	15	5	20
Shampooing & Scalp Care	5	15	20
Honing & Stropping	2	2	4
Shaving	20	105	125
Men's Hair Cutting & Styling	25	200	225
Beard & Mustache Trimming	5	10	15