

The Senate Committee on Regulated Industries and Utilities offered the following substitute to SB 379:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to change certain provisions relating to barbers and cosmetologists; to
3 provide for definitions; to prohibit a certain methodology for provision of services; to
4 provide for schools of master barber and barber II and establish requirements for each; to
5 revise certain provisions relating to continuing education courses; to allow certain certified
6 instructors to teach in another area upon completion of a course in that area; to require a
7 certificate of registration for each shop, salon, suite, or school of barbering or cosmetology;
8 to prohibit certain activities and to increase the amount of fines that may be imposed by the
9 State Board of Cosmetology and Barbers; to prohibit certain individuals working in a shop,
10 salon, or suite from applying or removing chemicals; to change requirements relating to a
11 shop, salon, or suite operated in a private home; to amend other provisions for purposes of
12 conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
16 is amended by revising Chapter 10, relating to barbers and cosmetologists, as follows:

17 "CHAPTER 10

18 43-10-1.

19 As used in this chapter, the term:

20 (1) 'Barber apprentice' means an individual who practices barbering under the constant
21 and direct supervision of a licensed master barber.

22 (2) 'Barber II' means an individual who performs any one or more of the following
23 services for compensation:

24 (A) Shaving or trimming the beard;

- 25 (B) Cutting or dressing the hair;
- 26 (C) Giving facial or scalp massages; or
- 27 (D) Giving facial or scalp treatment with oils or cream or other preparations made for
28 this purpose, either by hand or by means of mechanical appliances.
- 29 (3) 'Barbering' means the occupation of shaving or trimming the beard, cutting or
30 dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with
31 oils or cream or other preparations made for this purpose, either by hand or by means of
32 mechanical appliances, singeing and shampooing the hair, coloring or dyeing the hair, or
33 permanently waving, relaxing, or straightening the hair of an individual for
34 compensation.
- 35 (4) ~~'Beautician' means 'cosmetologist' as such term is defined in this Code section.~~
36 Reserved.
- 37 (5) 'Beauty shop' or 'beauty salon' or 'barber shop' or 'salon suite' means any premises
38 where one or more individuals engage in barbering or in the occupation of a
39 cosmetologist.
- 40 (6) 'Board' means the State Board of Cosmetology and Barbers.
- 41 (7) 'Cosmetologist' means any individual who performs any one or more of the following
42 services for compensation:
- 43 (A) Cuts or dresses the hair;
- 44 (B) Gives facial or scalp massages or facial and scalp treatment with oils or cream or
45 other preparations made for this purpose, either by hand or by means of mechanical
46 appliances;
- 47 (C) Singes and shampoos the hair, colors or dyes the hair, or does permanent waving,
48 relaxing, or straightening of the hair;
- 49 (D) Performs the services of a nail technician as defined in paragraph ~~(12)~~ (14) of this
50 Code section; or
- 51 (E) Performs the services of an esthetician as defined in paragraph ~~(8)~~ (9) of this Code
52 section.
- 53 Such individual shall be considered as practicing the occupation of a cosmetologist within
54 the meaning of this Code section; provided, however, that such term shall not mean an
55 individual who only braids the hair by hairweaving; interlocking; twisting; plaiting;
56 wrapping by hand, chemical, or mechanical devices; or using any natural or synthetic
57 fiber for extensions to the hair, and no such individual shall be subject to the provisions
58 of this chapter. Such term shall not apply to an individual whose activities are limited to
59 the application of cosmetics which are marketed to individuals and are readily
60 commercially available to consumers.

61 (8) 'Cosmetology apprentice' means an individual who practices the services of a
 62 cosmetologist under the constant and direct supervision of a licensed master
 63 cosmetologist.

64 ~~(8)~~(9) 'Esthetician' or 'esthetics operator' means an individual who, for compensation,
 65 engages in any one or a combination of the following practices, esthetics, or cosmetic
 66 skin care:

- 67 (A) Massaging the face, neck, décolletage, or arms of an individual;
- 68 (B) Trimming, tweezing, shaping, or threading eyebrows;
- 69 (C) Dyeing eyelashes or eyebrows or applying eyelash extensions; or
- 70 (D) Waxing, threading, stimulating, cleansing, or beautifying the face, neck, arms,
 71 torso, or legs of an individual by any method with the aid of the hands or any
 72 mechanical or electrical apparatus or by the use of a cosmetic preparation.

73 Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any
 74 dermatological condition or medical aesthetics or the use of lasers. Such term shall not
 75 apply to an individual whose activities are limited to the application of cosmetics during
 76 the production of film, television, or musical entertainment or to the application of
 77 cosmetics in a retail environment in which cosmetics are marketed to individuals and are
 78 readily commercially available to consumers.

79 ~~(9)~~(10) 'Hair designer' means an individual who performs any one or more of the
 80 following services for compensation:

- 81 (A) Cuts or dresses the hair; or
- 82 (B) Singes and shampoos the hair, applies a permanent relaxer or straightener to the
 83 hair, or colors or dyes the hair.

84 ~~(9.1)~~(11) 'License' means a certificate of registration or other document issued by the
 85 board or by the division director on behalf of the board pursuant to the provisions of this
 86 chapter permitting an individual to practice in an occupation or operate a school.

87 ~~(10)~~(12) 'Master barber' means an individual who performs any one or more of the
 88 following services for compensation:

- 89 (A) Shaving or trimming the beard;
- 90 (B) Cutting or dressing the hair;
- 91 (C) Giving facial or scalp massages;
- 92 (D) Giving facial or scalp treatment with oils or cream or other preparations made for
 93 this purpose, either by hand or by means of mechanical appliances; or
- 94 (E) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently
 95 waving, relaxing, or straightening the hair.

96 ~~(11)~~(13) 'Master cosmetologist' means a cosmetologist who ~~is possessed of~~ possesses the
 97 requisite skill and knowledge to perform properly all the services set forth in paragraph
 98 (7) of this Code section for compensation.

99 ~~(12)~~(14) 'Nail technician' means an individual who, for compensation, performs
 100 manicures or pedicures or who trims, files, shapes, decorates, applies sculptured or
 101 otherwise artificial nail extensions, or in any way cares for the nails of another individual.

102 ~~(13)~~(15) 'Person' means any individual, proprietorship, partnership, corporation,
 103 association, or other legal entity.

104 ~~(14)~~(16) 'School of ~~barbering~~ barber II' means any establishment that receives
 105 compensation for training more than one individual in ~~barbering~~ the occupation of a
 106 barber II. Technical colleges whose programs have been approved by the Technical
 107 College System of Georgia or the Department of Education are not 'schools of ~~barbering~~
 108 barber II' within the meaning of this chapter; provided, however, that all such colleges
 109 and their programs shall be considered to be 'board approved.'

110 ~~(15)~~(17) 'School of cosmetology' means any establishment that receives compensation
 111 for training more than one individual in the occupation of a cosmetologist. Technical
 112 colleges whose programs have been approved by the Technical College System of
 113 Georgia or the Department of Education are not 'schools of cosmetology' within the
 114 meaning of this chapter; provided, however, that all such colleges and their programs
 115 shall be considered to be 'board approved.'

116 ~~(16)~~(18) 'School of esthetics' means any establishment that receives compensation for
 117 training more than one individual in the occupation of an esthetician. Technical colleges
 118 whose programs have been approved by the Technical College System of Georgia or the
 119 Department of Education are not 'schools of esthetics' within the meaning of this chapter;
 120 provided, however, that all such colleges and their programs shall be considered to be
 121 'board approved.'

122 ~~(17)~~(19) 'School of hair design' means any establishment that receives compensation for
 123 training more than one individual in the occupation of a hair designer. Technical colleges
 124 whose programs have been approved by the Technical College System of Georgia or the
 125 Department of Education are not 'schools of hair design' within the meaning of this
 126 chapter; provided, however, that all such colleges and their programs shall be considered
 127 to be 'board approved.'

128 (20) 'School of master barber' means any establishment that receives compensation for
 129 training more than one individual in the occupation of a master barber. Technical
 130 colleges whose programs have been approved by the Technical College System of
 131 Georgia or the Department of Education are not 'schools of master barber' within the

132 meaning of this chapter; provided, however, that all such colleges and their programs
133 shall be considered to be 'board approved.'

134 ~~(18)~~(21) 'School of nail care' means any establishment that receives compensation for
135 training more than one individual in the occupation of a nail technician. Technical
136 colleges whose programs have been approved by the Technical College System of
137 Georgia or the Department of Education are not 'schools of nail care' within the meaning
138 of this chapter; provided, however, that all such colleges and their programs shall be
139 considered to be 'board approved.'

140 43-10-2.

141 (a) There is created the State Board of Cosmetology and Barbers. The board shall consist
142 of nine members who shall be residents of this state. The board shall have the duty of
143 carrying out and enforcing this chapter.

144 (b) Members of the board shall be at least 25 years of age and have obtained a high school
145 diploma, a general educational development (GED) diploma, or a postsecondary education
146 or college degree. Two of such members must have had at least five years of practical
147 experience as a cosmetologist at the master level, a portion of which must have been as a
148 beauty shop, ~~or beauty salon,~~ or salon suite owner or manager. One member of the board
149 must have had at least five years of practical experience as a cosmetologist at the
150 esthetician level. One member of the board must have had at least five years of practical
151 experience as a nail technician. Two members of the board must have had at least five
152 years of practical experience as a master barber. One member must be an instructor at a
153 school of ~~barbering~~ master barber or school of barber II. One member must be an
154 instructor at school of cosmetology. One member shall not have any connection with
155 barbering or the practice of a cosmetologist or any business related thereto whatsoever but
156 shall have a recognized interest in consumer affairs and in consumer protection concerns.

157 (c) The board shall meet as necessary each year for the purpose of adopting rules and
158 regulations and handling other matters pertaining to duties of the board. Board members
159 may attend and observe all written and practical examinations held for certificates of
160 registration pursuant to this chapter.

161 (d) Beginning on July 1, 2015, the Georgia State Board of Cosmetology and Barbers shall
162 regulate barbering and the practice of cosmetologists in this state. The board shall operate
163 under the rules and regulations of the Georgia State Board of Barbers and Georgia State
164 Board of Cosmetology as they existed on June 30, 2015, until the board shall promulgate
165 one set of rules and regulations governing both barbering and the practice of
166 cosmetologists; such rules and regulations shall be adopted on or before July 1, 2016.

167 (e) Any person who holds a certificate of registration issued under this chapter or
168 Chapter 7 of this title as they existed on June 30, 2015, shall not be required to undergo
169 recertification under this chapter but shall otherwise be subject to all applicable provisions
170 of this chapter. Such certificates of registration issued on or before June 30, 2015, shall be
171 considered certificates of registration issued under and subject to this chapter for all
172 purposes.

173 (f) Board members shall be appointed by the Governor for a term of three years and until
174 their successors are appointed and qualified. Vacancies shall be filled by the Governor for
175 the unexpired portion of the term. The board may do all things necessary for carrying this
176 chapter into effect and may, from time to time, promulgate necessary rules and regulations
177 compatible with this chapter. The Governor may remove any board member for cause as
178 provided in Code Section 43-1-17.

179 (g) Each year the members shall elect a chairman from among themselves. In the event
180 the members cannot agree as to who shall be chairman, the Governor shall appoint one of
181 such members as chairman. The members of the board shall be considered public officers
182 and shall take the oath required thereof.

183 (h) The board shall adopt a seal to be used to authenticate all its official papers and acts
184 and shall have power to subpoena witnesses, administer oaths, and hear and take testimony
185 in any matter over which it may have jurisdiction.

186 (i) All investigative and disciplinary authority of the Georgia State Board of Cosmetology
187 and Georgia State Board of Barbers as such boards existed on June 30, 2015, shall carry
188 over to the board. This authority shall include, but shall not be limited to, the ability to:

- 189 (1) Enforce all fines issued by these boards or representatives thereof;
- 190 (2) Enforce all orders entered by these boards; and
- 191 (3) Access and keep all complaints, investigative records, and records of disciplinary
192 deliberations of these boards.

193 43-10-3.

194 Each member of the board shall be reimbursed as provided for in subsection (f) of Code
195 Section 43-1-2.

196 43-10-4.

197 Reserved.

198 43-10-5.

199 The division director shall keep a record of all proceedings of the board. Such records shall
200 be prima-facie evidence of all matters required to be kept therein, and certified copies of

201 the same or parts thereof shall be primary evidence of their contents. All such copies, other
202 documents, or certificates lawfully issued upon the authority of the board shall, when
203 authenticated under the seal of the board, be admitted in any investigation in any court or
204 elsewhere without further proof.

205 43-10-6.

206 (a) The board is authorized to adopt reasonable rules and regulations prescribing the
207 sanitary requirements of beauty shops, beauty salons, barber shops, salon suites, schools
208 of cosmetology, schools of esthetics, schools of hair design, schools of nail care, ~~and~~
209 schools of ~~barbering~~ master barber, and schools of barber II and to cause the rules and
210 regulations or any subsequent revisions to be in suitable form; provided, however, that
211 nothing in this chapter shall prevent a county or municipal corporation from adopting
212 ordinances, rules, or regulations governing a business or occupational tax license or
213 certificate; health or facility regulations; zoning; local licensing; or the operation of such
214 shops, salons, suites, or schools in addition to any requirements that may be imposed on
215 such shops, salons, suites, or schools under this chapter or by the board. The board shall
216 make its rules and regulations available to the proprietor of each beauty shop, beauty salon,
217 barber shop, salon suite, school of cosmetology, school of esthetics, school of hair design,
218 school of nail care, ~~and~~ school of ~~barbering~~ master barber, and school of barber II. It shall
219 be the duty of every proprietor or person operating a beauty shop, beauty salon, barber
220 shop, salon suite, school of cosmetology, school of esthetics, school of hair design, school
221 of nail care, ~~and~~ school of ~~barbering~~ master barber, and school of barber II in this state to
222 keep a copy of such rules and regulations posted in a conspicuous place in such business,
223 so as to be easily read by customers thereof. Posting such rules and regulations by
224 electronic means shall be allowed.

225 (b) The board is authorized to adopt reasonable rules and regulations requiring that
226 individuals issued licenses under this chapter undergo instruction on Human
227 Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

228 (c) Any investigator or inspector employed by the Secretary of State shall have the power
229 to enter and make reasonable examination of any beauty shop, beauty salon, barber shop,
230 salon suite, school of cosmetology, school of hair design, school of esthetics, school of nail
231 care, ~~or~~ school of ~~barbering~~ master barber, or school of barber II in the state during
232 business hours; during hours advertised by a shop, salon, suite, or school as being open;
233 and during hours a shop, salon, suite, or school is open as indicated by the presence of
234 patrons for the purpose of enforcing the rules and regulations of the board and for the
235 purpose of ascertaining the sanitary conditions thereof.

236 (d) Any beauty shop, beauty salon, barber shop, salon suite, school of cosmetology, school
 237 of hair design, school of esthetics, school of nail care, ~~and school of barbering~~ master
 238 barber, and school of barber II in which tools, appliances, and furnishings used therein are
 239 kept in an unclean and unsanitary condition so as to endanger health is declared to be a
 240 public nuisance.

241 (e) ~~No beauty shop, beauty salon, barber shop, salon suite, school of cosmetology, school~~
 242 ~~of hair design, school of esthetics, school of nail care, school of master barber, or school~~
 243 ~~of barber II shall be permitted to perform any services that require a license under this~~
 244 ~~chapter by using a method that involves a live animal having physical contact with the~~
 245 ~~client. As used in this subsection, the term 'animal' means all vertebrate and invertebrate~~
 246 ~~species, other than humans. Such term shall include, but shall not be limited to, birds, fish,~~
 247 ~~and shellfish.~~

248 43-10-7.

249 It shall be the duty of the board to issue through the division director those certificates of
 250 registration for which provision is made in this chapter.

251 43-10-8.

252 (a) It shall be unlawful for any individual to pursue barbering or the occupation of
 253 cosmetology in this state unless he or she has first completed the required hours for and
 254 obtained the appropriate certificate of registration as provided in this chapter.

255 (b) It shall be unlawful for any individual to hold himself or herself out as a master
 256 cosmetologist, cosmetology instructor, or cosmetology apprentice without having first
 257 obtained a the appropriate certificate of registration ~~as a master cosmetologist which~~
 258 ~~certifies that the holder thereof shall be authorized to perform all the services mentioned~~
 259 ~~in paragraph (11) of Code Section 43-10-1.~~ Nothing in this chapter shall prohibit any
 260 individual who held a valid master cosmetologist license in this state on March 29, 1983,
 261 from practicing as a master cosmetologist.

262 (c) It shall be unlawful for any individual to hold himself or herself out as a master barber,
 263 barber II, master barber instructor, barber II instructor, or barber apprentice without having
 264 first obtained the certificate of registration for such.

265 (d) Notwithstanding any other provisions of this chapter, any individual desiring to
 266 perform solely hair design services shall be allowed to obtain a certificate of registration
 267 as a hair designer upon completing the required hours therefor, which certifies that the
 268 holder thereof shall be authorized to perform some or all of the services mentioned in
 269 paragraph ~~(9)~~ (10) of Code Section 43-10-1.

270 (e) Notwithstanding any other provisions of this chapter, any individual desiring to
 271 perform solely cosmetic skin care services shall be allowed to obtain a certificate of
 272 registration as an esthetician level upon completing the required hours therefor, which
 273 certifies that the holder thereof shall be authorized to perform some or all of the services
 274 mentioned in paragraph ~~(8)~~ (9) of Code Section 43-10-1.

275 (f) Notwithstanding any other provisions of this chapter, any individual desiring to
 276 perform solely cosmetic nail care services shall be allowed to obtain a certificate of
 277 registration as a nail technician level upon completing the required hours therefor, which
 278 certifies that the holder thereof shall be authorized to perform some or all of the services
 279 mentioned in paragraph ~~(12)~~ (14) of Code Section 43-10-1.

280 (g)(1) Notwithstanding any other provisions of this chapter, any current or discharged
 281 member of the military or any spouse of a current or discharged member of the military
 282 may apply to the board for the immediate issuance of a certificate of registration issued
 283 pursuant to this chapter, provided that such individual holds a license or certification from
 284 another state ~~for which the training, experience, and testing substantially meet or exceed~~
 285 ~~the requirements in this state to obtain the certificate of registration for which such~~
 286 ~~individual is applying.~~

287 (2) As used in this ~~paragraph~~ subsection, the term:

288 (A) 'Discharge' means an honorable discharge or a general discharge from active
 289 military service. The term 'discharge' shall not mean a discharge under other than
 290 honorable conditions, a bad conduct discharge, or a dishonorable discharge.

291 (B) 'Military' means any regular or reserve component of the United States armed
 292 forces, the Georgia Army National Guard, or the Georgia Air National Guard.

293 (h) It shall also be unlawful for any person or persons to operate a beauty shop, beauty
 294 salon, barber shop, salon suite, school of cosmetology, school of hair design, school of
 295 esthetics, school of nail care, ~~or school of barbering~~ master barber, or school of barber II
 296 without first having obtained a certificate of registration for such shop, salon, suite, or
 297 school as provided in this chapter. Any beauty shop, beauty salon, barber shop, salon suite,
 298 school of cosmetology, school of hair design, school of esthetics, school of nail care, ~~or~~
 299 school of ~~barbering~~ master barber, or school of barber II shall register with the division
 300 director of the professional licensing boards prior to opening.

301 (i) This chapter shall have uniform application throughout the state so that no master
 302 cosmetologist, cosmetologist, hair designer, nail technician, esthetician, master barber,
 303 barber II, beauty shop, beauty salon, barber shop, salon suite, school of cosmetology,
 304 school of hair design, school of esthetics, school of nail care, ~~or school of barbering~~ master
 305 barber, or school of barber II shall be exempt from regulation.

306 43-10-9.

307 (a)(1) Any individual desiring to obtain a certificate of registration to enable him or her
 308 to engage in the occupation of a cosmetologist shall make application through the
 309 division director to the board and shall present proof that he or she has obtained a high
 310 school diploma, a general educational development (GED) diploma, or a postsecondary
 311 education or college degree. If, after review of the application, it is determined that the
 312 applicant is at least 17 years of age; has met the minimum educational requirements; has
 313 completed a 1,500 credit hour study course with at least nine months at a board approved
 314 school or has served as an apprentice in a beauty shop, beauty salon, ~~or barber shop,~~ or
 315 salon suite for a period of at least 3,000 credit hours; has practiced or studied the
 316 occupation of a cosmetologist; ~~is possessed of~~ possesses the requisite skill in such
 317 occupation to perform properly all the duties of the occupation, including his or her
 318 ability in the preparation of tools, in performing the services mentioned in paragraph (7)
 319 of Code Section 43-10-1, and in all the duties and services incident thereto; and has
 320 passed both a written and a practical examination approved by the board, a certificate of
 321 registration shall be issued to him or her entitling him or her to practice as a master
 322 cosmetologist.

323 (2) Notwithstanding any other provisions of this subsection, the board shall allow
 324 endorsement to an applicant who submits a complete application, along with a fee, and
 325 verification that he or she holds an active license or certificate of registration as a
 326 cosmetologist or an instructor or teacher of the occupation of a cosmetologist at that level
 327 in another state or territory of the United States. The board may establish requirements
 328 for endorsement by rules and regulations.

329 (b)(1) Any individual desiring to obtain a certificate of registration to enable him or her
 330 to engage in the occupation of a hair designer shall make application through the division
 331 director and shall present proof that he or she has obtained a high school diploma, a
 332 general educational development (GED) diploma, or a postsecondary education or
 333 college degree. If, after review of the application, it is determined that the applicant is
 334 at least 17 years of age; has met the minimum educational requirements; has completed
 335 a 1,325 credit hour study course with at least seven months at a board approved school
 336 or has served as an apprentice in a beauty shop, beauty salon, ~~or barber shop,~~ or salon
 337 suite for a period of at least 2,650 credit hours; has practiced or studied the occupation
 338 of a hair designer; ~~is possessed of~~ possesses the requisite skill in such occupation to
 339 perform properly all the duties of the occupation, including his or her ability in the
 340 preparation of tools, in performing the services mentioned in paragraph ~~(9)~~ (10) of Code
 341 Section 43-10-1, and in all the duties and services incident thereto; and has passed both
 342 a written and a practical examination approved by the board, a certificate of registration

343 shall be issued to him or her entitling him or her to practice the occupation of a hair
344 designer.

345 (2) Notwithstanding any other provisions of this subsection, the board shall allow
346 endorsement to an applicant who submits a complete application, along with a fee, and
347 verification that he or she holds an active license or certificate of registration as a hair
348 designer or an instructor or teacher of the occupation of a hair designer in another state
349 or territory of the United States. The board may establish requirements for endorsement
350 by rules or regulations.

351 (c)(1) Any individual desiring to obtain a certificate of registration to enable him or her
352 to engage in the occupation of an esthetician shall make application through the division
353 director to the board and shall present proof that he or she has obtained a high school
354 diploma, a general educational development (GED) diploma, or a postsecondary
355 education or college degree. If, after review of the application, it is determined that the
356 applicant is at least 17 years of age; has met the minimum educational requirements; has
357 completed a 1,000 credit hour study course of at least nine months at a board approved
358 school or has served as an apprentice in a beauty shop, beauty salon, ~~or~~ barber shop, or
359 salon suite for a period of at least 2,000 credit hours; has practiced or studied cosmetic
360 skin care as defined in paragraph ~~(8)~~ (9) of Code Section 43-10-1; ~~is possessed of~~
361 possesses the requisite skill to perform properly these services; and has passed a written
362 and a practical examination approved by the board, a certificate of registration shall be
363 issued to the applicant entitling the applicant to practice the occupation of an esthetician.

364 (2) Notwithstanding any other provisions of this subsection, the board shall allow
365 endorsement to an applicant who submits a complete application, along with a fee, and
366 verification that he or she holds an active license or certificate of registration as an
367 esthetician or an instructor or teacher of the occupation of an esthetician in another state
368 or territory of the United States. The board may establish requirements for endorsement
369 by rules or regulations.

370 (d)(1) Any individual desiring to obtain a certificate of registration to enable him or her
371 to engage in the occupation of a nail technician shall make application through the
372 division director to the board and shall present proof that he or she has obtained a high
373 school diploma, a general educational development (GED) diploma, or a postsecondary
374 education or college degree. If, after review of the application, it is determined that the
375 applicant is at least 17 years of age; has met the minimum educational requirements; has
376 completed a 525 credit hour study course of at least four months at a board approved
377 school or has served as an apprentice in a beauty shop, beauty salon, ~~or~~ barber shop, or
378 salon suite for a period of at least 1,050 credit hours; has practiced or studied nail care as
379 defined in paragraph ~~(12)~~ (14) of Code Section 43-10-1; ~~is possessed of~~ possesses the

380 requisite skill to perform properly these services; and has passed both a written and a
381 practical examination approved by the board, a certificate of registration shall be issued
382 to the applicant entitling the applicant to practice the occupation of nail technician.

383 (2) Notwithstanding any other provisions of this subsection, the board shall allow
384 endorsement to an applicant who submits a complete application, along with a fee, and
385 verification that he or she holds an active license or certificate of registration as a nail
386 technician or an instructor or teacher of the occupation of a nail technician in another
387 state or territory of the United States. The board may pass requirements for endorsement
388 by rule.

389 (e)(1) Any person desiring to obtain a certificate of registration to enable him or her to
390 engage in the occupation of a master barber shall make application through the division
391 director to the board and shall present proof that he or she has obtained a high school
392 diploma, a general educational development (GED) diploma, or a postsecondary
393 education or college degree. If, after review of the application, it is determined that the
394 applicant is at least 16 years of age; has met the minimum educational requirements; has
395 completed a 1,500 credit hour study course of at least nine months at a board approved
396 school or has served as an apprentice in a beauty shop, beauty salon, ~~or barbershop~~ barber
397 shop, or salon suite for a period of at least 3,000 credit hours; has practiced or studied
398 barbering; ~~is possessed of~~ possesses the requisite skill to perform properly these services;
399 and has passed both a written and a practical examination approved by the board, a
400 certificate of registration shall be issued to the applicant entitling the applicant to practice
401 barbering as a master barber.

402 (2) Any person desiring to obtain a certificate of registration to enable him or her to
403 engage in the occupation of a barber II shall make application through the division
404 director to the board and shall present proof that he or she has obtained a high school
405 diploma, a general educational development (GED) diploma, or a postsecondary
406 education or college degree. If, after review of the application, it is determined that the
407 applicant is at least 16 years of age; has met the minimum educational requirements; has
408 completed a 1,140 credit hour study course of at least seven months at a board approved
409 school or has served as an apprentice in a beauty shop, beauty salon, ~~or barbershop~~ barber
410 shop, or salon suite for a period of at least 2,280 credit hours; has practiced or studied
411 barbering; ~~is possessed of~~ possesses the requisite skill to perform properly these services;
412 and has passed both a written and a practical examination approved by the board, a
413 certificate of registration shall be issued to the applicant entitling the applicant to practice
414 the occupation of barbering at the barber II level.

415 (3) Notwithstanding any other provisions of this subsection, the board shall allow
416 endorsement to an applicant who submits a complete application, along with a fee, and

417 verification that he or she holds an active license or certificate of registration as a master
 418 barber or barber II or an instructor or teacher of barbering in another state or territory of
 419 the United States. The board may establish requirements for endorsement by rules and
 420 regulations.

421 (f) Nothing in this Code section shall be construed as preventing an individual from
 422 obtaining a certificate of registration for the occupation of a cosmetologist at the master
 423 level, the hair design level, the esthetician level, or the nail technician level or a certificate
 424 of registration for barbering at the master level or barber II level, if such person obtains his
 425 or her credit hour study at a State Board of Education approved school or a technical
 426 college under the jurisdiction of the Technical College System of Georgia or the
 427 Department of Education rather than at a board approved school.

428 (g)(1) An individual issued a certificate of registration as a master cosmetologist in this
 429 state shall be eligible to take the master barber examination provided for in this Code
 430 section if ~~that person~~ such individual completes a board approved 300 hour prescribed
 431 course in an approved cosmetology school, submits a completed application, and pays the
 432 proper fees established by the board.

433 (2) An individual issued a certificate of registration as a master barber in this state shall
 434 be eligible to take the master cosmetologist examination provided for in this Code section
 435 if ~~that person~~ such individual completes a board approved 300 hour prescribed course in
 436 an approved cosmetology school, submits a completed application, and pays the proper
 437 fees established by the board.

438 (h)(1) An individual issued a certificate of registration as a master cosmetologist
 439 instructor in this state shall be eligible to teach master barber or barber II if such
 440 individual completes a board approved 300 hour prescribed course in an approved master
 441 barber or barber II school, submits a completed application, and pays the proper fees
 442 established by the board.

443 (2) An individual issued a certificate of registration as a master barber instructor in this
 444 state shall be eligible to teach master cosmetology if such individual completes a board
 445 approved 300 hour prescribed course in an approved cosmetology school, submits a
 446 completed application, and pays the proper fees established by the board.

447 ~~(h)(1) On and after July 1, 2015, but prior to July 1, 2018, any individual applying for~~
 448 ~~a certificate of registration pursuant to this Code section shall pass both a board approved~~
 449 ~~written and practical examination within a 24 month period after having obtained the~~
 450 ~~required credit hours or shall be required to repeat all of such required credit hours before~~
 451 ~~retaking the examinations. Should an applicant fail to pass either the written or practical~~
 452 ~~examination, the board or the board's designee shall furnish the applicant a statement in~~
 453 ~~writing, stating in what manner the applicant was deficient.~~

454 ~~(2)~~(i) On and after July 1, 2018, any individual applying for a certificate of registration
 455 pursuant to this Code section shall pass both a board approved written and practical
 456 examination within a 48 month period after having obtained the required credit hours or
 457 shall be required to repeat all of such required credit hours before retaking the
 458 examinations. Should an applicant fail to pass either the written or practical examination,
 459 the board or the board's designee shall furnish the applicant a statement in writing, stating
 460 in what manner the applicant was deficient. Board members may attend and observe all
 461 written and practical examinations held for licenses or certificates of registration pursuant
 462 to this Code section.

463 ~~(i)~~(j) On and after July 1, 2015, any applicant applying for a certificate of registration
 464 pursuant to this Code section who has graduated from an educational program which
 465 prepares cosmetologists in another country shall submit to the board a credentials
 466 evaluation from a board approved credentials evaluation provider along with his or her
 467 application. Upon the board's acceptance of the credentials evaluation, application, and
 468 appropriate fee, the applicant shall be approved to sit for the board approved examination,
 469 and upon passing the examination, he or she may be approved for a certificate of
 470 registration.

471 43-10-10.

472 (a) The holder of any certificate of registration issued under Code Section 43-10-9 shall
 473 display the same in a conspicuous place in his or her beauty shop, beauty salon, ~~or~~ barber
 474 shop, or salon suite. Certificates of registration issued under Code Section 43-10-9 shall
 475 be renewable for a period of up to four years as approved by the division director. The
 476 holder shall pay to the division director a renewal fee in such amount as shall be set by the
 477 board by regulation. Upon failure to renew such certificate of registration, it shall stand
 478 automatically revoked. The holder shall be disqualified from practicing any occupation
 479 under this chapter until all fees to date of application for reinstatement shall be paid, an
 480 application for reinstatement shall be submitted along with a reinstatement fee in such
 481 amount as shall be set by the board by regulation, and documentation shall be submitted
 482 of completion of all required continuing education hours, at the board's discretion to be set
 483 by regulation, since the date the registration was automatically revoked. If the board is
 484 satisfied that the applicant for reinstatement meets all the qualifications set forth in this
 485 Code section and Code Section 43-10-9, the applicant shall be issued a new certificate of
 486 registration.

487 (b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any
 488 cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, master
 489 barber, or barber II certificate of registration, the holder of such certificate shall maintain

490 proof, in a form approved by the board, of completion of five hours of continuing education
491 biennially to be determined by the board. A licensee shall provide proof of completion of
492 continuing education if audited by the board. A holder who is renewing a certificate of
493 registration for the first time shall not be required to meet the continuing education
494 requirement until the time of the second renewal. Further, the requirement for continuing
495 education for a master barber and barber II will become effective beginning
496 January 1, 2018.

497 (c) The board may require by rules or regulations that either three or four hours of
498 continuing education shall be satisfied by a health and safety course or a review course of
499 the board rules or regulations and applicable laws using a curriculum developed by the
500 board or by a board approved provider. Such curriculum or course may be revised by the
501 board or by a board approved provider as necessary to incorporate new developments. The
502 board shall make the curriculum or course available to board approved providers of
503 continuing education. The board may charge a fee to providers for registration as a board
504 approved provider.

505 (d) The board may require by rules and regulations that the remaining one to two hours of
506 continuing education may be satisfied by:

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

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

511 (e) To request registration of an industry or trade show for continuing education credit, a
512 person or entity shall submit to the board the date and location of the industry or trade
513 show. To request registration of a course of study for continuing education credit, the
514 person or entity offering the course of study shall submit to the board an outline of the
515 subject matter, a list of the persons teaching the course with a summary of their
516 qualifications, the number of hours for each course, and the date and location where the
517 course of study will be presented or has been presented, if applicable. Any certificate
518 holder may request board approval of an unregistered industry or trade show or an
519 unregistered course of study. A person or entity conducting an industry or trade show or
520 a course of study shall provide written proof of attendance at the industry or trade show or
521 completion of a course of study to all participants.

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

524 ~~(g) Courses in cosmetology, hair design, nail technology, esthetics, computers, business,~~
525 ~~or health and safety issues offered by schools under the jurisdiction of the Board of Regents~~
526 ~~of the University System of Georgia, the Technical College System of Georgia, the~~

527 ~~Department of Education, or any accredited postsecondary institution shall satisfy the~~
 528 ~~continuing education requirement without a request to the board for approval or~~
 529 ~~registration.~~

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

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

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

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

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

539 43-10-11.

540 (a) All beauty shops, beauty salons, barber shops, salon suites, schools of cosmetology,
 541 schools of hair design, schools of esthetics, schools of nail care, ~~and schools of barbering~~
 542 master barber, and schools of barber II shall be registered with the division director by the
 543 owner or manager. Such registration shall be made by the filing of an application on forms
 544 furnished by the division director; shall include the name and location of the shop, salon,
 545 suite, or school, the name and address of the owner, and the names and addresses of all
 546 instructors of the shop, salon, suites, or school at the time of registration; and shall be
 547 accompanied by a registration fee in such amount as shall be set by the board by regulation.
 548 The board may require salon, shop, suite, or school owners to complete a board approved
 549 course covering health, sanitation, and safety, or rules and regulations of the board and
 550 applicable laws, or a combination thereof prior to issuing a registration to the owner. The
 551 board is authorized and directed to issue a certificate of registration to each shop, salon,
 552 suite, or school so registering and paying such fee, which certificate shall be displayed in
 553 a conspicuous place in the registered shop, salon, suite, or school.

554 (b) Each beauty shop, beauty salon, barber shop, and salon suite shall be required to have
 555 a separate license, regardless of whether such shop, salon, or suite shares the same mailing
 556 address or physical location with another shop, salon, or suite.

557 43-10-12.

558 (a)(1) All ~~schools of barbering~~, schools of cosmetology, ~~schools of esthetics~~, schools of
 559 hair design, ~~and schools of esthetics~~, schools of nail care, schools of master barber, and
 560 schools of barber II shall:

- 561 (A) Cause to be registered in writing with the board, at the time of opening, 15 bona
 562 fide students; provided, however, that any such school may petition to the board to add
 563 additional courses of study with a minimum of five students per course if such school
 564 has an active license in good standing;
- 565 (B) Have not less than one instructor for every 20 students or a fraction thereof;
- 566 (C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of
 567 Hair Design,' 'School of Esthetics,' 'School of Nail Care,' or ~~'School of Barbering'~~
 568 'School of Master Barber,' or 'School of Barber II' as applicable; and all such signs shall
 569 also display the words 'Service by Students Only.' Where service is rendered by a
 570 student, no commissions or premiums shall be paid to such student for work done in the
 571 schools; nor shall any individual be employed by the schools to render professional
 572 service to the public; and
- 573 (D) Provide transcripts to students upon graduation or withdrawal from the school,
 574 provided that all tuition and fees due to the school have been satisfied. Student records
 575 shall be maintained by the schools for a minimum of five years. If a school closes its
 576 business, the owner is required to provide copies of all student records, including, but
 577 not limited to, transcripts, to the board within 30 days of the school closure.
- 578 (2) All schools of cosmetology, schools of hair design, schools of esthetics, schools of
 579 nail care, ~~and schools of barbering~~ master barber, and schools of barber II shall keep in
 580 a conspicuous place as determined by the board through rules and regulations in such
 581 schools a copy of the rules and regulations adopted by the board.
- 582 (3) All master cosmetologists, hair designers, estheticians, nail care technicians, master
 583 barbers, and barbers II who take an apprentice pursuant to Code Section 43-10-14 shall
 584 file immediately with the board through the division director the name and age of such
 585 apprentice; and the board shall cause such information to be entered on a register kept by
 586 the division director for that purpose.
- 587 (b) Any person desiring to operate or conduct a school of cosmetology, school of hair
 588 design, school of esthetics, school of nail care, ~~or school of barbering~~ master barber, or
 589 school of barber II prior to opening shall first secure from the board a license to do so and
 590 shall keep the license prominently displayed in the school in a location determined by the
 591 board through rules and regulations.
- 592 (c) The board shall have the authority to pass upon the qualifications, appointments,
 593 courses of study, and hours of study in the school of cosmetology, school of hair design,
 594 school of esthetics, school of nail care, ~~or school of barbering,~~ master barber, or school of
 595 barber II provided that:
- 596 (1) All schools of cosmetology shall be required to teach the following courses: theory,
 597 permanent and cold hair waving, hair coloring, hair bleaching, hair relaxing, hair

598 straightening, hair and scalp treatments, massaging the face, neck, and scalp, hair and
 599 scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb out,
 600 waxing, threading, tweezing, reception, desk work, facials, makeup and arching, skin
 601 care, nail care, state law, board rules and regulations, and any other subjects related to
 602 cosmetology and sanitation;

603 ~~(1.1)~~(2) All schools of hair design shall be required to teach the following courses:
 604 theory, permanent and cold hair waving, hair coloring, hair bleaching, hair relaxing, hair
 605 straightening, hair and scalp treatments, massaging the scalp, hair and scalp conditioning,
 606 hair cutting and shaping, hairdressing, shampooing, styling, comb out, reception, desk
 607 work, state law, board rules and regulations, and any other subjects related to hair design
 608 and sanitation;

609 ~~(2)~~(3) All schools of esthetics shall be required to teach the following courses: theory,
 610 skin care, facials, makeup and arching, eyelash extensions, reception, desk work,
 611 massaging the face, neck, décolletage, or arms, trimming, tweezing, or threading
 612 eyebrows and other facial hair, dyeing, waxing, stimulating, cleansing, or beautifying,
 613 state law, board rules and regulations, and any other subjects related to esthetics and
 614 sanitation;

615 ~~(3)~~(4) All schools of nail care shall be required to teach the following courses: theory,
 616 trimming, filing, shaping, decorating, sculpturing and artificial nails, nail care,
 617 pedicuring, reception, desk work, state law, board rules and regulations, and any other
 618 subjects related to nail care and sanitation; ~~and~~

619 ~~(4)~~(5) All schools of master barber shall be required to teach the following courses:
 620 theory, hair and scalp treatments, massaging the face, neck, and scalp, shampooing and
 621 conditioning, shaving, coloring of hair, hair cutting and styling, facial hair design, facial
 622 hair waxing, permanent and cold hair waving, hair relaxing, hair straightening, chemical
 623 application, reception, desk work, state law, board rules and regulations, and any other
 624 subjects related to barbering and sanitation; and

625 (6) All schools of barber II shall be required to teach the following courses: theory, hair
 626 and scalp treatments, shampooing and conditioning, shaving, hair cutting and styling,
 627 facial hair design, facial hair waxing, reception, desk work, state law, board rules and
 628 regulations, and any other subjects related to barbering and sanitation.

629 (d)(1) The board shall have the right to suspend or revoke the certificate, permit, or
 630 license of or to reprimand any such school of cosmetology, school of esthetics, school of
 631 hair design, school of nail care, school of ~~barbering~~ master barber, school of barber II, or
 632 instructor or teacher therein, for ~~the~~ a violation of this chapter.

633 (2) The board shall have the same power and authority as to sanitary conditions over
 634 schools as it has over beauty shops, beauty salons, ~~and~~ barber shops, and salon suites.

635 (e)(1) All teachers or instructors shall devote their entire time to instruction of students.
 636 Any individual desiring to teach or instruct in any school of cosmetology, school of
 637 esthetics, school of hair design, school of nail care, ~~or school of barbering~~ master barber,
 638 or school of barber II shall first file his or her application with the division director for
 639 a license, shall pay a fee in such amount as shall be set by the board by rules and
 640 regulations, and shall successfully pass both a written and a practical examination to
 641 become an instructor.

642 (2)(A) An individual desiring to teach at the master level shall satisfy the board that he
 643 or she:

644 (i) Holds a current master cosmetologist certificate of registration and is a high
 645 school graduate, has a general educational development (GED) diploma, or has a
 646 postsecondary education or college degree;

647 (ii) Has 750 hours of instructor training in cosmetology at a board approved school;
 648 and

649 (iii) Has one year of work experience as a master cosmetologist.

650 (B) An individual holding a current master cosmetologist certificate of registration at
 651 the master level who is a high school graduate, has a general educational development
 652 (GED) diploma, or has a postsecondary education or college degree; who has
 653 completed the required board approved hours of continuing education; and who has
 654 board approved work experience as an instructor or in education may, at the board's
 655 discretion, be permitted to take the written and the practical ~~examination~~ examinations
 656 to become an instructor at the master level.

657 (3)(A) An individual desiring to teach at the hair designer level shall satisfy the board
 658 that he or she:

659 (i) Holds a current certificate of registration as a hair designer or master
 660 cosmetologist and is a high school graduate, has a general educational development
 661 (GED) diploma, or has a postsecondary education or college degree;

662 (ii) Has 750 hours of board approved instructor training in hair design of at least four
 663 months;

664 (iii) Has one year of work experience as a hair designer or master cosmetologist; and

665 (iv) Has passed both a written and a practical examination to become an instructor
 666 in hair design.

667 (B) An individual holding a current certificate of registration as a hair designer or
 668 master cosmetologist who is a high school graduate, has a general educational
 669 development (GED) diploma, or has a postsecondary education or college degree; who
 670 has completed the required board approved hours of continuing education; and who has
 671 board approved work experience as an instructor or in education may, at the board's

672 discretion, be permitted to take the written and the practical examinations to become
673 an instructor at the hair designer level.

674 ~~(3)~~(4)(A) An individual desiring to teach at the esthetician level shall satisfy the board
675 that he or she:

676 (i) Holds a current certificate of registration as an esthetician or master cosmetologist
677 and is a high school graduate, has a general educational development (GED) diploma,
678 or has a postsecondary education or college degree;

679 (ii) Has 500 hours of board approved instructor training in esthetics of at least nine
680 months;

681 (iii) Has one year of work experience as an esthetician or master cosmetologist; and

682 (iv) Has passed both a written and a practical examination to become an instructor
683 in esthetics.

684 (B) An individual holding a current cosmetology certificate of registration as an
685 esthetician or master cosmetologist who is a high school graduate, has a general
686 educational development (GED) diploma, or has a postsecondary education or college
687 degree; who has completed the required board approved hours of continuing education;
688 and who has board approved work experience as an instructor or in education may, at
689 the board's discretion, be permitted to take the written and the practical ~~examination~~
690 examinations to become an instructor at the esthetician level.

691 ~~(4)~~(5)(A) An individual desiring to teach at the nail technician level shall satisfy the
692 board that he or she:

693 (i) Holds a current certificate of registration as a nail technician or master
694 cosmetologist and is a high school graduate, has a general educational development
695 (GED) diploma, or has a postsecondary education or college degree;

696 (ii) Has 250 hours of board approved instructor training in nail care of at least four
697 months;

698 (iii) Has one year of work experience as a nail technician or master cosmetologist;
699 and

700 (iv) Has passed both a written and a practical examination to become an instructor
701 in nail care.

702 (B) An individual holding a current certificate of registration as a nail technician or
703 master cosmetologist who is a high school graduate, has a general educational
704 development (GED) diploma, or has a postsecondary education or college degree; who
705 has completed the required board approved hours of continuing education; and who has
706 board approved work experience as an instructor or in education may, at the board's
707 discretion, be permitted to take the written and the practical ~~examination~~ examinations
708 to become an instructor at the nail technician level.

709 ~~(5)(6)(A)~~ An individual desiring to teach barbering at the master barber level shall
 710 satisfy the board that he or she:

711 (i) Holds a current certificate of registration as a master barber and is a high school
 712 graduate, has a general educational development (GED) diploma, or has a
 713 postsecondary education or college degree;

714 (ii) Has 750 hours of board approved instructor training in barbering master barber;
 715 and

716 (iii) Has passed both a written and a practical examination to become an instructor
 717 in barbering master barber.

718 (B) An individual holding a current certificate of registration as a master barber who
 719 is a high school graduate, has a general educational development (GED) diploma, or
 720 has a postsecondary education or college degree; who has completed the required board
 721 approved hours of continuing education; and who has board approved work experience
 722 as an instructor or in education may, at the board's discretion, be permitted to take the
 723 written and the practical examinations to become an instructor for barbering at the
 724 master barber level.

725 ~~(6)(A)~~ An individual desiring to teach at the hair designer level shall satisfy the board
 726 that he or she:

727 ~~(i)~~ Holds a current certificate of registration as a hair designer or master
 728 cosmetologist and is a high school graduate, has a general educational development
 729 ~~(GED)~~ diploma, or has a postsecondary education or college degree;

730 ~~(ii)~~ Has 750 hours of board approved instructor training in hair design of at least four
 731 months;

732 ~~(iii)~~ Has one year of work experience as a hair designer or master cosmetologist; and

733 ~~(iv)~~ Has passed both a written and a practical examination to become an instructor
 734 in hair design.

735 ~~(B)~~ An individual holding a current certificate of registration as a hair designer or
 736 master cosmetologist who is a high school graduate, has a general educational
 737 development ~~(GED)~~ diploma, or has a postsecondary education or college degree; who
 738 has completed the required board approved hours of continuing education; and has
 739 board approved work experience as an instructor or in education may, at the board's
 740 discretion, be permitted to take the written and the practical examinations to become
 741 an instructor at the hair designer level.

742 (7)(A) An individual desiring to teach at the barber II level shall satisfy the board that
 743 he or she:

744 (i) Holds a current certificate of registration as a barber II and is a high school
 745 graduate, has a general educational development (GED) diploma, or has a
 746 postsecondary education or college degree;

747 (ii) Has 750 hours of board approved instructor training in barber II; and

748 (iii) Has passed both a written and a practical examination to become an instructor
 749 in barber II.

750 (B) An individual holding a current certificate of registration as a barber II who is a
 751 high school graduate, has a general educational development (GED) diploma, or has a
 752 postsecondary education or college degree; who has completed the required board
 753 approved hours of continuing education; and who has board approved work experience
 754 as an instructor or in education may, at the board's discretion, be permitted to take the
 755 written and the practical examinations to become an instructor at the barber II level.

756 ~~(7)~~(8) Any teacher or instructor shall renew his or her certificate of registration to teach
 757 in accordance with the rules and regulations of the division director governing expiration
 758 dates of certificates of registration by remitting with his or her application a renewal fee
 759 in such amount as shall be set by the board by regulation; provided, however, that any
 760 teacher or instructor who fails to renew his or her certificate of registration to practice as
 761 a cosmetologist, esthetician, or hair designer, nail technician, master barber, or barber II
 762 on or before the date established by the board by regulation shall automatically have his
 763 or her certificate of registration to teach or instruct suspended. A person failing to renew
 764 his or her certificate of registration of a teacher or instructor at the end of the late renewal
 765 period following the expiration date shall be required to pay a reinstatement fee.

766 ~~(8)~~(9) Nothing in this Code section shall be construed as preventing an individual from
 767 obtaining a certificate of registration as teacher or instructor who is certified by the
 768 Department of Education to teach cosmetology in the state public schools. The
 769 certification shall be limited to those individuals who hold a current certificate of
 770 registration as a master cosmetologist and also hold a diploma or certificate of 1,500
 771 credit hours from a board approved school and have completed the three-year teachers
 772 training program required by the Department of Education. Such persons shall also pass
 773 both a written and a practical examination satisfactory to the board and, upon passage
 774 thereof, shall receive a certificate of registration to teach cosmetology.

775 (f) All teachers or instructors of cosmetology at all levels seeking renewal of certificates
 776 of registration are required to submit to the board proof of completion of 15 hours of
 777 continuing education in the cosmetology profession approved by the board at least half of
 778 which consists of instruction in teaching methods.

779 43-10-13.

780 (a) The board shall have the right to set a course of study for all students of the schools of
781 cosmetology, schools of hair design, schools of esthetics, schools of nail care, and schools
782 of ~~barbering~~ master barber, and schools of barber II within this state.

783 (b) Before a student shall be eligible to take the ~~examination~~ examinations provided for
784 in Code Section 43-10-9, he or she shall first file with his or her application for
785 examination a transcript showing the number of hours and courses completed from the
786 school, ~~or shop,~~ or suite attended by the student.

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

791 43-10-14.

792 (a) Nothing in this chapter shall prohibit any individual at least 16 years of age from
793 learning the occupation of a cosmetologist under a master cosmetologist, provided that
794 such cosmetologist has had at least 36 months' experience and has held a certificate of
795 registration as a master cosmetologist for at least 36 months. In addition, nothing in this
796 chapter shall prohibit any individual at least 16 years of age from learning the occupation
797 of a cosmetologist under an instructor in a school of cosmetology who has been a
798 cosmetologist for a period of at least one year and has registered under this chapter.
799 Nothing in this chapter shall prohibit any individual at least 16 years of age from learning
800 the occupation of hair designer under a cosmetologist holding a master cosmetologist
801 certificate of registration or a certificate of registration as a hair designer, provided that
802 such cosmetologist has had at least 36 months' experience or, under an instructor in a
803 school of cosmetology or school of hair design who has held a certificate of registration as
804 a cosmetologist for a period of at least one year, is qualified to teach such practices and has
805 registered under this chapter. Nothing in this chapter shall prohibit any individual at least
806 16 years of age from learning the occupation of esthetics under a cosmetologist holding a
807 master cosmetologist certificate of registration or a certificate of registration as an
808 esthetician, provided that such cosmetologist has had at least 36 months' experience or,
809 under an instructor in a school of cosmetology or school of esthetics who has held a
810 certificate of registration as a cosmetologist for a period of at least one year, is qualified
811 to teach said practices and has registered under this chapter. Nothing in this chapter shall
812 prohibit any individual at least 16 years of age from learning the occupation of a nail
813 technician under a cosmetologist holding a master cosmetologist certificate of registration
814 or a nail technician certificate of registration, provided that such cosmetologist has had at

815 least 36 months' experience or, under an instructor in a school of cosmetology or school
816 of nail care who has held a certificate of registration as a cosmetologist for a period of at
817 least one year, is qualified to teach such practices and has registered under this chapter.
818 Nothing in this chapter shall prohibit any individual at least 16 years of age from learning
819 barbering under a barber holding a master barber certificate of registration, provided that
820 such master barber has had at least 18 months' experience or under an instructor in a school
821 of ~~barbering~~ master barber who has held a certificate of registration as a master barber for
822 a period ~~for~~ of at least one year, is qualified to teach said practices, and has registered under
823 this chapter. Nothing in this chapter shall prohibit any individual at least 16 years of age
824 from learning barbering under a barber holding a barber II certificate of registration,
825 provided that such barber II has had at least 18 months' experience or under an instructor
826 in a school of barber II who has held a certificate of registration as a barber II for a period
827 of at least one year, is qualified to teach said practices, and has registered under this
828 chapter.

829 (b) Every beauty shop, beauty salon, ~~and barber shop,~~ and salon suite owner shall have the
830 responsibility for registering apprentices with the division director. The shop, ~~of salon,~~ or
831 suite owner shall file a statement in writing, showing the apprentice's name and the address
832 of the shop. The board shall have the authority to require the shop, ~~or salon,~~ or suite owner
833 or master cosmetologist, hair designer, esthetician, nail technician, ~~or master barber,~~ or
834 barber II who is supervising the apprentice to furnish to the board the number of hours
835 completed by the apprentice. The shop, ~~or salon,~~ or suite owner shall remit to the division
836 director a fee in such amount as shall be set by the board by regulation for the registration
837 of the apprentice. The apprentice shall receive a certificate of registration showing the
838 capacity in which he or she is permitted to practice barbering or the occupation of a
839 cosmetologist. The certificate of registration shall be effective for a period of four years.
840 A certificate of registration authorizing a person to learn barbering or the occupation of a
841 cosmetologist under a cosmetologist, master cosmetologist, hair designer, esthetician, nail
842 technician, ~~or master barber,~~ or barber II shall not be renewed; and, upon the expiration of
843 certificate of registration issued, such person shall not be permitted to practice in any
844 capacity.

845 (c) Notwithstanding any other provisions of this Code section, the board shall be
846 authorized to waive any education requirements under this Code section in cases of
847 hardship, disability, or illness or under such other circumstances as the board deems
848 appropriate with respect to any applicant who was enrolled in a board approved school or
849 had completed a board approved study course.

850 43-10-15.

851 (a) The board, acting upon its own knowledge or written or verified complaint filed by any
 852 person, shall have the power to reprimand or power to suspend, revoke, or cancel the
 853 certificate of registration of or refuse to grant, renew, or restore a certificate of registration
 854 to a holder of any certificate of registration issued pursuant to this chapter upon proof of
 855 any one of the following grounds:

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

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

861 (3) Practicing barbering or the occupation of a cosmetologist under a false or assumed
 862 name;

863 (4) Willfully permitting an unlicensed person to practice, learn, or teach barbering or the
 864 occupation of a cosmetologist;

865 (5) Knowingly performing any cosmetology or barbering services in an unlicensed
 866 facility;

867 ~~(5)~~(6) Knowingly performing an act which in any way assists an unlicensed person to
 868 practice, learn, or teach barbering or the occupation of a cosmetologist; or

869 ~~(6)~~(7) Violating, directly or indirectly, or assisting in the violation of this chapter or any
 870 rule or regulation of the board.

871 (b) The board may impose a fine not to exceed \$500.00 for each violation of any provision
 872 of subsection (a) of this Code section; provided, however, that the board shall not, for any
 873 violation of paragraph ~~(6)~~ (7) of subsection (a) of this Code section on grounds not set forth
 874 in paragraphs (1) through ~~(5)~~ (6) of such subsection, impose a fine for the first violation in
 875 an amount that exceeds ~~\$25.00~~ \$50.00, impose a fine for a second violation in an amount
 876 that exceeds ~~\$75.00~~ \$150.00, or impose a fine for each subsequent violation in an amount
 877 that exceeds \$300.00. Such fines shall be listed in a schedule contained in the rules and
 878 regulations of the board. The licensee shall pay the fine within 30 days after receiving a
 879 citation from either the board or a representative of the board unless the licensee requests
 880 in writing a hearing. Such request for a hearing must be received by the board within 30
 881 days after receipt of the citation from the board or a representative of the board. Such
 882 hearings may be held by the board or a committee of the board. Decisions of a committee
 883 of the board entered pursuant to this subsection shall be final decisions of the board.
 884 Failure either to pay the fine or request a hearing may result in immediate suspension of
 885 the license pending a hearing to determine whether revocation or other disciplinary action
 886 should be imposed on the licensee.

887 (c) The board, for good cause shown and under such conditions as it may prescribe, may
 888 restore a certificate of registration to any person, beauty shop, beauty salon, barber shop,
 889 ~~or salon suite~~, school of cosmetology, school of hair design, school of esthetics, school of
 890 nail care, ~~or school of barbering~~ master barber, or school of barber II whose certificate of
 891 registration has been suspended, revoked, or canceled.

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

894 43-10-16.

895 The board may bring an action to enjoin any person from engaging in barbering or the
 896 practice or the occupation of a cosmetologist, hair designer, esthetician, nail technician,
 897 master barber, or barber II if such person without being licensed to do so by the board
 898 engages in or practices barbering or the practice or occupation of a cosmetologist, hair
 899 designer, esthetician, nail technician, master barber, or barber II. The action shall be
 900 brought in the county in which such individual resides or, in the case of a firm or
 901 corporation, where the firm or corporation maintains its principal office; and, unless it
 902 appears that such person so engaging or practicing in barbering or the practice or
 903 occupation of a cosmetologist, hair designer, esthetician, nail technician, master barber, or
 904 barber II is licensed, the injunction shall be issued, and such person shall be perpetually
 905 enjoined from engaging or practicing in such activities throughout the state. It shall not be
 906 necessary in order to obtain the equitable relief provided in this Code section for the board
 907 to allege and prove that there is no adequate remedy at law. It is declared that the
 908 unlicensed activities referred to in this Code section are a menace and a nuisance dangerous
 909 to the public health, safety, and welfare.

910 43-10-17.

911 Notwithstanding any other provision of this chapter, a beauty shop, beauty salon, ~~and~~
 912 barber shop, and salon suite shall be authorized to employ persons to wash, shampoo,
 913 comb, and brush hair, and such persons shall not be required to be registered by the board;
 914 provided, however, that such persons shall not be permitted to apply or remove chemicals.

915 43-10-18.

916 (a) Nothing contained in this chapter nor any rule or regulation adopted in implementation
 917 hereof shall be construed to prohibit any person from operating a beauty shop, beauty
 918 salon, ~~or barber shop~~, or salon suite within his or her home or residence, provided that such
 919 shop, salon, or suite meets and complies with all of the provisions of this chapter and the
 920 rules and regulations promulgated by the board.

921 ~~(b) It shall not be necessary for any person operating a beauty shop, beauty salon, or barber~~
 922 ~~shop in a private home to post a sign denoting same to be a beauty shop, beauty salon, or~~
 923 ~~barber shop unless the person elects to do so.~~

924 ~~43-10-18.1.~~

925 ~~Reserved.~~

926 ~~43-10-18.2.~~ 43-10-19.

927 Notwithstanding any other provision of this chapter, premises made available for a beauty
 928 shop, beauty salon, ~~or~~ barber shop, or salon suite within a facility licensed as a nursing
 929 home pursuant to Article 1 of Chapter 7 of Title 31 shall not be required to be licensed or
 930 registered as a beauty shop, beauty salon, ~~or~~ barber shop, or salon suite under this chapter,
 931 or otherwise be subject to any provisions of this chapter except for inspections,
 932 investigations, or both, for alleged violations of this chapter by any person licensed under
 933 this chapter, if barbering or cosmetologist services in such premises are rendered only to
 934 residents of the nursing home.

935 ~~43-10-18.3.~~ 43-10-20.

936 (a) Notwithstanding any other provision of this chapter, barbering or cosmetologist
 937 services may be performed by a registered cosmetologist, master barber, or barber II in a
 938 client's residence, a nursing home, an assisted living community a personal care home, a
 939 hospital, or similar facilities when the client for reasons of ill health, infirmity, or other
 940 physical disability is unable to go to the licensed beauty shop, salon, ~~or~~ barber shop, or
 941 salon suite for regular barbering or cosmetologist services.

942 (b) The board is authorized to adopt reasonable rules and regulations prescribing
 943 requirements and conditions for the performance of the services authorized in
 944 subsection (a) of this Code section.

945 ~~43-10-19.~~ 43-10-21.

946 (a) If any individual not lawfully entitled to a license under this chapter shall practice the
 947 occupation of a cosmetologist, hair designer, esthetician, nail technician, master barber, or
 948 barber II; or if any such individual shall endeavor to learn the trade of a cosmetologist, hair
 949 designer, esthetician, nail technician, master barber, or barber II by practicing the same
 950 under the instructions of a cosmetologist, hair designer, esthetician, nail technician, master
 951 barber, barber II, or other individual, other than as provided in this chapter; or if any such
 952 person shall instruct or attempt to instruct any individual in such trade; or if any proprietor
 953 of or person in control of or operating any beauty shop, beauty salon, barber shop, salon

954 suite, school of cosmetology, school of hair design, school of esthetics, school of nail care,
 955 ~~or school of barbering master barber, or school of barber II~~ shall knowingly employ for the
 956 purpose of practicing such occupation any cosmetologist, hair designer, esthetician, nail
 957 technician, master barber, or barber II not licensed under this chapter; or if any person,
 958 beauty shop, beauty salon, barber shop, salon suite, school of cosmetology, school of hair
 959 design, school of esthetics, school of nail care, ~~or school of barbering master barber, or~~
 960 school of barber II shall engage in any of the acts covered in this chapter though not
 961 licensed under the provisions of this chapter; or if any individual shall falsely or
 962 fraudulently pretend to be qualified under this chapter to practice or learn such trade or
 963 occupation; or if any person shall violate any provision of this chapter for which a penalty
 964 is not specifically provided, such person shall be guilty of a misdemeanor.

965 (b) Any person who operates or manages a beauty shop, salon, barber shop, ~~or salon suite,~~
 966 school of cosmetology, school of hair design, school of esthetics, school of nail care, ~~or~~
 967 school of barbering master barber, or school of barber II that employs an individual who
 968 does not possess a license as provided in this chapter shall be guilty of a misdemeanor.

969 ~~43-10-20:~~ 43-10-22.

970 (a) For the purposes of this chapter, the teachers and instructors of and courses of
 971 instruction or training in barbering or the practice of a cosmetologist operated by the
 972 Department of Corrections shall be considered to be subject to the same standards and to
 973 be part of the cosmetologist programs that are approved by the Technical College System
 974 of Georgia or the Department of Education as provided for by paragraphs ~~(14)~~ (16) through
 975 ~~(18)~~ (21) of Code Section 43-10-1 and paragraph ~~(8)~~ (9) of subsection (e) of Code Section
 976 43-10-12.

977 (b) The board shall be required to test an inmate who is an applicant for a certificate or
 978 registration under this chapter who has completed successfully a ~~barber~~ barbering or
 979 cosmetologist training program operated by the Department of Corrections and who meets
 980 the requirements stated in Code Section 43-10-9. If such inmate passes the applicable
 981 written and practical examinations, the board may issue the appropriate certificate of
 982 registration to such inmate after consideration of all requirements under Code Sections
 983 43-10-9 and 43-1-19; provided, however, that the board shall not apply the provisions of
 984 paragraph (4) of subsection (a) of Code Section 43-1-19 to such inmate based solely upon
 985 such person's status as an inmate and shall apply such provisions in the same manner as
 986 would otherwise be applicable to an applicant who is not an inmate."

987

SECTION 2.

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