

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Chapter 28, Board of Beauty Culture Control, was repealed by R.1988 d.214 and a new Chapter 28, Board of Cosmetology and Hairstyling, Subchapters 1 through 6, was adopted, effective May 16, 1988.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 hair-styling 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.

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

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).

Petition for Rulemaking.

See: 32 N.J.R. 1438(a).

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), (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).

Administrative correction.

See: 33 N.J.R. 3753(a).

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.

(e) Body piercing shall not be performed in any licensed shop or school of cosmetology and hairstyling. For purposes of this section, "body piercing" means puncturing or penetrating any part of a person's body with a needle or other instrument for the purpose of inserting jewelry or another object into the body except for piercing of the ear lobe only using a pre-sterilized single use stud and clasp ear piercing system following manufacturer's instructions.

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.

Amended by R.2002 d.273, effective August 19, 2002.

See: 33 N.J.R. 2593(a), 34 N.J.R. 3007(a).

Added (e).

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.

(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 and labeled as being tuberculocidal or effective against the Human Immunodeficiency Virus (HIV) and the Hepatitis B Virus (HBV) 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).
 Amended by R.2001 d.333, effective September 17, 2001.
 See: 33 N.J.R. 365(a), 33 N.J.R. 3335(a).
 In (a), rewrote 3.

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).

13:28-3.4 Prohibited products

(a) No licensee, licensed premise or school of cosmetology and hairstyling shall utilize any product that contains methyl methacrylate monomer.

(b) Any violations of the provisions of this section shall constitute a deviation from the normal standards of practice required of a licensee, licensed premise or school of cosmetology and hairstyling, and shall subject a licensee, licensed premise or school of cosmetology and hairstyling to the penalties of N.J.S.A. 45:1-25.

New Rule, R.2001 d.333, effective September 17, 2001.
 See: 33 N.J.R. 365(a), 33 N.J.R. 3335(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 unli-

censed 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:

13:28-6.22 Application submission by schools

The school shall submit applications for each student for examination within 30 days after the student's completion of the course of study. Each application must be accompanied by two recent photographs, a copy of a high school or equivalency diploma and the appropriate fees pursuant to N.J.A.C. 13:28-5.1.

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

13:28-6.23 Number of teachers employed; teacher restrictions

(a) The number of teachers a school shall employ shall be determined in the following manner:

1. A minimum of one licensed teacher for every clinic area attended by up to 25 senior students (whether cosmetology and hairstyling, manicuring, or skin care specialty students);

2. A minimum of one licensed teacher for every clinic area attended by up to 25 senior skin care specialty students when the skin care specialty students attend a clinic area apart from the other students;

3. A minimum of one licensed teacher for every classroom attended by up to 25 junior cosmetology and hairstyling students;

4. A minimum of one licensed teacher for every classroom attended by up to 25 manicuring students;

5. A minimum of one licensed teacher for every classroom attended by up to 25 junior skin care specialty students.

(b) Teachers shall devote their entire time during school hours to the proper instruction of students and shall not engage in private or public practice of cosmetology and hairstyling during school hours. Teachers licensed by the Board shall be in constant attendance at all classes conducted by licensed schools.

(c) Schools offering instruction in a language other than English may be required to employ additional teachers pursuant to N.J.A.C. 13:28-6.9(f).

(d) A substitute teacher licensed by the Board shall be in attendance when a regular teacher is absent.

(e) A teacher shall immediately inform the Board in writing of the termination or interruption of services performed by him or her for a school.

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

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

(a) substantially amended; added (c); and recodified (c) and (d) to (d) and (e).

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

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

In (a), inserted a new 2, and recodified former 2 through 4 as 3 through 5.

Administrative correction.

See: 31 N.J.R. 768(a).

13:28-6.24 Employment of licensed teachers

(a) A school shall permit only a licensed teacher or a registered student teacher, under the direct supervision of a licensed teacher, to teach its students; provided, however, a demonstrator may demonstrate new processes, preparations and appliances to a class of school students if such demonstration is supervised by a licensed teacher at the school.

1. For purposes of this section, "direct supervision" means that the licensed teacher is physically present in the room at all times during the student teacher's instruction and is immediately available to provide assistance, if necessary.

(b) Each school shall employ a teacher supervisor who has been a licensed teacher actively teaching for a period of two years who will be responsible for the conduct of the teaching staff and students.

(c) Each school shall submit a list of its teachers and registered student teachers to the Board and advise the Board in writing immediately of changes in its teaching staff.

Amended by R.1999 d.434, effective December 20, 1999.

See: 31 N.J.R. 923(b), 31 N.J.R. 4286(c).

In (a), inserted "under the supervision of a licensed teacher," in the introductory paragraph, and added 1.

13:28-6.25 Refresher courses

(a) Refresher courses shall be administered only to a person who holds or once held a practitioner's license which he or she has allowed to lapse and who desires to prepare for an examination.

(b) The school shall forward applications for registration cards to the Board for all persons desiring to enroll in refresher courses.

(c) A student permitted by the Board to enroll in refresher courses shall comply with that particular school's rules and with the rules of the Board.

(d) Credit will not be given by the Board for refresher courses of less than 250 hours.

13:28-6.26 Postgraduate courses

(a) Postgraduate courses shall be administered only to persons who presently hold a current practitioner's license, or to persons who have completed 1,200 hours of training and were graduated but have not obtained their license and desire to obtain advanced education in the practice of cosmetology and hairstyling.

(b) The school shall forward applications for student registration cards to the Board for all persons desiring to enroll in postgraduate courses.

(c) A student permitted by the Board to enroll in postgraduate courses shall comply with that particular school's rules and with the rules of the Board.

(d) Credit will not be given by the Board for postgraduate courses of less than 250 hours.

13:28-6.27 Clinical work prerequisites and limitations

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

(b) A school shall not permit its students to practice cosmetology and hairstyling on the public under any circumstances except by way of clinical work performed upon persons willing to submit themselves to such practice.

(c) Before clinical work may be performed, the person to receive cosmetology and hairstyling services shall be advised by the teacher in charge that the operator is a senior student.

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

(e) Clinical services may be performed upon the general public during the hours of school training daily from Monday to Saturday inclusive by senior cosmetology, senior manicuring and senior skin care specialty students only.

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

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

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

(i) Truthful, non-deceptive school advertisements for clinic patrons upon whom cosmetology and hairstyling services may be performed are permitted, provided however, that all

such advertisements must clearly inform the prospective clinic client that the advertised services are to be performed by senior students under the supervision of licensed teachers.

(j) Fees shall not be accepted from any person who acts as the subject or model for the purpose of a demonstration in school classes or clinics.

(k) The school shall keep records or slips showing the number of cosmetology and hairstyling treatments or operations of clinical work by senior students. These records or slips shall be maintained and kept by the school on its premises as part of its official records.

(l) Clinic hours may be determined by the school; provided, however, that at least one hour of classroom instruction for full-time students and one half hour of classroom instruction for part-time students must be scheduled for each day in addition to any scheduled clinic practice for such students.

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

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

In (e), added senior skin care specialty students.

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

TIME DISTRIBUTION FOR INSTRUCTION UNITS AND CLINICAL PRACTICE:

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

13:28-6.29 Curriculum for 1200 hour cosmetology and hairstyling course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules & Regulations for Cosmetology & Hairstyling Administrative Shop Operations	10	0	10

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
Sanitation & Sterilization	3	7	10
Facials & Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching, Shaving	30	70	100
Shampooing—including Temporary & Semi-Permanent Rinses	25	45	70
Hair and Scalp treatments, re-conditioning treatments	15	40	55
Hair & Basic layer & Clipper Cut—Razor, Scissors, Thinning Shears, Tapering	40	130	170
Hairstyling—including Pin Curls, Fingerwaving, & Blow Waving	30	150	180
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	35	110	145
Permanent Waving	30	100	130
Chemical Relaxing & Pressing	30	60	90
Thermal Curling & Waving	15	45	60
Manicuring & Pedicure	50	100	150
Chemistry Relating to Cosmetology	30	0	30
TOTAL	343	857	1200

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

13:28-6.30 Curriculum for 25 hour shaving course for beauticians who wish to obtain a cosmetology-hairstyling license

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Theory	Practical	Total
Shaving Course Outline:	10	15	25

13:28-6.31 Curriculum for 500 hour course for student teachers

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules & Regulations for Cosmetology & Hairstyling Administrative Shop Operations	5	0	5
Sanitation & Sterilization	5	0	5

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
Facials, Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching, Shaving	15	15	30
Shampooing—including Temporary & Semi-Permanent Rinses	10	10	20
Hair and Scalp Treatments, Re-conditioning Treatments	10	10	20
Hair & Basic Layer & Clipper Cut—Razor, Scissors, Thinning Shears, Tapering	20	30	50
Hairstyling—including Pin Curls, Fingerwaving & Blow Waving	20	30	50
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	20	20	40
Permanent Waving	20	20	40
Chemical Relaxing & Pressing Thermal Curling & Waving	15	25	40
Manicuring & Pedicuring	20	20	40
Chemistry Relating to Cosmetology	10	0	10
Teaching Methods	<u>50</u>	<u>100</u>	<u>150</u>
TOTAL	220	280	500

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

13:28-6.32 Curriculum for Board administered and approved teacher shaving course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Theory	Practical	Total
Shaving Course Outline:	10	15	25

13:28-6.33 Curriculum for 200 hour manicuring course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules and Regulations for Cosmetology and Hairstyling Administrative Shop Operations	10	0	10
Sanitation and Sterilization	8	2	10
Manicuring and Pedicuring	40	110	150
Chemicals and Chemistry	20	10	30
TOTAL	78	122	200

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. 13:28-6.33, "Bond for schools of cosmetology and hairstyling", recodified to 13:28-6.35.

13:28-6.34 Skin care specialty curriculum

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE

	<u>Hours of Class and Subject Related Instruction</u>	<u>Hours of Practical Instruction</u>	<u>Total</u>
State Laws, Rules and Regulations for Cosmetology and Hairstyling Administrative Shop Operations	10	0	10
Orientation, Safety and Health and Professionalism	10	0	10
Bacteriology, Sanitation and Sterilization	20	5	25
Anatomy, Physiology and Nutrition	40	0	40
Structure and Functions of Skin	25	0	25
Superfluous Hair	10	30	40
Chemistry Related to Skin Care	40	0	40
Electricity and Machines	15	40	55
Facial and Body Procedures	50	125	175
Make-up Techniques and Corrective Make-up Techniques (post-surgical)	50	100	150
Business Practices and Job Skills	30	0	30
Total Hours	300	300	600

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

Section was "Eligibility for teacher's license for applicants enrolled in a teacher's training course prior to December 4, 1985".

13:28-6.35 Bond for schools of cosmetology and hairstyling

(a) Each school of cosmetology and hairstyling licensed by the Board shall post a bond in favor of the State in an amount to be determined as follows:

1. Schools with an average weekly enrollment of 1 to 20 students \$10,000
2. Schools with an average weekly enrollment of 21 to 75 students \$15,000
3. Schools with an average weekly enrollment of over 75 students \$20,000

Recodified from 13:28-6.33 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. 13:28-6.35, "Annex classrooms", recodified to 13:28-6.36.

13:28-6.36 Annex classrooms

(a) An application for approval of a school of cosmetology and hairstyling to conduct an annex classroom separate and apart from the licensed main facility for specific training

activities shall be submitted on an application form prescribed and provided by the Board. The application shall specify the location of the annex classroom and the type of instruction to be conducted in the annex classroom, whether cosmetology and hairstyling, manicuring, or skin care specialty.

1. A licensed school may not have more than one annex classroom. It may be used only by the school under which it is licensed.

2. An inspection of the annex classroom shall be made by an inspector after the minimum equipment has been installed therein, and a report of such inspection shall be made to the Board before a school may be authorized to operate.

3. Schools shall submit a new application pursuant to this rule and obtain Board approval prior to changing the type of instruction offered in the annex classroom.

4. Schools making application to include an annex classroom in their initial school license application will not be charged a separate application fee. Schools making application for an annex classroom after their initial license is issued shall be required to pay a separate application fee.

(b) The minimum requirements for an annex classroom are as follows:

1. The minimum floor space in any annex classroom shall be at least 500 square feet, excluding offices, reception, locker and lavatory space, for the first 25 students.

i. For every student thereafter, there shall be 20 square feet of floor space per cosmetology and hairstyling student and 25 square feet of floor space per skin care specialty student.

ii. The space provided for any annex classroom shall not be considered part of the minimum space required for a school license and shall not exceed 30 percent of the square footage of its main school.

2. Each annex classroom shall possess and operate equipment adequate and sufficient for the courses of instruction administered. This equipment shall be modern, installed in accordance with standard building codes or safety regulations and operated in conformity with standard safety regulations. The minimum equipment required for all annex classrooms shall include: an ultraviolet sterilizer, a chalk board, one locker per student, separate lavatory facilities for men and women with toilets and sinks having hot and cold running water, a library of texts and reference books and such other necessary equipment in accordance with the approved curriculum. In addition, annex classrooms shall conform to the following equipment standards:

i. An annex classroom approved for instruction in cosmetology and hairstyling shall include: work stations for at least 25 students or for the actual number of

students in attendance, whichever is greater, two shampoo bowls and chairs, two dryers, two styling chairs, a manicure station, a utility table with disposable sanitary covering, a make-up stool, a facial steamer, a suction machine, a magnifying lamp, an electric brushing machine, an electric heating mask, a waxing machine, a spray machine, a Wood's lamp, and a high frequency instrument.

ii. An annex classroom approved for instruction in manicuring shall include: a manicuring table for every two students, two basins, a foot bath, a utility table with disposable sanitary covering, and a waxing machine.

iii. An annex classroom approved for instruction in skin care specialty shall include: a facial table for every two students, two basins, one utility table with disposable sanitary covering for every two students, a make-up stool, a facial steamer, a suction machine, a galvanic machine, a magnifying lamp, an electric brushing machine, an electric heating mask, a waxing machine, a spray machine, a Wood's lamp, and a high frequency instrument.

3. The maximum distance permitted between the annex classroom and the main facility shall be one mile; and students must be informed prior to enrollment that a portion of their training may be given at the annex facility.

4. Specific training activities permitted at the annex classroom facilities shall be limited to lectures, demonstrations, examinations, work on mannequins, and use of films, tapes, records and written materials. No clinical work on patrons or models (except for lecture/demonstration purposes with proper equipment) shall be permitted, except that instructors or lecturers are permitted to work on models and students may perform work on other students.

5. Students may complete no more than the first 50 percent of the total number of clock hours required for their course of study at the annex classroom. Clock hours completed at the annex classroom shall be recorded on sign-in sheets which must be kept separate and distinct from the sign-in sheets for clock hours completed at the main facility.

6. The ratio of licensed teachers present and on the premises to students in attendance at an annex classroom shall be at least one licensed teacher for every 25 students or less, and one additional licensed teacher for every additional 25 students or less after the first 25.

7. All health, safety, sanitary and operating regulations applicable to licensed schools of cosmetology and hairstyling are applicable to annex classrooms unless otherwise specified.

(c) Upon receipt of an application for approval of a school of cosmetology and hairstyling to operate an annex classroom, the Board shall inform the applicant in writing that the application is either complete and accepted for filing or deficient with an explanation of the specific information or documentation required to complete the application. A complete application is one in which a completed application form, including all required information and documentation, has been filed by the applicant. Required information and documentation is as follows:

1. A floor plan;
2. A copy of the lease;
3. A listing of equipment;
4. Name(s) and license number(s) of the teacher(s) employed to teach at the annex;
5. Copies of the fire and building inspection reports; and
6. Proof of liability and bond coverage for the annex location and the students attending classes there.

(d) After reviewing a completed application and the report of inspection, the Board shall inform the applicant in writing of its decision regarding approval of an annex classroom.

New Rule, R.1992 d.444, effective November 2, 1992.

See: 24 N.J.R. 2333(a), 24 N.J.R. 4057(a).

Recodified from 13:28-6.35 and amended by R.1996 d.584, effective December 16, 1996.

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

In (b)2, changed minimum equipment requirements.

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

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

In (a), added a second sentence in the introductory paragraph, inserted a new 3, and recodified former 3 as 4; and in (b), substituted a reference to minimum requirements for a reference to requirements in the introductory paragraph, and rewrote 1 and 2.