

House Bill 8EX2 (COMMITTEE SUBSTITUTE)

By: Representatives Wix of the 33rd, Hudson of the 156th, Powell of the 23rd, Ray of the 128th,
Mosley of the 171st and others

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 add a ninth member to the State Board of Cosmetology; to provide
3 for the qualifications of such member; to change certain provisions relating to the continuing
4 education of persons regulated by the State Board of Cosmetology; to require four hours of
5 continuing education; to require certificate holders who have been disqualified to submit
6 documentation of completion of all required continuing education with application for
7 reinstatement; to require new certificate holders to meet the continuing education
8 requirement at the time of their second renewal; to specify courses of training that meet the
9 continuing education requirement; to provide for registration of courses; to eliminate the
10 need for testing to prove successful completion of a continuing education course; to allow
11 certificate holders to apply excess continuing education hours to the second renewal period;
12 to exempt certain certificate holders from the continuing education requirement; to specify
13 an effective date for the continuing education requirement provided the board has adopted
14 implementing rules and regulations; to authorize a person to study cosmetology under an
15 instructor in a school of cosmetology who has been a registered cosmetologist for one year;
16 to authorize a person to study esthetics under an instructor in a school of cosmetology or
17 esthetics who has been a registered cosmetologist for one year; to authorize a person to learn
18 the occupation of nail care or manicuring under an instructor in a school of cosmetology or
19 school of nail care who has been a registered cosmetologist for one year; to provide for
20 waiver of education requirements in certain circumstances; to provide for related matters; to
21 provide for an effective date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
25 is amended by striking subsections (a) and (d) of Code Section 43-10-2, relating to the State
26 Board of Cosmetology, and inserting in lieu thereof the following:

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1 "(a) There is created the State Board of Cosmetology. The board shall consist of ~~eight~~ nine
 2 members who shall be residents of this state. The board shall have the duty of carrying out
 3 and enforcing this chapter.

4 (d) No member of the board shall be affiliated with any school of cosmetology. ~~One~~
 5 ~~member~~ Two members shall not have any connection with the practice or business of
 6 cosmetology whatsoever, but ~~he or she~~ shall have a recognized interest in consumer affairs
 7 and in consumer protection concerns. No member of the board shall be affiliated or
 8 connected in any manner with any manufacturer or wholesale or jobbing house dealing
 9 with supplies sold to practitioners of cosmetology while in office."

10 SECTION 2.

11 Said chapter is further amended by striking Code Section 43-10-10, relating to the display
 12 of a certificate of registration, the renewal of registration, and reinstatement, and inserting
 13 the following:

14 "43-10-10.

15 (a) The holder of any certificate of registration issued under Code Section 43-10-9 shall
 16 display the same in a conspicuous place in his or her shop or place of business. Certificates
 17 of registration issued under Code Section 43-10-9 shall be renewable biennially. The holder
 18 shall pay to the division director a renewal fee in such amount as shall be set by the board
 19 by regulation ~~and shall provide proof of completion of ten hours of board approved~~
 20 ~~continuing education since the date of issuance of the applicant's original or latest renewal~~
 21 ~~license; provided, however, that the board may waive the requirement of payment and~~
 22 ~~continuing education for any applicant having held a license in excess of 30 years where~~
 23 ~~such applicant is elderly, inactive, or subject to hardships which in the judgment of the~~
 24 ~~board justify a waiver.~~ Upon failure to renew such certificate of registration, it shall stand
 25 automatically revoked. The ~~;~~ ~~and the~~ holder shall be disqualified from practicing the
 26 occupation of cosmetology under this chapter until all fees to date of application for
 27 reinstatement shall be paid, and an application for reinstatement shall be submitted along
 28 with a reinstatement fee in such amount as shall be set by the board by regulation, and
 29 documentation shall be submitted of completion of all required continuing education hours
 30 since the date the registration was automatically revoked. If the board is satisfied that the
 31 applicant for reinstatement meets all the qualifications set forth in this Code section and
 32 Code Section 43-10-9, the applicant shall be issued a new certificate of registration.

33 (b) Notwithstanding paragraph (a) of this Code section, at the time of renewal of any
 34 certificate of registration issued under Code Section 43-10-9, the holder of such certificate
 35 shall provide proof of completion of four hours of continuing education in a course or
 36 courses of study registered with the board since the date of issuance of the latest renewal

1 certificate. A holder who is renewing a certificate for the first time shall not be required
2 to meet the continuing education requirement until the time of the second renewal. Further,
3 the requirement for continuing education for the holder of any certificate of registration
4 issued under this chapter shall become effective on January 1, 2003, provided that the
5 board has adopted rules and regulations implementing this Code section pursuant to
6 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

7 (c) The continuing education requirement shall be satisfied by courses of study of one or
8 more of the following subjects: health and safety, industry trends, computer skills, business
9 management, or the holder's area of practice. The board shall register such courses. To
10 register a course of study with the board, the person offering the course of study shall
11 provide an outline of the subject matter, a list of the persons teaching the course with a
12 summary of their qualifications, the number of hours for the course, and the date and
13 location where the course of study will be presented or has been presented, if applicable.

14 (d) The board shall register and allow credit as continuing education for courses presented
15 by a manufacturer, retailer, or wholesaler which may be held in conjunction with a product,
16 industry, or trade show and that are designed to educate licensees about a technique or
17 product so long as such courses do not require purchase of any product for participation
18 and such courses study one or more of the subjects listed in subsection (c) of this Code
19 section.

20 (e) The board shall register and allow credit as continuing education for courses conducted
21 via the Internet or other electronic means or home study courses. The holder of a
22 certificate may use such courses for no more than 50 percent of the total continuing
23 education requirement for any one renewal period.

24 (f) Courses in cosmetology, nail technology, esthetics, computers, business, or health and
25 safety issues offered by schools under the jurisdiction of the Board of Regents of the
26 University System of Georgia, the Department of Technical and Adult Education, the
27 Department of Education, or any accredited postsecondary institution shall be considered
28 registered with the board.

29 (g) In no event shall the testing of knowledge or skills be required as proof of the
30 successful completion of a continuing education course.

31 (h) For the first renewal period during which the continuing education requirement will
32 be enforced, the board shall allow credit for continuing education hours received since
33 March 31, 2000, for master cosmetologists and August 31, 1999, for nail technicians and
34 estheticians. Hours in excess of those used to satisfy the first renewal period's continuing
35 education requirement may be applied to the renewal period immediately following the
36 first renewal period during which the continuing education requirement is enforced.
37 Thereafter, no excess hours from one renewal period shall be authorized to be credited

1 toward the continuing education requirement for another renewal period.

2 (i) The continuing education requirement shall not apply to certificate holders who:

3 (1) Have held a certificate for 25 or more years; or

4 (2) Demonstrate a hardship based on a disability, age, illness, or such other circumstance
5 as the board may identify by rule and determine on a case-by-case basis.

6 Certificate holders who claim an exemption from the continuing education requirement on
7 the basis of paragraph (2) of this subsection shall provide a sworn statement setting out the
8 facts supporting such exemption."

9 SECTION 3.

10 Said chapter is further amended by striking Code Section 43-10-14, relating to study by
11 persons 17 years of age and older, registration of students and apprentices, and registration
12 certificates, and inserting the following:

13 "43-10-14.

14 (a) Nothing in this chapter shall prohibit any person at least 17 years of age from learning
15 the occupation of cosmetology under a master cosmetologist, provided that such
16 cosmetologist has had at least 36 months' experience and has held a ~~license~~ certificate of
17 a master cosmetologist for at least 36 months. In addition, nothing in this chapter shall
18 prohibit any person at least 17 years of age from learning the occupation of cosmetology
19 under an instructor in a school of cosmetology who has been a cosmetologist for a period
20 of at least ~~18 months~~ one year and has registered under this chapter. Nothing in this chapter
21 shall prohibit any person at least 17 years of age from learning the occupation of esthetics
22 under a cosmetologist holding a master cosmetologist certificate or an esthetician
23 certificate, provided that such cosmetologist has had at least 36 months' experience, or
24 under an instructor in a school of cosmetology or school of esthetics who has ~~been a~~
25 ~~licensed~~ held a certificate as a cosmetologist for a period of at least ~~18 months~~ one year,
26 is qualified to teach said practices, and has registered under this chapter. Nothing in this
27 chapter shall prohibit any person at least 17 years of age from learning the occupation of
28 nail care or manicuring under a cosmetologist holding a master cosmetologist certificate
29 or a nail technician certificate, provided that such cosmetologist has had at least 36 months'
30 experience, or under an instructor in a school of cosmetology or school of nail care who
31 has been a licensed cosmetologist for a period of at least ~~18 months~~ one year, is qualified
32 to teach said practices, and has registered under this chapter. Any person registered as an
33 apprentice under this Code section on June 30, 1997, shall be eligible to continue such
34 apprenticeship under the person from whom that apprentice was learning the occupation
35 of cosmetology, esthetics, or nail care or manicuring at the time of registration
36 notwithstanding that the person under whom the apprentice was learning such occupation

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

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

21 SECTION 4.

22 This Act shall become effective upon its approval by the Governor or upon its becoming law
23 without such approval.

24 SECTION 5.

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