

**CHAPTER 28**

**BOARD OF COSMETOLOGY AND HAIRSTYLING**

**Authority**

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

**Source and Effective Date**

R.1998 d.285, effective May 8, 1998.  
See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 28, Board of Cosmology and Hairstyling, expires on May 8, 2003.

**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Chapter 28, Board of Beauty Culture Control, was repealed by R.1988 d.214 and a new Chapter 28, Board of Cosmetology and Hairstyling, Subchapters 1 through 6, was adopted, effective May 16, 1988.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: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. PRACTICING LICENSES, APPLICATION AND EXAMINATIONS

### 13:28-1.1 Applicants for examination for licensure; acceptable documentation of credentials

(a) Applications for examination may be procured from the office of the Board of Cosmetology and Hairstyling.

(b) All applications must be accompanied by satisfactory proof of age. The following are deemed to constitute such proof:

1. Birth Certificate or Baptism Certificate;
2. Passport, citizenship papers, immigration certificate or Alien Registration Card;
3. A valid New Jersey driver's license; or
4. Any other document or affidavit which constitutes a valid proof of age.

(c) All applications must be accompanied by proof of satisfactory completion of high school or its equivalent. The following are deemed to constitute such proof:

1. A high school diploma or the equivalent thereof;
2. A certified High School transcript substantiating successful completion of a secondary program; or
3. Any other document or affidavit which constitutes reliable proof of educational attainment.

(d) All applications must be accompanied by satisfactory proof of the attainment of the requisite training in cosmetology and hairstyling.

1. Applicants obtaining their cosmetology and hairstyling training in another state or country must demonstrate, by way of certification from that state's or country's licensing authority that such training conforms substantially with the standards applicable to cosmetology and hairstyling schools in the State of New Jersey. Applicants holding a license from another state who have engaged in the practice of cosmetology and hairstyling for at least three years in that state, may submit, in lieu of documentation of cosmetology and hairstyling training, a notarized affidavit of work experience and a letter of certification of licensure by the State's board.

(e) Application for licensure as a teacher must be accompanied by satisfactory proof of the requisite work experience in the form of affidavits from former employers.

(f) All applications for licensure must be accompanied by the appropriate fee as set forth in N.J.A.C. 13:28-5.1.

(g) All practicing licenses issued by the Board shall be renewed biennially within six months of expiration. Applications for renewal submitted more than six months after the expiration of the license shall be accompanied by a restoration fee as set forth in N.J.A.C. 13:28-5.1.

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

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

Added (g).

### 13:28-1.2 Examination and reexaminations

(a) Applicants shall be subject to testing in all areas of cosmetology and hairstyling appropriate for the license sought, and such examination shall be in two parts: practical and written.

(b) Applicants must receive a passing grade on each part of the examination to obtain a license.

(c) An applicant who fails one part of the examination shall be reexamined only on the part failed; provided, however, that an applicant for a cosmetology and hairstyling license by endorsement pursuant to N.J.S.A. 45:5B-29 and 30 who fails one part of the examination shall retake the complete examination.

(d) An applicant who fails the examination or fails to appear for an examination may be rescheduled for examination upon written notice to the Board. Payment of the initial fee shall entitle an applicant to be scheduled for no more than two examinations.

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

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

(d) A letter of permission will be issued by the board to allow a shop owner to operate his licensed shop for a period of two weeks 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 during the experienced practicing licensee's vacation period. The Board will require 30 days notice before any vacation period will be approved.

3. No more than two vacation periods per year will be approved for a given shop.

Recodified from 13:28-2.11 and amended by R.1996 d.584, effective December 16, 1996.

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

Amended so that a beautician or cosmetologist-hairstylist licensee issued a manager-operator license no longer qualifies as an experienced practicing licensee.

#### 13:28-2.14 Unlicensed personnel

(a) The holder of a shop license shall not aid, abet, or permit a person not licensed by the Board to render any services encompassed within the definition of cosmetology and hairstyling pursuant to N.J.S.A. 45:5B-1 et seq.

(b) Violation of the provisions set forth in this section shall constitute an unlawful practice by a shop owner pursuant to N.J.S.A. 45:5B-13(d).

New Rule, R.1998 d.285, effective June 1, 1998.

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

#### 13:28-2.15 Prohibited practices

(a) The use of a credo blade, skin scraper, lancet, or other comparable instrument by a practitioner shall be prohibited on any licensed premises.

(b) Any practitioner using a credo blade, skin scraper, lancet, or other comparable instrument shall be deemed to be rendering services in an unsafe and unsanitary manner.

(c) A holder of a shop license shall be deemed to have engaged in an unlawful practice pursuant to N.J.S.A. 45:5B-13(e) if he or she aids, abets, or permits a practitioner to use a credo blade, skin scraper, lancet, or other comparable instrument.

New Rule, R.1998 d.285, effective June 1, 1998.

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

### SUBCHAPTER 3. SAFETY AND SANITATION

#### 13:28-3.1 Premises

(a) All licensed shops, including lavatories therein, shall be properly lighted and ventilated.

(b) All licensed shops shall have an adequate supply of potable water.

(c) All licensed shops shall dispose of wastes in a manner which shall not pose a public health hazard.

(d) All licensed shops and the furniture, fixtures, equipment and supply cabinets therein shall be maintained in a sanitary manner and in good repair. Floors shall be thoroughly cleaned daily.

(e) All linens and toweling used within a licensed shop shall be laundered and sanitized before each and every direct contact with a patron. In lieu of laundered and sanitized linens, disposable toweling may be used.

(f) All tools, implements and electrical appliances used within a licensed shop shall be maintained in a sanitary and safe manner. Tools and utensils applied directly to patrons shall be thoroughly cleaned and sanitized after each and every use in accordance with the provisions of N.J.A.C. 13:28-3.2.

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

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

#### 13:28-3.2 Sanitizing implements and tools

(a) A licensee shall sanitize all implements and tools by:

1. Cleaning all instruments thoroughly with a mild alkaline detergent to remove any soil, blood or any other foreign material;

2. Rinsing all instruments with tap water after cleaning;

3. Processing all instruments with a chemical disinfectant registered by the Environmental Protection Agency as being tuberculocidal when used at a recommended dilution;

4. Following a manufacturer's instructions when using chemical disinfectant; and

5. Storing clean instruments in a dry sanitizer.

(b) A licensee shall discard after each use all emery boards that cannot be sanitized.

New Rule, R.1993 d.287, effective June 7, 1993.

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

Old section "Personnel", recodified to 3.3.

Petition for Rulemaking.

See: 30 N.J.R. 4294(a), 31 N.J.R. 186(a).

Petition for Rulemaking.

31 N.J.R. 1216(a), 31 N.J.R. 1643(a).

**13:28-3.3 Personnel**

(a) All practitioners shall wash their hands before and after serving each patron.

(b) All practitioners shall be attired in clean outer garments.

(c) No practitioner shall serve a patron if the practitioner has a communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services.

(d) No practitioner shall serve a patron whom the practitioner knows or has reasonable grounds to believe has a communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services.

(e) All practitioners shall utilize safe practice techniques and follow manufacturers' instructions when utilizing any chemical preparations in the rendering of cosmetology and hairstyling services.

(f) No practitioner or patron shall smoke while services are being performed.

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

**SUBCHAPTER 4. ENFORCEMENT****13:28-4.1 Inspection of premises**

(a) Any premises where it appears that cosmetology and hairstyling services have been or are being rendered shall be subject to inspection by the Board or its representative.

(b) All documents maintained pursuant to this chapter shall be available for immediate inspection and photocopying by the Board or its authorized representative.

(c) The Board or its authorized representative may photograph any person rendering services present during an inspection conducted pursuant to this subchapter.

(d) At the time of any inspection conducted pursuant to this subchapter, the Board or its authorized representative may serve a Notice of Violation and Notice to Appear Before the Board upon the shop owner(s), the experienced practicing licensee(s) in charge of the shop, and any individual observed to be engaging in conduct in violation of pertinent statutes and rules.

Amended by R.1998 d.285, effective June 1, 1998.  
See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).  
Rewrote the section.

**13:28-4.2 Compliance with statutes and rules**

Any individual rendering cosmetology and hairstyling services shall be in compliance with all pertinent statutes and rules.

**13:28-4.3 Responsibility for compliance with laws**

The holder of a shop license, as well as the shop's supervisor, shall be responsible for compliance with all of the laws relating to the operation of the premises at which cosmetology and hairstyling services are rendered. Operators as well as supervisors shall be responsible for compliance with all the laws relating to the practice of cosmetology and hairstyling.

**13:28-4.4 Verification of licensure**

(a) The holder of a shop license shall verify that each practitioner rendering cosmetology and hairstyling services in the shop holds a valid license or permit issued pursuant to this subchapter at all times. The holder of a shop license shall review each practitioner's license or permit as well as two additional forms of identification, at least one of which must bear a photograph of the practitioner.

(b) The holder of a shop license shall record each occasion upon which he or she verifies licensure or permit status pursuant to (a) above. The record shall include the following information:

1. The date of verification attempt;
2. The identification of each practitioner;
3. The license or permit number; and
4. Photocopies of identification reviewed for verification purposes.

(c) The holder of a shop license shall have the documentation maintained pursuant to (b) above immediately available for inspection on the licensed premises upon request of the Board or its authorized representative.

(d) The holder of a shop license shall maintain the documentation pursuant to (b) above for at least two years from the date of each record.

(e) Violation of the provisions set forth in this section shall constitute the aiding, abetting or permitting of unlicensed practice pursuant to N.J.A.C. 13:28-2.14 and N.J.S.A. 45:5B-13(d).

New Rule, R.1998 d.285, effective June 1, 1998.  
See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

**13:28-4.5 Record of practitioners**

(a) The holder of a shop license shall at all times maintain a record of all practitioners rendering services within the shop which contains the following information for each practitioner: