

House Bill 641 (AS PASSED HOUSE AND SENATE)

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 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
 27 period of at least ~~3,300~~ 3,000 credit hours; has practiced or studied the occupation of

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

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

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

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

1 authorized under this Code section to practice at such level in this state in cases of
 2 hardship, disability, or illness or under such other circumstances as the board deems
 3 appropriate.

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

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

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

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

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

22 SECTION 2.

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

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

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

34 (i) Holds holds a current cosmetology license at the master level and is a high school
 35 graduate, has a general education development (GED) diploma, or has a
 36 postsecondary education or college degree; a diploma or certificate of 1,650 credit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(2)~~(5) Any teacher or instructor shall renew his or her license to teach cosmetology
 2 biennially in odd years by remitting with his or her application a renewal fee in such
 3 amount as shall be set by the board by regulation; provided, however, any teacher or
 4 instructor who fails to renew his or her certificate of registration to practice as a
 5 cosmetologist, esthetician, or nail technician on or before the date established by the
 6 board by regulation shall automatically have his or her license to teach or instruct
 7 revoked. A person failing to renew his or her ~~teacher's~~ instructor's license within two
 8 years after expiration shall be required to qualify under this chapter for both a written and
 9 a practical ~~an~~ examination for a ~~teacher's~~ an instructor's license.

10 ~~(3)~~(6) Nothing in this Code section shall be construed as preventing a person from
 11 obtaining a certificate of registration as teacher or instructor who is certified by the
 12 Department of Education to teach cosmetology in the state public schools. The
 13 certification is limited to those persons who hold a current cosmetology license at the
 14 master level and also hold a diploma or certificate of ~~1,650~~ 1,500 credit hours from a
 15 board approved school and have completed the three-year teachers training program
 16 required by the Department of Education. Such persons shall also pass ~~an~~ both a written
 17 and a practical examination satisfactory to the board and, upon passage thereof, shall
 18 receive a license to teach cosmetology."

19 SECTION 3.

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

23 "43-10-14.

24 (a) Nothing in this chapter shall prohibit any person at least 17 years of age from learning
 25 the occupation of cosmetology under a master cosmetologist, provided that such
 26 cosmetologist has had at least 36 months' experience and has held a license of a master
 27 cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any
 28 person at least 17 years of age from learning the occupation of cosmetology under an
 29 instructor in a school of cosmetology who has been a cosmetologist for a period of at least
 30 18 months and has registered under this chapter. Nothing in this chapter shall prohibit any
 31 person at least 17 years of age from learning the occupation of esthetics under a
 32 cosmetologist holding a master cosmetologist certificate or an esthetician certificate,
 33 provided that such cosmetologist has had at least 36 months' experience, or under an
 34 instructor in a school of cosmetology or school of esthetics who has been a licensed
 35 cosmetologist for a period of at least 18 months, is qualified to teach said practices, and has
 36 registered under this chapter. Nothing in this chapter shall prohibit any person at least 17

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.