

House Bill 291

By: Representatives Beverly of the 143rd, Carter of the 92nd, Jones of the 53rd, Evans of the 42nd, Houston of the 170th, 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 barbers and cosmetologists, so as to change certain continuing education requirements; to
3 provide for one hour of domestic violence and sexual assault awareness training; to provide
4 for certain training and resource information to be made available to applicants for
5 certificates of registration; to authorize the board to promulgate certain rules and regulations;
6 to provide a short title; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Domestic Violence Helping Hands Act."

11 **SECTION 2.**

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

16 "43-10-10.

17 (a) The holder of any certificate of registration issued under Code Section 43-10-9 shall
18 display the same in a conspicuous place in his or her beauty shop, beauty salon, or barber
19 shop. Certificates of registration issued under Code Section 43-10-9 shall be renewable for
20 a period of up to four years as approved by the division director. The holder shall pay to
21 the division director a renewal fee in such amount as shall be set by the board by
22 regulation. Upon failure to renew such certificate of registration, it shall stand
23 automatically revoked. The holder shall be disqualified from practicing any occupation
24 under this chapter until all fees to date of application for reinstatement shall be paid, an
25 application for reinstatement shall be submitted along with a reinstatement fee in such

26 amount as shall be set by the board by regulation, and documentation shall be submitted
 27 of completion of all required continuing education hours since the date the registration was
 28 automatically revoked. If the board is satisfied that the applicant for reinstatement meets
 29 all the qualifications set forth in this Code section and Code Section 43-10-9, the applicant
 30 shall be issued a new certificate of registration.

31 (b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any
 32 cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, master
 33 barber, or barber II certificate of registration, the holder of such certificate shall maintain
 34 proof, in a form approved by the board, of completion of five hours of continuing education
 35 biennially to be determined by the board. A licensee shall provide proof of completion of
 36 continuing education if audited by the board. A holder who is renewing a certificate of
 37 registration for the first time shall not be required to meet the continuing education
 38 requirement until the time of the second renewal. Further, the requirement for continuing
 39 education for a master barber and barber II will become effective beginning January 1,
 40 2018.

41 (c) The board may require by rules ~~or~~ and regulations that ~~either~~ three ~~or~~ four hours of
 42 continuing education shall be satisfied by a health and safety course or a review course of
 43 the board rules ~~or~~ and regulations and applicable laws using a curriculum developed by the
 44 board or by a board approved provider. Such curriculum or course may be revised by the
 45 board or by a board approved provider as necessary to incorporate new developments. The
 46 board shall make the curriculum or course available to board approved providers of
 47 continuing education. The board may charge a fee to providers for registration as a board
 48 approved provider.

49 (d)(1) The board may require by rules and regulations that one hour of continuing
 50 education shall be satisfied by a domestic violence and sexual assault awareness course
 51 using a curriculum or course developed by the board or by a board approved provider.

52 (2) Such curriculum or course shall include at a minimum:

53 (A) How to recognize the signs of domestic violence and sexual assault;

54 (B) A list of resources for victims of domestic violence and sexual assault;

55 (C) A disclaimer explaining that holders of a certificate of registration are under no
 56 obligation to report any suspected incidents of domestic violence or sexual assault to
 57 law enforcement or to engage with clients about such matters; and

58 (D) An Internet based training component and Internet accessible resource information,
 59 which shall also be made available to every applicant for a certificate of registration.

60 (3) Such curriculum or course may be revised by the board or by a board approved
 61 provider as necessary to incorporate new developments or information. The board shall
 62 make the curriculum or course available to board approved providers of continuing

63 education. The board may charge a fee to providers for registration as a board approved
 64 provider.

65 (4) Nothing in this subsection shall be construed to impose any mandatory requirements
 66 for the reporting of suspected domestic violence or sexual assault or injuries suspected to
 67 be related thereto to law enforcement upon a holder of a certificate of registration.

68 ~~(d)~~(e) The board may require by rules and regulations that the remaining one ~~to two~~ hours
 69 hour of continuing education may be satisfied by:

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

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

74 ~~(e)~~(f) To request registration of an industry or trade show for continuing education credit,
 75 a person or entity shall submit to the board the date and location of the industry or trade
 76 show. To request registration of a course of study for continuing education credit, the
 77 person or entity offering the course of study shall submit to the board an outline of the
 78 subject matter, a list of the persons teaching the course with a summary of their
 79 qualifications, the number of hours for each course, and the date and location where the
 80 course of study will be presented or has been presented, if applicable. Any certificate
 81 holder may request board approval of an unregistered industry or trade show or an
 82 unregistered course of study. A person or entity conducting an industry or trade show or
 83 a course of study shall provide written proof of attendance at the industry or trade show or
 84 completion of a course of study to all participants.

85 ~~(f)~~(g) The board shall register and allow credit as continuing education for courses
 86 conducted via the Internet or other electronic means or home study courses.

87 ~~(g)~~(h) Courses in cosmetology, hair design, nail technology, esthetics, computers,
 88 business, or health and safety issues offered by schools under the jurisdiction of the Board
 89 of Regents of the University System of Georgia, the Technical College System of Georgia,
 90 the Department of Education, or any accredited postsecondary institution shall satisfy the
 91 continuing education requirement without a request to the board for approval or
 92 registration.

93 ~~(h)~~(i) In no event shall the testing of knowledge or skills be required as proof of the
 94 successful completion of a continuing education course.

95 ~~(i)~~(j) The continuing education requirement shall not apply to certificate holders who:

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

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

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

102

SECTION 3.

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