

House Bill 494

By: Representative Parsons of the 42<sup>nd</sup>

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 provide definitions of certain terms; to provide for certificates of  
3 registration for wax technicians at certain levels; to authorize the State Board of  
4 Cosmetology to adopt rules and regulations prescribing certain requirements for schools of  
5 waxing; to provide a process to obtain a wax technician certificate of registration; to allow  
6 a certificate of registration to be issued to wax technicians from other states under certain  
7 circumstances; to provide certain residency requirements for certain applicants; to change  
8 certain provisions relating to continuing education; to require that a certificate of completion  
9 must be given to attendees at continuing education courses; to require that certain courses be  
10 taught by certain schools; to provide requirements for teaching waxing; to correct  
11 cross-references; to amend Chapter 7 of Title 43 of the Official Code of Georgia Annotated,  
12 relating to barbers, so as to provide that a licensed barbershop may employ a wax technician  
13 without being required to be licensed as a cosmetology shop or salon; to provide for related  
14 matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

17 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,  
18 is amended as follows:

19 style="text-align:center">"CHAPTER 10

20 43-10-1.

21 As used in this chapter, the term:

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

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

1 ~~(3)~~(2) 'Board' means the State Board of Cosmetology.

2 ~~(4)~~(3) 'Cosmetologist' means any person who performs any one or more of the following  
3 services for compensation:

4 (A) Cuts or dresses the hair;

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

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

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

10 (E) Performs the services of an esthetician as defined in paragraph ~~(5)~~(6) of this Code  
11 section; or

12 (F) Performs the services of a wax technician as defined in paragraph (15) of this Code  
13 section.

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

22 (4) 'Cosmetology' means the practice of the occupation of a cosmetologist as defined in  
23 paragraph (3) of this Code section.

24 (5) 'Cosmetology shop' or 'cosmetology salon' means any premises where one or more  
25 persons engage in the occupation of cosmetology.

26 ~~(5)~~(6) 'Esthetician' or 'esthetics operator' means a person who, for compensation, engages  
27 in any one or a combination of the following practices, esthetics, or cosmetic skin care:

28 (A) ~~Massaging the face or neck of a person~~ Cleansing, toning, performing effleurage,  
29 or other related movements;

30 (B) ~~Trimming eyebrows~~ Applying makeup or eyelashes to any person;

31 (C) Dyeing eyelashes or eyebrows; ~~or~~

32 (D) ~~Waxing, stimulating, cleansing, or beautifying the face, neck, arms, or legs of a~~  
33 ~~person by any method with the aid of the hands or any mechanical or electrical~~  
34 ~~apparatus or by the use of a cosmetic preparation~~ Stimulating, exfoliating, or  
35 performing any similar procedure on the skin of the human body, excluding the scalp  
36 area, by nonlaser device, by mechanical or electrical apparatus, or by the use of  
37 cosmetic preparations for the care of improvement of the appearance of the skin; or

1 (E) Performing the services of a wax technician.

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

6 ~~(6) Reserved.~~

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

9 (A) Cuts or dresses the hair; or

10 (B) Singes and shampoos the hair, ~~or dyes the hair,~~ or does permanent waving of the  
11 hair.

12 (8) 'Master cosmetologist' means a cosmetologist who is possessed of the requisite skill  
13 and knowledge to perform properly all the services mentioned in paragraph ~~(4)~~(3) of this  
14 Code section for compensation.

15 (9) 'Nail technician' means a person who, for compensation, trims, files, shapes,  
16 decorates, applies sculptured or ~~otherwise artificial nails~~ other artificial enhancements,  
17 or in any way cares for the nails of ~~another person~~ the hands or feet of another person.

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

25 (11) 'School of esthetics' means any establishment that receives compensation for  
26 training more than one person in the occupation of ~~esthetics~~ as an esthetician as defined  
27 in paragraph ~~(5)~~(6) of this Code section. Technical colleges whose programs have been  
28 approved by the Department of Technical and Adult Education or the Department of  
29 Education are not 'schools of esthetics' within the meaning of this chapter; provided,  
30 however, that all such colleges and their programs shall be considered to be 'board  
31 approved.'

32 (12) ~~Reserved.~~

33 ~~(13)~~ 'School of hair design' means any establishment that receives compensation for  
34 training more than one person in the occupation of ~~hair design~~ a hair designer as defined  
35 in paragraph (7) of this Code section. Technical colleges whose programs have been  
36 approved by the Department of Technical and Adult Education or the Department of  
37 Education are not schools of hair design within the meaning of this chapter; provided,

1 however, that all such colleges and their programs shall be considered to be 'board  
2 approved.'

3 ~~(14)~~(13) 'School of nail care' means any establishment that receives compensation for  
4 training more than one person in the occupation of ~~nail care or manicuring~~ a nail  
5 technician as defined in paragraph (9) of this Code section. Technical colleges whose  
6 programs have been approved by the Department of Technical and Adult Education or  
7 the Department of Education are not 'schools of nail care' within the meaning of this  
8 chapter; provided, however, that all such colleges and their programs shall be considered  
9 to be 'board approved.'

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

16 (15) 'Wax technician' means a person who for compensation removes hair from the hair  
17 follicle using a physical wax depilatory or by tweezing.

18 43-10-2.

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

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

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

34 (d) No member of the board shall be affiliated with any school of cosmetology. Two  
35 members shall not have any connection with the practice or business of cosmetology  
36 whatsoever but shall have a recognized interest in consumer affairs and in consumer

1 protection concerns. No member of the board shall be affiliated or connected in any  
2 manner with any manufacturer or wholesale or jobbing house dealing with supplies sold  
3 to practitioners of cosmetology while in office.

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

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

15 (g) The board shall adopt a seal to be used to authenticate all its official papers and acts  
16 and shall have power to subpoena witnesses, administer oaths, and hear and take testimony  
17 in any matter over which it may have jurisdiction.

18 43-10-3.

19 Each member of the board shall be reimbursed as provided for in subsection (f) of Code  
20 Section 43-1-2.

21 43-10-4.

22 Reserved.

23 43-10-5.

24 The division director shall keep a record of all proceedings of the board. Such records shall  
25 be prima-facie evidence of all matters required to be kept therein, and certified copies of  
26 the same or parts thereof shall be primary evidence of their contents. All such copies, other  
27 documents, or certificates lawfully issued upon the authority of the board shall, when  
28 authenticated under the seal of the board, be admitted in any investigation in any court or  
29 elsewhere without further proof.

1 43-10-6.

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

14 (b) The board is authorized to adopt reasonable rules and regulations requiring that persons  
 15 licensed under this chapter undergo instruction on Human Immunodeficiency Virus and  
 16 Acquired Immune Deficiency Syndrome.

17 (c) Any inspector employed by the division director shall have the power to enter and  
 18 make reasonable examination of any ~~beauty~~ cosmetology shop, salon, and school in the  
 19 state during business hours for the purpose of enforcing the rules and regulations of the  
 20 board and for the purpose of ascertaining the sanitary conditions thereof.

21 (d) Any ~~beauty~~ cosmetology shop, salon, or school in which tools, appliances, and  
 22 furnishings used therein are kept in an unclean and unsanitary condition so as to endanger  
 23 health is declared to be a public nuisance.

24 43-10-7.

25 It shall be the duty of the board to issue through the division director those certificates of  
 26 registration for which provision is made in this chapter.

27 43-10-8.

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

31 (b) It shall be unlawful for any person to hold himself or herself out as a master  
 32 cosmetologist ~~or hair designer~~ without having first obtained the certificate of registration  
 33 for such. Such person shall be authorized to perform all the services mentioned in  
 34 paragraph ~~(4)~~(3) of Code Section 43-10-1. Nothing in this chapter shall prohibit any  
 35 person who holds a valid master cosmetologist license in this state on March 29, 1983,

1 from practicing at the master cosmetologist level as defined in paragraph ~~(4)~~(8) of Code  
2 Section 43-10-1.

3 (c) Reserved.

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

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

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

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

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

30 ~~(g)~~(i) It shall also be unlawful for any person or persons to operate a ~~beauty shop, beauty~~  
31 ~~salon, hair design salon, cosmetology shop or salon,~~ cosmetology shop or salon, school of cosmetology, school of hair  
32 design, school of esthetics, ~~or~~ or school of nail care, or school of waxing without first having  
33 obtained a certificate of registration for such shop, salon, or school as provided in this  
34 chapter. Any ~~beauty~~ cosmetology shop, salon, or school shall register with the division  
35 director of the professional licensing boards prior to opening.

36 ~~(h)~~(j) This chapter shall have uniform application throughout the state so that no  
37 ~~cosmetologist, hair designer, beauty shop,~~ cosmetology shop or salon, school of

1 cosmetology, school of hair design, school of esthetics, ~~or school of nail care,~~ or school of  
2 waxing shall be exempt from regulation.

3 43-10-9.

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

1 reciprocity is extended to this state and licensure requirements are substantially equal to  
2 those in this state, be a legal resident of the United States, and pays have paid a fee and  
3 submits have submitted an application, the applicant may be issued, without examination,  
4 a certificate of registration at the appropriate level, entitling the applicant to practice the  
5 occupation of cosmetology or the teaching of cosmetology at that level, unless the board,  
6 in its discretion, sees fit to require a written or a practical examination subject to the terms  
7 and provisions of this chapter. Notwithstanding any other provisions of this subsection,  
8 the board shall be authorized to waive any education or experience requirements applicable  
9 to any person who holds a current license or certificate to practice cosmetology outside of  
10 this state and who desires to obtain a license or certificate at a level authorized under this  
11 Code section to practice at such level in this state in cases of hardship, disability, or illness  
12 or under such other circumstances as the board deems appropriate.

13 (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  
19 at 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 cosmetology shop,  
22 beauty cosmetology salon, or hair design salon for a period of at least 2,650 credit hours;  
23 has practiced or studied the occupation of hair design; is possessed of the requisite skill  
24 in such occupation to perform properly all the duties of the occupation, including his or  
25 her ability in the preparation of tools, in performing the services mentioned in paragraph  
26 (7) of Code Section 43-10-1, and in all the duties and services incident thereto; and has  
27 passed both a written and a practical examination approved by the board, a certificate of  
28 registration shall be issued to him or her entitling him or her to practice the occupation  
29 of hair design. Notwithstanding any other provisions of this subsection, the board shall  
30 be authorized to waive any education requirements under this subsection in cases of  
31 hardship, disability, or illness or under such other circumstances as the board deems  
32 appropriate with respect to any applicant who was enrolled in a board approved school  
33 or had completed a board 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, be a legal resident of the United States, and have paid a fee and have  
13 submitted an application, the applicant may be issued, without examination, a certificate  
14 of registration at the appropriate level entitling him or her to practice the occupation of  
15 hair design or the teaching of hair design at that level, unless the board, in its discretion,  
16 sees fit to require a written or a practical examination subject to the terms and provisions  
17 of this chapter. Notwithstanding any other provisions of this subsection, the board shall  
18 be authorized to waive any education or experience requirements applicable to any person  
19 who holds a current license or certificate to practice hair design outside of this state and  
20 who desires to obtain a license or certificate at a level authorized under this subsection  
21 to practice at such level in this state in cases of hardship, disability, or illness or under  
22 such other circumstances as the board deems appropriate.

23 ~~(g)~~(f)(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~~ cosmetology shop or ~~beauty~~  
31 cosmetology salon for a period of at least 2,000 credit hours; has practiced or studied  
32 cosmetic skin care as defined in paragraph ~~(5)~~(6) of Code Section 43-10-1; is possessed  
33 of the requisite skill to perform properly these services; and has passed a written and a  
34 practical examination approved by the board, a certificate of registration shall be issued  
35 to the applicant entitling the applicant to practice the occupation of cosmetology at the  
36 esthetician level. Notwithstanding any other provisions of this subsection, the board shall  
37 be authorized to waive any education requirements under this subsection in cases of

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

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

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

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

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

13 (h)(1) Any person desiring to obtain a certificate of registration at the wax technician  
14 level under the terms of this chapter shall make application through the division director  
15 to the board and shall present proof that he or she has obtained a high school diploma, a  
16 general educational development (GED) diploma, or a postsecondary education or  
17 college degree. If, after review of the application, it is determined that the applicant is  
18 at least 17 years of age; has met the minimum educational requirements; is of good moral  
19 character; has completed a 115 credit hour study course of at least one month at a board  
20 approved school or has served as an apprentice in a cosmetology salon or cosmetology  
21 shop for a period of at least 230 credit hours; has practiced or studied waxing; is  
22 possessed of the requisite skill to perform properly these services; and has passed both  
23 a written and a practical examination approved by the board, a certificate of registration  
24 shall be issued to the applicant entitling the applicant to practice the occupation of  
25 cosmetology at the wax technician level. Notwithstanding any other provisions of this  
26 subsection, the board shall be authorized to waive any education requirements under this  
27 subsection in cases of hardship, disability, or illness or under such other circumstances  
28 as the board deems appropriate with respect to any applicant who was enrolled in a board  
29 approved school or had completed a board approved study course as of June 30, 2007.

30 (2) Should an applicant have a current wax technician license in force from another state,  
31 country, 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, be a legal resident of the United States, and have paid a fee and have  
34 submitted an application, the applicant may be issued, without examination, a certificate  
35 of registration at the appropriate level entitling him or her to practice the occupation of  
36 wax technician or the teaching of waxing at that level, unless the board, in its discretion,  
37 sees fit to require a written or a practical examination subject to the terms and provisions

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

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

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

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

19 43-10-10.

20 (a) The holder of any certificate of registration issued under Code Section 43-10-9 shall  
 21 display the same in a conspicuous place in his or her shop or place of business. Certificates  
 22 of registration issued under Code Section 43-10-9 shall be renewable biennially. The  
 23 holder shall pay to the division director a renewal fee in such amount as shall be set by the  
 24 board by regulation. Upon failure to renew such certificate of registration, it shall stand  
 25 automatically revoked. The holder shall be disqualified from practicing the occupation of  
 26 cosmetology under this chapter until all fees to date of application for reinstatement shall  
 27 be paid, an application for reinstatement shall be submitted along with a reinstatement fee  
 28 in such amount as shall be set by the board by regulation, and documentation shall be  
 29 submitted of completion of all required continuing education hours since the date the  
 30 registration was automatically revoked. If the board is satisfied that the applicant for  
 31 reinstatement meets all the qualifications set forth in this Code section and Code Section  
 32 43-10-9, the applicant shall be issued a new certificate of registration.

33 (b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any  
 34 certificate of registration issued under Code Section 43-10-9, the holder of such certificate  
 35 shall provide proof, in a form approved by the board, of completion of five hours of  
 36 continuing education in compliance with this Code section since the date of issuance of the

1 latest renewal certificate. A holder who is renewing a certificate for the first time shall not  
2 be required to meet the continuing education requirement until the time of the second  
3 renewal. Further, the requirement for continuing education for the holder of any certificate  
4 of registration issued under this chapter shall become effective on January 1, 2003,  
5 provided that the board has adopted rules and regulations implementing this Code section  
6 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

7 ~~(c) Three hours of continuing education shall be satisfied by a health and safety course~~  
8 ~~using a curriculum developed by the Department of Technical and Adult Education. Such~~  
9 ~~curriculum may be revised by the Department of Technical and Adult Education as~~  
10 ~~necessary to incorporate new developments. The Department of Technical and Adult~~  
11 ~~Education shall make the curriculum available to other providers of continuing education.~~  
12 Two hours of continuing education shall be satisfied by a health and safety course  
13 developed by the board. One hour shall be satisfied by a hands on sanitation and  
14 disinfection course developed by the board. The board may revise such curriculum as  
15 necessary to incorporate new developments. The board shall make the curriculum  
16 available to other providers of continuing education.

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

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

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

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

35 (f) The board shall ~~register~~ approve and allow two credit hours as continuing education for  
36 courses conducted via the Internet or other electronic means or home study courses.

1 (g) Courses in cosmetology, hair design, nail technology, waxing, esthetics, computers,  
 2 business, or health and safety issues offered by schools under the jurisdiction of the Board  
 3 of Regents of the University System of Georgia, the Department of Technical and Adult  
 4 Education, the Department of Education, or any accredited postsecondary institution shall  
 5 satisfy the continuing education requirement without a request to the board for approval  
 6 or registration.

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

9 (i) For the first renewal period during which the continuing education requirement will be  
 10 enforced, the board shall allow credit for continuing education hours which were board  
 11 approved or which did not require prior approval by the board received between March 31,  
 12 2000, and January 1, 2002, for master cosmetologists and between August 31, 1999, and  
 13 January 1, 2002, for nail technicians and estheticians. Thereafter, no excess hours from  
 14 one renewal period shall be authorized to be credited toward the continuing education  
 15 requirement for another renewal period.

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

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

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

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

23 43-10-11.

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

1 43-10-12.

2 (a)(1) All schools of cosmetology, schools of esthetics, ~~or~~ schools of hair design, schools  
3 of nail care, and schools of waxing shall:

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

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

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

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

16 (3) All cosmetologists, hair designers, estheticians, nail technicians, or wax technicians  
17 who take an apprentice pursuant to Code Section 43-10-14 shall file immediately with  
18 the board through the division director the name and age of such apprentice; and the  
19 board shall cause such information to be entered on a register kept by the division  
20 director for that purpose.

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

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

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

34 (2) All schools of hair design shall be required to teach the following courses: theory,  
35 permanent and cold waving, hair coloring and bleaching, hair and scalp treatments, hair  
36 and scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb

1 out, charm, reception, desk work, art and laboratory, state law, state rules and regulations,  
 2 and any other subjects related to cosmetology and sanitation;

3 ~~(2)~~(3) All schools of esthetics shall be required to teach the following courses: theory,  
 4 skin care, facials, makeup and arching, charm, reception, desk work, art and laboratory,  
 5 massaging the face or neck, trimming eyebrows, dyeing, waxing, stimulating, cleansing,  
 6 or beautifying, state law, state rules and regulations, and any other subjects related to  
 7 esthetics and sanitation; ~~and~~

8 ~~(3)~~(4) All schools of nail care shall be required to teach the following courses: theory,  
 9 trimming, filing, shaping, decorating, sculpturing and artificial nails, nail care, charm,  
 10 reception, desk work, art and laboratory, state law, state rules and regulations, and any  
 11 other subjects related to nail care and sanitation; and

12 (5) All schools of waxing shall be required to teach the following courses: theory,  
 13 arching, charm, reception, desk work, laboratory, trimming eyebrows, tweezing, physical  
 14 depilatory wax waxing procedures and wax treatments, state law, state rules and  
 15 regulations, and any other subjects related to waxing and sanitation.

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

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

22 (e)(1) All teachers or instructors shall devote their entire time to instruction of students.  
 23 Any person desiring to teach or instruct in any school of cosmetology, school of hair  
 24 design, school of esthetics, ~~or~~ school of nail care, or school of waxing shall first file his  
 25 or her application with the division director for a license, shall pay a fee in such amount  
 26 as shall be set by the board by regulation, and shall successfully pass both a written and  
 27 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 750 hours of instructor training in cosmetology at a board approved school;  
 34 and

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

36 (B) A person holding a current cosmetology license at the master level who is a high  
 37 school graduate, has a general educational development (GED) diploma, or has a

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

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

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

10 (ii) Has 500 hours of board approved instructor training in esthetics of at least ~~nine~~  
11 four months;

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

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

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

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

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

27 (ii) Has 250 hours of board approved instructor training in nail care of at least four  
28 months;

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

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

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

1 to take the written and the practical examination to become an instructor at the nail  
2 technician level.

3 ~~(5) Reserved.~~

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

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

9 ~~(ii) Has 750 hours of board approved instructor training in hair design of at least four~~  
10 ~~months;~~

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

12 ~~(iv) Has passed both a written and a practical examination to become an instructor~~  
13 ~~in hair design.~~

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

21 (6)(A) A person desiring to teach at the wax technician level shall satisfy the board that  
22 he or she:

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

26 (ii) Has 200 hours of board approved instructor training in waxing of at least two  
27 months;

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

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

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

1 (7) Any teacher or instructor shall renew his or her license to teach cosmetology at the  
 2 licensed level biennially in odd years by remitting with his or her application a renewal  
 3 fee in such amount as shall be set by the board by regulation; provided, however, any  
 4 teacher or instructor who fails to renew his or her certificate of registration to practice as  
 5 a cosmetologist, hair designer, esthetician, ~~or~~ nail technician, or wax technician on or  
 6 before the date established by the board by regulation shall automatically have his or her  
 7 license to teach or instruct suspended. A person failing to renew his or her instructor's  
 8 license within two years after expiration shall be required to pay a reinstatement fee after  
 9 board review.

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

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

23 43-10-13.

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

27 (b) Before a student shall be eligible to take the examination provided for in Code Section  
 28 43-10-9, he or she shall first file with his or her application for examination a transcript  
 29 showing the number of hours and courses completed from the school or shop attended by  
 30 the student.

31 43-10-14.

32 (a) Nothing in this chapter shall prohibit any person at least 17 years of age from learning  
 33 the occupation of cosmetology under a master cosmetologist, provided that such  
 34 cosmetologist has had at least 36 months' experience and has held a certificate of a master  
 35 cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any

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

1 registration of the apprentice. The apprentice shall receive a certificate of registration  
2 showing the capacity in which he or she is permitted to practice cosmetology. The  
3 certificate of registration shall be effective for a period of two years and may be renewed  
4 at the end of such period upon the filing of an application on forms furnished by the  
5 division director and the payment of a renewal fee in such amount as shall be set by the  
6 board by regulation. A certificate of registration authorizing a person to learn the  
7 occupation of cosmetology ~~under a cosmetologist~~ shall not be renewed more than one time;  
8 and, upon the expiration of the last certificate of registration issued, such person shall not  
9 be permitted to practice in any capacity.

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

15 43-10-15.

16 (a) The board, acting upon its own knowledge or written or verified complaint filed by any  
17 person, shall have the power to reprimand or power to suspend, revoke, or cancel the  
18 certificate of registration of or refuse to grant, renew, or restore a certificate of registration  
19 to a holder of any certificate of registration issued pursuant to this chapter upon proof of  
20 any one of the following grounds:

21 (1) Willfully committing any false, fraudulent, or deceitful act or using any forged, false,  
22 or fraudulent document in connection with any requirement of this chapter or the rules  
23 and regulations of the board;

24 (2) Willfully failing at any time to comply with the requirements for a certificate of  
25 registration under this chapter;

26 (3) Practicing cosmetology under a false or assumed name;

27 (4) Willfully permitting an unlicensed person to practice, learn, or teach cosmetology;

28 (5) Knowingly performing an act which in any way assists an unlicensed person to  
29 practice, learn, or teach cosmetology; or

30 (6) Violating, directly or indirectly, or assisting in the violation of this chapter or any rule  
31 or regulation of the board.

32 (b) The board may impose a fine not to exceed \$500.00 for each violation of any provision  
33 of subsection (a) of this Code section. Such fines shall be listed in a schedule contained in  
34 the rules and regulations of the board. The licensee shall pay the fine within 30 days after  
35 receiving written notification from either the board or a representative of the board unless  
36 the licensee requests in writing a hearing before the board. Such request for a hearing must

1 be received by the board within 30 days after receipt of the written notification from the  
2 board. Failure either to pay the fine or request a hearing shall result in immediate  
3 suspension of the license pending a hearing to determine whether revocation or other  
4 disciplinary action should be imposed on the licensee.

5 (c) The board, for good cause shown and under such conditions as it may prescribe, may  
6 restore a certificate of registration to any person, beauty cosmetology shop or beauty  
7 cosmetology salon, or school or college of cosmetology whose certificate of registration  
8 has been suspended, revoked, or canceled.

9 (d) Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall apply to any  
10 proceeding under this Code section.

11 43-10-16.

12 The board may bring an action to enjoin any person, firm, or corporation from engaging  
13 in the occupation of cosmetology at all levels of licensure or registration if such person,  
14 firm, or corporation, without being licensed or registered to do so by the board, engages in  
15 or practices the occupation of cosmetology. The action shall be brought in the county in  
16 which such person resides or, in the case of a firm or corporation, where the firm or  
17 corporation maintains its principal office; and, unless it appears that such person, firm, or  
18 corporation so engaging or practicing cosmetology is licensed or registered, the injunction  
19 shall be issued, and such person, firm, or corporation shall be perpetually enjoined from  
20 engaging in such activities throughout the state. It shall not be necessary in order to obtain  
21 the equitable relief provided in this Code section for the board to allege and prove that  
22 there is no adequate remedy at law. It is declared that the unlicensed activities referred to  
23 in this Code section are a menace and a nuisance dangerous to the public health, safety, and  
24 welfare.

25 43-10-17.

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

29 43-10-18.

30 (a) Nothing contained in this chapter nor any rule or regulation adopted in implementation  
31 hereof shall be construed to prohibit any person from operating a beauty cosmetology shop  
32 within his or her home or residence, provided that such shop meets and complies with all  
33 of the provisions of this chapter and the rules and regulations promulgated by the board.

1 (b) It shall not be necessary for any person operating a ~~beauty~~ cosmetology shop in a  
 2 private home to post a sign denoting same to be a ~~beauty~~ cosmetology shop unless the  
 3 person elects to do so.

4 43-10-18.1.

5 A ~~beauty~~ cosmetology shop or salon licensed under this chapter shall be authorized to  
 6 employ a barber licensed under Chapter 7 of this title. A ~~beauty~~ cosmetology shop or salon  
 7 employing such a barber shall not be subject to the licensure provisions of Chapter 7 of this  
 8 title.

9 43-10-18.2.

10 Notwithstanding any other provision of this chapter, premises made available for a ~~beauty~~  
 11 cosmetology shop within a facility licensed as a nursing home pursuant to Article 1 of  
 12 Chapter 7 of Title 31 shall not be required to be licensed or registered as a ~~beauty~~  
 13 cosmetology shop under this chapter, or otherwise be subject to any provisions of this  
 14 chapter except for inspections, investigations, or both, for alleged violations of this chapter  
 15 by any person licensed under this chapter, if cosmetologist services in such premises are  
 16 rendered only to residents of the nursing home.

17 43-10-18.3.

18 (a) Notwithstanding any other provision of this chapter, cosmetology services may be  
 19 performed by a licensed cosmetologist in a client's residence, a nursing home, or a hospital  
 20 when the client for reasons of ill health, infirmity, or other physical disability is unable to  
 21 go to the licensed ~~beauty~~ cosmetology shop or salon for regular cosmetology services.

22 (b) The board is authorized to adopt reasonable rules and regulations prescribing  
 23 requirements and conditions for the performance of the services authorized in subsection  
 24 (a) of this Code section.

25 43-10-19.

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

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

7 (b) Any person who operates or manages a ~~beauty shop, salon~~ cosmetology shop or  
 8 cosmetology salon, or school that employs a person who does not possess a license as  
 9 provided in this chapter shall be guilty of a misdemeanor.

10 43-10-20.

11 (a) For the purposes of this chapter, the teachers and instructors of and courses of  
 12 instruction or training in cosmetology operated by the Department of Corrections shall be  
 13 considered to be subject to the same standards and to be part of the cosmetology programs  
 14 that are approved by the Department of Technical and Adult Education or the Department  
 15 of Education as provided for by paragraphs (8), (9), and (10) of Code Section 43-10-1 and  
 16 paragraph ~~(6)~~ (5) of subsection (e) of Code Section 43-10-12.

17 (b) The board shall be required to test an inmate who is an applicant for a certificate of  
 18 registration under this chapter who has completed successfully a cosmetology training  
 19 program operated by the Department of Corrections and who meets the requirements stated  
 20 in Code Section 43-10-9. If such inmate passes the applicable written and practical  
 21 examinations, the board may issue the appropriate certificate of registration to such inmate  
 22 after consideration of all requirements under Code Sections 43-10-9 and 43-1-19; provided,  
 23 however, that the board shall not apply the provisions of paragraph (4) of subsection (a) of  
 24 Code Section 43-1-19 to such inmate based solely upon such person's status as an inmate  
 25 and shall apply such provisions in the same manner as would otherwise be applicable to  
 26 an applicant who is not an inmate."

## 27 SECTION 2.

28 Chapter 7 of Title 43 of the Official Code of Georgia Annotated, relating to barbers, is  
 29 amended by revising Code Section 43-7-12.1, relating to authorization to employ  
 30 cosmetologist, manicurist, esthetician, or shampooer without beauty shop license, as follows:

31 "43-7-12.1.

32 A barbershop licensed pursuant to this chapter shall be authorized to employ a  
 33 cosmetologist, manicurist, esthetician, wax technician, or shampooer licensed under  
 34 Chapter 10 of this title without that barbershop being required to be licensed as a ~~beauty~~  
 35 cosmetology shop or salon under Chapter 10 of this title."

- 1 **SECTION 3.**
- 2 All laws and parts of laws in conflict with this Act are repealed.