

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, 2012, 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, 2012, 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 subsections (c) and (d) of 43-10-10, relating to
 196 display of certificate of registration, renewal, reinstatement, continuing education
 197 requirements, and 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 (d) The remaining two hours of continuing education may be satisfied by:

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

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

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

212

SECTION 3.

213 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section
 214 43-10-12, relating to regulation and permits for schools, teachers and instructors, registration
 215 of apprentices, and certification as a teacher by the Department of Education, as follows:

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

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

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

220 (C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of
 221 Esthetics,' or 'School of Nail Care,' as the case may be; and all such signs shall also
 222 display the words 'Service by Students Only.' Where service is rendered by a student,
 223 no commissions or premiums shall be paid to such student for work done in the schools;
 224 nor shall any person be employed by the schools to render professional service to the
 225 public; and

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

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

228

SECTION 4.

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

232 "(g) On or after July 1, 2012, any person desiring to teach pursuant to this Code section
 233 shall pass both a written and the practical examination, if required, within a 24 month
 234 period of obtaining the required number of board approved instructor training hours or shall
 235 be required to repeat all of such required hours before retaking the examination. Should a
 236 person desiring to teach under this Code section fail to pass the written or the practical
 237 examination, if required, the board shall furnish such person a statement in writing, stating
 238 in what manner the person was deficient."

239

SECTION 5.

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

243 "43-10-14.

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

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

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

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

282 (d)(1) Any The certificate of registration for an apprentice issued prior to July 1, 2012,
283 shall be effective for a period of two years and may be renewed at the end of such period
284 upon the filing of an application on forms furnished by the division director and the
285 payment of a renewal fee in such amount as shall be set by the board by regulation. A
286 certificate of registration authorizing a person to learn the occupation of cosmetology
287 under a cosmetologist shall not be renewed more than one time; and, upon the expiration
288 of the last certificate of registration issued, such person shall not be permitted to practice
289 in any capacity.

290 (2) Any certificate of registration for an apprentice issued on or after July 1, 2012, shall
291 be effective for a period of four years and shall not be renewed except in the case of
292 hardship, disability, or illness or under such other circumstances as the board deems
293 appropriate.

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

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

305 (g) On or after July 1, 2012, any person desiring to obtain a certificate of registration to
306 enable him or her to engage in an occupation pursuant to this chapter as a result of having
307 served as an apprentice in lieu of completing a credit hour study course at a board approved
308 school as permitted in Code Section 43-10-9 shall pass both a written and practical
309 examination within a 24 month period after having obtained the required credit hours as
310 an apprentice or shall be required to repeat all of such required credit hours as an
311 apprentice or complete a credit hour study course at a board approved school before
312 retaking the examination. Should an apprentice fail to pass the written or the practical
313 examination, the board shall furnish the apprentice a statement in writing, stating in what
314 manner the applicant was deficient."

315 **SECTION 6.**
316 All laws and parts of laws in conflict with this Act are repealed.