

Senate Bill 64

By: Senator Butler of the 55th

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 modify the requirements for continuing education for registered
3 cosmetologists, estheticians, hair designers, and nail technicians; to modify the requirements
4 for continuing education for teachers and instructors of cosmetology; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
9 is amended by revising Code Section 43-10-10, relating to the display of certificate of
10 registration, renewal, reinstatement, continuing education requirements, and exemptions, as
11 follows:

12 "43-10-10.

13 (a) The holder of any certificate of registration issued under Code Section 43-10-9 shall
14 display the same in a conspicuous place in his or her shop or place of business. Certificates
15 of registration issued under Code Section 43-10-9 shall be renewable biennially. The
16 holder shall pay to the division director a renewal fee in such amount as shall be set by the
17 board by regulation. Upon failure to renew such certificate of registration, it shall stand
18 automatically revoked.

19 (b) A person whose certification of registration has been revoked ~~The holder~~ shall be
20 disqualified from practicing ~~the occupation of cosmetology under this chapter as a~~
21 cosmetologist, esthetician, hair designer, or nail technician until all fees to date of
22 application for reinstatement shall be paid, an application for reinstatement shall be
23 submitted along with a reinstatement fee in such amount as shall be set by the board by
24 regulation, and documentation shall be submitted of completion of all required continuing
25 education hours since the date the registration was automatically revoked. If the board is
26 satisfied that the applicant for reinstatement meets all the qualifications set forth in this

27 Code section and Code Section 43-10-9, the applicant shall be issued a new certificate of
 28 registration.

29 ~~(b)(c)~~ Notwithstanding subsection (a) of this Code section, at the time of renewal of any
 30 certificate of registration issued under Code Section 43-10-9, the holder of such certificate
 31 shall provide proof, in a form approved by the board, of completion of five hours of
 32 continuing education in compliance with this Code section since the date of issuance of the
 33 certificate or, if the certificate has previously been renewed, the latest renewal certificate.

34 ~~A holder who is renewing a certificate for the first time shall not be required to meet the~~
 35 ~~continuing education requirement until the time of the second renewal. Further, the~~
 36 ~~requirement for continuing education for the holder of any certificate of registration issued~~
 37 ~~under this chapter shall become effective on January 1, 2003, provided that the board has~~
 38 ~~adopted rules and regulations implementing this Code section pursuant to Chapter 13 of~~
 39 ~~Title 50, the 'Georgia Administrative Procedure Act.'~~

40 ~~(c)(d)~~ Three hours of continuing education shall be satisfied by a health, sanitation, and
 41 safety course using a curriculum developed by the Technical College System of Georgia.
 42 ~~Such curriculum may be revised by the Technical College System of Georgia as necessary~~
 43 ~~to incorporate new developments. The Technical College System of Georgia shall make~~
 44 ~~the curriculum available to other providers of continuing education approved by the board.~~
 45 The curriculum shall be consistent with the United States Department of Labor's
 46 Occupational Safety and Health Administration standards applicable to the practice of
 47 cosmetology or other applicable federal health, sanitation, and safety standards, and shall
 48 be regularly updated so as to incorporate newly developed standards and accepted
 49 professional best practices. The health, sanitation, and safety course required by this
 50 subsection shall be taught by instructors licensed as cosmetologists, estheticians, hair
 51 designers, or nail technicians. Instructors shall be approved by the board and shall be
 52 required to:

- 53 (1) Have at least 10 years of verifiable experience in their field;
 54 (2) Demonstrate through an interview or presentation an ability to provide instructional
 55 services; and
 56 (3) Currently hold a valid registration or license in their field and shall have been so
 57 registered or licensed for a minimum of six years.

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

- 59 ~~(1) Attendance at an industry or trade show registered with the board; or~~
 60 ~~(2) A a course or courses of study registered with approved by the board in one or more~~
 61 ~~of the following subjects: health, sanitation, and safety; industry trends; computer skills;~~
 62 ~~business management; or the holder's area of practice.~~

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

74 ~~(f)(g)~~ The board shall register and allow credit as continuing education for courses
75 conducted via the Internet or other electronic means or home study courses; provided,
76 however, that the minimum three hours of continuing education which must be a health,
77 sanitation, and safety course as required by subsection (d) of this Code section shall not be
78 a course provided via the Internet or other electronic means but shall only qualify for
79 continuing education purposes if such course is taken in person with a live board approved
80 instructor.

81 ~~(g)(h)~~ Courses in cosmetology, hair design, nail technology, esthetics, computers,
82 business, or health, sanitation, and safety issues offered by schools under the jurisdiction
83 of the Board of Regents of the University System of Georgia, the Technical College
84 System of Georgia, the Department of Education, or any accredited postsecondary
85 institution shall satisfy the continuing education requirement of subsection (e) of this Code
86 section without a request to the board for approval ~~or registration.~~

87 ~~(h)(i)~~ In no event shall the testing of knowledge or skills be required as proof of the
88 successful completion of a continuing education course. Proof of attendance of a
89 continuing education course shall be submitted by the entity providing the course of
90 instruction; provided, however, if the course is offered by an accredited postsecondary
91 institution, proof of attendance shall be submitted by the holder of the certificate of
92 registration. The board shall maintain a record of registrants' continuing education
93 attendance and shall notify registrants when a certificate has been revoked for failure to
94 complete the number of continuing education hours required by this Code section. The
95 board's record system shall allow for instructors of continuing education to submit proof
96 of attendance through electronic means.

97 (i) ~~For the first renewal period during which the continuing education requirement will be~~
98 ~~enforced, the board shall allow credit for continuing education hours which were board~~
99 ~~approved or which did not require prior approval by the board received between March 31,~~

100 ~~2000, and January 1, 2002, for master cosmetologists and between August 31, 1999, and~~
 101 ~~January 1, 2002, for nail technicians and estheticians. Thereafter, no excess hours from~~
 102 ~~one renewal period shall be authorized to be credited toward the continuing education~~
 103 ~~requirement for another renewal period.~~

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

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

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

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

111 **SECTION 2.**

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

115 "(f) ~~All teachers or instructors of cosmetology at all levels, esthetics, hair design, and nail~~
 116 ~~care seeking renewal of licenses~~ instructor licenses under this Code section are required to
 117 submit to the board proof of completion of 15 hours of continuing education ~~in the~~
 118 ~~cosmetology profession~~ approved by the board at least half of which consists of instruction
 119 in teaching methods and three hours of which consists of instruction in health, sanitation,
 120 and safety consistent with the United States Department of Labor's Occupational Safety
 121 and Health Administration standards applicable to the practice of cosmetology, esthetics,
 122 hair design, or nail care or other applicable federal health, sanitation, and safety standards,
 123 and shall be regularly updated so as to incorporate newly developed standards and accepted
 124 professional best practices."

125 **SECTION 3.**

126 This Act shall become effective on January 1, 2014.

127 **SECTION 4.**

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