

House Bill 8EX2 (AS PASSED HOUSE AND SENATE)

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 five hours of
5 continuing education; to require certain certificate holders whose certificates have been
6 revoked to submit documentation of completion of all required continuing education with
7 application for reinstatement; to require new certificate holders to meet the continuing
8 education requirement at the time of their second renewal; to provide for the subject matter
9 of courses of study; to provide for continuing education credit for attendance at certain trade
10 or industry shows and for courses conducted via the Internet or by home study; to provide
11 for registration and approval of courses; to eliminate the need for testing to prove successful
12 completion of a continuing education course; to allow certificate holders to apply excess
13 continuing education hours to the second renewal period; to exempt certain certificate
14 holders from the continuing education requirement; to specify an effective date for the
15 continuing education requirement provided the board has adopted implementing rules and
16 regulations; to authorize a person to study cosmetology under an instructor in a school of
17 cosmetology who has been a registered cosmetologist for one year; to authorize a person to
18 study esthetics under an instructor in a school of cosmetology or esthetics who has been a
19 registered cosmetologist for one year; to authorize a person to learn the occupation of nail
20 care or manicuring under an instructor in a school of cosmetology or school of nail care who
21 has been a registered cosmetologist for one year; to provide for waiver of education
22 requirements in certain circumstances; to provide for related matters; to provide for an
23 effective date; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 (b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any
2 certificate of registration issued under Code Section 43-10-9, the holder of such certificate
3 shall provide proof, in a form approved by the board, of completion of five hours of
4 continuing education in compliance with this Code section since the date of issuance of the
5 latest renewal certificate. A holder who is renewing a certificate for the first time shall not
6 be required to meet the continuing education requirement until the time of the second
7 renewal. Further, the requirement for continuing education for the holder of any certificate
8 of registration issued under this chapter shall become effective on January 1, 2003,
9 provided that the board has adopted rules and regulations implementing this Code section
10 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

11 (c) Three hours of continuing education shall be satisfied by a health and safety course
12 using a curriculum developed by the Department of Technical and Adult Education. Such
13 curriculum may be revised by the Department of Technical and Adult Education as
14 necessary to incorporate new developments. The Department of Technical and Adult
15 Education shall make the curriculum available to other providers of continuing education.

16 (d) The remaining two hours of continuing education may be satisfied by:

17 (1) Attendance at an industry or trade show registered with the board; or

18 (2) A course or courses of study registered with the board in one or more of the
19 following subjects: health and safety, industry trends, computer skills, business
20 management, or the holder's area of practice.

21 (e) To request registration of an industry or trade show for continuing education credit, a
22 person or entity shall submit to the board the date and location of the industry or trade
23 show. To request registration of a course of study for continuing education credit, the
24 person or entity offering the course of study shall submit to the board an outline of the
25 subject matter, a list of the persons teaching the course with a summary of their
26 qualifications, the number of hours for each course, and the date and location where the
27 course of study will be presented or has been presented, if applicable. Any certificate
28 holder may request board approval of an unregistered industry or trade show or an
29 unregistered course of study. A person or entity conducting an industry or trade show or
30 a course of study shall provide written proof of attendance at the industry or trade show or
31 completion of a course of study to all participants.

32 (f) The board shall register and allow credit as continuing education for courses conducted
33 via the Internet or other electronic means or home study courses.

34 (g) Courses in cosmetology, nail technology, esthetics, computers, business, or health and
35 safety issues offered by schools under the jurisdiction of the Board of Regents of the
36 University System of Georgia, the Department of Technical and Adult Education, the
37 Department of Education, or any accredited postsecondary institution shall satisfy the

1 continuing education requirement without a request to the board for approval or
 2 registration.

3 (h) In no event shall the testing of knowledge or skills be required as proof of the
 4 successful completion of a continuing education course.

5 (i) For the first renewal period during which the continuing education requirement will be
 6 enforced, the board shall allow credit for continuing education hours which were board
 7 approved or which did not require prior approval by the board received between March 31,
 8 2000, and January 1, 2002, for master cosmetologists and between August 31, 1999, and
 9 January 1, 2002, for nail technicians and estheticians. Thereafter, no excess hours from
 10 one renewal period shall be authorized to be credited toward the continuing education
 11 requirement for another renewal period.

12 (j) The continuing education requirement shall not apply to certificate holders who:

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

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

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

19 SECTION 3.

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

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

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

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

31 SECTION 4.

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

34 SECTION 5.

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