

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 374:

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:

**SECTION 1.**

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

15 "43-10-9.

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

27 perform properly all the duties of the occupation, including his or her ability in the  
 28 preparation of tools, in performing the services mentioned in paragraph (4) of Code  
 29 Section 43-10-1, and in all the duties and services incident thereto; and has passed both  
 30 a written and a practical examination approved by the board, a certificate of registration  
 31 shall be issued to him or her entitling him or her to practice the occupation of master  
 32 cosmetologist. Notwithstanding any other provisions of this subsection, the board shall  
 33 be authorized to waive any education requirements under this subsection in cases of  
 34 hardship, disability, or illness or under such other circumstances as the board deems  
 35 appropriate with respect to any applicant who was enrolled in a board approved school  
 36 or had completed a board approved study course as of June 30, 2000.

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

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

48 ~~(d)~~(3) Should an applicant have a current cosmetology license in force from another state  
 49 ~~or~~ country, ~~or~~ territory of the United States, or the District of Columbia, where similar  
 50 reciprocity is extended to this state and licensure requirements are substantially equal to  
 51 those in this state, and ~~pays~~ have paid a fee and ~~submits~~ submitted an application, the  
 52 applicant may be issued, without examination, a certificate of registration at the  
 53 appropriate level, entitling the applicant to practice the occupation of cosmetology or the  
 54 teaching of cosmetology at that level, unless the board, in its discretion, sees fit to require  
 55 a written or a practical examination subject to the terms and provisions of this chapter.  
 56 Notwithstanding any other provisions of this subsection, the board shall be authorized to  
 57 waive any education or experience requirements applicable to any person who holds a  
 58 current license or certificate to practice cosmetology outside of this state and who desires  
 59 to obtain a license or certificate at a level authorized under this Code section to practice  
 60 at such level in this state in cases of hardship, disability, or illness or under such other  
 61 circumstances as the board deems appropriate.

62 ~~(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

100 at that level, unless the board, in its discretion, sees fit to require a written or a practical  
101 examination subject to the terms and provisions of this chapter. Notwithstanding any  
102 other provisions of this subsection, the board shall be authorized to waive any education  
103 or experience requirements applicable to any person who holds a current license or  
104 certificate to practice hair design outside of this state and who desires to obtain a license  
105 or certificate at a level authorized under this subsection to practice at such level in this  
106 state in cases of hardship, disability, or illness or under such other circumstances as the  
107 board deems appropriate.

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

126 (2) Should an applicant have a current esthetician license in force from another state,  
127 country, territory of the United States, or the District of Columbia, where similar  
128 reciprocity is extended to this state and licensure requirements are substantially equal to  
129 those in this state, and have paid a fee and have submitted an application, the applicant  
130 may be issued, without examination, a certificate of registration at the appropriate level  
131 entitling him or her to practice the occupation of esthetician or the teaching of esthetics  
132 at that level, unless the board, in its discretion, sees fit to require a written or a practical  
133 examination subject to the terms and provisions of this chapter. Notwithstanding any  
134 other provisions of this subsection, the board shall be authorized to waive any education  
135 or experience requirements applicable to any person who holds a current license or  
136 certificate to practice esthetics outside of this state and who desires to obtain a license or

137 certificate at a level authorized under this subsection to practice at such level in this state  
138 in cases of hardship, disability, or illness or under such other circumstances as the board  
139 deems appropriate.

140 ~~(h)(1)(d)(1)~~ Any person desiring to obtain a certificate of registration at the nail  
141 technician level under the terms of this chapter shall make application through the  
142 division director to the board and shall present proof that he or she has obtained a high  
143 school diploma, a general educational development (GED) diploma, or a postsecondary  
144 education or college degree. If, after review of the application, it is determined that the  
145 applicant is at least 17 years of age; has met the minimum educational requirements; is  
146 of good moral character; has completed a 525 credit hour study course of at least four  
147 months at a board approved school or has served as an apprentice in a beauty shop or  
148 beauty salon for a period of at least 1,050 credit hours; has practiced or studied nail care;  
149 is possessed of the requisite skill to perform properly these services; and has passed both  
150 a written and a practical examination approved by the board, a certificate of registration  
151 shall be issued to the applicant entitling the applicant to practice the occupation of  
152 cosmetology at the nail technician level. Notwithstanding any other provisions of this  
153 subsection, the board shall be authorized to waive any education requirements under this  
154 subsection in cases of hardship, disability, or illness or under such other circumstances  
155 as the board deems appropriate with respect to any applicant who was enrolled in a board  
156 approved school or had completed a board approved study course as of June 30, 2000.

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

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

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

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

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

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

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

194 **SECTION 2.**

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

198 "(c) Three hours of continuing education shall be satisfied by a health and safety course  
 199 using a curriculum developed by the ~~Technical College System of Georgia~~ board or by a  
 200 board approved entity. Such curriculum may be revised by the ~~Technical College System~~  
 201 ~~of Georgia~~ board or by a board approved entity as necessary to incorporate new  
 202 developments. The ~~Technical College System of Georgia~~ board or a board approved entity  
 203 shall make the curriculum available to ~~other~~ providers of continuing education."

204 **SECTION 3.**

205 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section  
 206 43-10-12, relating to regulation and permits for schools, teachers and instructors, registration  
 207 of apprentices, and certification as a teacher by the Department of Education, as follows:

208 "(a)(1) All schools of cosmetology, schools of esthetics, or schools of nail care shall:

- 209 (A) Cause to be registered with the board, at the time of opening, 15 bona fide  
 210 students;
- 211 (B) Have not less than one instructor for every 20 students or a fraction thereof; and
- 212 (C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of  
 213 Esthetics,' or 'School of Nail Care,' as the case may be; and all such signs shall also  
 214 display the words 'Service by Students Only.' Where service is rendered by a student,  
 215 no commissions or premiums shall be paid to such student for work done in the schools;  
 216 nor shall any person be employed by the schools to render professional service to the  
 217 public; and
- 218 (D) Provide transcripts to students upon graduation or withdrawal from the school.  
 219 Student records shall be maintained by the schools for a minimum of five years."

220

**SECTION 4.**

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

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

231

**SECTION 5.**

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

235

"43-10-14.

236 (a) Nothing in this chapter shall prohibit any person at least 17 years of age from learning  
 237 the occupation of cosmetology under a master cosmetologist, provided that such  
 238 cosmetologist has had at least 36 months' experience and has held a certificate of a master  
 239 cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any  
 240 person at least 17 years of age from learning the occupation of cosmetology under an  
 241 instructor in a school of cosmetology who has been a cosmetologist for a period of at least  
 242 one year and has registered under this chapter. Nothing in this chapter shall prohibit any  
 243 person at least 17 years of age from learning the occupation of hair designer under a

244 cosmetologist holding a master cosmetologist certificate or a hair design certificate,  
245 provided that such cosmetologist has had at least 36 months' experience or, under an  
246 instructor in a school of cosmetology or school of hair design who has held a certificate as  
247 a cosmetologist for a period of at least one year, is qualified to teach said practices, and has  
248 registered under this chapter. Nothing in this chapter shall prohibit any person at least 17  
249 years of age from learning the occupation of esthetics under a cosmetologist holding a  
250 master cosmetologist certificate or an esthetician certificate, provided that such  
251 cosmetologist has had at least 36 months' experience or, under an instructor in a school of  
252 cosmetology or school of esthetics who has held a certificate as a cosmetologist for a  
253 period of at least one year, is qualified to teach said practices, and has registered under this  
254 chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from  
255 learning the occupation of nail care or manicuring under a cosmetologist holding a master  
256 cosmetologist certificate or a nail technician certificate, provided that such cosmetologist  
257 has had at least 36 months' experience or, under an instructor in a school of cosmetology  
258 or school of nail care who has been a licensed cosmetologist for a period of at least one  
259 year, is qualified to teach said practices, and has registered under this chapter.

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

266 (c) Every shop owner shall have the responsibility for registering apprentices with the  
267 division director. The shop owner shall file a statement in writing, showing the  
268 apprentice's name and the address of the shop. The board shall have the authority to  
269 require the shop owner to furnish to the board the number of hours completed by the  
270 apprentice. The shop owner shall remit to the division director a fee in such amount as  
271 shall be set by the board by regulation for the registration of the apprentice. The apprentice  
272 shall receive a certificate of registration showing the capacity in which he or she is  
273 permitted to practice cosmetology as an apprentice.

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

280 of the last certificate of registration issued, such person shall not be permitted to practice  
281 in any capacity.

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

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

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

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

307 **SECTION 6.**

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