

Senate Bill 116

By: Senator Thomas of the 10th

**AS PASSED**

## 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  
 27 Code section. Technical ~~institutes~~ colleges whose programs have been approved by the  
 28 Department of Technical and Adult Education or the Department of Education are not

1 'schools of esthetics' within the meaning of this chapter; provided, however, that all such  
 2 colleges and their programs shall be considered to be 'board approved.'

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

## 10 SECTION 2.

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

14 "43-10-9.

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

1 any applicant who was enrolled in a board approved school or had completed a board  
 2 approved study course as of June 30, 2000.

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

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

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

29 (e) Any person desiring to obtain a certificate of registration at the esthetician level under  
 30 the terms of this chapter shall make application through the division director to the board  
 31 and shall present proof that he or she has ~~completed the twelfth grade of school instruction~~  
 32 obtained a high school diploma, a general educational development (GED) diploma, or its  
 33 substantial equivalent a postsecondary education or college degree. If, after review of the  
 34 application, it is determined that the applicant is at least 17 years of age; ~~and~~ has met the  
 35 minimum educational requirements; is of good moral character; has completed a 1,000  
 36 credit hour study course ~~within a nine-month period~~ of at least nine months at a board  
 37 approved school or has served as an apprentice in a beauty shop or beauty salon for a

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

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

36 (g) Nothing in this Code section shall be construed as preventing a person from obtaining  
 37 a certificate of registration for the occupation of cosmetology; at the master level, the



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

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

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

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

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

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

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

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

32 (i) Holds holds a current cosmetology license at the nail technician or master level  
 33 and is a high school graduate, has a general education development (GED) diploma,  
 34 or has a postsecondary education or college degree; a diploma or certificate of at least  
 35 525 credit hours from a board approved school or a program approved by the  
 36 Department of Technical and Adult Education or Department of Education, is a high  
 37 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.~~

~~(3)(6) Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration as teacher or instructor who is certified by the Department of Education to teach cosmetology in the state public schools. The certification is limited to those persons who hold a current cosmetology license at the~~

1 master level and also hold a diploma or certificate of ~~1,650~~ 1,500 credit hours from a  
 2 board approved school and have completed the three-year teachers training program  
 3 required by the Department of Education. Such persons shall also pass ~~an~~ both a written  
 4 and a practical examination satisfactory to the board and, upon passage thereof, shall  
 5 receive a license to teach cosmetology."

#### 6 SECTION 4.

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

10 "43-10-14.

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

1 require the shop owner to furnish to the board the number of hours completed by the  
2 apprentice. The shop owner shall remit to the division director a fee in such amount as  
3 shall be set by the board by regulation for the registration of the apprentice. The apprentice  
4 shall receive a certificate of registration showing the capacity in which he or she is  
5 permitted to practice cosmetology. The certificate of registration shall be effective for a  
6 period of two years and may be renewed at the end of such period upon the filing of an  
7 application on forms furnished by the division director and the payment of a renewal fee  
8 in such amount as shall be set by the board by regulation. A certificate of registration  
9 authorizing a person to learn the occupation of cosmetology under a cosmetologist shall  
10 not be renewed more than one time; and, upon the expiration of the last certificate of  
11 registration issued, such person shall not be permitted to practice in any capacity.

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

17 **SECTION 5.**

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