

CHAPTER 28

BOARD OF COSMETOLOGY AND HAIRSTYLING

Authority

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

Source and Effective Date

R.2003 d.458, effective October 27, 2003.
See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Chapter Expiration Date

Chapter 28, Board of Cosmetology and Hairstyling, expires on October 27, 2008.

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Chapter 28, Board of Beauty Culture Control, was repealed by R.1988 d.214 and a new Chapter 28, Board of Cosmetology and Hairstyling, Subchapters 1 through 6, was adopted, effective May 16, 1988.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

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PRACTICING LICENSES, APPLICATION AND EXAMINATIONS

- 13:28-1.1 Applicants for examination for licensure; acceptable documentation of credentials; license renewals; reinstatement; inactive status
- 13:28-1.2 Examination and reexaminations
- 13:28-1.3 Temporary permits and student permits
- 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
- 13:28-1.5 Lost licenses
- 13:28-1.6 Notification of change of address
- 13:28-1.7 Qualifications of teachers

SUBCHAPTER 2. SHOP LICENSES

- 13:28-2.1 Applications
- 13:28-2.2 Removal of a shop
- 13:28-2.3 Transfer of ownership
- 13:28-2.4 Renewal of shop license
- 13:28-2.5 Physical requirements for cosmetology and hairstyling shops applying for initial shop license on or after December 4, 1985
- 13:28-2.6 Physical requirements for manicuring shops applying for initial shop license
- 13:28-2.6A Physical requirements for skin care specialty shops applying for initial shop license
- 13:28-2.7 Shops within residential premises
- 13:28-2.8 Leasing space prohibited
- 13:28-2.9 Sale of merchandise
- 13:28-2.10 Ancillary services
- 13:28-2.11 No ancillary services at licensed manicuring shops or licensed skin care specialty shops
- 13:28-2.12 Posting of licenses and required notices
- 13:28-2.13 Supervision of shops and absence of experienced practicing licensee
- 13:28-2.14 Unlicensed personnel
- 13:28-2.15 Prohibited practices

SUBCHAPTER 3. SAFETY AND SANITATION

- 13:28-3.1 Premises
- 13:28-3.2 Sanitizing implements and tools
- 13:28-3.3 Personnel
- 13:28-3.4 Prohibited products

SUBCHAPTER 4. ENFORCEMENT

- 13:28-4.1 Inspection of premises
- 13:28-4.2 Compliance with laws and rules
- 13:28-4.3 Responsibility for compliance with laws and rules
- 13:28-4.4 Verification of licensure
- 13:28-4.5 Record of practitioners

SUBCHAPTER 5. FEES

- 13:28-5.1 Fee schedule

SUBCHAPTER 6. SCHOOLS OF COSMETOLOGY AND HAIRSTYLING

- 13:28-6.1 Compliance with laws and rules

13:28-6.2 Application procedure for school licenses
 13:28-6.3 Student registration
 13:28-6.4 Name of school; advertisements; signs
 13:28-6.5 School shops
 13:28-6.6 Separate entrance for shop located on school premises
 13:28-6.7 Size of schools; number of students
 13:28-6.8 Student registration cards
 13:28-6.9 Non-English speaking student enrollment
 13:28-6.10 Commencement of classes
 13:28-6.11 School credits by hour
 13:28-6.12 Training schedules
 13:28-6.13 School schedules
 13:28-6.14 Smoking in schools
 13:28-6.15 School records
 13:28-6.16 Other trades; demonstrations
 13:28-6.17 Transfer of school business, relocation, renewal
 13:28-6.18 Supervising teacher
 13:28-6.19 Branch schools licensed separately
 13:28-6.20 Minimum equipment
 13:28-6.21 Student standards and requirements
 13:28-6.22 Application submission by schools
 13:28-6.23 Number of teachers employed; teacher restrictions
 13:28-6.24 Employment of licensed teachers
 13:28-6.25 Refresher courses
 13:28-6.26 Postgraduate courses
 13:28-6.27 Clinical work prerequisites and limitations
 13:28-6.28 Curriculum for 500-hour course for barbers who wish to obtain a cosmetology-hairstyling license
 13:28-6.29 Curriculum for 1200 hour cosmetology and hairstyling course
 13:28-6.30 Curriculum for 25 hour shaving course for beauticians who wish to obtain a cosmetology-hairstyling license
 13:28-6.31 Curriculum for 500 hour teacher training course
 13:28-6.32 Curriculum for Board administered and approved teacher shaving course
 13:28-6.33 Curriculum for 300 hour manicuring course
 13:28-6.34 Curriculum for 600-hour skin care specialty course
 13:28-6.35 Bond for schools of cosmetology and hairstyling
 13:28-6.36 Annex classrooms

(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;
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) The Board shall send a notice of renewal to all licensees at least 60 days prior to the date of license expiration. If the notice to renew is not sent at least 60 days prior to the license expiration date, no monetary penalties or fines shall apply to a licensee for failure to renew.

(h) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall remit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:28-5.1, prior to the date of license expiration. A licensee who submits a renewal application within 30 days following the date of license expiration shall submit the renewal fee, as well as the late fee set forth in N.J.A.C. 13:28-5.1. A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(i) A licensee who continues to render cosmetology and hairstyling services with a suspended license shall be deemed to be engaging in the unauthorized practice of cosmetology and hairstyling and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

SUBCHAPTER 1. PRACTICING LICENSES, APPLICATION AND EXAMINATIONS

13:28-1.1 Applicants for examination for licensure; acceptable documentation of credentials; license renewals; reinstatement; inactive status

(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.

(j) A licensee who has had his or her license suspended pursuant to (g) above who applies to the Board for reinstatement shall submit a renewal application, all past delinquent renewal fees, the reinstatement fee set forth in N.J.A.C. 13:28-5.1, and an affidavit of employment listing each job held during the period of license suspension, including the names, addresses, and telephone numbers of each employer. An individual whose license has been suspended for more than five years shall also retake and pass the license examination set forth in N.J.A.C. 13:28-1.2.

(k) A licensee may, upon application to the Board, choose inactive status. A licensee electing inactive status shall not render cosmetology and hairstyling services for the entire biennial registration period. A licensee on inactive status may resume the practice of cosmetology and hairstyling upon payment of the renewal fee for the current biennial registration period 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).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (c)1, deleted "or the equivalent thereof"; deleted former (g) and added new (g) through (k).

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 applying for a cosmetology and hairstyling license 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 set forth in N.J.A.C. 13:28-5.1 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).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (c), inserted "applying" following "applicant" and deleted "by endorsement" following "hairstyling license"; in (d), added the N.J.A.C. reference.

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. 13:28-5.1 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).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (b)1, amended N.J.A.C. reference.

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. 13:28-5.1.

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).

In (b), amended N.J.A.C. reference.

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 which could reasonably be expected to be transmitted during the course of teaching cosmetology and hairstyling services;
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; 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).
Amended by R.2003 d.458, effective December 1, 2003.
See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).
In (c), rewrote 3 and deleted "in New Jersey" in 8.

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 or her 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. The practice of cosmetology and hairstyling 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.

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.