



**600 Green Lane
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POSITION PAPER

REMOVAL OF SUPERFLUOUS HAIR FROM GENITAL AREA, BUTTOCKS, BACK, CHEST

ISSUE:

Current regulations for the NJ Board of Cosmetology, section n.j.s.a. 45:5bj (6), articulates, within the scope of practice for licensees, the limits regarding the removal of superfluous hair.

The current regulations definitions in this section provides for the following permissible activity:
(6) “removing superfluous hair from the face, neck, arms, legs, or abdomen by the use of depilatories, waxing or tweezers, but not by electrolysis”.

The current regulations are silent on the removal of superfluous hair from the Chest, Buttocks, Back, and Pubic area, or any other parts of the human anatomy.

In 2007, at a meeting of the New Jersey Board of Cosmetology, the Board made an interpretation/ruling that the removal of hair from the pubic area and buttocks, commonly known as the Brazilian Waxing Technique, is outside the defined scope of practice for New Jersey Cosmetology and Skin Care Specialist licensees. This interpretation was in accordance with the regulatory definition of the scope of practice for Cosmetology and Skin Care Specialist licensees that was in effect at that time.

The implication of the NJ Board of Cosmetology interpretation was that any licensed facility that offers this service on their menu and any licensee that performs the Brazilian Waxing technique would be in violation of the regulations and subject to fines.

The consequence of this interpretation has been to drive salon owners to remove this profitable revenue producing service from their menu of offered services and, in most cases, to encourage the provision of this popular consumer service off the menu, in order to avoid prosecution or fines.

There has been no challenge to, nor interpretation, from the New Jersey Board of Cosmetology regarding the removal of superfluous hair from the Chest or Back.

The proposed changes to the NJ Board of Cosmetology regulations for 2009, 13:28-2.15 (Prohibited Practices) (b 4) indicates a practitioner shall not “perform or offer to perform removal of hair from the genital area”.

The proposed changes to the NJ Board of Cosmetology regulations for 2009, 13:28-2.15 (Prohibited Practices), is silent on the issue of removal of superfluous hair from the chest, back or buttocks.

SOCIO-ECONOMIC IMPLICATIONS:

In the distant past, there was no adverse implication for facility licensees regarding complying with the New Jersey Regulations with respect to the removal of superfluous hair from the legs or abdomen. Standard practice was to remove superfluous hair from the upper leg or the entire leg, or the abdomen, ending at the “state of the art” panty lines, at the waist and at the leg crease.

With the advent of Bikini bathing suits, and undergarments, there was a consumer demand for more precise hair removal techniques to conform to the areas exposed by the bikini garments. Specifically, the lower abdomen and the extreme inward borders of the leg crease. This “triangle” of hair removal still conformed to the regulations, at the time, for the removal of superfluous hair. In addition, Bikini Waxing was considered to be a compliant service by the New Jersey Board of Cosmetology when it was offered on the licensed facility menu of services or performed by licensees.

With the advent of Thong bathing suits and undergarments, there was a consumer need to remove superfluous hair beyond the leg crease and to include the buttock areas exposed by the thong. The Industry response was the Brazilian Waxing Technique. Because this technique includes removal of superfluous hair from the pubic area and buttocks, New Jersey Practitioners are, currently, prohibited from meeting the consumer demand for this service and are losing out on the extremely profitable benefits of offering such a contemporary service to their clients.

Of special note is the advent of the male clientele into the hair removal arena. More and more male clientele and some female clients want hair removal services for their back, chest and ears. Under current New Jersey regulations, these areas are not addressed in the scope of practice for NJ licensees. Therefore, in the absence of such language, they are presumed prohibited from the scope of practice for NJ licensees. Again, New Jersey Practitioners are losing out on the profitable benefits of offering such a contemporary service and are under threat of penalties and fines for offering or providing these services.

COMMENTARY:

It is our view that, although well intentioned, the current regulations are not in tune with the current needs of the consumer market, nor the service trends that necessarily respond to those needs in order to survive, economically.

We recognize that the New Jersey Board of Cosmetology can only operate within the confines of the legally mandated language of the regulations that govern the Board and the implementation of those mandated regulations that are in place.

The Association of Salon & Spa Professionals shares the mission of the legislators, regulators and the Board of Cosmetology with respect to the safety and rights of the consumer we serve. In that regard, we respectfully request that the regulations regarding hair removal be modified to more accurately reflect the current consumer demand for contemporary services and the fiscal viability of the licensed facilities under the jurisdiction of the New Jersey Board of Cosmetology.

We propose to provide a credible explanation/definition of the hair removal services in question and, in addition, to recommend the protocol for the provision of such services.

Proposal #1

The current regulatory language for hair removal should be modified to include the chest, back and outer ears.

Justification:

The same principles, procedures and protocols for hair removal from the back, chest and ears, are the same as those that already, by regulation, are in place for the removal of hair from the abdomen, face, legs and face.

Proposal #2

The current regulatory language for hair removal should be modified to allow for the removal of superfluous hair from the pubic area and the buttocks. The language should include a description or limitation on the degree to which the hair removal procedure exceeds the leg crease and intrudes upon the pubic area. This language must also include a recommended “safe zone”, commonly referred to as the “landing strip”, which avoids the removal of hair from the more vulnerable and sensitive genital area which is 2” – 3” from the leg crease.

Justification:

The principles, procedures and protocols for hair removal from the pubic are the same as those that already, by regulation, are in place for the removal of hair from the abdomen, face, legs and face.