

HOUSE SUBSTITUTE TO SENATE BILL 145

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 change certain provisions relating to the
3 Board of Cosmetology; to provide for a certificate of registration for hair designers; to
4 provide for qualifications; to provide for application and fees; to change certain provisions
5 relating to examination fees for application for certificate of registration; to provide for
6 reciprocity; to provide for teaching requirements; to provide that shampoo assistants shall be
7 authorized to comb and brush hair; to provide for related matters; to provide an effective
8 date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

14 "43-10-1.

15 As used in this chapter, the term:

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

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

19 (3) 'Board' means the ~~State Board of Cosmetology~~ Board of Human Resources under
20 Code Section 49-1-1.

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

23 (A) Cuts or dresses the hair;

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

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

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

4 ~~(E)~~(D) Performs nail care, pedicure, or manicuring services as defined in paragraph
 5 ~~(6)~~(9) of this Code section; or

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

8 Such person shall be considered as practicing the occupation of a cosmetologist within
 9 the meaning of this Code section; provided, however, that such term shall not mean a
 10 person who only braids the hair by hairweaving; interlocking; twisting; plaiting; wrapping
 11 by hand, chemical, or mechanical devices; or using any natural or synthetic fiber for
 12 extensions to the hair, and no such person shall be subject to the provisions of this
 13 chapter. Such term shall not apply to a person whose activities are limited to the
 14 application of cosmetics which are marketed to individuals and are readily commercially
 15 available to consumers.

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

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

19 (B) Trimming eyebrows;

20 (C) Dyeing eyelashes or eyebrows; or

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

24 Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any
 25 dermatological condition. Such term shall not apply to a person whose activities are
 26 limited to the application of cosmetics which are marketed to individuals and are readily
 27 commercially available to consumers.

28 (6) Reserved.

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

31 (A) Cuts or dresses the hair; or

32 (B) Singes and shampoos the hair or dyes the hair.

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

1 ~~(7)~~(9) 'Nail technician' means a person who, for compensation, trims, files, shapes,
2 decorates, applies sculptured or otherwise artificial nails, or in any way cares for the nails
3 of another person.

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

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

17 (12) Reserved.

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

24 ~~(10)~~(14) 'School of nail care' means any establishment that receives compensation for
25 training more than one person in the occupation of nail care or manicuring as defined in
26 paragraph ~~(6)~~ (9) of this Code section. Technical colleges whose programs have been
27 approved by the Department of Technical and Adult Education or the Department of
28 Education are not 'schools of nail care' within the meaning of this chapter; provided,
29 however, that all such colleges and their programs shall be considered to be 'board
30 approved.'"

SECTION 2.

Said chapter is further amended by striking Code Section 43-10-2, relating to the creation of the Board of Cosmetology, and inserting in lieu thereof the following:

"43-10-2.

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

~~(b) Members of the board shall be at least 25 years of age and have obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree; and five of such members must have had at least five years of practical experience in the practice of cosmetology at the master level, a portion of which must have been as a beauty salon owner or manager. One member of the board must have had at least five years of practical experience in the practice of cosmetology at the esthetician level. One member of the board must have had at least five years of practical experience as a manicurist.~~

~~(c) The board shall meet as necessary each year for the purpose of holding examinations, adopting rules and regulations, and handling other matters pertaining to duties of the board. Board members may attend and observe all written and practical examinations held for certificates of registration pursuant to this chapter.~~

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

~~(e)~~(c) Board members shall be appointed by the Governor for a term of three years and until their successors are appointed and qualified. Vacancies shall be filled by the Governor for the unexpired portion of the term. The board may do all things necessary for carrying this chapter into effect and may, from time to time, promulgate necessary rules and regulations compatible with this chapter. The Governor may remove any board member for cause as provided in Code Section 43-1-17.

~~(f) Each year the members shall elect a chairman from among themselves. In the event the members cannot agree as to who shall be chairman, the Governor shall appoint one of such members as chairman. The chairman so elected or appointed shall be eligible to succeed himself or herself. The members of the board shall be considered public officers and shall take the oath required thereof.~~

~~(g)~~(d) The board shall adopt a seal to be used to authenticate all its official papers and acts

1 and shall have power to subpoena witnesses, administer oaths, and hear and take testimony
2 in any matter over which it may have jurisdiction."

3 **SECTION 3.**

4 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
5 43-10-6, relating to rules and regulations as to sanitary requirements, inspections, and
6 unsanitary condition as a nuisance, and inserting in lieu thereof the following:

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

17 **SECTION 4.**

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

20 "43-10-8.

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

24 (b) It shall be unlawful for any person to hold himself or herself out as a master
25 cosmetologist or hair designer without having first obtained the certificate of registration
26 for such. Such person shall be authorized to perform all the services mentioned in
27 paragraph (4) of Code Section 43-10-1. Nothing in this chapter shall prohibit any person
28 who holds a valid master cosmetologist license in this state on March 29, 1983, from
29 practicing at the master cosmetologist level as defined in paragraph (4) of Code Section
30 43-10-1.

31 (c) Reserved.

32 (d) Notwithstanding any other provisions of this chapter, any person desiring to perform
33 solely hair design services shall be allowed to obtain a certificate of registration at the hair
34 design level upon completing the required hours therefor, which certifies that the holder

1 thereof shall be authorized to perform some or all of the services mentioned in paragraph
 2 (7) of Code Section 43-10-1.

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

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

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

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

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

27 SECTION 5.

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

31 "43-10-9.

32 (a) Any person desiring to obtain a certificate of registration to enable him or her to engage
 33 in the occupation of cosmetology shall make application through the division director to
 34 the board and shall present proof that he or she has obtained a high school diploma, a
 35 general educational development (GED) diploma, or a postsecondary education or college
 36 degree. If, after review of the application, it is determined that the applicant is at least 17

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

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

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

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

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

8 (e) Reserved.

9 (f)(1) Any person desiring to obtain a certificate of registration to enable him or her to
10 engage in the occupation of hair design 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 a 1,325 credit hour study course with at least seven months at
16 a board approved school or has served as an apprentice in a beauty shop, beauty salon,
17 or hair design salon for a period of at least 2,650 credit hours; has practiced or studied the
18 occupation of hair design; is possessed of the requisite skill in such occupation to perform
19 properly all the duties of the occupation, including his or her ability in the preparation of
20 tools, in performing the services mentioned in paragraph (7) of Code Section 43-10-1,
21 and in all the duties and services incident thereto; and has passed both a written and a
22 practical examination approved by the board, a certificate of registration shall be issued
23 to him or her entitling him or her to practice the occupation of hair design.
24 Notwithstanding any other provisions of this subsection, the board shall be authorized to
25 wave any education requirements under this subsection in cases of hardship, disability,
26 or illness or under such other circumstances as the board deems appropriate with respect
27 to any applicant who was enrolled in a board approved school or had completed a board
28 approved study course as of June 30, 2006.

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

34 (3) An approved applicant for examination under this subsection may be issued a work
35 permit authorizing said applicant to practice such occupation until the release of the
36 results of the written and the practical examination for which the applicant is scheduled.
37 If the applicant fails to appear for the examination or fails any portion of the examination,

1 the work permit shall be revoked unless the applicant provides just cause to the board as
 2 to why the applicant was unable to appear for the examination.

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

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

1 (2) Should an applicant have a current esthetician 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 have paid a fee and have submitted an application, the applicant
 5 may be issued, without examination, a certificate of registration at the appropriate level
 6 entitling him or her to practice the occupation of esthetician or the teaching of esthetics
 7 at that level, unless the board, in its discretion, sees fit to require a written or a practical
 8 examination subject to the terms and provisions of this chapter. Notwithstanding any
 9 other provisions of this subsection, the board shall be authorized to waive any education
 10 or experience requirements applicable to any person who holds a current license or
 11 certificate to practice esthetics outside of this state and who desires to obtain a license or
 12 certificate at a level authorized under this subsection to practice at such level in this state
 13 in cases of hardship, disability, or illness or under such other circumstances as the board
 14 deems appropriate.

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

35 (2) Should an applicant have a current nail technician license in force from another state,
 36 country, territory of the United States, or the District of Columbia, where similar
 37 reciprocity is extended to this state and licensure requirements are substantially equal to

1 those in this state, and have paid a fee and have submitted an application, the applicant
 2 may be issued, without examination, a certificate of registration at the appropriate level
 3 entitling him or her to practice the occupation of nail technician or the teaching of nail
 4 care at that level, unless the board, in its discretion, sees fit to require a written or a
 5 practical examination subject to the terms and provisions of this chapter. Notwithstanding
 6 any other provisions of this subsection, the board shall be authorized to waive any
 7 education or experience requirements applicable to any person who holds a current
 8 license or certificate to practice nail care outside of this state and who desires to obtain
 9 a license or certificate at a level authorized under this subsection to practice at such level
 10 in this state in cases of hardship, disability, or illness or under such other circumstances
 11 as the board deems appropriate.

12 ~~(g)~~(i) Nothing in this Code section shall be construed as preventing a person from
 13 obtaining a certificate of registration for the occupation of cosmetology at the master level,
 14 the hair design level, the esthetician level, or the nail technician level if such person obtains
 15 his or her credit hour study at a State Board of Education approved school or a technical
 16 college under the jurisdiction of the Department of Technical and Adult Education or the
 17 Department of Education rather than at a board 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 (k) Board members may attend and observe all written and practical examinations held for
 24 certificates of registration pursuant to this Code section."

25 SECTION 6.

26 Said chapter is further amended by striking in its entirety subsection (g) of Code Section
 27 43-10-10, relating to display of certificate of registration, renewal, reinstatement, continuing
 28 education requirements, and exemptions, and inserting in lieu thereof the following:

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

1 an instructor or in education may, at the board's discretion, be permitted to take the
2 written and the practical examination to become an instructor at the master level.

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

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

8 (ii) Has ~~1,000~~ 500 hours of board approved instructor training in esthetics of at least
9 nine months;

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

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

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

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

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

25 (ii) Has ~~525~~ 250 hours of board approved instructor training in nail care of at least
26 four months;

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

28 (iv) Has passed both a written and a practical examination to become an instructor
29 in nail care.

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

37 (5) Reserved.

1 (6)(A) A person desiring to teach at the hair designer level shall satisfy the board that
 2 he or she:

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

6 (ii) Has 750 hours of board approved instructor training in hair design of at least four
 7 months;

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

9 (iv) Has passed both a written and a practical examination to become an instructor
 10 in hair design.

11 (B) A person holding a current cosmetology license at the hair designer or master level
 12 who is a high school graduate, has a general educational development (GED) diploma,
 13 or has a postsecondary education or college degree; who has completed the required
 14 board approved hours of continuing education; and has board approved work
 15 experience as an instructor or in education may, at the board's discretion, be permitted
 16 to take the written and the practical examinations to become an instructor at the hair
 17 designer level.

18 ~~(5)(7)~~ Any teacher or instructor shall renew his or her license to teach cosmetology
 19 biennially in odd years by remitting with his or her application a renewal fee in such
 20 amount as shall be set by the board by regulation; provided, however, any teacher or
 21 instructor who fails to renew his or her certificate of registration to practice as a
 22 cosmetologist, esthetician, or nail technician on or before the date established by the
 23 board by regulation shall automatically have his or her license to teach or instruct ~~revoked~~
 24 suspended. A person failing to renew his or her instructor's license within two years after
 25 expiration shall be required to ~~qualify under this chapter for both a written and a practical~~
 26 ~~examination for an instructor's license~~ pay a reinstatement fee after board review.

27 ~~(6)(8)~~ Nothing in this Code section shall be construed as preventing a person from
 28 obtaining a certificate of registration as teacher or instructor who is certified by the
 29 Department of Education to teach cosmetology in the state public schools. The
 30 certification is limited to those persons who hold a current cosmetology license at the
 31 master level and also hold a diploma or certificate of 1,500 credit hours from a board
 32 approved school and have completed the three-year teachers training program required
 33 by the Department of Education. Such persons shall also pass both a written and a
 34 practical examination satisfactory to the board and, upon passage thereof, shall receive
 35 a license to teach cosmetology."

36 **SECTION 9.**

1 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
 2 43-10-13, relating to the right to set course of study for students and application for
 3 examination, and inserting in lieu thereof the following:

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

7 **SECTION 10.**

8 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
 9 43-10-14, relating to study by persons 17 years of age and older, registration of students and
 10 apprentices, and registration certificate, and inserting in lieu thereof the following:

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

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

18 SECTION 11.

19 Said chapter is further amended by striking in its entirety Code Section 43-10-17, relating
 20 to employment of persons to wash and shampoo hair in beauty shops or salons, and inserting
 21 in lieu thereof the following:

22 "43-10-17.

23 Notwithstanding any other provision of this chapter, a beauty shop or salon shall be
 24 authorized to employ persons to wash, ~~and~~ shampoo, comb, and brush hair, and such
 25 persons shall not be required to be registered by the board."

26 SECTION 12.

27 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
 28 43-10-19, relating to a penalty, and inserting in lieu thereof the following:

29 "(a) If any person not lawfully entitled to a certificate of registration under this chapter
 30 shall practice the occupation of a cosmetologist; or if any such person shall endeavor to
 31 learn the trade of a cosmetologist by practicing the same under the instructions of a
 32 cosmetologist or other person, other than as provided in this chapter; or if any such person
 33 shall instruct or attempt to instruct any person in such trade; or if any proprietor of or
 34 person in control of or operating any beauty shop, school of cosmetology, school of hair
 35 design, school of esthetics, or school of nail care shall knowingly employ for the purpose

1 of practicing such occupation any cosmetologist not registered under this chapter; or if any
2 person, beauty shop, salon, or school shall engage in any of the acts covered in this chapter
3 though not registered under the provisions of this chapter; or if any person shall falsely or
4 fraudulently pretend to be qualified under this chapter to practice or learn such trade or
5 occupation; or if any person shall violate any provision of the chapter for which a penalty
6 is not specifically provided, he or she shall be guilty of a misdemeanor."

7 **SECTION 13.**

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

10 **SECTION 14.**

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