

The House Committee on Health and Ecology offered the following substitute to SB 116:

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 the definition of certain terms; to change certain provisions
3 relating to application for certificate of registration to practice cosmetology; to change the
4 provisions relating to qualifications for registration of cosmetologists, estheticians, and nail
5 technicians; to change the qualifications for teachers and instructors of cosmetologists,
6 estheticians, and nail technicians; to change certain provisions relating to reciprocity; to
7 authorize the State Board of Cosmetology to waive certain education requirements under said
8 chapter in cases of hardship, disability, or illness or under such other circumstances as the
9 board deems appropriate with respect to applicants who were enrolled in a board approved
10 school or had completed a board approved study course as of June 30, 2000; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
14 is amended by striking in their entirety paragraphs 8, 9, and 10 of Code Section 43-10-1,
15 relating to definitions applicable under said chapter, and inserting in lieu thereof the
16 following:
17

18 "(8) 'School of cosmetology' means any establishment that receives compensation for
19 training more than one person in the occupation of cosmetology as defined in
20 paragraph (4) of this Code section. Technical ~~institutes~~ colleges whose programs have
21 been approved by the Department of Technical and Adult Education or the Department
22 of Education are not 'schools of cosmetology' within the meaning of this chapter;
23 provided, however, that all such colleges and their programs shall be considered to be
24 'board approved.'

25 (9) 'School of esthetics' means any establishment that receives compensation for training
26 more than one person in the occupation of esthetics as defined in paragraph (5) of this

1 Code section. Technical ~~institutes~~ colleges whose programs have been approved by the
 2 Department of Technical and Adult Education or the Department of Education are not
 3 'schools of esthetics' within the meaning of this chapter; provided, however, that all such
 4 colleges and their programs shall be considered to be 'board approved.'

5 (10) 'School of nail care' means any establishment that receives compensation for
 6 training more than one person in the occupation of nail care or manicuring as defined in
 7 paragraph (6) of this Code section. Technical ~~institutes~~ colleges whose programs have
 8 been approved by the Department of Technical and Adult Education or the Department
 9 of Education are not 'schools of nail care' within the meaning of this chapter; provided,
 10 however, that all such colleges and their programs shall be considered to be 'board
 11 approved.'"

12 SECTION 2.

13 Said chapter is further amended by striking in its entirety Code Section 43-10-9, relating to
 14 application for certificate of registration, and inserting in lieu thereof a new Code Section
 15 43-10-9 to read as follows:

16 "43-10-9.

17 (a) Any person desiring to obtain a certificate of registration to enable him or her to engage
 18 in the occupation of cosmetology shall make application through the division director to
 19 the board and shall present proof that he or she has obtained a high school diploma, a
 20 general educational ~~diploma~~ development (GED) diploma, ~~its substantial equivalent, or~~
 21 ~~passed a nationally recognized test~~ or a postsecondary education or college degree. If, after
 22 review of the application, it is determined that the applicant is at least 17 years of age; ~~and~~
 23 has met the minimum educational requirements; is of good moral character; has completed
 24 a 1,500 credit hour study course with ~~a minimum of~~ at least nine months at a board
 25 approved school or has served as an apprentice in a beauty shop or beauty salon for a
 26 period of at least ~~3,300~~ 3,000 credit hours; has practiced or studied the occupation of
 27 cosmetology; is possessed of the requisite skill in such occupation to perform properly all
 28 the duties of the occupation, including his or her ability in the preparation of tools, in
 29 performing the services mentioned in paragraph (4) of Code Section 43-10-1, and in all the
 30 duties and services incident thereto; ~~shall pay~~ has paid to the division director an
 31 examination fee in such amount as shall be set by the board by regulation; and ~~shall present~~
 32 has presented himself or herself at the next meeting of the board held for examination of
 33 applicants at which such person is scheduled for examination and ~~shall pass the~~ has passed
 34 both a written and a practical examination, a certificate of registration shall be issued to
 35 him or her entitling him or her to practice the occupation of master cosmetologist.
 36 Notwithstanding any other provisions of this subsection, the board shall be authorized to

1 waive any education requirements under this subsection in cases of hardship, disability, or
2 illness or under such other circumstances as the board deems appropriate with respect to
3 any applicant who was enrolled in a board approved school or had completed a board
4 approved study course as of June 30, 2000.

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

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

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

31 (e) Any person desiring to obtain a certificate of registration at the esthetician level under
32 the terms of this chapter shall make application through the division director to the board
33 and shall present proof that he or she has ~~completed the twelfth grade of school instruction~~
34 obtained a high school diploma, a general educational development (GED) diploma, or its
35 substantial equivalent a postsecondary education or college degree. If, after review of the
36 application, it is determined that the applicant is at least 17 years of age; ~~and~~ has met the
37 minimum educational requirements; is of good moral character; has completed a 1,000

1 credit hour study course ~~within a nine-month period~~ of at least nine months at a board
 2 approved school or has served as an apprentice in a beauty shop or beauty salon for a
 3 period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as defined
 4 in paragraph (5) of Code Section 43-10-1; is possessed of the requisite skill to perform
 5 properly these services; ~~shall pay~~ has paid to the division director an examination fee in
 6 such amount as shall be set by the board by regulation; and ~~shall present~~ has presented
 7 himself or herself at the next meeting of the board for examination of applicants at which
 8 such person is scheduled for examination and ~~shall pass the~~ has passed a written and a
 9 practical examination, a certificate of registration shall be issued to ~~him or her~~ the applicant
 10 entitling ~~him or her~~ the applicant to practice the occupation of cosmetology at the
 11 esthetician level. Notwithstanding any other provisions of this subsection, the board shall
 12 be authorized to waive any education requirements under this subsection in cases of
 13 hardship, disability, or illness or under such other circumstances as the board deems
 14 appropriate with respect to any applicant who was enrolled in a board approved school or
 15 had completed a board approved study course as of June 30, 2000.

16 (f) Any person desiring to obtain a certificate of registration at the nail technician level
 17 under the terms of this chapter shall make application through the division director to the
 18 board and shall present proof that he or she has ~~completed the twelfth grade of school~~
 19 ~~instruction~~ obtained a high school diploma, a general educational development (GED)
 20 diploma, or its substantial equivalent a postsecondary education or college degree. If, after
 21 review of the application, it is determined that the applicant is at least 17 years of age; ~~and~~
 22 has met the minimum educational requirements; ~~is~~ of good moral character; ~~has~~
 23 completed a 525 credit hour study course ~~with a minimum of~~ at least four months at a
 24 board approved school or has served as an apprentice in a beauty shop or beauty salon for
 25 a period of at least 1,050 credit hours; ~~is~~ has practiced or studied nail care; ~~is~~ possessed of
 26 the requisite skill to perform properly these services; has paid, ~~and the applicant pays~~ to
 27 the division director an examination fee in such amount as shall be set by the board by
 28 regulation; and has presented, ~~presents~~ himself or herself at the next meeting of the board
 29 held for examination of applicants at which such person is scheduled for examination, ~~and~~
 30 ~~passes the~~ and has passed both a written and a practical examination, ~~then~~ a certificate of
 31 registration shall be issued to ~~him or her~~ the applicant entitling ~~him or her~~ the applicant
 32 to practice the occupation of cosmetology at the nail technician level. Notwithstanding any
 33 other provisions of this subsection, the board shall be authorized to waive any education
 34 requirements under this subsection in cases of hardship, disability, or illness or under such
 35 other circumstances as the board deems appropriate with respect to any applicant who was
 36 enrolled in a board approved school or had completed a board approved study course as of
 37 June 30, 2000.

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

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

SECTION 3.

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

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

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

(i) Holds holds a current cosmetology license at the master level and is a high school graduate, has a general education development (GED) diploma, or has a postsecondary education or college degree; a diploma or certificate of 1,650 credit hours from a board approved school or a program approved by the Department of Technical and Adult Education or Department of Education, is a high school graduate, has 18 months' work experience in a beauty salon, and has one year's instructor training in a registered school of cosmetology or a technical school under the jurisdiction of the Department of Technical and Adult Education or Department of Education.

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

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

1 (B) A person holding a current cosmetology license at the master level who has
 2 completed the required board approved hours of continuing education and has board
 3 approved experience in education shall be permitted to take the examination to become
 4 an instructor who is a high school graduate, has a general education development
 5 (GED) diploma, or has a postsecondary education or college degree; who has
 6 completed the required board approved hours of continuing education; and has board
 7 approved work experience as an instructor or in education may, at the board's
 8 discretion, be permitted to take the written and the practical examination to become an
 9 instructor at the master level.

10 (3)(A) A person desiring to teach at the esthetician level shall satisfy the board that he
 11 or she:

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

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

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

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

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

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

35 (i) Holds holds a current cosmetology license at the nail technician or master level
 36 and is a high school graduate, has a general education development (GED) diploma,
 37 or has a postsecondary education or college degree; a diploma or certificate of at least

~~525 credit hours from a board approved school or a program approved by the Department of Technical and Adult Education or Department of Education, is a high school graduate or has passed a nationally recognized test, has 18 months' work experience in a beauty salon, and has six months' instructor training in a registered school of nail care, school of cosmetology, or a technical school under the jurisdiction of the Department of Technical and Adult Education or Department of Education.~~

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

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

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

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

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

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

1 occupation does not meet the 36 months' experience otherwise required by this Code
2 section. Every shop owner shall have the responsibility for registering apprentices with the
3 division director. The shop owner shall file a statement in writing, showing the
4 apprentice's name and the address of the shop. The board shall have the authority to
5 require the shop owner to furnish to the board the number of hours completed by the
6 apprentice. The shop owner shall remit to the division director a fee in such amount as
7 shall be set by the board by regulation for the registration of the apprentice. The apprentice
8 shall receive a certificate of registration showing the capacity in which he or she is
9 permitted to practice cosmetology. The certificate of registration shall be effective for a
10 period of two years and may be renewed at the end of such period upon the filing of an
11 application on forms furnished by the division director and the payment of a renewal fee
12 in such amount as shall be set by the board by regulation. A certificate of registration
13 authorizing a person to learn the occupation of cosmetology under a cosmetologist shall
14 not be renewed more than one time; and, upon the expiration of the last certificate of
15 registration issued, such person shall not be permitted to practice in any capacity.

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

21 SECTION 5.

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