

Senate Bill 145

By: Senators Grant of the 25th, Butler of the 55th and Staton of the 18th

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 define certain terms; to provide for a certificate of registration for
3 hair braiders and hair designers; to provide for qualifications; to provide for application and
4 fees; to provide for reciprocity; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
9 is amended by striking in its entirety Code Section 43-10-1, relating to definitions, and
10 inserting in lieu thereof the following:

11 "43-10-1.

12 As used in this chapter, the term:

13 (1) 'Beautician' means 'cosmetologist' as such term is defined in this Code section.

14 (2) 'Beauty shop' or 'beauty salon' means any premises where one or more persons
15 engage in the occupation of cosmetology.

16 (3) 'Board' means the State Board of Cosmetology.

17 (4) 'Cosmetologist' means any person who performs any one or more of the following
18 services for compensation:

19 (A) Cuts or dresses the hair;

20 (B) Gives facial or scalp massage or facial and scalp treatment with oils or creams and
21 other preparations made for this purpose, either by hand or mechanical appliance;

22 (C) Singes and shampoos the hair, dyes the hair, or does permanent waving of the hair;

23 (D) Braids the hair by hair weaving; interlocking; twisting; plaiting; wrapping by hand,
24 chemical, or mechanical devices; or using any natural or synthetic fiber for extensions
25 to the hair;

1 (E) Performs nail care, pedicure, or manicuring services as defined in paragraph(6) of
2 this Code section; or

3 (F) Performs the services of an esthetician as defined in paragraph (5) of this Code
4 section.

5 Such person shall be considered as practicing the occupation of a cosmetologist within
6 the meaning of this Code section.

7 (5) 'Esthetician' or 'esthetics operator' means a person who, for compensation, engages
8 in any one or a combination of the following practices, esthetics, or cosmetic skin care:

9 (A) Massaging the face or neck of a person;

10 (B) Trimming eyebrows;

11 (C) Dyeing eyelashes or eyebrows; or

12 (D) Waxing, stimulating, cleansing, or beautifying the face, neck, arms, or legs of a
13 person by any method with the aid of the hands or any mechanical or electrical
14 apparatus or by the use of a cosmetic preparation.

15 Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any
16 dermatological condition.

17 (6) 'Hair braider' means any person who performs for compensation tensioning hair
18 strands or roots by braiding; hair weaving; interlocking; twisting; plaiting; wrapping by
19 hand, chemical, or mechanical devices; or using any natural or synthetic fiber for
20 extensions to the hair; provided, however, that such services shall not include hair cutting
21 or the application of dyes, reactive chemicals, or other preparations to alter the color of
22 the hair or to straighten, curl, or alter the structure of the hair.

23 (7) 'Hair designer' means any person who performs any one or more of the following
24 services for compensation:

25 (A) Cuts or dresses the hair;

26 (B) Singes and shampoos the hair, dyes the hair, or does permanent waving of the hair;

27 or

28 (C) Braids the hair by hair weaving; interlocking; twisting; plaiting; wrapping by hand,
29 chemical, or mechanical devices; or using any natural or synthetic fiber for extensions
30 to the hair.

31 ~~(6)~~(8) 'Master cosmetologist' means a cosmetologist who is possessed of the requisite
32 skill and knowledge to perform properly all the services mentioned in paragraph (4) of
33 this Code section for compensation.

34 ~~(7)~~(9) 'Nail technician' means a person who, for compensation, trims, files, shapes,
35 decorates, applies sculptured or otherwise artificial nails, or in any way cares for the nails
36 of another person.

1 ~~(8)~~(10) 'School of cosmetology' means any establishment that receives compensation for
 2 training more than one person in the occupation of cosmetology as defined in
 3 paragraph (4) of this Code section. Technical colleges whose programs have been
 4 approved by the Department of Technical and Adult Education or the Department of
 5 Education are not 'schools of cosmetology' within the meaning of this chapter; provided,
 6 however, that all such colleges and their programs shall be considered to be 'board
 7 approved.'

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

14 (12) 'School of hair braiding' means any establishment that receives compensation for
 15 training more than one person in the occupation of hair braiding as defined in
 16 paragraph (6) of this Code section. Technical colleges whose programs have been
 17 approved by the Department of Technical and Adult Education or the Department of
 18 Education are not schools of hair braiding within the meaning of this chapter; provided,
 19 however, that all such colleges and their programs shall be considered to be 'board
 20 approved.'

21 (13) 'School of hair design' means any establishment that receives compensation for
 22 training more than one person in the occupation of hair design as defined in paragraph (7)
 23 of this Code section. Technical colleges whose programs have been approved by the
 24 Department of Technical and Adult Education or the Department of Education are not
 25 schools of hair design within the meaning of this chapter; provided, however, that all such
 26 colleges and their programs shall be considered to be 'board approved.'

27 ~~(10)~~(14) 'School of nail care' means any establishment that receives compensation for
 28 training more than one person in the occupation of nail care or manicuring as defined in
 29 paragraph ~~(6)~~ (9) of this Code section. Technical colleges whose programs have been
 30 approved by the Department of Technical and Adult Education or the Department of
 31 Education are not 'schools of nail care' within the meaning of this chapter; provided,
 32 however, that all such colleges and their programs shall be considered to be 'board
 33 approved.'"

34 SECTION 2.

35 Said chapter is further amended by striking in its entirety Code Section 43-10-8, relating to
 36 a requirement for a certificate of registration, and inserting in lieu thereof the following:

1 "43-10-8.

2 (a) It shall be unlawful for any person to pursue the occupation of cosmetology in this state
3 unless he or she has first completed the required hours for and obtained the appropriate
4 certificate of registration as provided in this chapter.

5 (b) It shall be unlawful for any person to hold himself or herself out as a master
6 cosmetologist, hair braider, or hair designer without having first obtained the certificate of
7 registration for such. Such person shall be authorized to perform all the services mentioned
8 in paragraph (4) of Code Section 43-10-1. Nothing in this chapter shall prohibit any person
9 who holds a valid master cosmetologist license in this state on March 29, 1983, from
10 practicing at the master cosmetologist level as defined in paragraph (4) of Code Section
11 43-10-1.

12 (c) Notwithstanding any other provisions of this chapter, any person desiring to perform
13 solely hair braiding services shall be allowed to obtain a certificate of registration at the
14 hair braiding level upon completing the required hours therefor, which certifies that the
15 holder thereof shall be authorized to perform some or all of the services mentioned in
16 paragraph (6) of Code Section 43-10-1.

17 (d) Notwithstanding any other provisions of this chapter, any person desiring to perform
18 solely hair design services shall be allowed to obtain a certificate of registration at the hair
19 design level upon completing the required hours therefor, which certifies that the holder
20 thereof shall be authorized to perform some or all of the services mentioned in paragraph
21 (7) of Code Section 43-10-1.

22 ~~(e)~~(e) Notwithstanding any other provisions of this chapter, any person desiring to perform
23 solely cosmetic skin care services shall be allowed to obtain a certificate of registration at
24 the esthetician level upon completing the required hours therefor, which certifies that the
25 holder thereof shall be authorized to perform some or all of the services mentioned in
26 paragraph (5) of Code Section 43-10-1.

27 ~~(d)~~~~(1)~~(f)(1) Notwithstanding any other provisions of this chapter, any person desiring to
28 perform solely cosmetic nail care services shall be allowed to obtain a certificate of
29 registration at the nail technician level upon completing the required hours therefor,
30 which certifies that the holder thereof shall be authorized to perform some or all of the
31 services mentioned in paragraph (6) of Code Section 43-10-1.

32 (2) Notwithstanding any other provisions of this chapter, any person who has actively
33 engaged in the practice of cosmetology, hair braiding, hair design, esthetics, or nail care
34 on a military installation in Georgia for three years prior to July 1, 1985, shall be eligible
35 to receive a certificate of registration at the cosmetology, hair braiding, hair design,
36 esthetics, or nail care level upon proper proof of experience, application, and appropriate
37 fee being submitted to the board on or before September 1, 1985.

1 ~~(e)~~(g) It shall also be unlawful for any person or persons to operate a beauty shop, beauty
 2 salon, hair braiding salon, hair design salon, school of cosmetology, school of hair
 3 braiding, school of hair design, school of esthetics, or school of nail care without first
 4 having obtained a certificate of registration for such shop, salon, or school as provided in
 5 this chapter. Any beauty shop, salon, or school shall register with the division director of
 6 the professional licensing boards prior to opening.

7 ~~(f)~~(h) This chapter shall have uniform application throughout the state so that no
 8 cosmetologist, hair braider, hair designer, beauty shop, school of cosmetology, school of
 9 hair braiding, school of hair design, school of esthetics, or school of nail care shall be
 10 exempt from regulation."

11 SECTION 3.

12 Said chapter is further amended by striking in its entirety Code Section 43-10-9, relating to
 13 applications for certificates of registration, examination, and reciprocity, and inserting in lieu
 14 thereof the following:

15 "43-10-9.

16 (a) Any person desiring to obtain a certificate of registration to enable him or her to engage
 17 in the occupation of cosmetology shall make application through the division director to
 18 the board and shall present proof that he or she has obtained a high school diploma, a
 19 general educational development (GED) diploma, or a postsecondary education or college
 20 degree. If, after review of the application, it is determined that the applicant is at least 17
 21 years of age; has met the minimum educational requirements; is of good moral character;
 22 has completed a 1,500 credit hour study course with 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 3,000 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; has paid to the division director an examination fee in
 29 such amount as shall be set by the board by regulation; and has presented himself or herself
 30 at the next meeting of the board held for examination of applicants at which such person
 31 is scheduled for examination and has passed both a written and a practical examination, a
 32 certificate of registration shall be issued to him or her entitling him or her to practice the
 33 occupation of master cosmetologist. Notwithstanding any other provisions of this
 34 subsection, the board shall be authorized to waive any education requirements under this
 35 subsection in cases of hardship, disability, or illness or under such other circumstances as

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

3 (b) Should an applicant under this Code section fail to pass the written or the practical
4 examination, the board shall furnish the applicant a statement in writing, stating wherein
5 the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants
6 from making subsequent applications to qualify under this Code section, provided they
7 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 the applicant to practice the
20 occupation of cosmetology or the teaching of cosmetology at that level, unless the board,
21 in its discretion, sees fit to require a written or a practical examination subject to the terms
22 and provisions of this chapter. Notwithstanding any other provisions of this subsection, the
23 board shall be authorized to waive any education or experience requirements applicable to
24 any person who holds a current license or certificate to practice cosmetology outside of this
25 state and who desires to obtain a license or certificate at a level authorized under this Code
26 section to practice at such level in this state in cases of hardship, disability, or illness or
27 under such other circumstances as the board deems appropriate.

28 (e)(1) Any person desiring to obtain a certificate of registration to enable him or her to
29 engage in the occupation of hair braiding shall make application through the division
30 director and shall present proof that he or she has obtained a high school diploma, a
31 general educational development (GED) diploma, or a postsecondary education or
32 college degree. If, after review of the application, it is determined that the applicant is at
33 least 17 years of age; has met the minimum educational requirements; is of good moral
34 character; has completed 500 credit hour study course with at least four months at a board
35 approved school or has served as an apprentice in a beauty shop, beauty salon, or hair
36 braiding salon for a period of at least 1,000 credit hours; has practiced or studied the
37 occupation of hair braiding; is possessed of the requisite skill in such occupation to

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

14 (2) Should an applicant under this subsection fail to pass the written or the practical
15 examination, the board shall furnish the applicant a statement in writing, stating in what
16 manner the applicant was deficient. Nothing in this chapter shall be construed to prevent
17 applicants from making subsequent applications to qualify under this subsection,
18 provided they again pay the required examination fee.

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

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

1 in cases of hardship, disability, or illness or under such other circumstances as the board
2 deems appropriate.

3 (f)(1) Any person desiring to obtain a certificate of registration to enable him or her to
4 engage in the occupation of hair design shall make application through the division
5 director and shall present proof that he or she has obtained a high school diploma, a
6 general educational development (GED) diploma, or a postsecondary education or
7 college degree. If, after review of the application, it is determined that the applicant is at
8 least 17 years of age; has met the minimum educational requirements; is of good moral
9 character; has completed a 1,320 credit hour study course with at least seven months at
10 a board approved school or has served as an apprentice in a beauty shop, beauty salon,
11 or hair design salon for a period of at least 2,650 credit hours; has practiced or studied the
12 occupation of hair design; is possessed of the requisite skill in such occupation to perform
13 properly all the duties of the occupation, including his or her ability in the preparation of
14 tools, in performing the services mentioned in paragraph (7) of Code Section 43-10-1,
15 and in all the duties and services incident thereto; has paid to the division director an
16 examination fee in such amount as shall be set by the board by regulation; and has
17 presented himself or herself at the next meeting of the board held for examination of
18 applicants at which such person is scheduled for examination and has passed both a
19 written and a practical examination, a certificate of registration shall be issued to him or
20 her entitling him or her to practice the occupation of hair design. Notwithstanding any
21 other provisions of this subsection, the board shall be authorized to waive any education
22 requirements under this subsection in cases of hardship, disability, or illness or under
23 such other circumstances as the board deems appropriate with respect to any applicant
24 who was enrolled in a board approved school or had completed a board approved study
25 course as of June 30, 2000.

26 (2) Should an applicant under this subsection fail to pass the written or the practical
27 examination, the board shall furnish the applicant a statement in writing, stating in what
28 manner the applicant was deficient. Nothing in this chapter shall be construed to prevent
29 applicants from making subsequent applications to qualify under this subsection,
30 provided they again pay the required examination fee.

31 (3) An approved applicant for examination under this subsection may be issued a work
32 permit authorizing said applicant to practice such occupation until the release of the
33 results of the written and the practical examination for which the applicant is scheduled.
34 If the applicant fails to appear for the examination or fails any portion of the examination,
35 the work permit shall be revoked unless the applicant provides just cause to the board as
36 to why the applicant was unable to appear for the examination.

1 (4) Should an applicant have a current hair design license in force from another state,
2 country, territory of the United States, or the District of Columbia, where similar
3 reciprocity is extended to this state and licensure requirements are substantially equal to
4 those in this state, and has paid to the division director a fee in such amount as shall be
5 set by the board by regulation, the applicant may be issued, without examination, a
6 certificate of registration at the appropriate level entitling him or her to practice the
7 occupation of hair design or the teaching of hair design at that level, unless the board, in
8 its discretion, sees fit to require a written or a practical examination subject to the terms
9 and provisions of this chapter. Notwithstanding any other provisions of this subsection,
10 the board shall be authorized to waive any education or experience requirements
11 applicable to any person who holds a current license or certificate to practice hair design
12 outside of this state and who desires to obtain a license or certificate at a level authorized
13 under this subsection to practice at such level in this state in cases of hardship, disability,
14 or illness or under such other circumstances as the board deems appropriate.

15 ~~(e)~~(g)(1) Any person desiring to obtain a certificate of registration at the esthetician level
16 under the terms of this chapter shall make application through the division director to the
17 board and shall present proof that he or she has obtained a high school diploma, a general
18 educational development (GED) diploma, or a postsecondary education or college degree.
19 If, after review of the application, it is determined that the applicant is at least 17 years
20 of age; has met the minimum educational requirements; is of good moral character; has
21 completed a 1,000 credit hour study course of at least nine months at a board approved
22 school or has served as an apprentice in a beauty shop or beauty salon for a period of at
23 least 2,000 credit hours; has practiced or studied cosmetic skin care as defined in
24 paragraph (5) of Code Section 43-10-1; is possessed of the requisite skill to perform
25 properly these services; has paid to the division director an examination fee in such
26 amount as shall be set by the board by regulation; and has presented himself or herself
27 at the next meeting of the board for examination of applicants at which such person is
28 scheduled for examination and has passed a written and a practical examination, a
29 certificate of registration shall be issued to the applicant entitling the applicant to practice
30 the occupation of cosmetology at the esthetician level. Notwithstanding any other
31 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
33 such other circumstances as the board deems appropriate with respect to any applicant
34 who was enrolled in a board approved school or had completed a board approved study
35 course as of June 30, 2000.

36 (2) Should an applicant have a current esthetician license in force from another state,
37 country, territory of the United States, or the District of Columbia, where similar

1 reciprocity is extended to this state and licensure requirements are substantially equal to
2 those in this state, and has paid to the division director a fee in such amount as shall be
3 set by the board by regulation, the applicant may be issued, without examination, a
4 certificate of registration at the appropriate level entitling him or her to practice the
5 occupation of esthetician or the teaching of esthetics at that level, unless the board, in its
6 discretion, sees fit to require a written or a practical examination subject to the terms and
7 provisions of this chapter. Notwithstanding any other provisions of this subsection, the
8 board shall be authorized to waive any education or experience requirements applicable
9 to any person who holds a current license or certificate to practice esthetics outside of this
10 state and who desires to obtain a license or certificate at a level authorized under this
11 subsection to practice at such level in this state in cases of hardship, disability, or illness
12 or under such other circumstances as the board deems appropriate.

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

33 (2) Should an applicant have a current nail technician license in force from another state,
34 country, territory of the United States, or the District of Columbia, where similar
35 reciprocity is extended to this state and licensure requirements are substantially equal to
36 those in this state, and has paid to the division director a fee in such amount as shall be
37 set by the board by regulation, the applicant may be issued, without examination, a

1 certificate of registration at the appropriate level entitling him or her to practice the
 2 occupation of nail technician or the teaching of nail care at that level, unless the board,
 3 in its discretion, sees fit to require a written or a practical examination subject to the
 4 terms and provisions of this chapter. Notwithstanding any other provisions of this
 5 subsection, the board shall be authorized to waive any education or experience
 6 requirements applicable to any person who holds a current license or certificate to
 7 practice nail care outside of this state and who desires to obtain a license or certificate at
 8 a level authorized under this subsection to practice at such level in this state in cases of
 9 hardship, disability, or illness or under such other circumstances as the board deems
 10 appropriate.

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

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

23 SECTION 4.

24 Said chapter is further amended by striking in its entirety subsection (g) of Code Section
 25 43-10-10, relating to display of certificate of registration, renewal, reinstatement, continuing
 26 education requirements, and exemptions, and inserting in lieu thereof the following:

27 "(g) Courses in cosmetology, hair braiding, hair design, nail technology, esthetics,
 28 computers, business, or health and safety issues offered by schools under the jurisdiction
 29 of the Board of Regents of the University System of Georgia, the Department of Technical
 30 and Adult Education, the Department of Education, or any accredited postsecondary
 31 institution shall satisfy the continuing education requirement without a request to the board
 32 for approval or registration."

33 SECTION 5.

34 Said chapter is further amended by striking in its entirety Code Section 43-10-11, relating
 35 to registration of shops, salons, and schools, and inserting in lieu thereof the following:

1 "43-10-11.

2 All beauty shops, salons, schools of cosmetology, schools of hair braiding, schools of hair
 3 design, schools of esthetics, and schools of nail care shall be registered with the division
 4 director by the owner or manager. Such registration shall be made by the filing of an
 5 application on forms furnished by the division director; shall include the name and location
 6 of the beauty shop, salon, or school, the name and address of the owner, and the names and
 7 addresses of all instructors of the shop, salon, or school at the time of registration; and shall
 8 be accompanied by a registration fee in such amount as shall be set by the board by
 9 regulation. The board is authorized and directed to issue a certificate of registration to each
 10 shop, salon, or school so registering and paying such fee, which certificate shall be
 11 displayed in a conspicuous place in the registered shop, salon, or school."

12 SECTION 6.

13 Said chapter is further amended by striking in its entirety Code Section 43-10-12, relating
 14 to regulation and permits for schools and teachers and instructors, and inserting in lieu
 15 thereof the following:

16 "43-10-12.

17 (a)(1) All schools of cosmetology, schools of hair braiding, schools of hair design,
 18 schools of esthetics, or schools of nail care shall:

19 (A) Cause to be registered with the board, at the time of opening, 15 bona fide
 20 students;

21 (B) Have not less than one instructor for every 20 students or a fraction thereof; and

22 (C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of
 23 Hair Braiding,' 'School of Hair Design,' 'School of Esthetics,' or 'School of Nail Care,'
 24 as the case may be; and all such signs shall also display the words 'Service by Students
 25 Only.' Where service is rendered by a student, no commissions or premiums shall be
 26 paid to such student for work done in the schools; nor shall any person be employed by
 27 the schools to render professional service to the public.

28 (2) All schools of cosmetology, schools of hair braiding, schools of hair design, schools
 29 of esthetics, and schools of nail care are required to keep in a conspicuous place in such
 30 schools a copy of the rules and regulations adopted by the board.

31 (3) All cosmetologists who take an apprentice pursuant to Code Section 43-10-14 shall
 32 file immediately with the board through the division director the name and age of such
 33 apprentice; and the board shall cause such information to be entered on a register kept by
 34 the division director for that purpose.

35 (b) Any person desiring to operate or conduct a school of cosmetology, school of hair
 36 braiding, school of hair design, school of esthetics, or school of nail care prior to opening

1 shall first secure from the board a permit to do so and shall keep the permit prominently
2 displayed in the school.

3 (c) The board shall have the right to pass upon the qualifications, appointments, courses
4 of study, and hours of study in the school of cosmetology, school of hair braiding, school
5 of hair design, school of esthetics, or school of nail care, provided that:

6 (1) All schools of cosmetology shall be required to teach the following courses: theory,
7 permanent and cold waving, hair coloring and bleaching, hair and scalp treatments, hair
8 and scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb
9 out, charm, reception, desk work, art and laboratory, facials, makeup and arching, skin
10 care, nail care, state law, state rules and regulations, and any other subjects related to
11 cosmetology and sanitation;

12 (2) All schools of esthetics shall be required to teach the following courses: theory, skin
13 care, facials, makeup and arching, charm, reception, desk work, art and laboratory,
14 massaging the face or neck, trimming eyebrows, dyeing, waxing, stimulating, cleansing,
15 or beautifying, state law, state rules and regulations, and any other subjects related to
16 esthetics and sanitation; and

17 (3) All schools of nail care shall be required to teach the following courses: theory,
18 trimming, filing, shaping, decorating, sculpturing and artificial nails, nail care, charm,
19 reception, desk work, art and laboratory, state law, state rules and regulations, and any
20 other subjects related to nail care and sanitation.

21 (d)(1) The board shall have the right to suspend or revoke the certificate, permit, or
22 license of or to reprimand any such school of cosmetology, school of hair braiding,
23 school of hair design, school of esthetics, or school of nail care, or instructor or teacher
24 therein, for the violation of this chapter.

25 (2) The board shall have the same power and authority as to sanitary conditions over
26 schools as it has over beauty shops and beauty salons.

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

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

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

- 1 (ii) Has 1,500 hours of instructor training in cosmetology at a board approved school;
2 and
3 (iii) Has one year of work experience at the master level.

4 (B) A person holding a current cosmetology license at the master level who is a high
5 school graduate, has a general educational development (GED) diploma, or has a
6 postsecondary education or college degree; who has completed the required board
7 approved hours of continuing education; and has board approved work experience as
8 an instructor or in education may, at the board's discretion, be permitted to take the
9 written and the practical examination to become an 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 a current cosmetology license at the esthetician or master level and is a high
13 school graduate, has a general educational development (GED) diploma, or has a
14 postsecondary education or college degree;
15 (ii) Has 1,000 hours of board approved instructor training in esthetics of at least nine
16 months;
17 (iii) Has one year of work experience at the esthetician or master level; and
18 (iv) Has passed both a written and a practical examination to become an instructor
19 in esthetics.

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

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

- 29 (i) Holds a current cosmetology license at the nail technician or master level and is
30 a high school graduate, has a general educational development (GED) diploma, or has
31 a postsecondary education or college degree;
32 (ii) Has 525 hours of board approved instructor training in nail care of at least four
33 months;
34 (iii) Has one year of work experience at the nail technician or master level; and
35 (iv) Has passed both a written and a practical examination to become an instructor
36 in nail care.

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

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

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

26 (f) All teachers or instructors of cosmetology at all levels seeking renewal of licenses are
 27 required to submit to the board proof of completion of 15 hours of continuing education
 28 in the cosmetology profession approved by the board at least half of which consists of
 29 instruction in teaching methods."

30 SECTION 7.

31 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
 32 43-10-13, relating to the right to set course of study for students and application for
 33 examination, and inserting in lieu thereof the following:

34 "(a) The board shall have the right to set a course of study for all students of the schools
 35 of cosmetology, schools of hair braiding, schools of hair design, schools of esthetics, and
 36 schools of nail care within this state."

SECTION 8.

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 43-10-14, relating to study by persons 17 years of age and older, registration of students and apprentices, and registration certificate, and inserting in lieu thereof the following:

"(a) Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of cosmetology under a master cosmetologist, provided that such cosmetologist has had at least 36 months' experience and has held a certificate of a master cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of cosmetology under an instructor in a school of cosmetology who has been a cosmetologist for a period of at least one year and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of hair braiding under a cosmetologist holding a master cosmetologist certificate or a hair braiding certificate, provided that such cosmetologist has had at least 36 months' experience, or under an instructor in a school of cosmetology or school of hair braiding who has held a certificate as a cosmetologist for a period of at least one year, is qualified to teach said practices, and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of hair designer under a cosmetologist holding a master cosmetologist certificate or a hair design certificate, provided that such cosmetologist has had at least 36 months' experience, or under an instructor in a school of cosmetology or school of hair design who has held a certificate as a cosmetologist for a period of at least one year, is qualified to teach said practices, and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of esthetics under a cosmetologist holding a master cosmetologist certificate or an esthetician certificate, provided that such cosmetologist has had at least 36 months' experience, or under an instructor in a school of cosmetology or school of esthetics who has held a certificate as a cosmetologist for a period of at least one year, is qualified to teach said practices, and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of nail care or manicuring under a cosmetologist holding a master cosmetologist certificate or a nail technician certificate, provided that such cosmetologist has had at least 36 months' experience, or under an instructor in a school of cosmetology or school of nail care who has been a licensed cosmetologist for a period of at least one year, is qualified to teach said practices, and has registered under this chapter. Any person registered as an apprentice under this Code section on June 30, 1997, shall be eligible to continue such apprenticeship under the person from whom that apprentice was learning the occupation of cosmetology, hair braiding, hair design, esthetics, or nail care or manicuring at the time of registration

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

17 **SECTION 9.**

18 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
 19 43-10-19, relating to a penalty, and inserting in lieu thereof the following:

20 "(a) If any person not lawfully entitled to a certificate of registration under this chapter
 21 shall practice the occupation of a cosmetologist; or if any such person shall endeavor to
 22 learn the trade of a cosmetologist by practicing the same under the instructions of a
 23 cosmetologist or other person, other than as provided in this chapter; or if any such person
 24 shall instruct or attempt to instruct any person in such trade; or if any proprietor of or
 25 person in control of or operating any beauty shop, school of cosmetology, school of hair
 26 braiding, school of hair design, school of esthetics, or school of nail care shall knowingly
 27 employ for the purpose of practicing such occupation any cosmetologist not registered
 28 under this chapter; or if any person, beauty shop, salon, or school shall engage in any of the
 29 acts covered in this chapter though not registered under the provisions of this chapter; or
 30 if any person shall falsely or fraudulently pretend to be qualified under this chapter to
 31 practice or learn such trade or occupation; or if any person shall violate any provision of
 32 the chapter for which a penalty is not specifically provided, he or she shall be guilty of a
 33 misdemeanor."

34 **SECTION 10.**

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