

The House Committee on Regulated Industries offers the following substitute to HB 494:

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"CHAPTER 10

43-10-1.

As used in this chapter, the term:

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

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

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

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

(A) Cuts or dresses the hair;

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

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

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

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

(F) Performs the services of a master esthetician as defined in paragraph (8.1) of this Code section; or

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

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

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

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

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

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

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

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

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

~~apparatus or by the use of a cosmetic preparation~~ Stimulating, exfoliating, or performing any similar procedure on the skin of the human body, excluding the scalp area, by nonlaser device, by mechanical or electrical apparatus, by the use of cosmetic preparations for the care or improvement of the appearance of the skin, or by the use of a safety cartridge razor; or

(E) Performing the services of a wax technician.

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

~~(6) Reserved.~~

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

(A) Cuts or dresses the hair; or

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

(8) 'Master cosmetologist' means a cosmetologist who is possessed of the requisite skill and knowledge to perform properly all the services mentioned in ~~paragraph (4)~~ subparagraphs (A), (B), (C), (D), (E), and (G) of paragraph (3) of this Code section for compensation.

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

(A) Performs the services of an esthetician as defined in paragraph (6) of this Code section;

(B) Microdermabrasion to the stratum corneum of the skin;

(C) Chemical exfoliation of the stratum corneum of the skin; or

(D) Light or other nonlaser device treatments limited to the stratum corneum of the skin.

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

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

(9.1) 'Safety cartridge razor' means a disposable razor which protects the skin from all but the very edge of the blade.

(10) 'School of cosmetology' means any establishment that receives compensation for training more than one person in the occupation of ~~cosmetology~~ cosmetologist as defined

1 in paragraph ~~(4)~~(3) of this Code section. Technical colleges whose programs have been
2 approved by the Department of Technical and Adult Education or the Department of
3 Education are not 'schools of cosmetology' within the meaning of this chapter; provided,
4 however, that all such colleges and their programs shall be considered to be 'board
5 approved.'

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

13 (12) ~~Reserved.~~

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

21 (12.1) 'School of master esthetics' means any establishment that receives compensation
22 for training more than one person in the occupation of master esthetician as defined in
23 paragraph (8.1) of this Code section. Technical colleges whose programs have been
24 approved by the Department of Technical and Adult Education or the Department of
25 Education are not schools of master esthetics within the meaning of this chapter;
26 provided, however, that all such colleges and their programs shall be considered to be
27 'board approved.'

28 ~~(14)~~(13) 'School of nail care' means any establishment that receives compensation for
29 training more than one person in the occupation of ~~nail care or manicuring~~ a nail
30 technician as defined in paragraph (9) of this Code section. Technical colleges whose
31 programs have been approved by the Department of Technical and Adult Education or
32 the Department of Education are not 'schools of nail care' within the meaning of this
33 chapter; provided, however, that all such colleges and their programs shall be considered
34 to be 'board approved.'

35 (14) 'School of waxing' means any establishment that receives compensation for training
36 more than one person in the occupation of a wax technician as defined in paragraph (15)
37 of this Code section. Technical colleges whose programs have been approved by the

Department of Technical and Adult Education or the Department of Education are not schools of waxing within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

(15) 'Wax technician' means a person who for compensation removes hair using a physical wax depilatory, by tweezing, or using a safety cartridge razor.

43-10-2.

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

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

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

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

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

(f) Each year the members shall elect a ~~chairman~~ chairperson from among themselves. In the event the members cannot agree as to who shall be ~~chairman~~ chairperson, the Governor shall appoint one of such members as ~~chairman~~ chairperson. The ~~chairman~~ chairperson so

1 elected or appointed shall be eligible to succeed himself or herself. The members of the
2 board shall be considered public officers and shall take the oath required thereof.

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

6 43-10-3.

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

9 43-10-4.

10 Reserved.

11 43-10-5.

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

18 43-10-6.

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

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

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

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

43-10-7.

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

43-10-8.

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

(b) It shall be unlawful for any person to hold himself or herself out as a master cosmetologist ~~or hair designer~~ without having first obtained the certificate of registration for such. Such person shall be authorized to perform all the services mentioned in paragraph ~~(4)~~(3) of Code Section 43-10-1. Nothing in this chapter shall prohibit any person who holds a valid master cosmetologist license in this state on March 29, 1983, from practicing at the master cosmetologist level as defined in paragraph ~~(4)~~(8) of Code Section 43-10-1.

(c) Reserved.

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

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

1 ~~(f)(1)~~ Notwithstanding any other provisions of this chapter, any person desiring to
2 perform solely advanced cosmetic skin care services shall be allowed to obtain a
3 certificate of registration at the master esthetician level upon completing the required
4 hours therefor, which certifies that the holder thereof shall be authorized to perform some
5 or all of the services mentioned in paragraph (8.1) of Code Section 43-10-1.

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

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

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

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

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

32 43-10-9.

33 (a) Any person desiring to obtain a certificate of registration to enable him or her to engage
34 in the occupation of cosmetology shall make application through the division director to
35 the board and shall present proof that he or she has obtained a high school diploma, a
36 general educational development (GED) diploma, or a postsecondary education or college

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

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

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

28 (d) Should an applicant have a current cosmetology license in force from another state or
29 country, or territory of the United States, or the District of Columbia, where similar
30 reciprocity is extended to this state and licensure requirements are substantially equal to
31 those in this state, be a legal resident of the United States, and ~~pays~~ have paid a fee and
32 ~~submits~~ have submitted an application, the applicant may be issued, without examination,
33 a certificate of registration at the appropriate level, entitling the applicant to practice the
34 occupation of cosmetology or the teaching of cosmetology at that level, unless the board,
35 in its discretion, sees fit to require a written or a practical examination subject to the terms
36 and provisions of this chapter. Notwithstanding any other provisions of this subsection,
37 the board shall be authorized to waive any education or experience requirements applicable

1 to any person who holds a current license or certificate to practice cosmetology outside of
2 this state and who desires to obtain a license or certificate at a level authorized under this
3 Code section to practice at such level in this state in cases of hardship, disability, or illness
4 or under such other circumstances as the board deems appropriate.

5 (e) ~~Reserved.~~

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

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

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

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

~~(g)~~(f)(1) Any person desiring to obtain a certificate of registration at the esthetician level under the terms of this chapter shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,000 credit hour study course of at least nine months at a board approved school or has served as an apprentice in a ~~beauty~~ cosmetology shop or ~~beauty~~ cosmetology salon for a period of at least 2,000 credit hours; has practiced or studied ~~cosmetic skin care~~ as an esthetician as defined in paragraph ~~(5)~~(6) of Code Section 43-10-1; is possessed of the requisite skill to perform properly these services; and has passed a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of cosmetology at the esthetician level. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.

(2) Should an applicant have a current esthetician license in force from another state, country, territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, be a legal resident of the United States, and have paid a fee and have

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

11 (g)(1) Any person desiring to obtain a certificate of registration at the master esthetician
12 level under the terms of this chapter shall make application through the division director
13 to the board and shall present proof that he or she has obtained a high school diploma, a
14 general educational development (GED) diploma, or a postsecondary education or
15 college degree. If, after review of the application, it is determined that the applicant is at
16 least 17 years of age; has met the minimum educational requirements; is of good moral
17 character; has completed a 1,500 credit hour study course of at least nine months at a
18 board approved school or has served as an apprentice in a cosmetology shop or
19 cosmetology salon for a period of at least 3,000 credit hours; has practiced or studied as
20 a master esthetician as defined in paragraph (8.1) of Code Section 43-10-1; is possessed
21 of the requisite skill to perform properly these services; and has passed a written and a
22 practical examination approved by the board, a certificate of registration shall be issued
23 to the applicant entitling the applicant to practice the occupation of cosmetology at the
24 master esthetician level. Notwithstanding any other provisions of this subsection, the
25 board shall be authorized to waive any education requirements under this subsection in
26 cases of hardship, disability, or illness or under such other circumstances as the board
27 deems appropriate with respect to any applicant who was enrolled in a board approved
28 school or had completed a board approved study course as of June 30, 2008.

29 (2) Should an applicant have a current master esthetician license in force from another
30 state, country, territory of the United States, or the District of Columbia, where similar
31 reciprocity is extended to this state and licensure requirements are substantially equal to
32 those in this state, be a legal resident of the United States, and have paid a fee and have
33 submitted an application, the applicant may be issued, without examination, a certificate
34 of registration at the appropriate level entitling him or her to practice the occupation of
35 master esthetician or the teaching of esthetics at that level, unless the board, in its
36 discretion, sees fit to require a written or a practical examination subject to the terms and
37 provisions of this chapter. Notwithstanding any other provisions of this subsection, the

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

6 (h)(1) Any person desiring to obtain a certificate of registration at the nail technician
7 level under the terms of this chapter shall make application through the division director
8 to the board and shall present proof that he or she has obtained a high school diploma, a
9 general educational development (GED) diploma, or a postsecondary education or
10 college degree. If, after review of the application, it is determined that the applicant is
11 at least 17 years of age; has met the minimum educational requirements; is of good moral
12 character; has completed a 525 credit hour study course of at least four months at a board
13 approved school or has served as an apprentice in a beauty cosmetology shop or beauty
14 cosmetology salon for a period of at least 1,050 credit hours; has practiced or studied nail
15 care; is possessed of the requisite skill to perform properly these services; and has passed
16 both a written and a practical examination approved by the board, a certificate of
17 registration shall be issued to the applicant entitling the applicant to practice the
18 occupation of cosmetology at the nail technician level. 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
21 such other circumstances as the board deems appropriate with respect to any applicant
22 who was enrolled in a board approved school or had completed a board approved study
23 course as of June 30, 2000.

24 (2) Should an applicant have a current nail technician license in force from another state,
25 country, territory of the United States, or the District of Columbia, where similar
26 reciprocity is extended to this state and licensure requirements are substantially equal to
27 those in this state, be a legal resident of the United States, and have paid a fee and have
28 submitted an application, the applicant may be issued, without examination, a certificate
29 of registration at the appropriate level entitling him or her to practice the occupation of
30 nail technician or the teaching of nail care at that level, unless the board, in its discretion,
31 sees fit to require a written or a practical examination subject to the terms and provisions
32 of this chapter. Notwithstanding any other provisions of this subsection, the board shall
33 be authorized to waive any education or experience requirements applicable to any person
34 who holds a current license or certificate to practice nail care outside of this state and who
35 desires to obtain a license or certificate at a level authorized under this subsection to
36 practice at such level in this state in cases of hardship, disability, or illness or under such
37 other circumstances as the board deems appropriate.

1 (i)(1) Any person desiring to obtain a certificate of registration at the wax technician
2 level under the terms of this chapter shall make application through the division director
3 to 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
5 college degree. If, after review of the application, it is determined that the applicant is
6 at least 17 years of age; has met the minimum educational requirements; is of good moral
7 character; has completed a 115 credit hour study course of at least one month at a board
8 approved school or has served as an apprentice in a cosmetology salon or cosmetology
9 shop for a period of at least 230 credit hours; has practiced or studied waxing; is
10 possessed of the requisite skill to perform properly these services; and has passed both
11 a written and a practical examination approved by the board, a certificate of registration
12 shall be issued to the applicant entitling the applicant to practice the occupation of
13 cosmetology at the wax technician level. Notwithstanding any other provisions of this
14 subsection, the board shall be authorized to waive any education requirements under this
15 subsection in cases of hardship, disability, or illness or under such other circumstances
16 as the board deems appropriate with respect to any applicant who was enrolled in a board
17 approved school or had completed a board approved study course as of June 30, 2008.

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

32 ~~(i)~~(j) Nothing in this Code section shall be construed as preventing a person from obtaining
33 a certificate of registration for the occupation of cosmetology at the master level, the hair
34 design level, the esthetician level, ~~or the master esthetician level,~~ the nail technician level,
35 ~~or the wax technician level~~ if such person obtains his or her credit hour study at a State
36 Board of Education approved school or a technical college under the jurisdiction of the

1 Department of Technical and Adult Education or the Department of Education rather than
2 at a board approved school.

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

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

10 43-10-10.

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

24 (b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any
25 certificate of registration issued under Code Section 43-10-9, the holder of such certificate
26 shall provide proof, in a form approved by the board, of completion of five hours of
27 continuing education in compliance with this Code section since the date of issuance of the
28 latest renewal certificate. A holder who is renewing a certificate for the first time shall not
29 be required to meet the continuing education requirement until the time of the second
30 renewal. Further, the requirement for continuing education for the holder of any certificate
31 of registration issued under this chapter shall become effective on January 1, 2003,
32 provided that the board has adopted rules and regulations implementing this Code section
33 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

34 ~~(c) Three hours of continuing education shall be satisfied by a health and safety course~~
35 ~~using a curriculum developed by the Department of Technical and Adult Education. Such~~
36 ~~curriculum may be revised by the Department of Technical and Adult Education as~~

~~necessary to incorporate new developments. The Department of Technical and Adult Education shall make the curriculum available to other providers of continuing education. Two hours of continuing education shall be satisfied by a health and safety course developed by the board. One hour shall be satisfied by a hands on sanitation and disinfection course developed by the board. The board may revise such curriculum as necessary to incorporate new developments. The board shall make the curriculum available to other providers of continuing education.~~

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

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

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

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

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

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

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

(i) For the first renewal period during which the continuing education requirement will be enforced, the board shall allow credit for continuing education hours which were board

approved or which did not require prior approval by the board received between March 31, 2000, and January 1, 2002, for master cosmetologists and between August 31, 1999, and January 1, 2002, for nail technicians and estheticians. Thereafter, no excess hours from one renewal period shall be authorized to be credited toward the continuing education requirement for another renewal period.

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

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

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

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

43-10-11.

All ~~beauty shops, salons, schools of cosmetology~~ cosmetology shops or salons, schools of hair design, schools of esthetics, ~~and schools of master esthetics~~, schools of nail care, ~~and schools of waxing~~ shall be registered with the division director by the owner or manager.

Such registration shall be made by the filing of an application on forms furnished by the division director; shall include the name and location of the ~~beauty~~ cosmetology shop, salon, or school, the name and address of the owner, and the names and addresses of all instructors of the shop, salon, or school at the time of registration; and shall be accompanied by a registration fee in such amount as shall be set by the board by regulation.

The board is authorized and directed to issue a certificate of registration to each shop, salon, or school so registering and paying such fee, which certificate shall be displayed in a conspicuous place in the registered shop, salon, or school.

43-10-12.

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

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

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

(C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of Hair Design' 'School of Esthetics,' ~~or 'Schools of Master Esthetics.'~~ 'School of Nail Care,' or 'School of Waxing' as the case may be; and all such signs shall also display the words 'Service by Students Only.' Where service is rendered by a student, no commissions or premiums shall be paid to such student for work done in the schools;

nor shall any person be employed by the schools to render professional service to the public.

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

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

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

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

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

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

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

(4) All schools of master esthetics shall be required to teach the following courses: theory, skin care, facials, makeup and arching, charm, reception, desk work, art and

laboratory, massaging the face or neck, trimming eyebrows, dyeing, waxing, microdermabrasion, chemical exfoliation, light and nonlaser device treatment, stimulating, cleansing, or beautifying, state law, state rules and regulations, and any other subjects related to master esthetics and sanitation;

~~(3)~~(5) All schools of nail care shall be required to teach the following courses: theory, trimming, filing, shaping, decorating, sculpturing and artificial nails, nail care, charm, reception, desk work, art and laboratory, state law, state rules and regulations, and any other subjects related to nail care and sanitation; and

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

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

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

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

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

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

(ii) Has 750 hours of instructor training in cosmetology at a board approved school; and

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

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

1 to take the written and the practical examination to become an instructor at the master
2 cosmetologist level.

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

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

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

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

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

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

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

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

26 (ii) Has 750 hours of board approved instructor training in master esthetics of at least
27 six months;

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

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

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

discretion, be permitted to take the written and the practical examination to become an instructor at the master esthetician level.

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

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

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

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

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

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

~~(5) Reserved.~~

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

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

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

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

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

(B) A person holding a current cosmetology license at the hair designer or master cosmetologist level who is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree; who has completed the required board approved hours of continuing education; and has board approved work experience as an instructor or in education may, at the board's

discretion, be permitted to take the written and the practical examinations to become an instructor at the hair designer level.

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

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

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

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

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

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

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

~~(8)~~(9) Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration as teacher or instructor who is certified by the Department of Education to teach cosmetology or to teach esthetics at the master esthetician level in the state public schools. The certification is limited to those persons who hold a current cosmetology license at the master cosmetologist level and also hold a diploma or certificate of 1,500 credit hours from a board approved school and have completed the three-year teachers training program required by the Department of Education. Such persons shall also pass both a written and a practical examination

1 satisfactory to the board and, upon passage thereof, shall receive a license to teach
2 cosmetology.

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

7 43-10-13.

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

11 (b) Before a student shall be eligible to take the examination provided for in Code Section
12 43-10-9, he or she shall first file with his or her application for examination a transcript
13 showing the number of hours and courses completed from the school or shop attended by
14 the student.

15 43-10-14.

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

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

36 (b) Notwithstanding any other provisions of this Code section, the board shall be
37 authorized to waive any education requirements under this Code section 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 or
3 had completed a board approved study course as of June 30, 2000.

4 43-10-15.

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

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

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

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

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

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

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

21 (b) The board may impose a fine not to exceed \$500.00 for each violation of any provision
22 of subsection (a) of this Code section. Such fines shall be listed in a schedule contained in
23 the rules and regulations of the board. The licensee shall pay the fine within 30 days after
24 receiving written notification from either the board or a representative of the board unless
25 the licensee requests in writing a hearing before the board. Such request for a hearing must
26 be received by the board within 30 days after receipt of the written notification from the
27 board. Failure either to pay the fine or request a hearing shall result in immediate
28 suspension of the license pending a hearing to determine whether revocation or other
29 disciplinary action should be imposed on the licensee.

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

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

1 43-10-16.

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

15 43-10-17.

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

19 43-10-18.

20 (a) Nothing contained in this chapter nor any rule or regulation adopted in implementation
21 hereof shall be construed to prohibit any person from operating a ~~beauty~~ cosmetology shop
22 within his or her home or residence, provided that such shop meets and complies with all
23 of the provisions of this chapter and the rules and regulations promulgated by the board.
24 (b) It shall not be necessary for any person operating a ~~beauty~~ cosmetology shop in a
25 private home to post a sign denoting same to be a ~~beauty~~ cosmetology shop unless the
26 person elects to do so.

27 43-10-18.1.

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

1 43-10-18.2.

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

9 43-10-18.3.

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

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

17 43-10-19.

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

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

43-10-20.

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

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

SECTION 2.

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

"43-7-12.1.

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

SECTION 3.

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