

Senate Bill 145

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

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to define certain terms; to provide for a certificate of registration for hair braiders and hair designers; to provide for qualifications; to provide for application and fees; to provide for reciprocity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"43-10-1.

As used in this chapter, the term:

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

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

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

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

(A) Cuts or dresses the hair;

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

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

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

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

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

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

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

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

(B) Trimming eyebrows;

(C) Dyeing eyelashes or eyebrows; or

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

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

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

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

(A) Cuts or dresses the hair;

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

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

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

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

SECTION 2.

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 43-10-6, relating to rules and regulations as to sanitary requirements, inspections, and unsanitary condition as a nuisance, and inserting in lieu thereof the following:

"(a) The board is authorized to adopt reasonable rules and regulations prescribing the sanitary requirements of beauty shops, beauty salons, schools of cosmetology, schools of esthetics, schools of hair braiding, schools of hair design, and schools of nail care, subject to the approval of the Department of Human Resources, to cause the rules and regulations or any subsequent revisions to be in suitable form, and to transmit a copy thereof to the proprietor of each beauty shop, beauty salon, school of cosmetology, school of esthetics, school of hair braiding, school of hair design, or school of nail care. It shall be the duty of every proprietor or person operating a beauty shop, salon, school of cosmetology, school of esthetics, school of hair braiding, school of hair design, and school of nail care in this state to keep a copy of such rules and regulations posted in a conspicuous place in his or her business, so as to be easily read by his or her customers."

SECTION 3.

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

"43-10-8.

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

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

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

(d) Notwithstanding any other provisions of this chapter, any person desiring to perform solely hair design services shall be allowed to obtain a certificate of registration at the hair

1 design level upon completing the required hours therefor, which certifies that the holder
2 thereof shall be authorized to perform some or all of the services mentioned in paragraph
3 (7) of Code Section 43-10-1.

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

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

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

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

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

30 SECTION 4.

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

34 "43-10-9.

35 (a) Any person desiring to obtain a certificate of registration to enable him or her to engage
36 in the occupation of cosmetology shall make application through the division director to

1 the board and shall present proof that he or she has obtained a high school diploma, a
2 general educational development (GED) diploma, or a postsecondary education or college
3 degree. If, after review of the application, it is determined that the applicant is at least 17
4 years of age; has met the minimum educational requirements; is of good moral character;
5 has completed a 1,500 credit hour study course with at least nine months at a board
6 approved school or has served as an apprentice in a beauty shop or beauty salon for a
7 period of at least 3,000 credit hours; has practiced or studied the occupation of
8 cosmetology; is possessed of the requisite skill in such occupation to perform properly all
9 the duties of the occupation, including his or her ability in the preparation of tools, in
10 performing the services mentioned in paragraph (4) of Code Section 43-10-1, and in all the
11 duties and services incident thereto; has paid to the division director an examination fee in
12 such amount as shall be set by the board by regulation; and has presented himself or herself
13 at the next meeting of the board held for examination of applicants at which such person
14 is scheduled for examination and has passed both a written and a practical examination, a
15 certificate of registration shall be issued to him or her entitling him or her to practice the
16 occupation of master cosmetologist. Notwithstanding any other provisions of this
17 subsection, the board shall be authorized to waive any education requirements under this
18 subsection in cases of hardship, disability, or illness or under such other circumstances as
19 the board deems appropriate with respect to any applicant who was enrolled in a board
20 approved school or had completed a board approved study course as of June 30, 2000.

21 (b) Should an applicant under this Code section fail to pass the written or the practical
22 examination, the board shall furnish the applicant a statement in writing, stating wherein
23 the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants
24 from making subsequent applications to qualify under this Code section, provided they
25 again pay the required examination fee.

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

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

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

9 (e)(1) Any person desiring to obtain a certificate of registration to enable him or her to
10 engage in the occupation of hair braiding shall make application through the division
11 director and shall present proof that he or she has obtained a high school diploma, a
12 general educational development (GED) diploma, or a postsecondary education or
13 college degree. If, after review of the application, it is determined that the applicant is at
14 least 17 years of age; has met the minimum educational requirements; is of good moral
15 character; has completed 500 credit hour study course with at least four months at a board
16 approved school or has served as an apprentice in a beauty shop, beauty salon, or hair
17 braiding salon for a period of at least 1,000 credit hours; has practiced or studied the
18 occupation of hair braiding; is possessed of the requisite skill in such occupation to
19 perform properly all the duties of the occupation, including his or her ability in the
20 preparation of tools, in performing the services mentioned in paragraph (6) of Code
21 Section 43-10-1, and in all the duties and services incident thereto; has paid to the
22 division director an examination fee in such amount as shall be set by the board by
23 regulation; and has presented himself or herself at the next meeting of the board held for
24 examination of applicants at which such person is scheduled for examination and has
25 passed both a written and a practical examination, a certificate of registration shall be
26 issued to him or her entitling him or her to practice the occupation of hair braiding.
27 Notwithstanding any other provisions of this subsection, the board shall be authorized to
28 wave any education requirements under this subsection in cases of hardship, disability,
29 or illness or under such other circumstances as the board deems appropriate with respect
30 to any applicant who was enrolled in a board approved school or had completed a board
31 approved study course as of June 30, 2000.

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

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

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

22 (f)(1) Any person desiring to obtain a certificate of registration to enable him or her to
23 engage in the occupation of hair design shall make application through the division
24 director and shall present proof that he or she has obtained a high school diploma, a
25 general educational development (GED) diploma, or a postsecondary education or
26 college degree. If, after review of the application, it is determined that the applicant is at
27 least 17 years of age; has met the minimum educational requirements; is of good moral
28 character; has completed a 1,325 credit hour study course with at least seven months at
29 a board approved school or has served as an apprentice in a beauty shop, beauty salon,
30 or hair design salon for a period of at least 2,650 credit hours; has practiced or studied the
31 occupation of hair design; is possessed of the requisite skill in such occupation to perform
32 properly all the duties of the occupation, including his or her ability in the preparation of
33 tools, in performing the services mentioned in paragraph (7) of Code Section 43-10-1,
34 and in all the duties and services incident thereto; has paid to the division director an
35 examination fee in such amount as shall be set by the board by regulation; and has
36 presented himself or herself at the next meeting of the board held for examination of
37 applicants at which such person is scheduled for examination and has passed both a

1 written and a practical examination, a certificate of registration shall be issued to him or
2 her entitling him or her to practice the occupation of hair design. Notwithstanding any
3 other provisions of this subsection, the board shall be authorized to waive any education
4 requirements under this subsection in cases of hardship, disability, or illness or under
5 such other circumstances as the board deems appropriate with respect to any applicant
6 who was enrolled in a board approved school or had completed a board approved study
7 course as of June 30, 2000.

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

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

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

33 (e)(g)(1) Any person desiring to obtain a certificate of registration at the esthetician level
34 under the terms of this chapter shall make application through the division director to the
35 board and shall present proof that he or she has obtained a high school diploma, a general
36 educational development (GED) diploma, or a postsecondary education or college degree.
37 If, after review of the application, it is determined that the applicant is at least 17 years

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

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

31 (f)(h)(1) Any person desiring to obtain a certificate of registration at the nail technician
32 level under the terms of this chapter shall make application through the division director
33 to the board and shall present proof that he or she has obtained a high school diploma, a
34 general educational development (GED) diploma, or a postsecondary education or
35 college degree. If, after review of the application, it is determined that the applicant is at
36 least 17 years of age; has met the minimum educational requirements; is of good moral
37 character; has completed a 525 credit hour study course of at least four months at a board

1 approved school or has served as an apprentice in a beauty shop or beauty salon for a
2 period of at least 1,050 credit hours; has practiced or studied nail care; is possessed of the
3 requisite skill to perform properly these services; has paid to the division director an
4 examination fee in such amount as shall be set by the board by regulation; and has
5 presented himself or herself at the next meeting of the board held for examination of
6 applicants at which such person is scheduled for examination and has passed both a
7 written and a practical examination, a certificate of registration shall be issued to the
8 applicant entitling the applicant to practice the occupation of cosmetology at the nail
9 technician 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
13 or had completed a board approved study course as of June 30, 2000.

14 (2) Should an applicant have a current nail technician license in force from another state,
15 country, 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 has 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 to practice the
20 occupation of nail technician or the teaching of nail care at that level, unless the board,
21 in its discretion, sees fit to require a written or a practical examination subject to the
22 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
25 practice nail care outside of this state and who desires to obtain a license or certificate at
26 a level authorized under this subsection 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 ~~(g)~~(i) Nothing in this Code section shall be construed as preventing a person from
30 obtaining a certificate of registration for the occupation of cosmetology at the master level,
31 the hair braiding level, the hair design level, the esthetician level, or the nail technician
32 level if such person obtains his or her credit hour study at a State Board of Education
33 approved school or a technical college under the jurisdiction of the Department of
34 Technical and Adult Education or the Department of Education rather than at a board
35 approved school.

36 ~~(h)~~(j) A person licensed to practice barbering under Chapter 7 of this title shall be eligible
37 to take the master cosmetologist examination provided for in this Code section if that

1 person completes a board approved 250 hour prescribed course in an approved
2 cosmetology school, submits a completed application, and pays the proper fees established
3 by the board."

4 **SECTION 5.**

5 Said chapter is further amended by striking in its entirety subsection (g) of Code Section
6 43-10-10, relating to display of certificate of registration, renewal, reinstatement, continuing
7 education requirements, and exemptions, and inserting in lieu thereof the following:

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

14 **SECTION 6.**

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

17 "43-10-11.

18 All beauty shops, salons, schools of cosmetology, schools of hair braiding, schools of hair
19 design, schools of esthetics, and schools of nail care shall be registered with the division
20 director by the owner or manager. Such registration shall be made by the filing of an
21 application on forms furnished by the division director; shall include the name and location
22 of the beauty shop, salon, or school, the name and address of the owner, and the names and
23 addresses of all instructors of the shop, salon, or school at the time of registration; and shall
24 be accompanied by a registration fee in such amount as shall be set by the board by
25 regulation. The board is authorized and directed to issue a certificate of registration to each
26 shop, salon, or school so registering and paying such fee, which certificate shall be
27 displayed in a conspicuous place in the registered shop, salon, or school."

28 **SECTION 7.**

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

32 "43-10-12.

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

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

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

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

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

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

(b) Any person desiring to operate or conduct a school of cosmetology, school of hair braiding, school of hair design, school of esthetics, or school of nail care prior to opening shall first secure from the board a permit to do so and shall keep the permit prominently displayed in the school.

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

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

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

(3) All schools of nail care shall be required to teach the following courses: theory, trimming, filing, shaping, decorating, sculpturing and artificial nails, nail care, charm,

reception, desk work, art and laboratory, state law, state rules and regulations, and any other subjects related to nail care and sanitation.

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

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

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

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

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

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

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

(B) A person holding a current cosmetology license at the master level who is a high school graduate, has a general educational 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 master level.

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

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

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

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

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

(B) A person holding a current cosmetology license at the esthetician or master level who is a high school graduate, has a general educational 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 esthetician level.

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

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

(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 educational 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.

(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, hair braider, hair designer, 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 instructor's license within two years after expiration shall be required to qualify under this chapter for both a written and a practical examination for an instructor's license.

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

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

SECTION 8.

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

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

SECTION 9.

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

1 17 years of age from learning the occupation of hair designer under a cosmetologist
2 holding a master cosmetologist certificate or a hair design certificate, provided that such
3 cosmetologist has had at least 36 months' experience, or under an instructor in a school of
4 cosmetology or school of hair design who has held a certificate as a cosmetologist for a
5 period of at least one year, is qualified to teach said practices, and has registered under this
6 chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from
7 learning the occupation of esthetics under a cosmetologist holding a master cosmetologist
8 certificate or an esthetician certificate, provided that such cosmetologist has had at least 36
9 months' experience, or under an instructor in a school of cosmetology or school of esthetics
10 who has held a certificate as a cosmetologist for a period of at least one year, is qualified
11 to teach said practices, and has registered under this chapter. Nothing in this chapter shall
12 prohibit any person at least 17 years of age from learning the occupation of nail care or
13 manicuring under a cosmetologist holding a master cosmetologist certificate or a nail
14 technician certificate, provided that such cosmetologist has had at least 36 months'
15 experience, or under an instructor in a school of cosmetology or school of nail care who
16 has been a licensed cosmetologist for a period of at least one year, is qualified to teach said
17 practices, and has registered under this chapter. Any person registered as an apprentice
18 under this Code section on June 30, 1997, shall be eligible to continue such apprenticeship
19 under the person from whom that apprentice was learning the occupation of cosmetology,
20 hair braiding, hair design, esthetics, or nail care or manicuring at the time of registration
21 notwithstanding that the person under whom the apprentice was learning such occupation
22 does not meet the 36 months' experience otherwise required by this Code section. Every
23 shop owner shall have the responsibility for registering apprentices with the division
24 director. The shop owner shall file a statement in writing, showing the apprentice's name
25 and the address of the shop. The board shall have the authority to require the shop owner
26 to furnish to the board the number of hours completed by the apprentice. The shop owner
27 shall remit to the division director a fee in such amount as shall be set by the board by
28 regulation for the registration of the apprentice. The apprentice shall receive a certificate
29 of registration showing the capacity in which he or she is permitted to practice
30 cosmetology. The certificate of registration shall be effective for a period of two years and
31 may be renewed at the end of such period upon the filing of an application on forms
32 furnished by the division director and the payment of a renewal fee in such amount as shall
33 be set by the board by regulation. A certificate of registration authorizing a person to learn
34 the occupation of cosmetology under a cosmetologist shall not be renewed more than one
35 time; and, upon the expiration of the last certificate of registration issued, such person shall
36 not be permitted to practice in any capacity."

SECTION 10.

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

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

SECTION 11.

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