

Senate Bill 145

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

AS PASSED

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:

SECTION 1.

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

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.

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

22 (A) Cuts or dresses the hair;

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

25 (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.'"

1 (c) Reserved.

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

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

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

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

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

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

31 SECTION 5.

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

35 "43-10-9.

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

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

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

35 (d) Should an applicant have a current cosmetology license in force from another state or
36 country, or 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 to the division director a fee in such amount as shall be~~
2 ~~set by the board by regulation~~ and have paid a fee and have submitted an application, the
3 applicant may be issued, without examination, a certificate of registration at the appropriate
4 level, entitling the applicant to practice the occupation of cosmetology or the teaching of
5 cosmetology at that level, unless the board, in its discretion, sees fit to require a written or
6 a practical examination subject to the terms and provisions of this chapter. Notwithstanding
7 any other provisions of this subsection, the board shall be authorized to waive any
8 education or experience requirements applicable to any person who holds a current license
9 or certificate to practice cosmetology outside of this state and who desires to obtain a
10 license or certificate at a level authorized under this Code section to practice at such level
11 in this state in cases of hardship, disability, or illness or under such other circumstances as
12 the board deems appropriate.

13 (e) Reserved.

14 (f)(1) Any person desiring to obtain a certificate of registration to enable him or her to
15 engage in the occupation of hair design shall make application through the division
16 director and shall present proof that he or she has obtained a high school diploma, a
17 general educational development (GED) diploma, or a postsecondary education or
18 college degree. If, after review of the application, it is determined that the applicant is at
19 least 17 years of age; has met the minimum educational requirements; is of good moral
20 character; has completed a 1,325 credit hour study course with at least seven months at
21 a board approved school or has served as an apprentice in a beauty shop, beauty salon,
22 or hair design salon for a period of at least 2,650 credit hours; has practiced or studied the
23 occupation of hair design; is possessed of the requisite skill in such occupation to perform
24 properly all the duties of the occupation, including his or her ability in the preparation of
25 tools, in performing the services mentioned in paragraph (7) of Code Section 43-10-1,
26 and in all the duties and services incident thereto; and has passed both a written and a
27 practical examination approved by the board, a certificate of registration shall be issued
28 to him or her entitling him or her to practice the occupation of hair design.
29 Notwithstanding any other provisions of this subsection, the board shall be authorized to
30 waive any education requirements under this subsection in cases of hardship, disability,
31 or illness or under such other circumstances as the board deems appropriate with respect
32 to any applicant who was enrolled in a board approved school or had completed a board
33 approved study course as of June 30, 2006.

34 (2) Should an applicant under this subsection fail to pass the written or the practical
35 examination, the board shall furnish the applicant a statement in writing, stating in what
36 manner the applicant was deficient. Nothing in this chapter shall be construed to prevent

1 applicants from making subsequent applications to qualify under this subsection,
 2 provided they again pay the required examination fee.

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

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

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

1 applicant to practice the occupation of cosmetology at the esthetician level.
 2 Notwithstanding any other provisions of this subsection, the board shall be authorized to
 3 waive any education requirements under this subsection in cases of hardship, disability,
 4 or illness or under such other circumstances as the board deems appropriate with respect
 5 to any applicant who was enrolled in a board approved school or had completed a board
 6 approved study course as of June 30, 2000.

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

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

1 subsection in cases of hardship, disability, or illness or under such other circumstances
 2 as the board deems appropriate with respect to any applicant who was enrolled in a board
 3 approved school or had completed a board approved study course as of June 30, 2000.

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

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

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

29 (k) Board members may attend and observe all written and practical examinations held for
 30 certificates of registration pursuant to this Code section."

31 SECTION 6.

32 Said chapter is further amended by striking in its entirety subsection (g) of Code Section
 33 43-10-10, relating to display of certificate of registration, renewal, reinstatement, continuing
 34 education requirements, and exemptions, and inserting in lieu thereof the following:

35 "(g) Courses in cosmetology, hair design, nail technology, esthetics, computers, business,
 36 or health and safety issues offered by schools under the jurisdiction of the Board of Regents

1 of the University System of Georgia, the Department of Technical and Adult Education,
 2 the Department of Education, or any accredited postsecondary institution shall satisfy the
 3 continuing education requirement without a request to the board for approval or
 4 registration."

5 SECTION 7.

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

8 "43-10-11.

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

19 SECTION 8.

20 Said chapter is further amended by striking in its entirety subsection (e) of Code Section
 21 43-10-12, relating to regulation and permits for schools and teachers and instructors, and
 22 inserting in lieu thereof the following:

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

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

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

33 (ii) Has ~~1,500~~ 750 hours of instructor training in cosmetology at a board approved
 34 school; and

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (B) A person holding a current cosmetology license at the nail technician or master
36 level who is a high school graduate, has a general educational development (GED)
37 diploma, or has a postsecondary education or college degree; who has completed the

1 required board approved hours of continuing education; and has board approved work
 2 experience as an instructor or in education may, at the board's discretion, be permitted
 3 to take the written and the practical examination to become an instructor at the nail
 4 technician level.

5 (5) Reserved.

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

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

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

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

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

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

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

32 ~~(6)~~(8) Nothing in this Code section shall be construed as preventing a person from
 33 obtaining a certificate of registration as teacher or instructor who is certified by the
 34 Department of Education to teach cosmetology in the state public schools. The
 35 certification is limited to those persons who hold a current cosmetology license at the
 36 master level and also hold a diploma or certificate of 1,500 credit hours from a board
 37 approved school and have completed the three-year teachers training program required

1 by the Department of Education. Such persons shall also pass both a written and a
 2 practical examination satisfactory to the board and, upon passage thereof, shall receive
 3 a license to teach cosmetology."

4 SECTION 9.

5 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
 6 43-10-13, relating to the right to set course of study for students and application for
 7 examination, and inserting in lieu thereof the following:

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

11 SECTION 10.

12 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
 13 43-10-14, relating to study by persons 17 years of age and older, registration of students and
 14 apprentices, and registration certificate, and inserting in lieu thereof the following:

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

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

23 **SECTION 11.**

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

27 "43-10-17.

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

31 **SECTION 12.**

32 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
 33 43-10-19, relating to a penalty, and inserting in lieu thereof the following:

34 "(a) If any person not lawfully entitled to a certificate of registration under this chapter
 35 shall practice the occupation of a cosmetologist; or if any such person shall endeavor to

1 learn the trade of a cosmetologist by practicing the same under the instructions of a
2 cosmetologist or other person, other than as provided in this chapter; or if any such person
3 shall instruct or attempt to instruct any person in such trade; or if any proprietor of or
4 person in control of or operating any beauty shop, school of cosmetology, school of hair
5 design, school of esthetics, or school of nail care shall knowingly employ for the purpose
6 of practicing such occupation any cosmetologist not registered under this chapter; or if any
7 person, beauty shop, salon, or school shall engage in any of the acts covered in this chapter
8 though not registered under the provisions of this chapter; or if any person shall falsely or
9 fraudulently pretend to be qualified under this chapter to practice or learn such trade or
10 occupation; or if any person shall violate any provision of the chapter for which a penalty
11 is not specifically provided, he or she shall be guilty of a misdemeanor."

12 **SECTION 13.**

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

15 **SECTION 14.**

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