

House Bill 641

By: Representatives Powell of the 23rd, Wix of the 33rd and Hudgens of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to
2 cosmetologists, so as to change certain provisions relating to application for certificate of
3 registration to practice cosmetology; to change the provisions relating to qualifications for
4 registration of cosmetologists, estheticians, and nail technicians; to change the qualifications
5 for teachers and instructors of cosmetologists, estheticians, and nail technicians; to change
6 the provisions relating to study by persons 17 years of age or older; to change certain
7 provisions relating to reciprocity; to authorize the State Board of Cosmetology to waive
8 education requirements applicable to persons desiring to obtain a certificate of registration
9 under said chapter in cases of hardship, disability, or illness or under such other
10 circumstances as the said board deems appropriate; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
15 is amended by striking in its entirety Code Section 43-10-9, relating to application for
16 certificate of registration, and inserting in lieu thereof a new Code Section 43-10-9 to read
17 as follows:

18 "43-10-9.

19 (a) Any person desiring to obtain a certificate of registration to enable him or her to
20 engage in the occupation of cosmetology shall make application through the division
21 director to the board and shall present proof that he or she has obtained a high school
22 diploma, a general educational ~~diploma~~ developmental (GED); diploma, its substantial
23 equivalent, a post-secondary education or college degree, or passed a nationally
24 recognized test. If, after review of the application, it is determined that the applicant is
25 at least 17 years of age and has met the minimum educational requirements; is of good
26 moral character; has completed a 1,500 credit hour study course with ~~a minimum of~~ at

1 least nine months at a board approved school or has served as an apprentice in a beauty
2 shop or beauty salon for a period of at least 3,300 credit hours; has practiced or studied
3 the occupation of cosmetology; is possessed of the requisite skill in such occupation to
4 perform properly all the duties of the occupation, including his or her ability in the
5 preparation of tools, in performing the services mentioned in paragraph (4) of Code
6 Section 43-10-1 and in all the duties and services incident thereto; shall pay to the division
7 director an examination fee in such amount as shall be set by the board by regulation; and
8 shall present himself or herself at the next meeting of the board held for examination of
9 applicants at which such person is scheduled for examination and shall pass the
10 examination, a certificate of registration shall be issued to him or her entitling him or her
11 to practice the occupation of master cosmetologist.

12 (b) Should an applicant under this Code section fail to pass such an examination, the
13 board shall furnish him or her a statement in writing, stating wherein the applicant was
14 deficient. Nothing in this chapter shall be construed to prevent applicants from making
15 subsequent applications to qualify under this Code section, provided they again pay the
16 required examination fee.

17 (c) An approved applicant for examination under this Code section may be issued a work
18 permit authorizing said applicant to practice such occupation until the release of the results
19 of the examination for which the applicant is scheduled. If the applicant fails to appear
20 for the examination or fails any portion of the examination, the work permit shall be
21 revoked unless the applicant provides just cause to the board as to why the applicant was
22 unable to appear for the examination.

23 (d) Should an applicant have a current cosmetology license in force from another state
24 or country, or territory of the United States, or the District of Columbia, where similar
25 reciprocity is extended to this state and licensure requirements are substantially equal to
26 those in this state, and have paid to the division director a fee in such amount as shall be
27 set by the board by regulation, the applicant may be issued, without examination, a
28 certificate of registration at the appropriate level, entitling him or her to practice the
29 occupation of cosmetology or the teaching of cosmetology at that level, unless the board,
30 in its discretion, sees fit to require examination subject to the terms and provisions of this
31 chapter. Notwithstanding any other provisions of this subsection, the board shall be
32 authorized to waive any education or experience requirements applicable to any person
33 who holds a current license or certificate to practice cosmetology outside of this state and
34 who desires to obtain a license or certificate at a level authorized under this Code section
35 to practice at such level in this state in cases of hardship, disability, or illness or under
36 such other circumstances as the board deems appropriate.

1 (e) Any person desiring to obtain a certificate of registration at the esthetician level under
2 the terms of this chapter shall make application through the division director to the board
3 and shall present proof that he or she has ~~completed the twelfth grade of school instruction~~
4 obtained a high school diploma, a general education development (GED) diploma, or its
5 substantial equivalent, a post-secondary education or college degree, or passed a
6 nationally recognized test. If, after review of the application, it is determined that the
7 applicant is at least 17 years of age and has met the minimum educational requirements;
8 is of good moral character; has completed a 1,000 credit hour study course ~~within a~~
9 ~~nine-month period~~ of at least nine months at a board approved school or has served as an
10 apprentice in a beauty shop or beauty salon for a period of at least 2,000 credit hours; has
11 practiced or studied cosmetic skin care as defined in paragraph (5) of Code Section
12 43-10-1; is possessed of the requisite skill to perform properly these services; shall pay
13 to the division director an examination fee in such amount as shall be set by the board by
14 regulation; and shall present himself or herself at the next meeting of the board for
15 examination of applicants at which such person is scheduled for examination and shall
16 pass the examination, a certificate of registration shall be issued to him or her entitling
17 him or her to practice the occupation of cosmetology at the esthetician level.
18 Notwithstanding any other provisions of this subsection, the board shall be authorized to
19 waive any education requirements applicable to any person desiring to obtain a certificate
20 of registration at the esthetician level in cases of hardship, disability, or illness or under
21 such other circumstances as the board deems appropriate.

22 (f) Any person desiring to obtain a certificate of registration at the nail technician level
23 under the terms of this chapter shall make application through the division director to the
24 board and shall present proof that he or she has ~~completed the twelfth grade of school~~
25 ~~instruction~~ obtained a high school diploma, a general education development (GED)
26 diploma, or its substantial equivalent, a post-secondary education or college degree, or
27 passed a nationally recognized test. If, after review of the application, it is determined that
28 the applicant is at least 17 years of age and has met the minimum educational
29 requirements, is of good moral character, has completed a 525 credit hour study course
30 ~~with a minimum~~ of at least four months at a board approved school or has served as an
31 apprentice in a beauty shop or beauty salon for a period of at least 1,050 credit hours, has
32 practiced or studied nail care, is possessed of the requisite skill to perform properly these
33 services, and the applicant pays to the division director an examination fee in such amount
34 as shall be set by the board by regulation, presents himself or herself at the next meeting
35 of the board held for examination of applicants at which such person is scheduled for
36 examination, and passes the examination, then a certificate of registration shall be issued
37 to him or her entitling him or her to practice the occupation of cosmetology at the nail

1 technician level. Notwithstanding any other provisions of this subsection, the board shall
 2 be authorized to waive any education requirements applicable to any person desiring to
 3 obtain a certificate of registration at the nail technician level in cases of hardship,
 4 disability, or illness or under such other circumstances as the board deems appropriate.

5 (g) Nothing in this Code section shall be construed as preventing a person from obtaining
 6 a certificate of registration for the occupation of cosmetology, at the master level, the
 7 esthetician level, or the nail technician level if such person obtains his or her credit hour
 8 study at a State Board of Education approved school or a technical institute under the
 9 jurisdiction of the Department of Technical and Adult Education or the Department of
 10 Education rather than at a board approved school.

11 (h) A person licensed to practice barbering under Chapter 7 of this title shall be eligible
 12 to take the master cosmetologist examination provided for in this Code section if that
 13 person completes a board approved 250 hour prescribed course in an approved
 14 cosmetology school, submits a completed application, and pays the proper fees established
 15 by the board."

16 SECTION 2.

17 Said chapter is further amended by striking in its entirety subsection (e) of Code Section
 18 43-10-12, relating to regulation and permits for schools, teachers, and instructors, and
 19 inserting in lieu thereof a new subsection (e) to read as follows:

20 "(e)(1) All teachers or instructors shall devote their entire time to instruction of
 21 students. Any person desiring to teach or instruct in any school of cosmetology, school
 22 of esthetics, or school of nail care shall first file his or her application with the division
 23 director for a license therefor and shall pay an examination fee in such amount as shall
 24 be set by the board by regulation.

25 (2) A person desiring to teach at the master level of cosmetology shall satisfy the board
 26 that he or she:

27 (A)(i) Holds ~~holds~~ a current cosmetology license; ~~at the master level and a~~
 28 ~~diploma or certificate of 1,650 credit hours from a board approved school or a~~
 29 ~~program approved by the Department of Technical and Adult Education or~~
 30 ~~Department of Education, is a high school graduate or has a general education~~
 31 ~~diploma (GED) or its substantial equivalent or has a post-secondary education or~~
 32 ~~college degree or has passed a nationally recognized test, has 18 months' work~~
 33 ~~experience in a beauty salon, and has one year's instructor training in a registered~~
 34 ~~school of cosmetology or a technical school under the jurisdiction of the~~
 35 ~~Department of Technical and Adult Education or Department of Education.~~

1 (ii) Has 1200 hours of board approved training in cosmetology; and

2 (iii) Has successfully completed the examination to become an instructor in
3 cosmetology; or

4 (B)(i) Has held an active license as a cosmetologist for one year;

5 (ii) Has 600 hours of board approved training in cosmetology; and

6 (iii) Has successfully completed the examination to become an instructor in
7 cosmetology.

8 ~~A person holding a current cosmetology license at the master level who has completed~~
9 ~~the required board approved hours of continuing education and has board approved~~
10 ~~experience in education shall be permitted to take the examination to become an~~
11 ~~instructor.~~

12 (3) A person desiring to teach at the esthetician level shall satisfy the board that he or
13 she;

14 (A)(i) Holds ~~holds~~ a current cosmetology license at the esthetician or master
15 ~~level; and a diploma or certificate of at least 1,000 credit hours from a board~~
16 ~~approved school or a program approved by the Department of Technical and~~
17 ~~Adult Education or Department of Education, is a high school graduate, has 18~~
18 ~~months' work experience in a beauty salon, and has nine months' instructor~~
19 ~~training in a registered school of esthetics, school of cosmetology, or a technical~~
20 ~~school under the jurisdiction of the Department of Technical and Adult Education~~
21 ~~or Department of Education.~~

22 (ii) Has 1200 hours of board approved training in esthetics; and

23 (iii) Has successfully completed the examination to become an instructor in
24 esthetics; or

25 (B)(i) Has held an active registration at the esthetician level for one year;

26 (ii) Has 600 hours of board approved training in esthetics; and

27 (iii) Has successfully completed the examination to become an instructor in
28 esthetics.

29 (4) A person desiring to teach at the nail technician level shall satisfy the board that he
30 or she;

31 (A)(i) Holds ~~holds~~ a current cosmetology license at the nail technician or master
32 ~~level; and a diploma or certificate of at least 525 credit hours from a board~~
33 ~~approved school or a program approved by the Department of Technical and~~
34 ~~Adult Education or Department of Education, is a high school graduate, has 18~~
35 ~~months' work experience in a beauty salon, and has six months' instructor~~
36 ~~training in a registered school of nail care, school of cosmetology, or a technical~~

1 school under the jurisdiction of the Department of Technical and Adult Education
2 or Department of Education.

3 (ii) Has 1200 hours of board approved training in nail care; and

4 (iii) Has successfully completed the examination to become an instructor in nail
5 care; or

6 (B)(i) Has held an active registration at the nail technician level for one year;

7 (ii) Has 600 hours of board approved training in nail care; and

8 (iii) Has successfully completed the examination to become an instructor in nail
9 care.

10 ~~Such person shall also pass an examination at the appropriate level of instruction~~
11 ~~satisfactory to the board and, upon passage thereof, shall receive a license to teach~~
12 ~~cosmetology at the appropriate level. Any person who has actively engaged in the~~
13 ~~practice of esthetics or nail care for five years prior to July 1, 1985, shall be able to~~
14 ~~stand for examination to be licensed to teach at the appropriate level without meeting~~
15 ~~the credit hour and instructor training requirements, provided that such person holds~~
16 ~~a current license at the esthetician, nail technician, or master level, is a high school~~
17 ~~graduate or its equivalent, submits proper application and proof satisfactory to the~~
18 ~~board, and has paid or pays the required fees prior to November 1, 1985.~~

19 ~~(2)~~(5) Any teacher or instructor shall renew his or her license to teach cosmetology
20 biennially by remitting with his or her application a renewal fee in such amount as shall
21 be set by the board by regulation; provided, however, any teacher or instructor who
22 fails to renew his or her certificate of registration to practice as a cosmetologist on or
23 before the date established by the board by regulation shall automatically have his or
24 her license to teach or instruct revoked. A person failing to renew his or her teacher's
25 license within two years after expiration shall be required to qualify under this chapter
26 for an examination for a teacher's license.

27 ~~(3)~~(6) Nothing in this Code section shall be construed as preventing a person from
28 obtaining a certificate of registration as teacher or instructor who is certified by the
29 Department of Education to teach cosmetology in the state public schools. The
30 certification is limited to those persons who hold a current cosmetology license at the
31 master level and also hold a diploma or certificate of 1,650 credit hours from a board
32 approved school and have completed the three-year teachers training program required
33 by the Department of Education. Such persons shall also pass an examination
34 satisfactory to the board and, upon passage thereof, shall receive a license to teach
35 cosmetology."

SECTION 3.

1

2 Said chapter is further amended by striking in its entirety Code Section 43-10-14, relating
3 to study by persons 17 years of age and older, and inserting in lieu thereof a new Code
4 Section 43-10-14 to read as follows:

5 "43-10-14.

6 (a) Nothing in this chapter shall prohibit any person at least 17 years of age from learning
7 the occupation of cosmetology under a master cosmetologist, provided that such
8 cosmetologist has had at least 36 months' experience and has held a license of a master
9 cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any
10 person at least 17 years of age from learning the occupation of cosmetology under an
11 instructor in a school of cosmetology who has been a cosmetologist for a period of at least
12 18 months and has registered under this chapter. Nothing in this chapter shall prohibit any
13 person at least 17 years of age from learning the occupation of esthetics under a
14 cosmetologist holding a master cosmetologist certificate or an esthetician certificate,
15 provided that such cosmetologist has had at least 36 months' experience, or under an
16 instructor in a school of cosmetology or school of esthetics who has been a licensed
17 cosmetologist for a period of at least 18 months, is qualified to teach said practices, and
18 has registered under this chapter. Nothing in this chapter shall prohibit any person at least
19 17 years of age from learning the occupation of nail care or manicuring under a
20 cosmetologist holding a master cosmetologist certificate or a nail technician certificate,
21 provided that such cosmetologist has had at least 36 months' experience, or under an
22 instructor in a school of cosmetology or school of nail care who has been a licensed
23 cosmetologist for a period of at least 18 months, is qualified to teach said practices, and
24 has registered under this chapter. Any person registered as an apprentice under this Code
25 section on June 30, 1997, shall be eligible to continue such apprenticeship under the
26 person from whom that apprentice was learning the occupation of cosmetology, esthetics,
27 or nail care or manicuring at the time of registration notwithstanding that the person under
28 whom the apprentice was learning such occupation does not meet the 36 months'
29 experience otherwise required by this Code section. Every shop owner shall have the
30 responsibility for registering apprentices with the division director. The shop owner shall
31 file a statement in writing, showing the apprentice's name and the address of the shop.
32 The board shall have the authority to require the shop owner to furnish to the board the
33 number of hours completed by the apprentice. The shop owner shall remit to the division
34 director a fee in such amount as shall be set by the board by regulation for the registration
35 of the apprentice. The apprentice shall receive a certificate of registration showing the
36 capacity in which he or she is permitted to practice cosmetology. The certificate of

1 registration shall be effective for a period of two years and may be renewed at the end of
2 such period upon the filing of an application on forms furnished by the division director
3 and the payment of a renewal fee in such amount as shall be set by the board by
4 regulation. A certificate of registration authorizing a person to learn the occupation of
5 cosmetology under a cosmetologist shall not be renewed more than one time; and, upon
6 the expiration of the last certificate of registration issued, such person shall not be
7 permitted to practice in any capacity.

8 (b) The board shall be authorized to waive any experience or education requirements
9 applicable to a cosmetologist, esthetician, nail technician, or teacher or instructor under
10 whom a person studies pursuant to subsection (a) of this Code section and any required
11 hours of training of a student who desires to obtain a certificate of registration pursuant
12 to subsection (a) of this Code section in cases of hardship, disability, or illness or under
13 such other circumstances as the board deems appropriate."

14 SECTION 4.

15 All laws and parts of laws in conflict with this Act are repealed.