

House Bill 374 (AM)

By: Representatives Mitchell of the 88th, Williams of the 4th, Dickson of the 6th, Jerguson of the 22nd, Fludd of the 66th, and others

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 change certain provisions relating to examinations and applications
3 for certificates of registration; to provide for a credential's evaluation for an educational
4 program to be submitted to the State Board of Cosmetology under certain circumstances; to
5 change certain provisions relating to continuing education requirements; to change certain
6 provisions relating to maintenance of student records; to change certain provisions relating
7 to regulation and permits for schools, teachers, and instructors; to change certain provisions
8 related to registration and examination of apprentices; to provide for related matters; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
13 is amended by revising Code Section 43-10-9, relating to application for certificate of
14 registration, examination, work permit, reciprocity, study at technical college or public
15 school, and eligibility of licensed barber, as follows:

16 "43-10-9.

17 (a)(1) Any person desiring to obtain a certificate of registration to enable him or her to
18 engage in the occupation of cosmetology shall make application through the division
19 director to the board and shall present proof that he or she has obtained a high school
20 diploma, a general educational development (GED) diploma, or a postsecondary
21 education or college degree. If, after review of the application, it is determined that the
22 applicant is at least 17 years of age; has met the minimum educational requirements; is
23 of good moral character; has completed a 1,500 credit hour study course with at least nine
24 months at a board approved school or has served as an apprentice in a beauty shop or
25 beauty salon for a period of at least 3,000 credit hours; has practiced or studied the
26 occupation of cosmetology; is possessed of the requisite skill in such occupation to

perform properly all the duties of the occupation, including his or her ability in the preparation of tools, in performing the services mentioned in paragraph (4) of Code Section 43-10-1, and in all the duties and services incident thereto; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to him or her entitling him or her to practice the occupation of master cosmetologist. 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.

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

~~(c)~~(2) An approved applicant for examination under this Code section may be issued a work permit authorizing said applicant to practice such occupation until the release of the results of the written and the practical examination for which the applicant is scheduled. If the applicant fails to appear for the examination or fails any portion of the examination, the work permit shall be revoked unless the applicant provides just cause to the board as to why the applicant was unable to appear for the examination.

~~(d)~~(3) Should an applicant have a current cosmetology license in force from another state or country, or 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, and ~~pays~~ have paid a fee and ~~submits~~ submitted an application, the applicant may be issued, without examination, a certificate of registration at the appropriate level, entitling the applicant to practice the occupation of cosmetology or the teaching of cosmetology 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 cosmetology outside of this state and who desires to obtain a license or certificate at a level authorized under this Code section 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.

~~(e) Reserved.~~

63 ~~(f)(1)~~(b)(1) Any person desiring to obtain a certificate of registration to enable him or
64 her to engage in the occupation of hair design shall make application through the division
65 director and shall present proof that he or she has obtained a high school diploma, a
66 general educational development (GED) diploma, or a postsecondary education or
67 college degree. If, after review of the application, it is determined that the applicant is
68 at least 17 years of age; has met the minimum educational requirements; is of good moral
69 character; has completed a 1,325 credit hour study course with at least seven months at
70 a board approved school or has served as an apprentice in a beauty shop, beauty salon,
71 or hair design salon for a period of at least 2,650 credit hours; has practiced or studied the
72 occupation of hair design; is possessed of the requisite skill in such occupation to perform
73 properly all the duties of the occupation, including his or her ability in the preparation of
74 tools, in performing the services mentioned in paragraph (7) of Code Section 43-10-1,
75 and in all the duties and services incident thereto; and has passed both a written and a
76 practical examination approved by the board, a certificate of registration shall be issued
77 to him or her entitling him or her to practice the occupation of hair design.
78 Notwithstanding any other provisions of this subsection, the board shall be authorized to
79 waive any education requirements under this subsection in cases of hardship, disability,
80 or illness or under such other circumstances as the board deems appropriate with respect
81 to any applicant who was enrolled in a board approved school or had completed a board
82 approved study course as of June 30, 2006.

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

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

94 ~~(4)~~(3) Should an applicant have a current hair design license in force from another state,
95 country, territory of the United States, or the District of Columbia, where similar
96 reciprocity is extended to this state and licensure requirements are substantially equal to
97 those in this state, and have paid a fee and have submitted an application, the applicant
98 may be issued, without examination, a certificate of registration at the appropriate level
99 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)(1)(c)(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 shop or beauty salon for a period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as defined in paragraph (5) 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, 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 esthetician or the teaching of esthetics 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 esthetics 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.

~~(h)(1)(d)(1)~~ Any person desiring to obtain a certificate of registration at the nail technician 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 525 credit hour study course of at least four months at a board approved school or has served as an apprentice in a beauty shop or beauty salon for a period of at least 1,050 credit hours; has practiced or studied nail care; is possessed of the requisite skill to perform properly these services; and has passed both 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 nail technician 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 nail technician 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, 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 nail technician or the teaching of nail care 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 nail care 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.

~~(i)(e)~~ Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration for the occupation of cosmetology at the master level, the hair design level, the esthetician level, or the nail technician level if such person obtains

his or her credit hour study at a State Board of Education approved school or a technical college under the jurisdiction of the Technical College System of Georgia or the Department of Education rather than at a board approved school.

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

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

(h) On or after July 1, 2011, any applicant applying under this Code section shall pass both a written and the practical examination within a 24 month period after having obtained the required credit hours or shall be required to repeat all of such required credit hours before retaking the examination. Should an applicant under this Code section fail to pass the written or the practical examination, the board shall furnish the applicant a statement in writing, stating in what manner the applicant was deficient.

(i) To be considered for licensure on or after July 1, 2011, applicants applying under this Code section who have graduated from an educational program which prepares cosmetologists in another country shall submit to the board a credential's evaluation from a board approved credentials evaluation provider."

SECTION 2.

Said chapter is further amended by revising subsections (c) and (d) of 43-10-10, relating to display of certificate of registration, renewal, reinstatement, continuing education requirements, and exemptions, as follows:

"(c) Three hours of continuing education shall be satisfied by a health and safety course using a curriculum developed by the ~~Technical College System of Georgia~~ board or by a board approved entity. Such curriculum may be revised by the ~~Technical College System of Georgia~~ board or by a board approved entity as necessary to incorporate new developments. The ~~Technical College System of Georgia~~ board or a board approved entity 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; or

(3) Attending six or more hours of a cosmetology hair show, whether in this or another state, offered or sponsored by at least one licensed cosmetologist or which show includes at least one instructor who is a licensed cosmetologist."

SECTION 3.

Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section 43-10-12, relating to regulation and permits for schools, teachers and instructors, registration of apprentices, and certification as a teacher by the Department of Education, as follows:

"(a)(1) All schools of cosmetology, schools of esthetics, or schools of nail care 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 Esthetics,' or 'School of Nail Care,' 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; and

(D) Provide transcripts to students upon graduation or withdrawal from the school.

Student records shall be maintained by the schools for a minimum of five years."

SECTION 4.

Said chapter is further amended by revising Code Section 43-10-12, relating to regulation and permits for schools, teachers and instructors, registration of apprentices, and certification as a teacher by the Department of Education, by adding a new subsection to read as follows:

"(g) On or after July 1, 2011, any person desiring to teach pursuant to this Code section shall pass both a written and the practical examination, if required, within a 24 month period of obtaining the required number of board approved instructor training hours or shall be required to repeat all of such required hours before retaking the examination. Should a person desiring to teach under this Code section fail to pass the written or the practical examination, if required, the board shall furnish such person a statement in writing, stating in what manner the person was deficient."

SECTION 5.

Said chapter is further amended by revising Code Section 43-10-14, relating to study by person 17 years of age and older, registration of apprentices, registration certificate, and waiver of education requirements, as follows:

"43-10-14.

(a) Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of cosmetology under a master cosmetologist, provided that such cosmetologist has had at least 36 months' experience and has held a certificate of a master cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of cosmetology under an instructor in a school of cosmetology who has been a cosmetologist for a period of at least one year and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of hair designer under a cosmetologist holding a master cosmetologist certificate or a hair design certificate, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of hair design who has held a certificate as a cosmetologist for a period of at least one year, is qualified to teach said practices, and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of esthetics under a cosmetologist holding a master cosmetologist certificate or an esthetician certificate, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of esthetics who has held a certificate as a cosmetologist for a period of at least one year, is qualified to teach said practices, and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of nail care or manicuring under a cosmetologist holding a master cosmetologist certificate or a nail technician certificate, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of nail care who has been a licensed cosmetologist for a period of at least one year, is qualified to teach said practices, and has registered under this chapter.

(b) Any person registered as an apprentice under this Code section on June 30, 1997, shall be eligible to continue such apprenticeship under the person from whom that apprentice was learning the occupation of cosmetology, hair design, esthetics, or nail care or manicuring at the time of registration notwithstanding that the person under whom the apprentice was learning such occupation does not meet the 36 months' experience otherwise required by this Code section.

(c) Every shop owner shall have the responsibility for registering apprentices with the division director. The shop owner shall file a statement in writing, showing the apprentice's name and the address of the shop. The board shall have the authority to require the shop owner to furnish to the board the number of hours completed by the apprentice. The shop owner shall remit to the division director a fee in such amount as shall be set by the board by regulation for the registration of the apprentice. The apprentice

shall receive a certificate of registration showing the capacity in which he or she is permitted to practice cosmetology as an apprentice.

(d)(1) Any ~~The~~ certificate of registration for an apprentice issued prior to July 1, 2011, shall be effective for a period of two years and may be renewed at the end of such period upon the filing of an application on forms furnished by the division director and the payment of a renewal fee in such amount as shall be set by the board by regulation. A certificate of registration authorizing a person to learn the occupation of cosmetology under a cosmetologist shall not be renewed more than one time; and, upon the expiration of the last certificate of registration issued, such person shall not be permitted to practice in any capacity.

(2) Any certificate of registration for an apprentice issued on or after July 1, 2011, shall be effective for a period of four years and shall not be renewed except in the case of hardship, disability, or illness or under such other circumstances as the board deems appropriate.

(e) The shop owner shall notify the division director if an apprentice is no longer learning the occupation under the shop owner and, upon such notification, the division director shall place the certificate of registration for such apprentice in an inactive status until the expiration of the certificate of registration for the apprentice. The apprentice may apply to have the inactive apprentice certificate of registration reissued under another shop owner for the duration of such certificate of registration.

~~(b)~~(f) Notwithstanding any other provisions of this Code section, the board shall be authorized to waive any education requirements under this Code section 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.

(g) On or after July 1, 2011, any person desiring to obtain a certificate of registration to enable him or her to engage in an occupation pursuant to this chapter as a result of having served as an apprentice in lieu of completing a credit hour study course at a board approved school as permitted in Code Section 43-10-9 shall pass both a written and practical examination within a 24 month period after having obtained the required credit hours as an apprentice or shall be required to repeat all of such required credit hours as an apprentice or complete a credit hour study course at a board approved school before retaking the examination. Should an apprentice fail to pass the written or the practical examination, the board shall furnish the apprentice a statement in writing, stating in what manner the applicant was deficient."

SECTION 6.

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