

Senate Bill 336

By: Senators Ligon, Jr. of the 3rd, Albers of the 56th, Mullis of the 53rd, Miller of the 49th,
Tolleson of the 20th and others

AS PASSED

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 revise certain provisions relative to cosmetologists; to lower the
3 minimum age requirement for learning the occupation of cosmetology, hair design, esthetics,
4 or nail care or manicuring under a cosmetologist; to provide that the fines imposed by the
5 State Board of Cosmetology for certain violations shall not exceed certain specified amounts;
6 to provide for related matters; to provide an effective date and applicability; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
11 is amended by revising subsection (a) of Code Section 43-10-14, relating to study by persons
12 17 years of age and older, registration of apprentices, registration certificate, and waiver of
13 education requirements, as follows:

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

27 least ~~17~~ 16 years of age from learning the occupation of esthetics under a cosmetologist
 28 holding a master cosmetologist certificate or an esthetician certificate, provided that such
 29 cosmetologist has had at least 36 months' experience or, under an instructor in a school of
 30 cosmetology or school of esthetics who has held a certificate as a cosmetologist for a
 31 period of at least one year, is qualified to teach said practices and has registered under this
 32 chapter. Nothing in this chapter shall prohibit any person at least ~~17~~ 16 years of age from
 33 learning the occupation of nail care or manicuring under a cosmetologist holding a master
 34 cosmetologist certificate or a nail technician certificate, provided that such cosmetologist
 35 has had at least 36 months' experience or, under an instructor in a school of cosmetology
 36 or school of nail care who has been a licensed cosmetologist for a period of at least one
 37 year, is qualified to teach ~~said~~ such practices and has registered under this chapter. Any
 38 person registered as an apprentice under this Code section on June 30, 1997, shall be
 39 eligible to continue such apprenticeship under the person from whom that apprentice was
 40 learning the occupation of cosmetology, hair design, esthetics, or nail care or manicuring
 41 at the time of registration notwithstanding that the person under whom the apprentice was
 42 learning such occupation does not meet the 36 months' experience otherwise required by
 43 this Code section. Every shop owner shall have the responsibility for registering
 44 apprentices with the division director. The shop owner shall file a statement in writing,
 45 showing the apprentice's name and the address of the shop. The board shall have the
 46 authority to require the shop owner to furnish to the board the number of hours completed
 47 by the apprentice. The shop owner shall remit to the division director a fee in such amount
 48 as shall be set by the board by regulation for the registration of the apprentice. The
 49 apprentice shall receive a certificate of registration showing the capacity in which he or she
 50 is permitted to practice cosmetology. The certificate of registration shall be effective for
 51 a period of two years and may be renewed at the end of such period upon the filing of an
 52 application on forms furnished by the division director and the payment of a renewal fee
 53 in such amount as shall be set by the board by regulation. A certificate of registration
 54 authorizing a person to learn the occupation of cosmetology under a cosmetologist shall
 55 not be renewed more than one time; and, upon the expiration of the last certificate of
 56 registration issued, such person shall not be permitted to practice in any capacity."

57 **SECTION 1A.**

58 Said chapter is further amended by revising Code Section 43-10-15, relating to suspension,
 59 revocation, cancellation, or restoration of certificates of registration, reprimand of certificate
 60 holders, and fines applicable to cosmetologists, as follows:

61 "43-10-15.

62 (a) The board, acting upon its own knowledge or written or verified complaint filed by any
 63 person, shall have the power to reprimand or power to suspend, revoke, or cancel the

64 certificate of registration of or refuse to grant, renew, or restore a certificate of registration
65 to a holder of any certificate of registration issued pursuant to this chapter upon proof of
66 any one of the following grounds:

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

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

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

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

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

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

78 (b) The board may impose a fine not to exceed \$500.00 for each violation of any provision
79 of subsection (a) of this Code section; provided, however, that the board shall not, for any
80 violation of paragraph (6) of subsection (a) of this Code section on grounds not set forth
81 in paragraphs (1) through (5) of such subsection, impose a fine for the first violation in an
82 amount that exceeds \$25.00, impose a fine for a second violation in an amount that exceeds
83 \$75.00, or impose a fine for each subsequent violation in an amount that exceeds \$300.00.

84 Such fines shall be listed in a schedule contained in the rules and regulations of the board.
85 The licensee shall pay the fine within 30 days after receiving written notification from
86 either the board or a representative of the board unless the licensee requests in writing a
87 hearing before the board. Such request for a hearing must be received by the board within
88 30 days after receipt of the written notification from the board. Failure either to pay the fine
89 or request a hearing shall result in immediate suspension of the license pending a hearing
90 to determine whether revocation or other disciplinary action should be imposed on the
91 licensee.

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

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

98

SECTION 2.

99 This Act shall become effective upon its approval by the Governor or upon its becoming law
100 without such approval, and shall apply to all violations occurring on or after such date.

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SECTION 3.

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