

House Bill 528

By: Representatives Martin of the 47th, Burkhalter of the 50th, Stephens of the 164th, Lane of the 158th, and Roberts of the 154th

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 for certificates of registration for cosmetic laser
3 practitioners; to define a certain term; to provide certain requirements for one member of the
4 State Board of Cosmetology; to provide for applications to be made to obtain a certificate of
5 registration for three different levels of cosmetic laser practitioner; to provide continuing
6 education for such practitioners; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
11 is amended in Code Section 43-10-1, relating to definitions, by adding two new paragraphs
12 to read as follows:

13 "(3.1) 'Cosmetic laser practitioner' means a person who, for compensation, uses lasers
14 and pulsed light devices approved by the United States Food and Drug Administration
15 for nonablative procedures to provide cosmetic laser services.

16 (3.2) 'Cosmetic laser services' means elective cosmetic light based skin and anti-aging
17 enhancements, photo rejuvenation, tattoo removal, or hair removal."

18 **SECTION 2.**

19 Said chapter is further amended in Code Section 43-10-2, relating to the members of the
20 State Board of Cosmetology, by revising subsection (b) as follows:

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

1 five years of practical experience in the practice of cosmetology at the esthetician level.
 2 One member of the board must have had at least five years of practical experience as a
 3 manicurist. One member of the board must have at least ten years of practical experience
 4 as a cosmetic laser practitioner at the advanced laser practitioner level."

5 SECTION 3.

6 Said chapter is further amended in Code Section 43-10-8, relating to the requirement of a
 7 certificate of registration, by revising subsection (h) and adding a new subsection to read as
 8 follows:

9 "(h) Any person desiring to perform cosmetic laser services shall be allowed to obtain a
 10 certificate of registration as a cosmetic laser practitioner at one of the three levels provided
 11 for subsection (i) of Code Section 43-10-9 upon completing the requirements therefor,
 12 which certifies that the holder thereof shall be authorized to perform some or all of the
 13 services mentioned in paragraph (3.2) of Code Section 43-10-1. It shall be unlawful for
 14 any person to pursue the occupation of cosmetic laser practitioner in this state unless he or
 15 she has first completed the required hours for and obtained the appropriate certificate of
 16 registration as provided for in this chapter; provided, however, that nothing in this chapter
 17 shall be construed to require any physician licensed under Title 31 to obtain a cosmetic
 18 laser practitioner certificate of registration.

19 (i) This chapter shall have uniform application throughout the state so that no
 20 cosmetologist, hair designer, cosmetic laser practitioner, beauty shop, school of
 21 cosmetology, school of hair design, school of esthetics, or school of nail care shall be
 22 exempt from regulation."

23 SECTION 4.

24 Said chapter is further amended in Code Section 43-10-9, relating to applications for
 25 certificate of registration, by revising subsections (i), (j), and (k) and adding a new subsection
 26 to read as follows:

27 "(i)(1) Any person desiring to obtain a certificate of registration as a cosmetic laser
 28 practitioner under the terms of this chapter shall make application through the division
 29 director to the board and apply for registration as follows:

30 (A) 'Advanced laser practitioner' shall present proof that he or she is an advanced
 31 medical practitioner with at least ten years of clinical or technological medical
 32 experience, or both, has been licensed or nationally board certified in that field for at
 33 least three years, and has received at least two laser certificates from attending
 34 laser/intense pulsed light (IPL) continuing medical education courses, directly taught
 35 by a licensed physician or certified continuing medical education or continuing

1 education educator. If, after review of the application, it is determined that the
2 applicant is at least 21 years of age; has met the minimum educational requirements;
3 is of good moral character; and is possessed of the requisite skill to perform properly
4 these services, a certificate of registration shall be issued to the applicant entitling the
5 applicant to practice the occupation of cosmetic laser practitioner at the advanced laser
6 practitioner level. Notwithstanding any other provisions of this subsection, the board
7 shall be authorized to waive any education requirements under this subsection in cases
8 of hardship, disability, or illness or under such other circumstances as the board deems
9 appropriate with respect to any applicant who has practiced as an advanced laser
10 practitioner prior to July 1, 2007;

11 (B) 'Senior laser practitioner' shall present proof that he or she is a licensed or
12 nationally board certified clinical or technical health care professional for at least three
13 years and has received at least two laser certificates from attending laser/intense pulsed
14 light (IPL) courses, directly taught by a licensed physician or certified continuing
15 medical education or continuing education educator. If, after review of the application,
16 it is determined that the applicant is at least 21 years of age; has met the minimum
17 educational and clinical training requirements to perform health care duties with
18 indirect supervision; is of good moral character; and is possessed of the requisite skill
19 to perform properly cosmetic laser services, a certificate of registration shall be issued
20 to the applicant entitling the applicant to practice the occupation of cosmetic laser
21 practitioner at the senior laser practitioner level, under the supervision of an advanced
22 laser practitioner. Notwithstanding any other provisions of this subsection, the board
23 shall be authorized to waive any education requirements under this subsection in cases
24 of hardship, disability, or illness or under such other circumstances as the board deems
25 appropriate with respect to any applicant who has practiced as a senior laser practitioner
26 prior to July 1, 2007; or

27 (C) 'Laser assistant practitioner' shall present proof that he or she has received at least
28 three laser certificates from attending laser/intense pulsed light (IPL) courses, directly
29 taught by a licensed physician or certified continuing medical education or continuing
30 education educator. If, after review of the application, it is determined that the
31 applicant is at least 21 years of age; has met the minimum educational requirements;
32 is of good moral character; and is possessed of the requisite skill to perform properly
33 cosmetic laser services, a certificate of registration shall be issued to the applicant
34 entitling the applicant to practice the occupation of cosmetic laser practitioner at the
35 laser assistant practitioner level under the direct supervision of an advanced laser
36 practitioner. 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 has practiced as a laser assistant
 3 practitioner prior to July 1, 2007.

4 (2) Should an applicant have a current cosmetic laser practitioner license or certificate
 5 of registration in force from another state, country, territory of the United States, or the
 6 District of Columbia, where similar reciprocity is extended to this state and licensure
 7 requirements are substantially equal to those in this state, 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 a cosmetic laser practitioner at that level, unless the board, in its discretion, sees fit to
 11 require a written or a practical examination subject to the terms and provisions of this
 12 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 as a cosmetic laser practitioner
 15 outside of this state and who desires to obtain a certificate of registration at a level
 16 authorized under this subsection to practice as a cosmetic laser practitioner in this state
 17 in cases of hardship, disability, or illness or under such other circumstances as the board
 18 deems appropriate.

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

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

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

32 SECTION 4.

33 Said chapter is further amended in Code Section 43-10-10, relating to requirements for
 34 continuing education, by adding a new subsection to read as follows:

35 "(k) Notwithstanding subsection (d) of this Code section, holders of certificates of
 36 registration as cosmetic laser practitioners shall provide proof, in a form approved by the

1 board, of completion of five hours of continuing education in compliance with this Code
2 section since the date of issuance of the latest renewal certificate in the area of cosmetic
3 laser services, equipment safety and operation, procedures, and relative skin modalities,
4 directly taught by a licensed physician or certified continuing medical education or
5 continuing education educator."

6 **SECTION 5.**

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