

COMMITTEES OF CONFERENCE SUBSTITUTE TO SB 214

A BILL TO BE ENTITLED
AN ACT

1 To amend various titles of the Official Code of Georgia Annotated so as to change and
 2 provide for regulations governing certain professions; to prohibit professional licensing
 3 boards from refusing to issue a license or suspending or revoking the license of a person who
 4 is a borrower in default under an educational loan issued through the Georgia Higher
 5 Education Assistance Corporation or through a federal agency; to provide for and modify the
 6 regulation of certain professions; to provide for the regulation and permittance of body artists
 7 and body art studios; to provide for definitions; to provide for the issuance, denial,
 8 suspension, and revocation of permits; to authorize administrative review and the
 9 promulgation of rules and regulations by the Department of Public Health; to provide for
 10 enforcement, inspection, and criminal penalties; to provide for the display of signs; to
 11 remove certain requirements for certificates of registration for cosmetologists, hair designers,
 12 estheticians, nail technicians, master barbers, and barbers II; to specify the time period during
 13 which apprentices must take certain portions of the examination required for obtaining a
 14 certificate of registration; to change the powers and duties of the Division of Electrical
 15 Contractors as to the approval of continuing education courses; to prohibit certain
 16 advertisements related to electrical contracting; to provide for related matters; to repeal
 17 conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **PART I**
 20 **SECTION 1-1.**

21 Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for
 22 denial, suspension, revocation, or modification of license, permit, or certification for the use
 23 and handling of pesticides, is amended by revising subsection (d) as follows:

24 "(d) The Commissioner shall not suspend any pesticide contractor's license or certified
 25 commercial pesticide applicator's license or refuse to grant or renew either license ~~upon~~
 26 ~~notice to the Commissioner by the Georgia Higher Education Assistance Corporation that:~~

27 (1) ~~The~~ because an applicant for or holder of either such license is a borrower in default
 28 who is not in satisfactory repayment status under the Georgia Higher Education Loan
 29 Program as determined by the Georgia Higher Education Assistance Corporation or who
 30 has been certified by any entity of the federal government for nonpayment or default or
 31 breach of a repayment or service obligation under any federal educational loan, loan
 32 repayment, or service conditional scholarship program as defined in Code Section
 33 20-3-295; and

34 (2) ~~The hearings and appeals procedures provided in Code Section 20-3-295, where~~
 35 ~~applicable, shall be the only such procedures required under this article."~~

36 SECTION 1-2.

37 Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial
 38 institutions, is amended in Code Section 7-1-693, relating to applicant or licensee to engage
 39 in the sale of payment instruments or money transmissions as borrower in default, by
 40 revising subsection (a) as follows:

41 "(a) Where an applicant or licensee has been found to be a borrower in default, ~~as defined~~
 42 ~~in Code Section 20-3-295~~ under the Georgia Higher Education Loan Program as
 43 determined by the Georgia Higher Education Assistance Corporation or has been certified
 44 by any entity of the federal government for nonpayment or default or breach of a
 45 repayment or service obligation under any federal educational loan, loan repayment, or
 46 service conditional scholarship program, such action shall not be sufficient grounds for
 47 refusal of a license or suspension of a license. In such actions, the hearing and appeal
 48 procedures provided for in said Code section shall be the only procedures required under
 49 this article. The department shall be permitted to share, without liability, information on
 50 its applications or other forms with appropriate state agencies to assist them in collecting
 51 outstanding student loan debt."

52 SECTION 1-3.

53 Said chapter is further amended in Code Section 7-1-708.1, relating to denial or suspension
 54 of license to cash payment instruments for student borrowers in default, by revising
 55 subsection (a) as follows:

56 "(a) Where an applicant or licensee has been found to be a borrower in default, ~~as defined~~
 57 ~~in Code Section 20-3-295~~ under the Georgia Higher Education Loan Program as
 58 determined by the Georgia Higher Education Assistance Corporation or has been certified

59 by any entity of the federal government for nonpayment or default or breach of a
 60 repayment or service obligation under any federal educational loan, loan repayment, or
 61 service conditional scholarship program, such action shall not be sufficient grounds for
 62 denial of an application or suspension of a license. ~~In such actions, the hearing and appeal~~
 63 ~~procedures provided for in said Code section shall be the only procedures required under~~
 64 ~~this article. The department shall be permitted to share, without liability, information on~~
 65 ~~its applications or other forms with appropriate state agencies to assist them in collecting~~
 66 ~~outstanding student loan debt."~~

67 **SECTION 1-4.**

68 Said chapter is further amended in Code Section 7-1-1017, relating to suspension or
 69 revocation of licenses, registrations, or mortgage broker education approval for mortgage
 70 lenders and mortgage brokers, notice, judicial review, and effect on preexisting contract, by
 71 revising paragraph (3) of subsection (a) as follows:

72 "(3) Where an applicant or licensee has been found to be a borrower in default as
 73 provided in Code Section 20-3-295 under the Georgia Higher Education Loan Program
 74 as determined by the Georgia Higher Education Assistance Corporation or has been
 75 certified by any entity of the federal government for nonpayment or default or breach of
 76 a repayment or service obligation under any federal educational loan, loan repayment, or
 77 service conditional scholarship program, such action shall not be sufficient grounds for
 78 refusal of a license or suspension of a license. ~~In such actions, the hearing and appeal~~
 79 ~~procedures provided for in Code Section 20-3-295 shall be the only such procedures~~
 80 ~~required under this article."~~

81 **SECTION 1-5.**

82 Code Section 12-6-49.2 of the Official Code of Georgia Annotated, relating to the suspension
 83 of a registered forester license, borrowers in default, and hearing and appeal procedures, is
 84 amended by revising as follows:

85 "12-6-49.2.

86 (a) As used in this Code section, the term:

87 (1) 'Agency' means the Georgia Higher Education Assistance Corporation created in
 88 Code Section 20-3-263 which is responsible for administering a program of guaranteed
 89 educational loans to eligible students and eligible parents known as the Georgia Higher
 90 Education Loan Program.

91 (2) 'Borrower' means an individual who borrowed a guaranteed educational loan under
 92 the Georgia Higher Education Loan Program.

93 (3) 'Default' means default as defined by federal law under the Higher Education Act of
94 1965.

95 (4) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted
96 loan to the agency and has made a payment in the most recent prior 60 days.

97 (b) The board shall not suspend, ~~as provided for in Code Section 20-3-295,~~ the license of
98 any registered forester ~~upon receipt of a record from the agency stating that such licensee~~
99 ~~because he or she is a borrower in default who is not in satisfactory repayment status as~~
100 ~~determined by the agency or who has been certified by any entity of the federal government~~
101 ~~for nonpayment or default or breach of a repayment or service obligation under any federal~~
102 ~~educational loan, loan repayment, or service conditional scholarship program.~~

103 (c) The board shall not deny the application for renewal, ~~as provided for in Code Section~~
104 ~~20-3-295,~~ of any applicant or licensee ~~upon receipt of a record from the agency stating that~~
105 ~~such licensee because he or she is a borrower in default who is not in satisfactory~~
106 ~~repayment status as determined by the agency or who has been certified by any entity of~~
107 ~~the federal government for nonpayment or default or breach of a repayment or service~~
108 ~~obligation under any federal educational loan, loan repayment, or service conditional~~
109 ~~scholarship program.~~

110 (d) ~~Notwithstanding any other provisions of law, the hearings and appeals procedures~~
111 ~~provided for in Code Section 20-3-295, where applicable, shall be the only such procedures~~
112 ~~required to suspend a license or deny the issuance or renewal of an application for a license~~
113 ~~under this part."~~

114 **SECTION 1-6.**

115 Part 2 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,
116 relating to the Georgia Higher Education Assistance Corporation, is amended by revising
117 Code Section 20-3-295, relating to the corporation to maintain certified list of borrowers in
118 default, administrative hearings, and appeals, as follows:

119 "20-3-295.

120 (a) As used in this Code section, the term:

121 (1) 'Agency' means the Georgia Higher Education Assistance Corporation created in
122 Code Section 20-3-263 which is responsible for administering a program of guaranteed
123 educational loans to eligible students and eligible parents known as the Georgia Higher
124 Education Loan Program.

125 (2) 'Applicant' means any person applying for issuance or renewal of a license.

126 (3) 'Borrower' means an individual who borrowed a guaranteed educational loan under
127 the Georgia Higher Education Loan Program.

128 (4) ~~'Certified list' means a list provided by the agency of the names of borrowers who~~
 129 ~~default on guaranteed educational loans made under the Georgia Higher Education Loan~~
 130 ~~Program and are not in a satisfactory repayment status, provided, however, the term~~
 131 ~~default shall not include any obligation which is restructured or which is discharged~~
 132 ~~under hardship provisions under the federal Bankruptcy Code. Reserved.~~

133 (5) 'Default' means default as defined by federal law under the Higher Education Act of
 134 1965.

135 (6) 'License' means a certificate, permit, registration, or any other authorization issued
 136 by any licensing entity that allows a person to engage in a profession, business, or
 137 occupation.

138 (7) 'Licensee' means any person holding a license.

139 (8) 'Licensing entity' means any state agency, department, or board of this state which
 140 issues or renews any license, certificate, permit, or registration to authorize a person to
 141 engage in a profession, business, or occupation, including those under Article 3 of
 142 Chapter 7 of Title 2, the 'Georgia Pesticide Use and Application Act of 1976'; Article 13
 143 of Chapter 1 of Title 7, relating to mortgage lenders and mortgage brokers; Chapter 5 of
 144 Title 10, the 'Georgia Uniform Securities Act of 2008,' relating to securities salespersons
 145 and investment adviser representatives; Part 2 of Article 1 of Chapter 6 of Title 12,
 146 relating to foresters; Chapter 4 of Title 26, relating to pharmacists; Chapter 23 of Title 33,
 147 relating to insurance agents, counselors, and other personnel; Chapter 1 of Title 43,
 148 relating to professions and businesses; Chapter 3 of Title 43, relating to accountants;
 149 Chapter 39A of Title 43, relating to real estate appraisers; or Chapter 40 of Title 43,
 150 relating to real estate brokers and salespersons.

151 (9) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted
 152 loan to the agency and has made a payment in the most recent prior 60 days.

153 (b) ~~The agency shall maintain a state-wide certified list of borrowers in default who have~~
 154 ~~not made satisfactory arrangements to ensure voluntary repayment. The certified list must~~
 155 ~~be updated on a monthly basis. The agency shall submit to each licensing entity a certified~~
 156 ~~list with the name, social security number, if known, date of birth, and last known address~~
 157 ~~of each person on the list. No licensing entity shall refuse to issue nor suspend or revoke~~
 158 ~~a license to an applicant or licensee because he or she is a borrower in default who is not~~
 159 ~~in satisfactory repayment status as determined by the agency or who has been certified by~~
 160 ~~any entity of the federal government for nonpayment or default or breach of a repayment~~
 161 ~~or service obligation under any federal educational loan, loan repayment, or service~~
 162 ~~conditional scholarship program.~~

163 (c) ~~On or before January 1, 1999, all licensing entities shall implement procedures to~~
 164 ~~accept and process the list provided by the agency in accordance with this Code section.~~

165 ~~Such procedures should be substantially similar if not identical to those implemented to~~
 166 ~~comply with Code Section 19-11-9.3.~~

167 ~~(d) Promptly after receiving the certified list from the agency, all licensing entities shall~~
 168 ~~determine whether an applicant or licensee is on the most recent certified list. If an~~
 169 ~~applicant or licensee is on the certified list, the licensing entity shall immediately notify the~~
 170 ~~agency. That notification shall include the applicant's or licensee's last known mailing~~
 171 ~~address on file with the licensing entity.~~

172 ~~(e) After receiving notice from the licensing entity of applicants or licensees who are on~~
 173 ~~the certified list, the agency shall immediately notify those individuals as specified in~~
 174 ~~subsection (f) of this Code section of the agency's intent to request that all pertinent~~
 175 ~~licensing entities suspend all licenses or withhold issuance or renewal of any license.~~

176 ~~(f) Notice for purposes of this Code section shall be initiated by the agency. Notice to the~~
 177 ~~borrower in default shall include the address and telephone number of the agency and shall~~
 178 ~~inform the borrower in default of the agency's intent to submit the borrower's name to the~~
 179 ~~relevant licensing entities and to request that the relevant licensing entities withhold~~
 180 ~~issuance or renewal of the license or suspend the license. The notice must also inform the~~
 181 ~~borrower in default of the following:~~

182 ~~(1) The borrower in default has 20 days from the date of mailing to enter into a~~
 183 ~~satisfactory repayment status. If the borrower in default fails to enter into a satisfactory~~
 184 ~~repayment status or does not respond within that time, the agency will send notice to the~~
 185 ~~appropriate licensing entities and request that the licenses be suspended or the licensure~~
 186 ~~applications be denied;~~

187 ~~(2) The borrower in default may request an administrative hearing and judicial review~~
 188 ~~of that hearing under subsection (g) of this Code section. A request for a hearing must~~
 189 ~~be made in writing and must be received by the agency within 20 days of service of~~
 190 ~~notice; and~~

191 ~~(3) If the borrower in default requests a hearing within 20 days of service, the agency~~
 192 ~~shall stay all action pending the hearing and any appeals.~~

193 ~~(g) All borrowers in default subject to the sanctions imposed in this Code section shall~~
 194 ~~have the right to a hearing before an administrative law judge of the Office of State~~
 195 ~~Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50. A borrower in~~
 196 ~~default who requests a hearing within the time prescribed in subsection (f) of this Code~~
 197 ~~section shall have the right to a hearing. The hearing shall be conducted as provided in~~
 198 ~~Article 2 of Chapter 13 of Title 50 within 45 days after such demand is received. The only~~
 199 ~~issues at the hearing will be whether:~~

200 ~~(1) There is an outstanding guaranteed educational loan;~~

201 ~~(2) The licensee or applicant is the borrower named in the loan;~~

- 202 ~~(3) The borrower is or is not in default;~~
203 ~~(4) The borrower has entered into a satisfactory repayment status;~~
204 ~~(5) The loan obligation is not enforceable; and~~
205 ~~(6) The loan has been restructured or the loan has been discharged under hardship~~
206 ~~provisions under the federal Bankruptcy Code.~~

207 ~~With respect to the issues listed in this subsection, evidence relating to the ability and~~
208 ~~willingness of a borrower to repay the loan shall be considered in making the decision~~
209 ~~either to suspend a license or deny the issuance or renewal of a license under this Code~~
210 ~~section. The administrative law judge shall be authorized to enter into an agreement or~~
211 ~~enter an order requiring periodic payments, and, in each event, the administrative law judge~~
212 ~~shall be authorized to issue a release for the borrower to obtain each license or licenses.~~

213 ~~(h) The decision at the hearing shall be subject to appeal and judicial review pursuant to~~
214 ~~Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in subsection (g)~~
215 ~~of this Code section. Notwithstanding any hearing requirements for suspension and denials~~
216 ~~within each licensing entity, the hearing and appeal procedures outlined in this Code~~
217 ~~section shall be the only hearing required to suspend a license or deny the issuance or~~
218 ~~renewal of a license under this Code section.~~

219 ~~(i) The agency shall prescribe release forms for its use. When the borrower is determined~~
220 ~~to be in satisfactory repayment status or is determined to be not in satisfactory repayment~~
221 ~~status but has been determined in a hearing pursuant to subsection (g) of this Code section~~
222 ~~to be unable to comply with the terms of the loan agreement or to be not willfully out of~~
223 ~~compliance with such loan agreement, the agency shall mail to the borrower in default and~~
224 ~~the appropriate licensing entity a notice of release stating such determination. The receipt~~
225 ~~of a notice of release shall serve to notify the borrower in default and the licensing entity~~
226 ~~that, for the purpose of this Code section, he or she is in satisfactory repayment status, and~~
227 ~~the licensing entity shall promptly thereafter issue or reinstate the license, unless the~~
228 ~~agency, pursuant to subsection (b) of this Code section, certifies subsequent to the issuance~~
229 ~~of a notice of release that the borrower in default is once again not in satisfactory~~
230 ~~repayment status.~~

231 ~~(j) The agency may enter into interagency agreements with state agencies that have~~
232 ~~responsibility for the administration of licensing entities as necessary to implement this~~
233 ~~Code section. Those agreements shall provide for the receipt by other state agencies and~~
234 ~~boards of federal funds to cover that portion of costs allowable under federal law and~~
235 ~~regulation and incurred by state agencies and boards in implementing this Code section.~~

236 ~~(k) Any licensing entity receiving an inquiry as to the license status of an applicant who~~
237 ~~has had an application for issuance or renewal of a license denied under this Code section~~

238 ~~shall respond only that the license was suspended or the licensure application was denied~~
 239 ~~pursuant to this Code section.~~
 240 ~~(f) The agency shall, and the licensing entities as appropriate may, adopt regulations~~
 241 ~~necessary to implement this Code section."~~

242 **SECTION 1-7.**

243 Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for
 244 suspension, revocation, or refusal to grant licenses to pharmacists, is amended by revising
 245 subsection (k) as follows:

246 "(k) The board shall not have the power to suspend any license issued under Article 3 of
 247 this chapter ~~when because~~ such holder is a borrower in default who is not in satisfactory
 248 repayment status ~~as provided in Code Section 20-3-295~~ under the Georgia Higher
 249 Education Loan Program as determined by the Georgia Higher Education Assistance
 250 Corporation or who has been certified by any entity of the federal government for
 251 nonpayment or default or breach of a repayment or service obligation under any federal
 252 educational loan, loan repayment, or service conditional scholarship program. The board
 253 shall also not have the power to deny the application for issuance or renewal of a license
 254 under Article 3 of this chapter ~~when because~~ such applicant is a borrower in default ~~who~~
 255 ~~is not in satisfactory repayment status as provided in Code Section 20-3-295~~ under the
 256 Georgia Higher Education Loan Program as determined by the Georgia Higher Education
 257 Assistance Corporation or has been certified by any entity of the federal government for
 258 nonpayment or default or breach of a repayment or service obligation under any federal
 259 educational loan, loan repayment, or service conditional scholarship program. ~~The~~
 260 ~~hearings and appeals procedures provided for in Code Section 20-3-295 shall be the only~~
 261 ~~such procedures required to suspend or deny any license issued under Article 3 of this~~
 262 ~~chapter."~~

263 **SECTION 1-8.**

264 Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to
 265 licensing insurance agents, agencies, subagents, counselors, and adjusters, is amended in
 266 Code Section 33-23-21, relating to grounds for refusal, suspension, or revocation of licenses
 267 to sell insurance, by revising paragraphs (21) through (23) as follows:

268 ~~"(21) Is a borrower in default who is not in satisfactory repayment status as defined by~~
 269 ~~Code Section 20-3-295; for violations of this paragraph only, any hearing and appeal~~
 270 ~~procedures conducted pursuant to Code Section 20-3-295 shall be the only such~~
 271 ~~procedures required to suspend, deny, or revoke any license under this title;~~

272 ~~(22)~~ In relation to the licensee's ability to transact the business of insurance, has had a
 273 license, permit, authorization, registration, or privilege refused, revoked, suspended,
 274 limited, or restricted by any federal, state, county, municipality, territory, military, or
 275 other legal authority authorized to issue licenses, permits, authorizations, registrations,
 276 or privileges to conduct business within its respective jurisdiction; otherwise has failed
 277 to comply with the legal requirements related to the license, permit, authorization,
 278 registration, or privilege; or has had other disciplinary action taken against him or her by
 279 any such lawful authority; or
 280 ~~(23)~~(22) Has failed to report to the department within 60 days of the action taken, any
 281 refusal, revocation, suspension, limitation, or restriction of any license, permit,
 282 authorization, registration, or privilege of any lawful authority referenced in paragraphs
 283 (18) or ~~(22)~~(21) of this Code section."

284 SECTION 1-9.

285 Said article is further amended by adding a new Code section to read as follows:

286 "33-23-21.1.

287 The Commissioner shall not refuse to issue nor suspend or revoke a license of an applicant
 288 for or holder of a license because he or she is a borrower in default under the Georgia
 289 Higher Education Loan Program as determined by the Georgia Higher Education
 290 Assistance Corporation or has been certified by any entity of the federal government for
 291 nonpayment or default or breach of a repayment or service obligation under any federal
 292 educational loan, loan repayment, or service conditional scholarship program."

293 SECTION 1-10.

294 Said article is further amended in Code Section 33-23-22, relating to notice of suspension or
 295 revocation of license, hearing, and appeals, by revising as follows:

296 "33-23-22.

297 (a) Any license, other than a probationary license or inactive license as described in
 298 subsection ~~(b)~~ (a) of Code Section 33-23-19, may be suspended or revoked as provided by
 299 Code Section 33-23-21 and subsection (b) of Code Section 33-23-19, and the
 300 Commissioner shall give notice of such action to the applicant for or holder of the license
 301 and any insurer or agent whom the applicant or licensee represents or who desires that the
 302 applicant or licensee be licensed. The procedure for conduct of hearings set forth in
 303 Chapter 2 of this title shall be followed in all cases except those cases pursuant to
 304 paragraph (20) ~~or (21)~~ of Code Section 33-23-21 which shall only require the hearings
 305 provided for in ~~either~~ said paragraph.

306 (b) Appeal from any order or decision of the Commissioner made pursuant to this chapter
 307 shall be taken as provided in Chapter 2 of this title."

308 **SECTION 1-11.**

309 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 310 is amended in Code Section 43-1-19, relating to grounds for refusing to grant or revoking
 311 licenses, application of Administrative Procedure Act, subpoena powers, disciplinary actions,
 312 judicial review, reinstatement, investigations, complaints, surrender, and probationary license
 313 regarding professional licensing boards, by adding "or" at the end of paragraph (10) of
 314 subsection (a), by replacing "; or" at the end of paragraph (11) of subsection (a) with a
 315 period, and by repealing paragraph (12) of subsection (a).

316 **SECTION 1-12.**

317 Said title is further amended by revising Code Section 43-1-29, relating to suspension of
 318 license for nonpayment of student loans, procedure, and reinstatement regarding professional
 319 licensing boards, as follows:

320 "43-1-29.

321 A professional licensing board shall not suspend the license of a person licensed by that
 322 board ~~who~~ because he or she is a borrower in default under the Georgia Higher Education
 323 Loan Program as determined by the Georgia Higher Education Assistance Corporation or
 324 because he or she has been certified by a federal agency and reported to the board any
 325 entity of the federal government for nonpayment or default or breach of a repayment or
 326 service obligation under any federal educational loan, loan repayment, or service
 327 conditional scholarship program. ~~Prior to the suspension, the licensee shall be entitled to~~
 328 ~~notice of the board's intended action and opportunity to appear before the board according~~
 329 ~~to procedures set forth by the division director in rules and regulations. A suspension of~~
 330 ~~a license under this Code section is not a contested case under Chapter 13 of Title 50, the~~
 331 ~~'Georgia Administrative Procedure Act.'~~ A license suspended under this Code section shall
 332 ~~not be reinstated or reissued until the person provides the licensing board a written release~~
 333 ~~issued by the reporting agency stating that the person is making payments on the loan or~~
 334 ~~satisfying the service requirements in accordance with an agreement approved by the~~
 335 ~~reporting agency. If the person has continued to meet all other requirements for licensure~~
 336 ~~during the period of suspension, reinstatement of the license shall be automatic upon~~
 337 ~~receipt of the notice and payment of any reinstatement fee which the board may impose."~~

SECTION 1-13.

Said title is further amended in Code Section 43-3-27, relating to notification of conviction, time limit, and suspension of licenses regarding accountants, by revising subsection (b) as follows:

"(b) The board may not suspend the license of an individual ~~who~~ because he or she is a borrower in default under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or has been certified by a federal agency and reported to the board any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program. ~~Prior to the suspension, the licensee shall be entitled to notice of the board's intended action and opportunity to appear before the board. A suspension of a license under this Code section is not a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~ A license suspended under this Code section shall not be reinstated or reissued until the individual provides the board a written release issued by the reporting agency stating that the individual is making payments on the loan or satisfying the service requirements in accordance with an agreement approved by the reporting agency. If the individual has continued to meet all other requirements for licensure during the period of suspension, reinstatement of the license shall be automatic upon receipt of the notice and payment of any reinstatement fee which the board may impose."

SECTION 1-14.

Said title is further amended in Code Section 43-20A-16, relating to cause for disciplinary actions and disciplinary order a final order regarding licensed immigration assistance providers, by adding "or" at the end of paragraph (11) of subsection (a), by replacing "; or" with a period at the end of paragraph (12) of subsection (a), and by revising paragraph (13) of subsection (a) as follows:

~~"(13)~~(a.1) The Secretary of State shall not order the discipline, denial, suspension, or revocation of a license issued pursuant to this chapter because a person has Has been found by the Secretary of State pursuant to notice by the Georgia Higher Education Assistance Corporation that the applicant for or holder of such license is to be a borrower in default who is not in satisfactory repayment status as defined in Code Section 20-3-295. ~~Notwithstanding the provisions of Chapter 13 of Title 50, the hearings and appeals procedures provided in Code Section 20-3-295, where applicable, shall be the only such procedures required under this subsection."~~

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SECTION 1-15.

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Said title is further amended by revising Code Section 43-20A-17, relating to suspension of license for licensed immigration assistance providers for nonpayment, default, or breach of repayment or service obligation under certain educational loan or scholarship programs and terms of reinstatement, as follows:

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"43-20A-17.

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The Secretary of State shall not suspend a license issued pursuant to this chapter ~~if reported to the Secretary of State for~~ because of nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program. ~~Prior to a suspension, the licensee shall be entitled to notice of the Secretary of State's intended action and opportunity to appear before the Secretary of State according to procedures set forth by the Secretary of State. A suspension of a license pursuant to this Code section shall not be a contested case under Chapter 13 of Title 50. A license suspended pursuant to this Code section shall not be reinstated or reissued until the person arranges for a written release to be issued by the reporting agency directly to the Secretary of State stating that the person is making payments on the loan or satisfying the service requirements in accordance with an agreement approved by the reporting agency. If such person has continued to meet all other requirements for licensure during the period of suspension, reinstatement of the license shall be automatic upon receipt of the notice and payment of any reinstatement fee which the Secretary of State may impose."~~

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SECTION 1-16.

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Said title is further amended in Code Section 43-34-8, relating to authority to refuse license, certificate, or permit or issue discipline for health professionals regulated by the Georgia Composite Medical Board, suspension, restoration, investigations, hearings on fitness, immunity, and publication of final disciplinary actions, by adding "or" at the end of paragraph (22) of subsection (a) and by revising paragraphs (23) and (24) of subsection (a) and subsection (b.1) as follows:

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~~"(23) Failed to enter into satisfactory repayment status and is a borrower in default as defined by Code Section 20-3-295; it shall be incumbent upon the applicant, licensee, certificate holder, or permit holder to supply the notice of release to the board from the Georgia Higher Education Assistance Corporation indicating that the licensee, certificate holder, permit holder, or applicant has entered into satisfactory repayment status so that a license, certificate, or permit may be issued or granted if all other conditions for issuance of a license, certificate, or permit are met; or~~

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407 (24) Except for practice settings identified in paragraph (7) of subsection (g) of Code
 408 Section 43-34-25 and arrangements approved by the board prior to July 1, 2009, as set
 409 forth in subsection (k) of Code Section 43-34-103, been a physician that has been or is
 410 employed by one the physician:

- 411 (A) Delegates medical acts to;
- 412 (B) Enters a protocol or job description with; or
- 413 (C) Is responsible for supervising."

414 "(b.1) The board shall not suspend the license, certificate, or permit of a person licensed
 415 by the board ~~who~~ because he or she is a borrower in default who is not in satisfactory
 416 repayment status under the Georgia Higher Education Loan Program as determined by the
 417 Georgia Higher Education Assistance Corporation or who has been certified by a federal
 418 agency and reported to the board any entity of the federal government for nonpayment or
 419 default or breach of a repayment or service obligation under any federal education loan,
 420 loan repayment, or service conditional scholarship program. ~~Prior to the suspension, the~~
 421 ~~licensee, certificate holder, or permit holder shall be entitled to notice of the board's~~
 422 ~~intended action and opportunity to appear before the board according to procedures set~~
 423 ~~forth in the board's rules and regulations. A suspension of a license, certificate, or permit~~
 424 ~~under this subsection is not a contested case under Chapter 13 of Title 50, 'Georgia~~
 425 ~~Administrative Procedure Act.'~~ A license, certificate, or permit suspended under this Code
 426 section shall not be reinstated or reissued until the person provides the board a written
 427 release issued by the reporting agency stating that the person is making payments on the
 428 loan or satisfying the service requirements in accordance with an agreement approved by
 429 the reporting agency. If the person has continued to meet all other requirements for
 430 issuance of a license, certificate, or permit during the period of suspension, reinstatement
 431 of the license, certificate, or permit shall be automatic upon receipt of the notice and
 432 payment of any reinstatement fee which the board may impose."

433 **SECTION 1-17.**

434 Said title is further amended in Code Section 43-39A-14, relating to required conduct of
 435 applicants for real estate appraiser licenses, grounds for refusal of classification, imposition
 436 of sanctions, and suspension or revocation of classification, by revising subsection (k) as
 437 follows:

438 "(k) Where an applicant or licensee has been found to be a borrower in default who is not
 439 in satisfactory repayment status ~~as provided in Code Section 20-3-295~~ under the Georgia
 440 Higher Education Loan Program as determined by the Georgia Higher Education
 441 Assistance Corporation or who has been certified by any entity of the federal government
 442 for nonpayment or default or breach of a repayment or service obligation under any federal

443 educational loan, loan repayment, or service conditional scholarship program, such finding
 444 shall not be sufficient grounds for refusal of a license or suspension of a license. For
 445 ~~purposes of this subsection, the hearing and appeal procedures provided for in Code~~
 446 ~~Section 20-3-295 shall be the only such procedures required under this article."~~

447 **SECTION 1-18.**

448 Said title is further amended in Code Section 43-40-15, relating to grant of licenses to real
 449 estate brokers and salespersons, grounds for suspension or revocation of license, other
 450 sanctions, surrender or lapse, and conviction, by revising subsection (l) as follows:

451 "(l) Where an applicant or licensee has been found to be a borrower in default who is not
 452 in satisfactory repayment status ~~as provided in Code Section 20-3-295~~ under the Georgia
 453 Higher Education Loan Program as determined by the Georgia Higher Education
 454 Assistance Corporation or who has been certified by any entity of the federal government
 455 for nonpayment or default or breach of a repayment or service obligation under any federal
 456 educational loan, loan repayment, or service conditional scholarship program, such ~~status~~
 457 finding shall not be sufficient grounds for refusal of a license or suspension of a license.
 458 ~~In such cases, the hearing and appeal procedures provided for in Code Section 20-3-295~~
 459 ~~shall be the only such procedures required under this chapter."~~

460 **PART II**

461 **SECTION 2-1.**

462 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
 463 Chapter 40, relating to tattoo studios, as follows:

464 "CHAPTER 40

465 31-40-1.

466 As used in this chapter, the term:

467 (1) 'Body art' means a tattoo or piercing placed on the body of a person for aesthetic or
 468 cosmetic purposes.

469 (2) 'Body artist' means any person who performs body art. Such term shall not include
 470 in its meaning any physician or osteopath licensed under Chapter 34 of Title 43, nor shall
 471 it include any technician acting under the direct supervision of such licensed physician
 472 or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

473 (3) 'Body art studio' means any facility or building on a fixed foundation wherein a body
 474 artist performs body art.

475 ~~(1)~~(4) 'Microblading of the eyebrow' means a form of cosmetic tattoo artistry where ink
 476 is deposited superficially in the upper three layers of the epidermis using a handheld or
 477 machine powered tool made up of needles known as a microblade to improve or create
 478 eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow
 479 pattern, or to create a full construction if the eyebrows have little to no hair.

480 ~~(2)~~(5) 'Tattoo' means to mark or color the skin by pricking in, piercing, or implanting
 481 indelible pigments or dyes under the skin. Such term includes microblading of the
 482 eyebrow.

483 ~~(3)~~ 'Tattoo artist' means any person who performs tattooing, except that the term tattoo
 484 artist shall not include in its meaning any physician or osteopath licensed under Chapter
 485 34 of Title 43, nor shall it include any technician acting under the direct supervision of
 486 such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

487 ~~(4)~~ 'Tattoo studio' means any facility or building on a fixed foundation wherein a tattoo
 488 artist performs tattooing.

489 31-40-2.

490 It shall be unlawful for any person to operate a ~~tattoo~~ body art studio or perform body art
 491 without having first obtained a valid permit ~~for such studio~~. Such. Body art studio permits
 492 shall be issued by the county board of health or its duly authorized representative, subject
 493 to supervision and direction by the ~~Department of Public Health~~ but, ~~where the county~~
 494 ~~board of health is not functioning,~~ the permit shall be issued by the department. Body artist
 495 permits shall be issued by the Department of Public Health. Permits ~~A permit~~ shall be
 496 valid until suspended or revoked and shall not be transferable ~~with respect to person or~~
 497 ~~location~~.

498 31-40-3.

499 (a) The county boards of health may deny, suspend, or revoke ~~permits where the health~~
 500 ~~and safety of the public requires such action~~ a body art studio permit for a violation of this
 501 chapter or the rules and regulations promulgated thereunder. When, in the judgment of
 502 such board or its duly authorized agents, it is necessary and proper that such application for
 503 a permit be denied or that a permit previously granted be suspended or revoked, the
 504 applicant or holder of the permit shall be so notified in writing and shall be afforded an
 505 opportunity for hearing as provided in Article 1 of Chapter 5 of this title. In the event that
 506 such application is finally denied or such permit finally suspended or revoked, the applicant
 507 for or holder of such permit shall be given notice in writing, which notice shall specifically
 508 state the reasons why the application or permit has been suspended, revoked, or denied.

509 (b) The department may deny, suspend, or revoke a body artist permit for a violation of
 510 this chapter or the rules and regulations promulgated thereunder, after notice to the permit
 511 holder and opportunity for hearing. Such proceedings shall be conducted in accordance
 512 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

513 31-40-4.

514 Any person substantially affected by any final order of the county board of health denying,
 515 suspending, revoking, or refusing to renew ~~any~~ a body artist studio permit provided under
 516 this chapter may secure review thereof by appeal to the department as provided in Article 1
 517 of Chapter 5 of this title.

518 31-40-5.

519 ~~The Department of Public Health and county boards of health~~ department shall have
 520 the power to adopt and promulgate rules and regulations to ensure the protection of the
 521 public health. Such rules and regulations shall prescribe ~~reasonable standards for health~~
 522 ~~and safety of tattoo~~ standards for body artists and body art studios with regard to:

523 (1) Location and cleanliness of facilities;

524 (2) Sterilization and Occupational Safety and Health Administration guidelines for the
 525 prevention and spread of infectious diseases by all personnel;

526 (3) Informed consent by the person receiving ~~a tattoo~~ any form of body art;

527 (4) Procedures for ensuring adequate explanation to consumers of the proper subsequent
 528 care of ~~a tattoo~~ any form of body art; and

529 (5) Proper use and maintenance of ~~tattoo~~ equipment, including tools, dyes, and pigments;
 530 and

531 (6) Competence and specialized knowledge of body artists.

532 (b) County boards of health are empowered to adopt and promulgate supplementary rules
 533 and regulations consistent with those adopted and promulgated by the department.

534 31-40-6.

535 ~~The Department of Public Health~~ department and the county boards of health and their duly
 536 authorized agents are authorized and empowered to enforce compliance with this chapter
 537 and the rules and regulations adopted and promulgated under this chapter and, in
 538 connection therewith, to enter upon and inspect the premises of a ~~tattoo~~ body art studio at
 539 any reasonable time and in a reasonable manner, as provided in Article 2 of Chapter 5 of
 540 this title.

541 31-40-7.

542 Any person, firm, or corporation ~~operating a tattoo studio~~ performing body art without a
543 valid permit ~~or performing tattooing outside of a licensed tattoo studio~~ shall be guilty of
544 a misdemeanor.

545 31-40-8.

546 Each body art studio shall conspicuously display in a prominent place easily seen by
547 patrons a printed sign that warns that any body art on the face, neck, forearm, hand, or
548 lower leg of an individual may automatically disqualify such individual from military
549 service in the armed forces of the United States. Such notice shall be at least 11 inches by
550 14 inches in size, with letters at least one inch in height. The Department of Public Health
551 ~~is authorized and directed to develop and institute a program of public education for the~~
552 ~~purpose of alerting the public to the possible side effects and exposure risks of tattooing.~~

553 31-40-9.

554 Notwithstanding any other provision of this chapter, the governing authority of any county
555 or municipality may enact more stringent laws governing ~~tattooing~~ body art.

556 31-40-10.

557 Nothing in this chapter shall be construed to repeal the provisions of Code Section 16-12-5;
558 provided, however, that Code Section 16-12-5 shall not apply to microblading of the
559 eyebrow."

560

PART III

561

SECTION 3-1.

562 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
563 is amended in Code Section 43-10-9, relating to application for certificate of registration, by
564 deleting "is of good moral character;" in paragraph (1) of subsection (a), paragraph (1) of
565 subsection (b), paragraph (1) of subsection (c), paragraph (1) of subsection (d), and
566 paragraphs (1) and (2) of subsection (e).

567

SECTION 3-2.

568 Said Title 43 is further amended in Code Section 43-10-13, relating to the right to set course
569 of study for students and application for examination, by adding a new subsection to read as
570 follows:

571 "(c) A barber apprentice and any other individual serving as an apprentice in a beauty
 572 shop, beauty salon, or barber shop shall take the theory portion of the examination provided
 573 for in Code Section 43-10-9 within the first 12 months of his or her apprenticeship."

574 **PART IV**

575 **SECTION 4-1.**

576 Said Title 43 is further amended by revising subsection (e) of Code Section 43-14-6, relating
 577 to powers and duties of divisions, as follows:

578 "(e)(1) The Division of Electrical Contractors shall be authorized to require persons
 579 seeking renewal of Electrical Contractor Class I and Class II licenses to complete board
 580 approved continuing education courses of not more than four hours annually. The
 581 division shall be authorized to approve ~~courses offered by institutions of higher learning,~~
 582 ~~vocational-technical schools, and trade, technical, or professional organizations;~~
 583 ~~provided, however, that continuing education courses or programs related to electrical~~
 584 ~~contracting provided or conducted by public utilities, equipment manufacturers, or~~
 585 ~~institutions under the State Board of the Technical College System of Georgia shall~~
 586 ~~constitute acceptable continuing professional education programs for the purposes of this~~
 587 ~~subsection. Continuing education courses or programs conducted by manufacturers~~
 588 ~~specifically to promote their products shall not be approved~~ continuing education courses
 589 to be held within or outside this state that are available to all licensed electrical
 590 contractors on a reasonable nondiscriminatory fee basis. Any request for division
 591 approval of a continuing education course shall be submitted in a timely manner with due
 592 regard for the necessity of investigation and consideration by the division. The division
 593 may contract with institutions of higher learning, professional organizations, or other
 594 qualified persons to provide programs that meet the requirements of this paragraph and
 595 any rules or regulations established by the division. Such programs shall be
 596 self-sustaining by the individual fees set and collected by the provider of the program.
 597 (2) The division shall be authorized to waive the continuing education requirements in
 598 cases of hardship, disability, or illness or under such other circumstances as the division
 599 deems appropriate."

600 **SECTION 4-2.**

601 Said title is further amended by revising subsection (a) of Code Section 43-14-8, relating to
 602 licensing required for electrical, plumbing, or conditioned air contracting, businesses
 603 conducted by partnerships, limited liability companies, and corporations, applications, and
 604 review courses, as follows:

605 "(a)(1) No person shall engage in the electrical contracting business as an electrical
606 contractor unless such person has a valid license from the Division of Electrical
607 Contractors and a certificate of competency, if such certificates are issued by the division
608 pursuant to subsection (b) of Code Section 43-14-6.

609 (2) A person who is not licensed as an electrical contractor or who does not have a
610 certificate of competency, if such certificates are issued by the division pursuant to
611 subsection (b) of Code Section 43-14-6, or both as may be applicable, shall be prohibited
612 from advertising in any manner that such person is in the business or profession of
613 electrical contracting unless the work is performed by a licensed electrical contractor."

614

PART V

615

SECTION 5-1.

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