

13:28-1.3 Temporary permits and student permits

(a) Upon the Board's acceptance of an application to sit for an examination, a temporary permit, which shall be valid for a period of 120 days, may be issued to an applicant.

(b) Upon application, the Board may issue a student permit to any student registered at a licensed New Jersey cosmetology and hairstyling school or enrolled in a New Jersey State approved high school or vocational program.

1. An application for a student permit shall be accompanied by the appropriate fee as set forth in N.J.A.C. 13:28-5 and a certification from the school that the student has completed the requisite hours of training, as set forth in N.J.S.A. 45:5B-3(r).

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

13:28-1.4 Application for license to teach or practice cosmetology and hairstyling by persons holding both a barber license and a beauty culture license

(a) Any person holding both a New Jersey State barber license and a New Jersey State beautician license may be issued a license to practice cosmetology and hairstyling upon notice to the Board and payment of the appropriate fee as set forth in N.J.A.C. 13:28-5.1.

(b) Any person holding both a New Jersey State barber license and a New Jersey state license to teach beauty culture may be issued a license to teach cosmetology and hairstyling upon application to the Board and payment of the appropriate fee as set forth in N.J.A.C. 13:28-5.

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

13:28-1.5 Lost licenses

(a) Licensees may secure a duplicate replacement license by appearing in person at the Board's office with the following:

1. Two forms of identification;
2. The required fee as set forth in N.J.A.C. 13:28- 5.1; and
3. A notarized affidavit indicating the circumstances under which the license was lost or destroyed.

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.

13:28-1.6 Notification of change of address

(a) Licensees shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board no later than 30 days following the change of address.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

New Rule, R.1993 d.287, effective June 7, 1993.
See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

13:28-1.7 Qualifications of teachers

(a) Each person desiring to teach in a school of cosmetology and hairstyling shall secure a license from the Board.

(b) Upon request, the Board shall provide each applicant for licensure as a teacher of cosmetology and hairstyling with an application on which information pertinent to the qualifications in (c) below shall be provided.

(c) To qualify as a candidate for licensure as a teacher of cosmetology and hairstyling, an applicant shall present satisfactory evidence to the Board that he or she:

1. Is of good moral character;
2. Is at least 18 years of age;
3. Does not have a communicable, contagious, or infectious disease;
4. Has completed high school or its equivalent;
5. Holds a cosmetology-hairstylist license issued by the Board;
6. Has successfully completed a teacher training course of 500 hours at a licensed school of cosmetology and hairstyling approved by the Board;
7. Has successfully completed a 30 hour teaching methods course conducted by a college approved by the New Jersey Commission of Higher Education and approved by the Board;
8. Has attained six months employment experience in a licensed shop in New Jersey; and
9. Has successfully completed the Board examination.

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

SUBCHAPTER 2. SHOP LICENSES**13:28-2.1 Applications**

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

(b) 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.

(c) All applications must be accompanied by an acceptable floor plan.

(d) 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.

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.

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 notify the Board of his intention and make application for a new shop license pursuant to 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. No practice of cosmetology and hairstyling shall be done on the premises of the new shop until a shop license has been issued.

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.

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

13:28-2.4 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 shops applying for initial shop license on or after December 4, 1985

(a) All licensed premises 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 must contain the following:
 - i. At least one shampoo basin with hot and cold running water and a reclining chair;
 - ii. A dry sterilizer for each work station;
 - iii. A wet sterilizer for each work station;
 - iv. A closed container for clean linens;
 - v. A closed container for soiled linens;
 - vi. Hair drying facilities;
 - vii. A dispensary or place where supplies are prepared and dispensed; and
 - viii. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.

(b) 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 requirements of this section, the Board may, in its discretion, waive one or more of the requirements of this section for good cause shown. Such waiver will not be granted where the failure to meet minimum requirements may result in the inability of the shop owner to provide authorized services in a safe and sanitary manner.

Amended by R.1996 d.584, effective December 16, 1996.

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).

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)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).

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.