STATE OF NEW YORK

8624

IN ASSEMBLY

January 12, 2024

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to the practice of natural hair care and braiding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The article heading of article 27 of the general business law, as added by chapter 509 of the laws of 1992, is amended to read as follows:

LICENSING OF NAIL SPECIALTY, NATURAL HAIR [~~STYLING~~] **CARE AND BRAIDING**, ESTHETICS AND COSMETOLOGY

§ 2. Subdivisions 3 and 5 of section 400 of the general business law, subdivision 3 as added by chapter 509 of the laws of 1992 and subdivision 5 as amended by chapter 343 of the laws of 1998, are amended to read as follows:

3. "Licensee" means a person licensed pursuant to this article to engage in the practice of natural hair [~~styling~~] **care and braiding**, esthetics, nail specialty or cosmetology, or to operate an appearance enhancement business in which such practice, as herein defined, is provided to the public.

5. **a.** The practice of "natural hair [~~styling~~] **care and braiding**" means providing for a fee, or any consideration or exchange, whether direct or indirect, any of the following services to the hair of a human being: **with all ranges of hair types and textures, consulting and scalp analysis, hair texture assessment,** shampooing, **conditioning, providing clean, botanical and sustainable beauty products which include clarifying and moisturizing shampoos, leave-in conditioners and steam hydration conditioning, scalp treatments, wellness practices, hydration and protein strengthening treatments, clays, masks, essential oils, and herbal/botanical rinses,** arranging, dressing, twisting, **coiling,** wrapping, weaving, extending, locking**, palm rolling** or braiding the hair or beard by either hand or mechanical [~~appliances~~] **equipment, including using clips, combs, crochet needles, latch-hook tools, interlocking**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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tools, sewing blunt-tipped and curve needles, beading pliers, curlers, rods, rollers, hairpins, scissors, thread and yarn for styling natural textured hair or braids on all ranges of hair types and textures.

b. Such practice shall not include cutting, shaving or trimming natural hair except that such activities are permissible to the extent that such activities are incidental to the practice of minor hair shaping or trimming of naturally textured hair after the installation and finishing of braid hair extensions, natural hair styling, and natural hair braiding.

c. Such practice shall not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or permanently alter the structure of the hair with chemicals or heat. Techniques which result in tension on hair roots such as certain types of braiding, weaving, wrapping, locking and extending of the hair may only be performed by a natural hair [~~styling~~] care and braiding licensee or cosmetology licensee who has successfully completed an approved course of study in such techniques.

§ 3. Section 400 of the general business law is amended by adding 9 new subdivisions 5-a, 5-b, 5-c, 5-d, 5-e, 5-f, 5-g, 5-h, and 5-i to read as follows:

5-a. "Natural hair" means all virgin hair types and textures that have not been exposed to any chemicals or heat styling that may alter the natural curl, coil or wave patterns of the hair.

5-b. "Natural hair care" means the maintenance and overall care performed by a natural hair care specialist dedicated to the health and wellness of one's hair and scalp through proper tension techniques and without the use of chemicals or the alteration of the structure of the hair.

5-c. "Textured hair" means textured hair types, including curly, coily, tight coily, afro coily, straight and wavey, including, but not limited to, various curly, coily, wavy or wiry patterns, combinations and configurations, hair strands, thickness, and volumes of hair.

5-d. "Textured hair styling" means the styling practices and techniques for haircare of all hair types and textures performed by a textured hairstylist, including arranging, dressing, curly and coily styling, comb coiling, finger coiling, double strand twisting, flat-twisting or the use of curlers, rods, rollers/hair pins including the preparation of the foundation of the hair through wellness practices in order to preserve the health of the hair with clean, botanical and sustainable beauty products which include clarifying and moisturizing shampoos, leave-in conditioners, steam hydration conditioning, hydration and protein strengthening treatments, and herbal/botanical rinses; and topical agents such as gels and gelee, hairspray, foams, mousse, molding muds, moisturizers, oils, pomades, in conjunction with performing the practice of natural hair care and braiding. Such styling shall include the use of blow dryers and diffusers for the purpose of drying natural textured styles with indirect heat.

5-e. "Braid" means the interlacing of three or more strands of hair, and can be worn in a variety of styles, including cornrows, twists, locs, and box braids with or without added hair fibers.

5-f. "Braiding" means the styling practices and techniques performed by a braid specialist who styles all hair types and textures which includes the use of natural human hair or synthetic hair extension/fibers, natural human hair and synthetic blended fibers, decorative beads, and other hair adornments. Minor hair shaping or trimming of naturally textured hair or hair extensions necessary for finishing

braid hair extensions may occur. Braiding types and techniques can include, but are not limited to, individual box braids, knotless/feed-in braids, cornrows, stitch cornrows, casamas, plaits, Bantu Knots, or Senegalese Twists.

5-g. "African braiding" refers to the cultural reference of traditional techniques of naturally braiding and cornrowing hair, originating from African communities within the African diaspora.

5-h. "Locking" or "loc extensions" includes, but is not limited to, wrapping the hair, palm rolling techniques, grooming, interlocking, crochet locking, micro/locking including the preparation of the foundation of the hair through wellness practices in order to preserve the health of the hair with clean, botanical and sustainable beauty products which include clarifying and moisturizing shampoos, leave-in conditioners, and steam hydration conditioning treatments, hydration and moisturizing techniques, protein strengthening treatments, and herbal/botanical rinses; and topical agents such as gels and gelee, hairspray, foams, mousse, molding muds, moisturizers, oils, pomades, in conjunction with performing the practice of natural hair care and braiding.

5-i. "Weaving" and "extensions" means extending natural textured hair with the addition of braids, locs or additional textured hair with human hair, synthetic fibers, and hair extension; the making of wigs from human hair, synthetic fibers, and hair extensions including the preparation of the foundation of the hair through wellness practices in order to preserve the health of the hair with clean, botanical and sustainable beauty products which include clarifying and moisturizing shampoos, leave-in conditioners, and steam hydration conditioning treatments, hydration and moisturizing techniques, protein strengthening treatments, and herbal/botanical rinses; and topical agents such as gels and gelee, hairspray, foams, mousse, molding muds, moisturizers, oils, pomades, in conjunction with performing the practice of natural hair care and braiding.

§ 4. Subdivisions 1 and 3 of section 401 of the general business law, subdivision 1 as amended by chapter 80 of the laws of 2015 and subdivision 3 as amended by chapter 341 of the laws of 1998, are amended and subdivision 4 is added to read as follows:

1. No person shall engage in the practice of nail specialty, waxing, natural hair [~~styling~~] care and braiding, esthetics or cosmetology, as defined in section four hundred of this article, without having received a license to engage in such practice in the manner prescribed in this article. No person shall act as a trainee or perform any service as such unless he or she has obtained a certificate of registration pursuant to this article.

3. A person licensed by any other state or country to practice nail specialty, waxing, natural hair [~~styling~~] care and braiding, esthetics or cosmetology shall be allowed to practice in New York state for three months or less within any calendar year for the purpose of giving to, or receiving from, persons who are licensed under this article training in current styles, techniques or materials, provided however, that no such unlicensed person may provide services to the public for any fee, or other compensation, whether direct or indirect.

4. Notwithstanding the provisions of this section, an unlicensed person practicing natural hair care and braiding in any other state or country for at least two years shall be permitted to apply for a license in New York state. The secretary of state shall promulgate rules and regulations with input from the advisory committee established under section four hundred three of this article to ensure such licensing.

§ 5. Section 404 of the general business law, as amended by chapter 664 of the laws of 2023, is amended to read as follows:

§ 404. Rules and regulations. The secretary shall promulgate rules and regulations which establish standards for practice and operation by licensees and trainees under this article in order to ensure the health, safety and welfare of the public including licensees and trainees when they are working within such establishments. Such rules and regulations shall include, but not be limited to, the sanitary conditions and procedures required to be maintained, a minimum standard of training appropriate to the duties of nail specialists, trainees, waxers, natural hair [~~stylists~~] **care and braiding specialists**, estheticians, and cosmetologists and the provision of service by nail specialists, trainees, waxers, natural hair [~~stylists~~] **care and braiding specialists**, estheticians or cosmetologists at remote locations other than the licensee's home provided that such practitioner holds an appearance enhancement business license to operate at a fixed location or is employed by the holder of an appearance enhancement business license. Regulations setting forth the educational requirements for nail specialists and trainees shall include education in the area of causes of infection and bacteriology. Regulations setting forth the educational requirements for cosmetologists [~~or~~]**,** natural hair [~~stylists~~] **care and braiding specialists and natural hair care and braiding apprentices** shall include education regarding the provision of services to individuals with all hair types and textures, including, but not limited to, various curl**, coil** or wave patterns, hair strand thicknesses, and volumes of hair. **Additionally, such regulations for natural hair care and braiding specialists and natural hair care and braiding apprentices shall include education in the area of natural hair care and braid techniques, cause of infection and bacteriology, alopecia and scalp disorders and diseases, salon health and safety protocols and the science of sanitary practices.** In promulgating such rules and regulations the secretary shall consult with the state education department, the advisory committee established pursuant to this article, any other state agencies and private industry representatives **from beauty schools and academies** as may be appropriate in determining minimum training requirements.

§ 6. Section 406 of the general business law, as added by chapter 509 of the laws of 1992, subdivisions 1, 2 and 4 as amended by chapter 341 of the laws of 1998, paragraph e of subdivision 1 as amended by chapter 376 of the laws of 2015, paragraph f of subdivision 1 as added by chapter 80 of the laws of 2015, paragraph c of subdivision 2 as amended by section 3 of part D of chapter 328 of the laws of 2014 and paragraph a of subdivision 3 as amended by chapter 324 of the laws of 1998, is amended to read as follows:

§ 406. License application; procedure; requirements; temporary license. 1. a. Any person intending to practice nail specialty, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology as defined in this article, or to own or operate an appearance enhancement business, shall first make application to the secretary for a license therefor.

b. Such application shall be in a form and manner prescribed by the secretary and shall contain such information as, in the secretary's judgment, is reasonable and necessary to determine the qualifications and fitness for licensing of the applicant.

c. The application shall be subscribed by the applicant and affirmed under penalty of perjury.

d. Each application shall be accompanied by the appropriate fee as prescribed by this article.

e. Each application shall be accompanied by a certificate of a duly licensed physician, or nurse practitioner to the extent authorized by law and consistent with subdivision three of section six thousand nine hundred two of the education law on a form prescribed by the secretary, showing freedom from any infectious or communicable disease which certificate shall have been issued within thirty days prior to the date of the filing of the application.

f. Notwithstanding the educational requirements of this section, a trainee may obtain a license to practice nail specialty if such trainee provides satisfactory evidence to the secretary that such trainee has been actively engaged in a traineeship for a period of one year and has completed a course of study set forth by the secretary. Such course of study may be delivered by electronic means.

2. a. Any person seventeen years of age or older may apply to the secretary for a license to practice nail specialty, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology.

b. Each such application shall also be accompanied by satisfactory evidence of having taken and passed the appropriate examination or examinations offered by the secretary pursuant to this article for the license sought and evidence of the successful completion of an approved course of study in nail specialty, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology in a school duly licensed pursuant to the education law.

c. Any applicant for a license to practice nail specialty, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology may submit satisfactory evidence of licensure to practice an equivalent occupation issued by any other state, territory, protectorate or dependency of the United States or any other country in lieu of the evidence of schooling and examination required by this subdivision, provided that such license was granted in compliance with standards which were, in the judgment of the secretary, not lower than those of this state and provided that such state, territory, protectorate, dependency, or country extends similar reciprocity to the licensees of this state, or the applicant practiced an equivalent occupation in such state, territory, protectorate, dependency or country for a minimum of five years, or the applicant is a member of the household of a member of the armed forces of the United States, national guard or reserves and was a member of such household before such member relocated to the state.

d. Notwithstanding the educational requirements of this section and the testing requirements of this section, an applicant who otherwise has met the licensing requirements of this article for a nail specialist, waxer, natural hair [~~stylist~~] **care and braiding specialist**, esthetician or cosmetologist who shall provide satisfactory evidence he or she has been actively and continuously engaged in the practice of nail specialty, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology for at least one year prior to the effective date of this article, may be issued a license for nail specialty, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology pursuant to this article. Notwithstanding the educational and testing requirements of this section, a person licensed to practice barbering under article twenty-eight of this chapter who otherwise has met the licensing requirements of this article may **apply for a temporary natural hair care and braiding license in order to study and take the natural hair care and braiding written examination. Upon passing, such licensed barber**

shall be issued a license to practice natural [~~hairstyling~~] **hair care and braiding**. Other than applicants licensed under article twenty-eight of this chapter, those persons who apply after a twelve month period from the effective date of this article will be required to provide evidence of training and to take the examination or examinations as required for other licenses pursuant to this article.

e. Upon acceptance by the secretary of a proper application for an operator's license to practice nail [~~speciality~~] **specialty**, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology, the secretary may issue a temporary operator's license which shall expire six months from issuance. Upon good cause shown, the secretary may renew a temporary operator's license for one additional six-month period upon filing the appropriate application and fee.

3. Appearance enhancement business license. a. Any person, eighteen years of age or older, or any firm, limited liability company, partnership or corporation having at least one member eighteen years of age or older may apply to the secretary for an appearance enhancement business license.

b. Each such application for an appearance enhancement business license shall be accompanied by evidence of a bond or liability insurance.

4. a. Notwithstanding any provision contained in this article to the contrary, if any person, eligible for any license pursuant to this article, should be called to active military service at or during the time application for any license is required to be filed and license fee paid, pursuant to the provisions of this article, the period within which said application may be filed and license fee may be paid, is extended on behalf of such person, until three months after the termination of said military service.

b. In the case of persons who are called to active military service and will be discharged from active military service, the period of two years specified in paragraph d of subdivision two of this section need not be continuous. The length of time such person was engaged in the practice of nail specialty, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology before entering active military service may be added to any period of time during which such person was or is engaged in the practice of nail specialty, waxing, natural hair [~~styling~~] **care and braiding**, esthetics or cosmetology after the termination of active military service.

§ 7. Subdivision 1 of section 407 of the general business law, as amended by chapter 255 of the laws of 1999, is amended to read as follows:

1. The examinations for the license to practice natural hair [~~styling~~] **care and braiding**, esthetics, nail specialty and cosmetology shall be practical and written. The examinations for the license to practice waxing shall be limited to a written examination only. The secretary shall determine reasonable standards of performance for each license and shall evaluate the prospective applicants and applicants on the basis of such standards. The objectives of the examinations shall be to insure that prospective applicants and applicants have sufficient basic skills to safeguard the health and safety of the public and to insure that prospective applicants and applicants have attained adequate levels of skill to competently engage in the activities authorized by the license.

§ 8. The general business law is amended by adding a new section 408-c to read as follows:

§ 408-c. Natural hair care and braiding apprentice. 1. A natural hair care and braid apprentice shall be a person pursuing in good faith a course of study in the practice of natural hair care and braiding under the tutelage, supervision, and direction of a natural hair care and braiding licensee and who assists such licensee in such practice. A business appearance enhancement licensed salon shall register with the department of licensing to participate in such apprentice program. The secretary of state shall promulgate rules and regulations regarding salons and salon supervisors, for tutelage, guidelines and requirements of natural hair care and braid instructors and textured hairstylist instructors. The advisory committee established under this article shall advise on such rules and regulations.

2. a. A certificate of registration as an apprentice shall be for a period of two years and shall be renewable for an additional two years, if necessary.

b. Each certificate of registration issued as provided in this section shall be posted in some conspicuous place where such apprentice is actually engaged in the practice of natural hair care and braiding as an apprentice.

3. A mandatory twenty-five hour online or in-person course of study shall be required from an accredited school approved by the New York state department of licensing in the areas of health and safety, science and sanitary practices, and alopecia and scalp disorders.

4. Upon completion of the requirements of this section, the apprentice shall be eligible to apply for a natural hair care and braiding license.

§ 9. Subdivision 1 of section 409 of the general business law, as amended by section 2 of part Y of chapter 60 of the laws of 2011, is amended to read as follows:

1. The non-refundable fee for an application for a license to engage in the practice of nail specialty, waxing, natural hair [~~styling~~] care and braiding, esthetics or cosmetology, shall be forty dollars initially and for each renewal thereof the fee shall be forty dollars; the fee for a temporary license and each renewal shall be ten dollars.

§ 10. Paragraph a of subdivision 2 of section 410 of the general business law, as amended by chapter 80 of the laws of 2015, is amended to read as follows:

a. The secretary may issue an order directing the cessation of any activity related to nail specialty, waxing, natural hair [~~styling~~] care and braiding, esthetics or cosmetology for which a license is required by this article upon a determination that a person, partnership, limited liability company or business corporation, engaging in the business or occupation of, or holding himself, herself or itself out as or acted, temporarily or otherwise, as a nail specialist, natural hair [~~stylist~~] care and braiding specialist, esthetician or cosmetologist within this state without a valid license being in effect. The secretary shall, before making such determination and order, afford such person, partnership, limited liability company or business corporation an opportunity to be heard in person or by counsel in reference thereto in an adjudicatory proceeding held pursuant to section four hundred eleven of this article as applicable.

§ 11. Subdivision 1 of section 412 of the general business law, as amended by chapter 80 of the laws of 2015, is amended to read as follows:

1. The practice of nail specialty, waxing, natural hair [~~styling~~] care and braiding, esthetics or cosmetology without a license or while under suspension or revocation, or in violation of an order directing the

cessation of unlicensed activity issued by the secretary pursuant to section four hundred ten or four hundred eleven of this article, is a violation and is subject to a civil penalty of up to five hundred dollars for the first violation; one thousand dollars for a second such violation; and two thousand five hundred dollars for a third violation and any subsequent violation.

§ 12. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, the amendments to section 404 of the general business law made by section five of this act shall take effect on the same date and in the same manner as section 3 of chapter 664 of the laws of 2023, takes effect.