

Senate Bill 116

By: Senator Thomas of the 10th**AS PASSED SENATE****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 certain provisions relating to reciprocity; to authorize the State Board of Cosmetology to
 7 waive certain education requirements under said chapter in cases of hardship, disability, or
 8 illness or under such other circumstances as the board deems appropriate with respect to
 9 applicants who were enrolled in a board approved school or had completed a board approved
 10 study course as of June 30, 2000; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

17 "43-10-9.

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

1 period of at least ~~3,300~~ 3,000 credit hours; has practiced or studied the occupation of
2 cosmetology; is possessed of the requisite skill in such occupation to perform properly all
3 the duties of the occupation, including his or her ability in the preparation of tools, in
4 performing the services mentioned in paragraph (4) of Code Section 43-10-1₂ and in all the
5 duties and services incident thereto; ~~shall pay~~ has paid to the division director an
6 examination fee in such amount as shall be set by the board by regulation; and ~~shall present~~
7 has presented himself or herself at the next meeting of the board held for examination of
8 applicants at which such person is scheduled for examination and ~~shall pass the~~ has passed
9 both a written and a practical examination, a certificate of registration shall be issued to
10 him or her entitling him or her to practice the occupation of master cosmetologist.
11 Notwithstanding any other provisions of this subsection, the board shall be authorized to
12 waive any education requirements under this subsection in cases of hardship, disability, or
13 illness or under such other circumstances as the board deems appropriate with respect to
14 any applicant who was enrolled in a board approved school or had completed a board
15 approved study course as of June 30, 2000.

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

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

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

1 cosmetology outside of this state and who desires to obtain a license or certificate at a level
2 authorized under this Code section to practice at such level in this state in cases of
3 hardship, disability, or illness or under such other circumstances as the board deems
4 appropriate.

5 (e) Any person desiring to obtain a certificate of registration at the esthetician level under
6 the terms of this chapter shall make application through the division director to the board
7 and shall present proof that he or she has ~~completed the twelfth grade of school instruction~~
8 obtained a high school diploma, a general educational development (GED) diploma, or its
9 substantial equivalent a postsecondary education or college degree. If, after review of the
10 application, it is determined that the applicant is at least 17 years of age; ~~and~~ has met the
11 minimum educational requirements; is of good moral character; has completed a 1,000
12 credit hour study course ~~within a nine-month period~~ of at least nine months at a board
13 approved school or has served as an apprentice in a beauty shop or beauty salon for a
14 period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as defined
15 in paragraph (5) of Code Section 43-10-1; is possessed of the requisite skill to perform
16 properly these services; ~~shall pay~~ has paid to the division director an examination fee in
17 such amount as shall be set by the board by regulation; and ~~shall present~~ has presented
18 himself or herself at the next meeting of the board for examination of applicants at which
19 such person is scheduled for examination and ~~shall pass the~~ has passed a written and a
20 practical examination, a certificate of registration shall be issued to ~~him or her~~ the applicant
21 entitling ~~him or her~~ the applicant to practice the occupation of cosmetology at the
22 esthetician level. Notwithstanding any other provisions of this subsection, the board shall
23 be authorized to waive any education requirements under this subsection in cases of
24 hardship, disability, or illness or under such other circumstances as the board deems
25 appropriate with respect to any applicant who was enrolled in a board approved school or
26 had completed a board approved study course as of June 30, 2000.

27 (f) Any person desiring to obtain a certificate of registration at the nail technician level
28 under the terms of this chapter shall make application through the division director to the
29 board and shall present proof that he or she has ~~completed the twelfth grade of school~~
30 instruction obtained a high school diploma, a general educational development (GED)
31 diploma, or its substantial equivalent a postsecondary education or college degree. If, after
32 review of the application, it is determined that the applicant is at least 17 years of age; ~~and~~
33 has met the minimum educational requirements; ~~is~~ of good moral character; ~~has~~
34 completed a 525 credit hour study course ~~with a minimum of~~ at least four months at a
35 board approved school or has served as an apprentice in a beauty shop or beauty salon for
36 a period of at least 1,050 credit hours; ~~is~~ has practiced or studied nail care; ~~is~~ possessed of
37 the requisite skill to perform properly these services; has paid, ~~and the applicant pays to~~

1 the division director an examination fee in such amount as shall be set by the board by
2 regulation; ~~and has presented~~, ~~presents~~ himself or herself at the next meeting of the board
3 held for examination of applicants at which such person is scheduled for examination, ~~and~~
4 ~~passes the~~ and has passed both a written and a practical examination, ~~then~~ a certificate of
5 registration shall be issued to ~~him or her~~ the applicant entitling ~~him or her~~ the applicant to
6 practice the occupation of cosmetology at the nail technician level. Notwithstanding any
7 other provisions of this subsection, the board shall be authorized to waive any education
8 requirements under this subsection in cases of hardship, disability, or illness or under such
9 other circumstances as the board deems appropriate with respect to any applicant who was
10 enrolled in a board approved school or had completed a board approved study course as of
11 June 30, 2000.

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

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

23 SECTION 2.

24 Said chapter is further amended by striking in its entirety subsection (e) of Code Section
25 43-10-12, relating to regulation and permits for schools, teachers, and instructors, and
26 inserting in lieu thereof a new subsection (e) to read as follows:

27 "(e)(1) All teachers or instructors shall devote their entire time to instruction of students.
28 Any person desiring to teach or instruct in any school of cosmetology, school of esthetics,
29 or school of nail care shall first file his or her application with the division director for
30 a license, ~~therefore and shall pay an examination~~ a fee in such amount as shall be set by
31 the board by regulation, and shall successfully pass both a written and a practical
32 examination to become an instructor.

33 (2)(A) A person desiring to teach at the master level shall satisfy the board that he or
34 she:

35 (i) Holds ~~holds~~ a current cosmetology license at the master level and is a high school
36 graduate, has a general education development (GED) diploma, or has a

1 postsecondary education or college degree; a diploma or certificate of 1,650 credit
2 hours from a board approved school or a program approved by the Department of
3 Technical and Adult Education or Department of Education, is a high school graduate,
4 has 18 months' work experience in a beauty salon, and has one year's instructor
5 training in a registered school of cosmetology or a technical school under the
6 jurisdiction of the Department of Technical and Adult Education or Department of
7 Education.

8 (ii) Has 1,500 hours of instructor training in cosmetology at a board approved school;
9 and

10 (iii) Has one year of work experience at the master level.

11 (B) A person holding a current cosmetology license at the master level who has
12 completed the required board approved hours of continuing education and has board
13 approved experience in education shall be permitted to take the examination to become
14 an instructor who is a high school graduate, has a general education development
15 (GED) diploma, or has a postsecondary education or college degree; who has
16 completed the required board approved hours of continuing education; and has board
17 approved work experience as an instructor or in education may, at the board's
18 discretion, be permitted to take the written and the practical examination to become an
19 instructor at the master level.

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

22 (i) Holds holds a current cosmetology license at the esthetician or master level and
23 is a high school graduate, has a general education development (GED) diploma, or
24 has a postsecondary education or college degree; a diploma or certificate of at least
25 1,000 credit hours from a board approved school or a program approved by the
26 Department of Technical and Adult Education or Department of Education, is a high
27 school graduate, has 18 months' work experience in a beauty salon, and has nine
28 months' instructor training in a registered school of esthetics, school of cosmetology,
29 or a technical school under the jurisdiction of the Department of Technical and Adult
30 Education or Department of Education.

31 (ii) Has 1,000 hours of board approved instructor training in esthetics of at least nine
32 months;

33 (iii) Has one year of work experience at the esthetician or master level; and

34 (iv) Has passed both a written and a practical examination to become an instructor
35 in esthetics.

36 (B) A person holding a current cosmetology license at the esthetician or master level
37 who is a high school graduate, has a general education development (GED) diploma,

1 or has a postsecondary education or college degree; who has completed the required
2 board approved hours of continuing education; and has board approved work
3 experience as an instructor or in education may, at the board's discretion, be permitted
4 to take the written and the practical examination to become an instructor at the
5 esthetician level.

6 (4)(A) A person desiring to teach at the nail technician level shall satisfy the board that
7 he or she:

8 (i) Holds holds a current cosmetology license at the nail technician or master level
9 and is a high school graduate, has a general education development (GED) diploma,
10 or has a postsecondary education or college degree; a diploma or certificate of at least
11 525 credit hours from a board approved school or a program approved by the
12 Department of Technical and Adult Education or Department of Education, is a high
13 school graduate or has passed a nationally recognized test, has 18 months' work
14 experience in a beauty salon, and has six months' instructor training in a registered
15 school of nail care, school of cosmetology, or a technical school under the jurisdiction
16 of the Department of Technical and Adult Education or Department of Education.

17 (ii) Has 525 hours of board approved instructor training in nail care of at least four
18 months;

19 (iii) Has one year of work experience at the nail technician or master level; and

20 (iv) Has passed both a written and a practical examination to become an instructor
21 in nail care.

22 (B) A person holding a current cosmetology license at the nail technician or master
23 level who is a high school graduate, has a general education development (GED)
24 diploma, or has a postsecondary education or college degree; who has completed the
25 required board approved hours of continuing education; and has board approved work
26 experience as an instructor or in education may, at the board's discretion, be permitted
27 to take the written and the practical examination to become an instructor at the nail
28 technician level.

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

1 years of age from learning the occupation of nail care or manicuring under a cosmetologist
2 holding a master cosmetologist certificate or a nail technician certificate, provided that such
3 cosmetologist has had at least 36 months' experience, or under an instructor in a school of
4 cosmetology or school of nail care who has been a licensed cosmetologist for a period of
5 at least 18 months, is qualified to teach said practices, and has registered under this chapter.
6 Any person registered as an apprentice under this Code section on June 30, 1997, shall be
7 eligible to continue such apprenticeship under the person from whom that apprentice was
8 learning the occupation of cosmetology, esthetics, or nail care or manicuring at the time of
9 registration notwithstanding that the person under whom the apprentice was learning such
10 occupation does not meet the 36 months' experience otherwise required by this Code
11 section. Every shop owner shall have the responsibility for registering apprentices with the
12 division director. The shop owner shall file a statement in writing, showing the
13 apprentice's name and the address of the shop. The board shall have the authority to
14 require the shop owner to furnish to the board the number of hours completed by the
15 apprentice. The shop owner shall remit to the division director a fee in such amount as
16 shall be set by the board by regulation for the registration of the apprentice. The apprentice
17 shall receive a certificate of registration showing the capacity in which he or she is
18 permitted to practice cosmetology. The certificate of registration shall be effective for a
19 period of two years and may be renewed at the end of such period upon the filing of an
20 application on forms furnished by the division director and the payment of a renewal fee
21 in such amount as shall be set by the board by regulation. A certificate of registration
22 authorizing a person to learn the occupation of cosmetology under a cosmetologist shall
23 not be renewed more than one time; and, upon the expiration of the last certificate of
24 registration issued, such person shall not be permitted to practice in any capacity.

25 (b) Notwithstanding any other provisions of this subsection, the board shall be authorized
26 to waive any education requirements under this subsection in cases of hardship, disability,
27 or illness or under such other circumstances as the board deems appropriate with respect
28 to any applicant who was enrolled in a board approved school or had completed a board
29 approved study course as of June 30, 2000."

30 SECTION 4.

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