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LAWS RELATING
TO THE
PRACTICE OF BARBERING
IN NEW JERSEY



Board of Barber Examiners
New Jersey State Department of Health
Trenton

**LAWS RELATING
to the
PRACTICE OF BARBERING
IN NEW JERSEY**

REVISED STATUTES OF NEW JERSEY

Contains:

Title 45 of the Revised Statutes, Professions and Occupations.

Chapter 1. General provisions relating to professions and occupations and State Board of Registration and Examination.

Chapter 4. Provisions relating to the State Board of Barber Examiners, a Section of the State Department of Health, and to the practice of barbering.

Title 26, Health and Vital Statistics.

Chapter 1A, Article IX, Sections 69 to 81.

PREFACE

This pamphlet containing laws pertaining to the practice of barbering in the State of New Jersey contains not only the provisions of Title 45:4—26 to 52, but also certain regulations of the Department of Health which govern the Board of Barber Examiners in view of Chapter 444 of the Laws of 1948 (effective January 1, 1949) wherein and whereby the Board of Barber Examiners became a section of the New Jersey State Department of Health. The act may be cited as the "State Department of Health Act of 1948."

R. S. 45:4—1 to 25 were repealed by Chapter 197 of the Laws of 1938 wherein and whereby the Legislature enacted a complete new act regulating the occupation of barbering, providing for the licensing of persons to carry on such occupation, creating the State Board of Barber Examiners, providing for rules regulating the proper conduct and sanitation of the occupation of barbering and providing penalties for a violation thereof. Section 31 of that act repealed all inconsistent acts and parts of acts or supplementary acts. For Sections 1 to 30, inclusive, of the Act of 1938, covering the subject matter formerly covered by R. S. 45:4—1 to 25 see Sections 45:4—27 to 56.

Section numbers used throughout this pamphlet are the official classification numbers containing the Revised Statutes.

The official text of the law is to be found in the New Jersey Revised Statutes and the annual editions of the Pamphlet Laws published subsequent thereto.

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REVISED STATUTES OF NEW JERSEY

Title 45, Professions and Occupations

Chapter 1. General Provisions

Article 1. General Provisions Relating to all Professions and Occupations Affected by this Subtitle.

45:1—1. Persons entitled to practice, etc., under former laws unaffected. Any person now entitled to practice any profession or to engage in any occupation, governed or regulated by the provisions of this title by virtue of any prior law, shall continue to be entitled to practice or engage in the same, notwithstanding the enactment of this title, and the validity of any license or other authorization to practice any such profession or to engage in any such occupation, heretofore issued to any person under any prior law, or of any proceeding pending to obtain such a license or authorization shall not be affected by the enactment of this title but all such persons shall in all other respects be subject to the provisions of this title.

45:4—26. Barber shops closed; penalty. No person shall carry on or engage in the business of shaving, hair cutting or other work of a barber on Sunday. Whoever violates any of the provisions of this section shall, upon conviction, pay a fine not exceeding twenty-five dollars or be imprisoned not more than thirty days for the first offense, and shall pay a fine not exceeding fifty dollars or be imprisoned not more than sixty days for a second and each subsequent offense.

45:4—27. Certificates of registration required; operation and management of barber shop; medical certificate of freedom from contagious or infectious disease; display of price list prohibited. No person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act by the State Board of Barber Examiners.

No proprietor, manager or supervisor of any barber shop, barber school, or barber college shall employ, engage or hire any person who does not hold a certificate of registration as a registered barber, registered teacher, or a certificate as a registered apprentice, issued pursuant to the provisions of this act by the State Board of Barber Examiners.

No person shall serve or attempt to serve as an apprentice barber unless he has been a resident of New Jersey for at least one year and has secured a certificate of registration as a registered apprentice issued by the State Board of Barber Examiners.

It shall be unlawful to operate a barber shop unless it is at all time under the direct supervision and management of a registered barber.

All new applicants for certificates of registration as registered barbers, apprentice barber's certificates, et cetera, shall be accompanied by a certificate from a practicing medical doctor of this State dated not more than ten days prior to the date of application, attesting that the applicant is free from any contagious or infectious disease.

*It shall be unlawful to display any price list for barber services in or upon any part of premises of a barber shop, barber school, or barber college. P. L. 1938, c. 197, §1, as amended, P. L. 1946, c. 132, §1.

*This paragraph declared unconstitutional.

Effective April 23, 1946.

R.S. 45:4-28. Practice of barbering defined. Any one or any combination of the following practices when done upon the scalp, face or neck for cosmetic purposes, and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly or without payment for the public generally, constitutes the practice of barbering. Shaving or trimming the beard or cutting the hair; giving facial and scalp massage or treatment with oils, creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing or dyeing the hair or applying hair tonics; applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck. P. L. 1938, c. 197, §2.

45:4-29. Practice of barbering by registered apprentices. No registered apprentice shall independently practice barbering, but he may, as an apprentice, do any or all of the acts constituting the practice of barbering under the immediate supervision of a registered barber, and only one such apprentice shall be employed in any barber shop. Each apprentice shall be registered with the State Board of Barber Examiners by the master barber employing such apprentice. The apprentice certificate issued to such apprentice shall be valid for eighteen months from the date of issue, except that the certificate issued upon failure of an examination shall be valid for six months. The apprentice shall pay the fee as hereinafter provided. As amended, P. L. 1946, c. 132, § 2.

Effective April 23, 1946.

45:4-30. Persons exempt from operation of act. The following persons are exempt from the provisions of this act while in the proper discharge of their professional duties:

(a) Persons authorized by the law of this State to practice medicine and surgery;

(b) Commissioned medical or surgical officers of the United States Army, Navy or Marine Hospital Service;

(c) Registered nurses;

(d) Male and female persons practicing hair and beauty culture in beauty shops, catering to female persons;

However, the provisions of this section shall not be construed to authorize any of the persons to shave or trim the beard or cut the hair of any male person for cosmetic purposes; provided, however, that any person holding a license from the New Jersey State Board of Beauty Culture Control shall have the right to cut the hair of any female person. P. L. 1938, c. 197, §4.

45:4-31. Qualifications for certificate of registration. A person is qualified to receive a certificate of registration to practice barbering:

(1) Who is qualified under the provisions of section six of this act; and

(2) Who is at least eighteen years of age; and

(3) Who is of good moral character and temperate habits; and

(4) Who has practiced as a registered apprentice for a period of eighteen months under the personal supervision of a registered barber, or who has practiced as a registered barber in this State but who has retired from the practice of barbering for a period in excess of two years, or who has practiced barbering in another State or country for at least eighteen months, or who has a license or certificate of registration as a practicing barber from another State or country which has substantially the same requirements for licensing or registering as required by this act; and

(5) Who has passed a satisfactory examination conducted by the State Board of Barber Examiners to determine his fitness to practice barbering.

An apprentice barber or any person who has practiced as a registered barber in this State but who has retired from the practice of barbering for a period in excess of two years, who is an applicant for a certificate of registration to practice as a registered barber and who fails to pass a satisfactory examination conducted by the State Board of Barber Examiners, must obtain an apprentice certificate valid for six months from date of issue and must practice as an apprentice barber for six months before he is again entitled to take the examination for a registered barber. An apprentice barber or any person who has practiced as a registered barber in this State but who has retired from the practice of barbering for a period in excess of two years, who fails three consecutive times must cease to practice barbering. As amended, P. L. 1946, c. 132, § 3.

Effective April 23, 1946.

45:4-32. Requirements of application for examination. Each applicant for an examination shall:

(1) Make application to the State Board of Barber Examiners on blank forms prepared and furnished by the board, such application to contain proof, under the applicant's oath, of the particular qualifications of the applicant;

(2) Furnish to the State Board of Barber Examiners two signed photographs of the applicant one to accompany the application and one to be returned to the applicant to be presented to the examiners when the applicant appears for examination; and

(3) Pay to the State Board of Barber Examiners the required fee. P. L. 1938, c. 197, § 6.

45:4—33. Examination; time and place; scope. The State Board of Barber Examiners shall conduct the examination of applicants for certificates of registration to practice as registered barbers not less than three (3) times each year at such times and places as the State Board of Barber Examiners may determine. The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written and oral test, and shall embrace the following subjects: Scientific fundamentals for barbering; hygiene, bacteriology, histology of the hair, skin, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands, and nails, hair cutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair. P. L. 1938, c. 197, § 7.

45:4—33.1 Notice to applicant of examination; failure to appear. Notice to an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering and failure of such applicant to appear at such examination shall be construed to be an opportunity to qualify. Such notice may be by ordinary mail addressed to the applicant at his last address available from existing records. Should an applicant fail to appear at two scheduled examinations his examination fee shall be declared forfeited. L. 1953, c. 185, p., § 3, supplementing L. 1938, c. 197.

45:4—34. Issuance of certificate of registration. Whenever the provisions of this act have been compiled with, the State Board of Barber Examiners may issue a certificate of registration as a registered barber. P. L. 1938, c. 197, § 8.

45:4—35.1. Barbers in military or naval service; permit after discharge. Any person, who after July first, one thousand nine hundred and forty, has entered or hereafter shall enter the active military or naval service of the United States or of this State, in time of war, or an emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service and who, at the time of

such entry, held or shall hold, in full force and effect, a certificate of registration as a registered barber or as a registered apprentice, or a permit as a journeyman barber, shall be granted a like certificate of registration or permit, as the case may be, upon presenting to the New Jersey State Board of Barber Examiners an honorable discharge from such military or naval service, dated not more than six months prior to the time of such presentation, and a certificate from a practicing medical doctor of this State attesting that the person presenting it is free from any contagious or infectious disease, which certificate shall be dated not more than ten days prior to the time of such presentation. P. L. 1942, c. 322, § 1.

45:4—35.2. Fee for certificate or permit. Such like certificate or permit shall be granted by the board without the payment of any fee, except in the case of a certificate of registration as a registered barber, in which case a fee of three dollars (\$3.00) shall be paid by the applicant. P. L. 1942, c. 322, § 2.

45:4—35.3. Expiration of journeyman's permit. Every journeyman's permit heretofore issued shall continue in effect and expire by its own limitation, but in no case shall any such permit continue in effect after one year from the effective date of this act. P. L. 1946, c. 132, § 5.

Effective April 23, 1946.

45:4—37. Display of certificate of registration. Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair. P. L. 1938, c. 197, § 11.

45:4—38. Renewal of certificate of registration; restoration of expired certificates. Every registered barber who continues in active practice or service shall annually, during the month of July of such year, renew his certificate of registration and pay the required fee. Every certificate of registration which has not been renewed during the month of July in any year shall expire on the first day of July in that year. A registered barber whose certificate of registration has expired may have his certificate restored immediately, upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than two years, may restore his certificate upon payment of the required restoration fee, without examination. After the expiration of the aforementioned time an applicant is subject to an examination by the Board of Barber Examiners. P. L. 1938, c. 197, § 12.

45:4—39. Barber schools; display of sign; license; bond; application for certificates as registered apprentice. Barber Schools. After the adoption of this act, no person, persons, firm or corporation shall attempt to teach the fundamentals of barbering unless he first obtain from the State Board of

Barber Examiners a certificate of registration for each barber school or barber college he operates in this State. Wherever barbering is taught in such school or college only a registered teacher who has procured a license from the State Board of Barber Examiners, shall have the authority to teach the regularly enrolled students for such schools or colleges, and only four (4) students, or a fraction thereof, shall be allowed to any one teacher.

Each barber school and college shall display a sign, clearly legible with letters at least six inches in height, indicating that it is a barber school or college—said sign to be displayed at the main entrance of such place, and said sign must indicate that all work performed in said place is done by barber school students.

Any student, graduated from a barber school or barber college, in this or any other State, shall not be entitled to take the prescribed examination unless he has fully served the required eighteen (18) months, in accordance with this act.

Any person may own or operate a barber school or college who has had at least five years of continuous experience as a barber; provided, such person shall first secure from the Board of Barber Examiners a license to do so and shall keep the same prominently displayed, and shall before commencing business, file with the Secretary of State a bond to the State, approved by the Attorney-General, in the sum of five hundred dollars (\$500.00), conditioned upon the faithful compliance of said barber school or college with all the provisions herein and to pay all judgments that may be obtained against said school or college or the owner or managers or their agents thereof on account of fraud, misrepresentations or deceit practiced by them or their agents; provided, further, that in all barber schools or colleges there shall be kept prominently displayed a substantial sign as barber school or college; provided, further, that all barber schools or colleges, upon receiving students shall immediately apply to the board for a certificate as a registered apprentice for each such student upon blanks for the purpose furnished by the board.

Every applicant for a certificate as a registered apprentice shall accompany his application with a fee as herein or hereinafter stated. P. L. 1938, c. 197, § 13.

45:4—40. Grounds for refusal to issue or renew, or for suspension or revocation of certificate of registration. The State Board of Barber Examiners may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or combination of the following causes:

- (1) Conviction of a felony shown by a certified copy of the record of the court of conviction;
- (2) Gross malpractice or gross incompetency;
- (3) Continued practice by a person knowingly having an infectious or contagious disease;

(4) Advertising by means of knowingly false or deceptive statements;

(5) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs;

(6) Immoral or unprofessional conduct;

(7) For repeated violation of sanitary rules; and,

(8) The commission of any of the offenses described in sections fifteen and sixteen. P. L. 1938, c. 197, § 14.

45:4—41. Notice and hearing. The State Board of Barber Examiners may neither refuse to issue nor refuse to renew, nor suspend, nor revoke any certificate of registration, however, for any of these causes, unless the person accused has been given at least fifteen (15) days' notice in writing of the charge against him and a public hearing by the State Board of Barber Examiners.

Upon the hearing of any such proceeding the State Board of Barber Examiners may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, before them, relating to the refusal, suspension or revocation of certificate of registration. P. L. 1938, c. 197, § 15.

45:4—42. Fraudulent representations; money or other thing of value in addition to fee. No person shall obtain or attempt to obtain a certificate of registration by fraudulent representations, nor obtain or attempt to obtain any money or any other thing of value for a certificate or registration other than the required fee. P. L. 1938, c. 197, § 16.

45:4—43. Room or place of barbering also used for residential purposes. No person shall use any room or place of barbering which is also used for residential purposes (except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, confectionary, and such commodities as are used and sold in barber shops) unless a substantial partition of ceiling height separates that portion used for business purposes from that used for residential purposes. P. L. 1938, c. 197, § 17.

45:4—44. Fees; expiration of outstanding apprentice certificates. The fee to be paid by an applicant for examination to determine his fitness to receive a certificate of registration to practice barbering is fifteen dollars (\$15.00) and for the issuance of a certificate, five dollars (\$5.00).

The fee for the annual renewal of a certificate of registration to practice barbering is five dollars (\$5.00).

The fee for the restoration of an expired certificate of registration to practice barbering is ten dollars (\$10.00).

The fee for an apprentice certificate is three dollars (\$3.00). All apprentice certificates on file when this act becomes effective shall expire July first,

one thousand nine hundred and thirty-eight, and any person who continues to practice as an apprentice shall file for a renewal of such certificate for the fee of one dollar and fifty cents (\$1.50) as provided for herein.

The fee for a license to operate a barber school or college in accordance with the provisions of this act shall be two hundred and fifty dollars (\$250.00) per annum and such license to be renewed on or before the first day of July of each year, the renewal fee thereof to be two hundred and fifty dollars (\$250.00).

The fee to be paid for a license as a registered teacher in approved barber schools and colleges shall be twenty-five dollars (\$25.00) per annum, such license to be renewed on or before the first day of July of each year, the renewal fee thereof to be twenty-five (\$25.00). As amended L. 1953, c. 185, p. 1479, § 1.

45:4—45. **Perjury.** The willful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of this act is perjury and punishable as such. P. L. 1938, c. 197, § 19.

45:4—46. **Board of Barber Examiners.** The Board of Barber Examiners to consist of four (4) persons and is hereby created to carry out the purposes and to enforce the provisions of this act. Said members of the board shall be appointed by the Governor as follows: At least two (2) of the appointees shall be journeymen barbers and two (2) appointees shall be master barbers. One journeyman barber and one master barber respectively shall be recommended by the State Association of Journeymen and Master Barbers, respectively. The other two (2) appointees shall be the choice of the Governor. Each member of said board shall have for at least ten (10) years prior to their appointment followed said occupation as a barber and have been a resident of the State of New Jersey for a period of ten (10) years. The two members of the board appointed to succeed the two members whose terms expire in one thousand nine hundred and forty-four shall be appointed one for a term of three years and one for a term of four years and each member of said board appointed thereafter shall hold office for a term of four years and until his successor is appointed and qualifies. Vacancies occurring otherwise than by expiration of term shall be filled for the unexpired term only. Any member of the board may be removed by the Governor for cause. P. L. 1938, c. 197, § 1. As amended, P. L. 1944, c. 149, § 1.

Effective April 17, 1944.

45:4—47. **Deputies, agents, clerks and other employees; civil service.** Said Board of Barber Examiners shall have the authority to appoint deputies, agents, clerks and other employees and prescribe the duties of such employees and to fix their compensation, all in accordance with civil service statutes.

Civil service employees of the Health Department presently employed in the regulation and licensing of the business and occupation of barbering shall, upon the passage of this act, be considered as having been transferred to the commission created hereby with status unchanged and for the purpose of continuing the performance of the same or comparable duties. P. L. 1938, c. 197, § 21.

45:4—48. **Organization of Board; seal; records; funds; compensation of members; expenses; bond of secretary-treasurer.** Said Board of Barber Examiners shall organize and elect a chairman and a secretary-treasurer from its own members. It shall adopt and use a common seal for the authentication of its audit and records. The secretary-treasurer shall keep a record of all proceedings of the board and shall remit all funds received to the Treasurer of the State of New Jersey.

The secretary-treasurer shall be bonded in the sum of three thousand dollars (\$3,000.00) with sureties approved by the Secretary of State, conditioned for the faithful performance of his duties, and shall take the oath provided by law for such public office.

The secretary-treasurer of the Board shall receive a compensation of six thousand five hundred dollars (\$6,500.00) per annum and devote his full time to the supervision of office and field workers and to the performance of the other duties of his office.

A majority of the board in meeting duly assembled may perform and exercise all the duties and powers developed upon the board.

The other members of the board shall receive a compensation of six thousand dollars (\$6,000.00) per annum and in addition thereto, all members of the board, including the secretary-treasurer, shall be reimbursed and receive their necessary traveling expenses, which shall include only the cost of transportation to and from the place of performance of their duties, incurred in the proper discharge of their duties. They shall devote their full time to the performance of the duties of their respective offices as such members.

All expenses, salaries, et cetera, shall be paid only from the receipts received for barber fees, and at no time shall the expenses exceed the receipts received from barber fees.

As amended L. 1947, c. 304, p. 1020, § 1; L. 1951, c. 232, p. 812, § 1; L. 1953, c. 185, p. 1480, § 2; L. 1958, c. 101.

45:4—49. **Disposition and appropriation of funds; expenditures; surplus; report to Governor.** All moneys received pursuant to the provisions of this act shall be paid into the treasury of this State. Of said revenues, a sum is hereby appropriated sufficient to pay the expenses incurred by the State Board of Barber Examiners in the administration of this act and shall be paid from the moneys so received as aforesaid. All such expenditures shall be made by the treasurer on warrant of the comptroller after approval by the

secretary-treasurer of the State Board of Barber Examiners; provided, however, that any such expense of administration shall at no time exceed the moneys so received to the end that the commission created by the provisions of the act shall, at all times, be self-sustaining; and provided further, that any surplus remaining in such fund in the hands of the treasurer at the close of any fiscal year shall revert to and become a part of the general fund of the State. The board shall report annually to the Governor of its receipts and expenditures and also a full statement of its work during the year together with such recommendations as it may deem expedient. P. L. 1938, c. 197. As amended, L. 1947, c. 304, § 2.

45:4—50. Records; public inspection. The State Board of Barber Examiners shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber, journeyman barber and registered apprentice, and barber school, and barber college or barber school or barber college teacher, and the date and number of each certificate of registration. This record shall be open to public inspection at all reasonable times. P. L. 1938, c. 197, § 24.

45:4—50.1. License necessary. No person shall use or maintain any premises as a barber shop unless he shall first obtain a license so to do from the State Board of Barber Examiners. L. 1946, c. 133, § 1.

45:4—50.2. Qualifications. No person shall receive a license to use or maintain any premises as a barber shop unless he has had at least two years' experience as a registered barber in this State immediately prior to his application for such license, or unless such barber shop shall be under the direct supervision of a registered barber who has had at least two years' experience as a registered barber in this State immediately prior to his application, or unless he is a veteran of World War II who was a member of the armed forces of the United States and who immediately prior to his entry into such service was a registered barber in this State and who is a registered barber at the time of his application for such license and who has been a registered barber for one year immediately prior to such application. L. 1946, c. 133, § 2.

45:4—50.3. Preliminary proof shop will be maintained according to law. No person shall receive a license to use or maintain any premises as a barber shop unless such person shall have furnished the State Board of Barber Examiners satisfactory proof that such shop or premises are to be used and maintained in compliance with the provisions of the act of which this act is amendatory and supplementary.† P. L. 1946, c. 133, § 3.

45:4—50.4.—Application; fee. Every application for such license shall contain such proof, and such other information as the board by rule or regulation may require. A fee of twenty-five dollars (\$25.00) shall accompany each application except that in the case of an application, by a holder of the license required by this act;* to remove to a new location or premises the fee shall be five dollars (\$5.00). L. 1946, c. 133, § 4.

45:4—50.5. Term and renewal of license. If the board is satisfied that such shop or premises are to be used and maintained in compliance with the provisions of the act of which this act is amendatory and supplementary, the board shall cause a license to be issued forthwith to such applicant, which license shall remain in full force and effect until July first, following its issue. Such license may be renewed annually until the next succeeding July first, upon application during the month of July and payment of a renewal fee of five dollars (\$5.00) or upon application thereafter upon payment of a renewal fee of ten dollars (\$10.00). L. 1946, c. 133, p. 617, § 5, as amended L. 1953, c. 186, p. 1482, § 1.

45:4—50.6. Discharged veterans. Any person who held the license required by this act* and who closed his shop in order to enter the military or naval service of the United States in time of war, may, within six months after his discharge or release from such service under conditions other than dishonorable, upon application to the board as provided herein accompanied by a fee of five dollars (\$5.00) and subject to the provisions of section five hereof, obtain a license to use or maintain any premises as a barber shop. P. L. 1946, c. 133, § 6.

45:4—50.7. Existing users of shop. Any person using or maintaining any premises as a barber shop at the time of the effective date of this act, may, within ninety days thereafter upon application to the board as provided herein accompanied by a fee of five dollars (\$5.00) and subject to the provisions of section five hereof, obtain a license to use or maintain such premises as a barber shop. P. L. 1946, c. 133, § 7.

45:4—50.8. Displaying license. Every holder of a license issued hereunder shall display such license in a conspicuous place within such barber shop so licensed. L. 1946, c. 133, § 8.

45:4—50.9. Suspension or revocation. The State Board of Barber Examiners may refuse to issue or renew, or may suspend or revoke any license issued hereunder for any one or combination of the causes enumerated in section fourteen of the act of which this act is amendatory and supplementary; or for failure to comply with the regulations prescribed by section twenty-six of said act. L. 1946, c. 133, § 9.

* Sections 45:4-50.1 to 45:4-50.11, 45:4-52.

† Sections 45:4-27 to 45:4-56.

45:4—50.10. Act not to impair municipality's right to regulate. Nothing in this act* shall be construed to limit or impair the right of any municipality to regulate or license barber shops by ordinance as provided by law. L. 1946, c. 133, § 11.

45:4—50.11. Effective date. This act* shall take effect July first, one thousand nine hundred and forty-six. P. L. 1946, c. 133, § 12.

45:4—50.12. Partnerships, barber shops operated by; withdrawal or death of partner. In any case in which a barber shop licensed under the act to which this act is a supplement is operated by a partnership, then in the event of the withdrawal of one or more partners, such license shall continue to be valid until its expiration, and the remaining partner or partners may continue to maintain a barber shop in the same licensed premises without the payment of any additional fee; and the business of a deceased barber, to whom a shop license shall have been issued under the act to which this act is a supplement, may be continued under the supervision of a person duly licensed by the board, for the benefit of the widow or of the estate or of persons interested in the estate of such decedent, for such time and in such manner as the board shall determine. L. 1950, c. 187, p. 420, § 1.

45:4—51. Inspection of shop, school or college. The Board of Barber Examiners, or its designated representatives, shall have authority to enter upon and to inspect any barber shop, barber school or barber college at any time during business hours. P. L. 1938, c. 197, § 25.

45:4—52. Sanitary regulations. The following regulations pertaining to sanitation shall apply to all barber shops, barber schools and barber colleges in New Jersey and to the practice of barbering in this State. A copy of these regulations shall be furnished by the State Board of Barber Examiners to the person in charge of each barber shop, barber school and barber college in the State and a copy shall be kept posted in a conspicuous place in each such establishment.

(1) All barber shops and barber schools or colleges shall be well lighted and ventilated, and all furniture, equipment, tools and utensils therein and the floors, walls and ceilings thereof, shall at all times be kept clean.

(2) It shall be unlawful to own, manage, operate or control any barber shop, barber school or barber college except under the following conditions:

(a) There shall be readily available at such shop, school or college an adequate supply of hot and cold water and where a public water supply under pressure and a sewerage system is available, there shall be provided in such shop, school or college, a supply of hot and cold running water under pressure.

(b) No towel shall be used on any patron which has been used upon another patron unless such towel shall have been relaundersed and thoroughly dried and no towel shall be used on any patron which has been placed in a steamer or sterilizer.

(c) The head rest of a barber chair shall be covered with a clean covering such as a towel or paper before used on any patron.

(d) There shall be placed about the neck of each patron served a clean towel or other clean material to prevent the hair cloth touching the skin of the patron.

(e) Any tool or part thereof which comes into contact with the head, face or neck of the patron such as razors, scissors, tweezers, combs and parts of vibrators, shall be immersed in boiling water or in alcohol of a strength of seventy per centum (70%) or higher or treated by some other equally effective method before being used on each patron.

(f) Any shaving mug and shaving brush shall be thoroughly rinsed in hot water immediately before use in serving a patron.

(g) If any cuspidor is provided it shall be thoroughly cleaned at least once each day and there shall be kept in such receptacle a disinfecting solution.

(h) At least two receptacles for soiled towels and waste shall be provided. Only used towels shall be deposited in one and wastes such as used shaving paper shall be deposited in the other.

(i) No stypic pencil, finger bowl, sponge, lump alum or powder puff shall be used except of the individual applicator type.

(j) No room used as a barber shop or barber school or college shall be used as a sleeping room, and shall not be located in any sleeping room, feed store, restaurant or lunch room unless separated therefrom by a substantial partition extending from floor to ceiling.

(k) There shall be at least seventy-eight square feet of floor space in every barber shop having one barber chair and there shall be at least sixty square feet of floor space for each additional barber chair.

(l) Any barber shop maintaining toilet facilities for public use shall maintain such facilities in a clean and sanitary condition. As amended, L. 1946, c. 133, § 10.

Effective July 1, 1946.

45:4—53. Sanitary regulations by State Department of Health or local board. Nothing contained in this act shall be construed to prevent the Department of Health of the State of New Jersey, or any local board of health or other board or body, exercising the powers of such local board, from enacting and enforcing ordinances, codes, rules and regulations pertaining to sanitation in barber shops, in excess of the provisions of section twenty-six of this act, for which authority they have been or may be granted by law. P. L. 1938, c. 197, § 27.

† Sections 45:4-27 to 45:4-56.

* Sections 45:4-50.1 to 45:4-50.11, 45:4-52.

45:4—54. **Certificates and permits under prior laws; rules and regulations for carrying act into effect.** All certificates and permits issued by the Department of Health of the State of New Jersey under the provisions of "An act to regulate the occupation of barbering, and to provide for the licensing of persons to carry on such occupation and to provide rules regulating the proper conduct and sanitation of the occupation of barbering for the protection of the public health, and to provide for violation thereof," and known as chapter one hundred seventy-five, laws of one thousand nine hundred and thirty-three, approved May twenty-fourth, one thousand nine hundred and thirty-three, and amendments thereto known as chapter two hundred sixty-six, laws of one thousand nine hundred and thirty-five, approved June tenth, one thousand nine hundred and thirty-five, and under chapter four of Title 45 of the Revised Statutes, shall be considered as issued under the provision as relate to certificates and permits which may be issued under this act. The Board of Barber Examiners is authorized to make rules and regulations for the purpose of carrying into effect the provisions of this act. P. L. 1938, c. 197, § 28.

45:4—55. **Penalties; jurisdiction; summary proceedings; commitment for failure to pay judgment; disposition of penalties.** (a) Any person, corporation or their agents, violating any of the provisions of this act, shall be liable to a penalty of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), and for the second and each subsequent offense to a penalty of not less than fifty dollars (\$50.00). Any person, corporation or their agents violating the provisions of section twenty-six of this act shall be liable to a penalty of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and for the second and each subsequent offense to a penalty of not less than fifty dollars (\$50.00). The penalties shall be sued for and recovered by and in the name of the New Jersey State Board of Barber Examiners, as plaintiff.

(b) Every county district court and municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of the violation, within the territorial jurisdiction of the court, of any provision of this act. The penalty shall be collected and enforced in summary proceedings pursuant to the Penalty Enforcement Law (N.J.S. 2A :58-1 et seq.). Process shall issue at the suit of the plaintiff, and shall be either in the nature of a summons or warrant. The court shall, if judgment be rendered for the plaintiff, cause any such defendant who may refuse or neglect to pay forthwith the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for any period not exceeding one hundred days.

(c) Any penalty recovered in any action brought under the provisions of this act shall be paid to the plaintiff therein for the use of the municipality within which the violation occurred.

As amended L. 1953, c. 43, p. 794, § 8.

45:4—56. **Partial invalidity.** If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of the act which can be given effect without the invalid portion. P. L. 1938, c. 197, § 30.

26:1A—69. **Section of Examination, Licensing and Registration established.** There is hereby established in the State Department of Health a Section of Examination, Licensing and Registration.

26:1A—71. **Powers of boards and agencies within Section of Examination, Licensing and Registration.** Subject to the restrictions and limitations contained in this act¹ and except as otherwise provided herein, each of the respective boards and agencies within the Section of Examination, Licensing and Registration established hereunder shall continue to have all the powers and shall exercise all of the functions and duties vested in, or imposed upon it by law.

¹ Sections 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.

26:1A—72. **Boards transferred to continue as provided by existing law.** This act¹ shall not affect the terms of office of the present members of the respective boards enumerated in section four hereof.² Such boards shall continue to be constituted as provided by existing law.

¹ Sections 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.

² Section 26:1A-70.

26:1A—73. **Removal of members of boards; vacancies.** Any member of any of the boards enumerated in section four hereof¹ may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Any vacancy occurring in the membership of any of such boards shall be filled in the same manner as the original appointment but for the unexpired term only.

¹ Section 26:1A-70.

26:1A—74. **Personnel; appointment; employment or removal; compensation; inspectors; enforcement agents.** The authority, vested pursuant to existing law in any of the boards or agencies enumerated in section four hereof,¹ or in any member or officer thereof, to appoint, employ or remove clerical, secretarial, recording or other personnel, except inspectors or enforcement agents, is hereby transferred to and vested in the State Commissioner of Health. The State Commissioner of Health shall fix the compensation of all persons appointed or employed by him pursuant to such authority within the limits of available appropriations therefor. Persons thus appointed or employed shall be assigned to such duties as the State Commissioner of Health shall prescribe.

The authority, vested pursuant to existing law in any of such respective boards or agencies or in any member or officer thereof, to appoint, employ or remove inspectors or enforcement agents shall continue to be exercised by such board or agency; provided, however, that the appointment, employment or removal of any person pursuant to such authority shall be subject to the approval of the State Commissioner of Health. Such board or agency shall, subject to the approval of the State Commissioner of Health, and within the limits of available appropriations therefor, fix the compensation of inspectors and enforcement agents thus appointed or employed. Persons thus appointed or employed shall be assigned to such duties as such board shall determine.

¹ Section 26:1A-70.

26:1A-75. Additional powers and duties of State Commissioner of Health. In addition to other powers and duties specifically conferred and imposed upon him by this act¹ or by any other law, the State Commissioner of Health shall:

(a) Supervise the work of the employees engaged in any of the boards or agencies within the State Department of Health or any bureau or section in said department.

(b) Adopt uniform procedures for all secretarial, recording and clerical duties of each of the boards and agencies within the Section of Examination, Licensing and Registration.

(c) Maintain a public register of all persons licensed by any of the several boards and agencies within the said section, or by or in the name of the State Department of Health.

(d) Integrate, so far as practicable, all staff services of the State Department of Health and of each of the bureaus and sections therein.

¹ Sections 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.

26:1A-76. Transfer of personnel to Section of Examination, Licensing and Registration; Inspectors and enforcement agents. Such clerical, secretarial, recording or other personnel, except inspectors and enforcement agents, of each of the respective boards and agencies enumerated in section four hereof, as the State Commissioner of Health may, after consultation with the members of such board or agency, determine are needed for the proper performance of the work of such board or agency, are hereby transferred to the Section of Examination, Licensing and Registration established hereunder. Persons so transferred shall be assigned to such duties as the State Commissioner of Health shall determine.

Such inspectors and enforcement agents of each of the respective boards and agencies enumerated in section four hereof, as such board or agency may, subject to the approval of the State Commissioner of Health, determine are needed for the proper performance of the work of such board or

agency, are hereby transferred to such board or agency. Persons so transferred shall be assigned to such duties as such board or agency shall determine.

26:1A-77. Transfer of funds and investments. The treasurer or custodian of the funds of each of the respective boards and agencies enumerated in section four hereof shall,¹ on the effective date hereof,² through the State Commissioner of Health, transfer to the State treasury all funds and investments belonging to such board or agency.

¹ Section 26:1A-70.

² See § 26:1A-91.

26:1A-78. Fees, fines, penalties and other moneys; disposition. Notwithstanding the provisions of any other law to the contrary:

(1) All license, certificate, permit, registration and renewal fees prescribed by law for any of the professions or occupations with which any of the board or agencies enumerated in section four hereof¹ is concerned, or payable to any such board or agency, or to any member or officer thereof, pursuant to law, shall henceforth be paid into the State treasury through the State Commissioner of Health; and

(2) All fines, penalties, and other moneys derived from the operation of, or payable pursuant to law to, any of the boards or agencies enumerated in section four hereof, or to any member or officer thereof, shall henceforth be paid into the State treasury through the State Commissioner of Health.

Such fees, fines, penalties and other moneys so paid into the State treasury shall be placed to the credit of the respective board or agency concerned therewith, and no part thereof may be disbursed or expended for any purpose except in accordance with appropriations made by law, and then only upon warrant of the State Treasurer on vouchers certified or approved by the chairman, president, or other presiding officer of the board or agency concerned therewith and the State Commissioner of Health. Expenditures from appropriations in any fiscal year shall in no event exceed the amount paid into the State treasury for or on behalf of such board or agency during such year.

¹ Section 26:1A-70.

26:1A-79. Budget request for appropriations. On or before the tenth day of January, one thousand nine hundred and forty-nine, each of the boards and agencies within the Section of Examination, Licensing and Registration established hereunder shall prepare and submit to the State Commissioner of Health a budget request for appropriations for such board or agency for the fiscal year ending June thirtieth, one thousand nine hundred and fifty; and on or before the fifteenth day of September in the year commencing with the year one thousand nine hundred and forty-nine, each of such boards and agencies

shall prepare and submit to the State Commissioner of Health a budget request for appropriations for such board or agency for the ensuing fiscal year. The respective budget requests so prepared shall, upon approval of the State Commissioner of Health, be submitted to the State Treasurer. The total annual appropriations for any of such boards or agencies shall in no event exceed the total amount of all moneys paid into the State treasury for or on behalf of such board or agency, as provided herein, during the preceding fiscal year.

26:1A—80. Surplus; disposition. Any surplus remaining in any year to the credit of any of the boards or agencies within the Section of Examination, Licensing and Registration established hereunder, after annual appropriations made as provided herein, shall be paid into and become part of the general fund of the State.

26:1A—81. Limitations on appropriations. Limitations on appropriations to any of the boards or agencies enumerated in section four hereof,¹ contained in any existing law, shall, notwithstanding the provisions of this act,² continue in full force and effect.

¹ Section 26:1A-70.
² Sections 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.

26:1A—85. Civil Service, pension and retirement rights not affected. Nothing in this act¹ shall be construed to deprive any person of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

¹ Sections 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.

26:1A—86. Orders, rules and regulations not affected. This act¹ shall not affect the orders, rules and regulations heretofore made or promulgated by any of the respective boards or agencies enumerated in section four of this act² but such orders, rules and regulations shall continue with full force and effect until amended or repealed by such board or agency.

¹ Sections 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.
² Section 26:1A-70.

26:1A—87. Pending actions or proceedings. This act¹ shall not affect actions or proceedings, civil or criminal, brought by or against any of the respective boards or agencies enumerated in section four of this act² and pending on the effective date hereof,³ and such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by such board or agency as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any of such re-

spective boards or agencies, and all such matters and proceedings pending before any such board or agency on the effective date of this act shall be continued before such board or agency.

¹ Sections 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.
² Section 26:1A-70.
³ See § 26:1A-91.

26:1A—88. Professional or occupational licenses not affected. Nothing in this act¹ shall affect the validity of any license, certificate of registration, or other authorization, heretofore issued to any person under any prior law, to practice any profession or to engage in any occupation governed or regulated by the provisions of this act or by any board or agency enumerated in section four of this act;² but all persons holding such licenses, certificates of registration, or other authorization, shall in all other respects be subject to the provisions of this act and to the respective provisions of law governing or regulating such profession or occupation.

¹ Sections 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.
² Section 26:1A-70.

26:1A—89. Repeal. All acts and parts of acts inconsistent with any of the provisions of this act¹ are, to the extent of such inconsistency, hereby repealed.

¹ Section 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.

26:1A—90. Short title. This act¹ shall be known as, and may be cited as, the "State Department of Health Act of 1948."

¹ Section 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.

26:1A—91. Effective date. This act¹ shall take effect on the first day of January, one thousand nine hundred and forty-nine, except that any appointment, and any confirmation of any appointment, permitted by this act may be made prior to such date.

¹ Section 9:13-1, 9:13-2, 26:1A-2, 26:1A-3, 26:1A-69 to 26:1A-91.