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THIS SUPPLEMENT CONTAINS

Statutes:

All laws specifically codified by the General Assembly of the State of Georgia through the 2025 Regular Session of the General Assembly.

Annotations of Judicial Decisions:

Case annotations reflecting decisions posted to LexisNexis® through May 12, 2025. These annotations will appear in the following traditional reporter sources: Georgia Reports; Georgia Appeals Reports; Southeastern Reporter; Supreme Court Reporter; Federal Reporter; Federal Supplement; Federal Rules Decisions; Lawyers' Edition; United States Reports; and Bankruptcy Reporter.

Annotations of Attorney General Opinions:

Constructions of the Official Code of Georgia Annotated, prior Codes of Georgia, Georgia Laws, the Constitution of Georgia, and the Constitution of the United States by the Attorney General of the State of Georgia posted to LexisNexis® through May 12, 2025.

Other Annotations:

References to:

- Emory Bankruptcy Developments Journal.
- Emory International Law Review.
- Emory Law Journal.
- Georgia Journal of International and Comparative Law.
- Georgia Law Review.
- Georgia State University Law Review.
- John Marshall Law Review.
- Mercer Law Review.
- Georgia State Bar Journal.
- Georgia Journal of Intellectual Property Law.
- American Jurisprudence, Second Edition.
- American Jurisprudence, Pleading and Practice Forms Annotated.
- American Jurisprudence, Proof of Facts.
- American Jurisprudence, Trials.
- Corpus Juris Secundum.
- Uniform Laws Annotated.
- American Law Reports, First through Seventh Series.
- American Law Reports, Federal.

Tables:

In Volume 41, a Table Eleven-A comparing provisions of the 1976 Constitution of Georgia to the 1983 Constitution of Georgia and a Table Eleven-B comparing provisions of the 1983 Constitution of Georgia to the 1976 Constitution of Georgia.

An updated version of Table Fifteen which reflects legislation through the 2025 Regular Session of the General Assembly.

Indices:

A cumulative replacement index to laws codified in the 2025 supplement pamphlets and in the bound volumes of the Code.

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TITLE 43

PROFESSIONS AND BUSINESSES

VOLUME 30

VOLUME 30A

CHAPTER 1

GENERAL PROVISIONS

43-1-2. (Effective until July 1, 2026.) Appointment and general powers of division director; members and meetings of professional licensing boards; examination standards; roster of licensees; funding.

(a)(1) There is created within the office of the Secretary of State the professional licensing boards division as successor to the office of the joint-secretary of the state examining boards. The Secretary of State is authorized and directed to appoint a director of the professional licensing boards division.

(2) Any action of the joint-secretary taken with regard to any state examining board prior to July 1, 2000, shall thereafter be deemed to be action taken by the director of the professional licensing boards

division and that division director shall thereafter act in the stead of such joint-secretary and succeed to the powers and duties of the joint-secretary with regard to those state examining boards. The rights, privileges, entitlements, or duties of parties to contracts, leases, agreements, or other transactions entered into by the joint-secretary prior to July 1, 2000, shall continue to exist and shall not be impaired or diminished by reason of the succession of the division director to the powers and duties of the joint-secretary.

(b) The salary of the division director shall be fixed by the Secretary of State, and he or she shall hold office at the pleasure of the Secretary of State.

(c) The Secretary of State, notwithstanding any other provisions of law to the contrary, shall employ personnel as deemed necessary to carry out this chapter and to provide for all services required by each of the professional licensing boards and shall establish within the guidelines provided by the laws and rules and regulations of the State Personnel Board the qualifications of such personnel.

(d) The division director, with the approval of the Secretary of State, notwithstanding any other provisions of law to the contrary, shall enter into such contracts as are deemed necessary to carry out this chapter to provide for all services required by each of the professional licensing boards.

(e) The Secretary of State, notwithstanding any other provisions of law to the contrary, shall have the power to employ and shall set the qualifications and salary for a deputy division director and shall appoint executive directors as required who shall act in the absence of the division director and who shall perform such other functions of the division director under this chapter as the division director may designate. The deputy division director and executive directors as appointed shall be in the unclassified service and shall be excluded from the classified service as defined in Article 1 of Chapter 20 of Title 45.

(f) Notwithstanding any other provisions of law to the contrary, each member of the various professional licensing boards may receive the expense allowance as provided by subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of a personal car as that received by all other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier within the state. Any board member shall also be reimbursed for any conference or meeting registration fee incurred in the performance of his or her duties as a board member. For each day's service outside of the state as a board member, such member shall receive actual expenses as an expense allowance as well as the same mileage allowance for the use of a personal car as that received by other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier or by rental motor vehicle. Expense vouchers submitted by members of the various professional licensing boards are subject to approval of the president or chairperson of the respective board and the division director.

(g) All meetings and hearings of the respective professional licensing boards shall be held in the capitol, at the site of the office of the respective board, or at such other site as may be requested by the chairperson or president of a professional licensing board and approved by the division director.

(h) A majority of the appointed members of a professional licensing board shall constitute a quorum for the transaction of business by that board.

(h.1) Members of a professional licensing board shall serve until the expiration of the term for which they were appointed and until their successors have been appointed and qualified unless otherwise specified under the provisions of this title.

(i) A schedule of all meetings and hearings of the various professional licensing boards shall be maintained at the office of the division director and be available for public review.

(j) The division director may establish administrative standards for the examination of applicants for licensure by the various professional licensing boards, notwithstanding any other provisions of law to the contrary. These administrative standards may include the setting of date, time, and location of examinations, subject to the approval of the respective professional licensing boards. Notwithstanding any other provisions of law to the contrary, examination criteria, examination grading procedures, examination fees, examination passing score requirements, and other matters pertaining to the examination of applicants for licensure may be adopted by rules of the respective professional licensing boards as necessary to implement such examination standards. Examination standards, including examination criteria, grading procedures, and passing score requirements, developed in agreement or in conjunction with a national association of state boards or other related national association for the administration of a nationally recognized uniform examination may be adopted in lieu of state standards by the respective professional licensing boards.

(k) The division director shall prepare and maintain a roster containing the names and addresses of all current licensees for each of the various professional licensing boards. A copy of this roster, except for home addresses of licensees, shall be available to any person upon request at a fee prescribed by the division director sufficient to cover the cost of printing and distribution. The following shall be treated as confidential and need not be disclosed without the approval of the professional licensing board to which application is made:

(1) Applications and other personal information, including home addresses, submitted by applicants, except to the applicant, staff, and the board;

(2) Information, favorable or unfavorable, submitted by a reference source concerning an applicant, except to the staff and the board;

(3) Examination questions and other examination materials, except to the staff and the board; and

(4) The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in official board minutes.

(l) Funding for the office of the division director and the various professional licensing boards served by such office shall be contained in a common budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act."

History.

Ga. L. 1931, p. 7, §§ 89, 89A; Code 1933, §§ 84-101, 84-102; Ga. L. 1943, p. 370, § 1; Ga. L. 1955, p. 323, § 1; Ga. L. 1975, p. 412, § 1; Ga. L. 1977, p. 758, § 1; Ga. L. 1981, p. 1898, § 1; Ga. L. 1990, p. 1965, § 1; Ga. L. 2000, p. 1706, § 2; Ga. L. 2009, p. 745, § 1/SB 97; Ga. L. 2010, p. 266, §§ 6, 7/SB 195; Ga. L. 2012, p. 446, § 2-64/HB 642; Ga. L. 2021, p. 559, § 1/SB 32.

Delayed effective date.

Code Section 43-1-2 is set out twice in this Code. This version is effective until July 1, 2026. For version effective July 1, 2026, see the following version.

43-1-2. (Effective July 1, 2026.) Appointment and general powers of division director; members and meetings of professional licensing boards; examination standards; roster of licensees; funding.

(a)(1) There is created within the office of the Secretary of State the professional licensing boards division as successor to the office of the joint-secretary of the state examining boards. The Secretary of State is authorized and directed to appoint a director of the professional licensing boards division.

(2) Any action of the joint-secretary taken with regard to any state examining board prior to July 1, 2000, shall thereafter be deemed to be action taken by the director of the professional licensing boards division and that division director shall thereafter act in the stead of such joint-secretary and succeed to the powers and duties of the joint-secretary with regard to those state examining boards. The rights, privileges, entitlements, or duties of parties to contracts, leases, agreements, or other transactions entered into by the joint-secretary prior to July 1, 2000, shall continue to exist and shall not be impaired or diminished by reason of the succession of the division director to the powers and duties of the joint-secretary.

(b) The salary of the division director shall be fixed by the Secretary of State, and he or she shall hold office at the pleasure of the Secretary of State.

(c) The Secretary of State, notwithstanding any other provisions of law to the contrary, shall employ personnel as deemed necessary to carry out this chapter and to provide for all services required by each of the professional licensing boards and shall establish within the guidelines provided by the laws and rules and regulations of the State Personnel Board the qualifications of such personnel.

(d) The division director, with the approval of the Secretary of State, notwithstanding any other provisions of law to the contrary, shall enter into such contracts as are deemed necessary to carry out this chapter to provide for all services required by each of the professional licensing boards.

(e) The Secretary of State, notwithstanding any other provisions of law to the contrary, shall have the power to employ and shall set the qualifications and salary for a deputy division director and shall appoint executive directors as required who shall act in the absence of the division director and who shall perform such other functions of the division director under this chapter as the division director may designate. The deputy division director and executive directors as appointed shall be in the unclassified service and shall be excluded from the classified service as defined in Article 1 of Chapter 20 of Title 45.

(f) Notwithstanding any other provisions of law to the contrary, each member of the various professional licensing boards may receive the expense allowance as provided by subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of a personal car as that received by all other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier within the state. Any board member shall also be reimbursed for any conference or meeting registration fee incurred in the performance of his or her duties as a board member. For each day's service outside of the state as a board member, such member shall receive actual expenses as an expense allowance as well as the same mileage allowance for the use of a personal car as that received by other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier or by rental motor vehicle. Expense vouchers submitted by members of the various professional licensing boards are subject to approval of the president or chairperson of the respective board and the division director.

(g) All meetings and hearings of the respective professional licensing boards shall be held at the site of the office of the respective board or at such other site as may be requested by the chairperson or president of a professional licensing board and approved by the division director.

(h) A majority of the appointed members of a professional licensing board shall constitute a quorum for the transaction of business by that board.

(h.1) Members of a professional licensing board shall serve until the expiration of the term for which they were appointed and until their successors have been appointed and qualified unless otherwise specified under the provisions of this title.

(i) A schedule of all meetings and hearings of the various professional licensing boards shall be maintained at the office of the division director and be available for public review.

(j)(1) The division director may establish administrative standards for the examination of applicants for licensure by the various professional licensing boards, notwithstanding any other provisions of law to the contrary. These administrative standards may include the setting of date, time, and location of examinations, subject to the approval of the respective professional licensing boards. Notwithstanding any other provisions of law to the contrary, examination criteria, examination grading procedures, examination fees, examination passing score requirements, and other matters pertaining to the examination of applicants for licensure may be adopted by rules of the respective professional licensing boards as necessary to implement such examination standards. Examination standards, including examination criteria, grading procedures, and passing score requirements, developed in agreement or in conjunction with a national association of state boards or other related national association for the administration of a nationally recognized uniform examination may be adopted in lieu of state standards by the respective professional licensing boards.

(2)(A) Notwithstanding any other provision of this title to the contrary, whenever an applicant for the issuance of a license is required to obtain prior approval from a professional licensing board before such applicant is permitted to take an examination required in connection with such license, the division director shall be authorized to grant such approval on behalf of the applicable professional licensing board, provided that the division director is able to determine that the applicant has satisfied all other requirements that may be provided in this title or in the rules and regulations of the professional licensing board for such applicant to take such examination.

(B) Nothing in this paragraph shall prevent a professional licensing board from granting or denying its approval for any applicant seeking the issuance of a license to take an examination required in connection with such license, and such grant or denial of approval from a professional licensing board with respect to a particular applicant shall not be contradicted by the division director acting under the authorization provided in this paragraph.

(C) As used in this paragraph, the term "license" shall have the same meaning as set forth in Code Section 43-1-3.1.

(k) The division director shall prepare and maintain a roster containing the names and addresses of all current licensees for each of the various professional licensing boards as well as all persons, other than any person who fails to renew his or her license for a period of 45 days or less, who have been issued a public cease and desist order by a professional licensing board pursuant to Code Section 43-1-20.1 for engaging in the practice of a business or profession without a license. A copy of such roster for each professional licensing board, except for home addresses of licensees, shall be made available on the public website of the secretary of state and shall include, in one location, the names of licensees and persons issued cease and desist orders. A copy of the roster, except for home addresses of licensees, shall also be made available to any person upon request at a fee prescribed by the division director sufficient to cover the cost of printing and distribution. The following shall be treated as confidential and need not be disclosed without the approval of the professional licensing board to which application is made:

(1) Applications and other personal information, including home addresses, submitted by applicants, except to the applicant, staff, and the board;

(2) Information, favorable or unfavorable, submitted by a reference source concerning an applicant, except to the staff and the board;

(3) Examination questions and other examination materials, except to the staff and the board; and

(4) The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in official board minutes.

(l) Funding for the office of the division director and the various professional licensing boards served by such office shall be contained in a common budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act."

History.

Ga. L. 1931, p. 7, §§ 89, 89A; Code 1933, §§ 84-101, 84-102; Ga. L. 1943, p. 370, § 1; Ga. L. 1955, p. 323, § 1; Ga. L. 1975, p. 412, § 1; Ga. L. 1977, p. 758, § 1; Ga. L. 1981, p. 1898, § 1; Ga. L. 1990, p. 1965, § 1; Ga. L. 2000, p. 1706, § 2; Ga. L. 2009, p. 745, § 1/SB 97; Ga. L. 2010, p. 266, §§ 6, 7/SB 195; Ga. L. 2012, p. 446, § 2-64/HB 642; Ga. L. 2021, p. 559, § 1/SB 32; Ga. L. 2025, p. 307, § 1-1/HB 579, effective July 1, 2026.

Delayed effective date.

Code Section 43-1-2 is set out twice in this Code. This version is effective July 1, 2026. For version effective until July 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective July 1, 2026, deleted "in the capitol," following "shall be held," in subsection (g); designated the existing provisions of subsection (j) as paragraph (j)(1) and added paragraph (j)(2); and, in subsection (k), added "as well as all persons, other than any person who fails to renew his or her license for a period of 45 days or less, who have been issued a public cease and desist order by a professional licensing board pursuant to Code Section 43-1-20.1 for engaging in the practice of a business or profession without a license" at the end of the first sentence, and rewrote the second sentence, which read: "A copy of this roster, except for home addresses of licensees, shall be available to any person upon request at a fee prescribed by the division director sufficient to cover the cost of printing and distribution.".

43-1-3. (Effective until July 1, 2026.) Duties of division director; serving notice or process on boards through division director.

(a) It shall be the duty of the division director:

(1) To bring together and keep all records relating to the professional licensing boards;

(2) To receive all applications for licenses;

(3) With the consent of the board concerned, to schedule the time and place for examinations;

(4) To schedule the time and place for all hearings;

(5) To issue certificates upon authority of the professional licensing board concerned; and

(6) Except as otherwise provided by law, to collect all fees required by law in connection with the licensing of trades and professions under such boards and to remit the same to the state treasurer for deposit into the general fund of the state. Notwithstanding any other provision of law, the division director is authorized to retain all funds received as collection fees for use in defraying the cost of collection of fees required under this chapter; provided, however, that nothing in this Code section shall be construed so as to allow the division director to retain any funds required by the Constitution of Georgia to be paid into the state treasury; and provided, further, that the division director shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act," except Code Section 45-12-92, prior to expending any such funds.

(b) All orders and processes of the professional licensing boards shall be signed and attested by the division director, or his or her designee, in the name of the particular professional licensing board, with the seal of such board attached. Any notice or legal process necessary to be served upon any of the professional licensing boards may be served upon the division director.

History.

Ga. L. 1931, p. 7, § 89; Code 1933, § 84-101; Ga. L. 1937, p. 208, § 2; Ga. L. 1967, p. 294, § 1; Ga. L. 1984, p. 22, § 43; Ga. L. 1993, p. 1402, § 18; Ga. L. 1997, p. 677, § 1; Ga. L. 2000, p. 1706, § 3; Ga. L. 2008, p. 1112, § 1/HB 1055; Ga. L. 2010, p. 863, § 3/SB 296.

Delayed effective date.

Code Section 43-1-3 is set out twice in this Code. This version is effective until July 1, 2026. For version effective July 1, 2026, see the following version.

43-1-3. (Effective July 1, 2026.) Duties of division director; serving notice or process on boards through division director.

(a) It shall be the duty of the division director:

(1) To bring together and keep all records relating to the professional licensing boards;

(2) To receive all applications for licenses;

(3) To review and grant applications for the issuance, renewal, or reinstatement of licenses in accordance with the provisions of Code Section 43-1-3.1;

(4) With the consent of the board concerned, to schedule the time and place for examinations;

(5) To schedule the time and place for all hearings;

(6) To issue certificates upon authority of the professional licensing board concerned; and

(7) Except as otherwise provided by law, to collect all fees required by law in connection with the licensing of trades and professions under such boards and to remit the same to the state treasurer for deposit into the general fund of the state. Notwithstanding any other provision of law, the division director is authorized to retain all funds received as collection fees for use in defraying the cost of collection of fees required under this chapter; provided, however, that nothing in this Code section shall be construed so as to allow the division director to retain any funds required by the Constitution of Georgia to be paid into the state treasury; and provided, further, that the division director shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act," except Code Section 45-12-92, prior to expending any such funds.

(b) All orders and processes of the professional licensing boards shall be signed and attested by the division director, or his or her designee, in the name of the particular professional licensing board, with the seal of such board attached. Any notice or legal process necessary to be served upon any of the professional licensing boards may be served upon the division director.

History.

Ga. L. 1931, p. 7, § 89; Code 1933, § 84-101; Ga. L. 1937, p. 208, § 2; Ga. L. 1967, p. 294, § 1; Ga. L. 1984, p. 22, § 43; Ga. L. 1993, p. 1402, § 18; Ga. L. 1997, p. 677, § 1; Ga. L. 2000, p. 1706, § 3; Ga. L. 2008, p. 1112, § 1/HB 1055; Ga. L. 2010, p. 863, § 3/SB 296; Ga. L. 2025, p. 307, § 1-2/HB 579, effective July 1, 2026.

Delayed effective date.

Code Section 43-1-3 is set out twice in this Code. This version is effective July 1, 2026. For version effective until July 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective July 1, 2026, added paragraph (a)(3) and redesignated former paragraphs (a)(3) through (a)(6) as present paragraphs (a)(4) through (a)(7), respectively.

43-1-3.1. (Effective July 1, 2026.) Review of applications by the division director for the issuance, renewal, or reinstatement of a professional license; issuance, renewal, or reinstatement of a professional license by the division director on behalf of a professional licensing board; confirming the satisfaction of education requirements.

(a) As used in this Code section, the term "license" means any license, certificate, permit, registration, or other document that is issued by a professional licensing board and that is required under this title for a person to engage in the practice of a profession, business, or trade in this state. Such term shall include, without limitation, any expedited license, temporary license, special license, or license by endorsement that is issued by a professional licensing board under this title.

(b)(1) Notwithstanding any provision of this title to the contrary, the division director shall be authorized to review each application for the issuance, renewal, or reinstatement of a license and, upon determining that an application furnishes evidence that the applicant has achieved or satisfied all of the qualifications, attainments, and other conditions required for the issuance, renewal, or reinstatement of a particular license under the provisions of this title or under the rules and regulations promulgated pursuant to this title, shall be authorized, on behalf of the applicable professional licensing board, to issue the license to or renew or reinstate the license of the applicant.

(2) Whenever the division director reviews any application for the issuance, renewal, or reinstatement of a license pursuant to paragraph (1) of this subsection and cannot determine, based on such application, that the applicant has achieved or satisfied all of the

qualifications, attainments, and other conditions required for the issuance, renewal, or reinstatement of the license under the provisions of this title or under the rules and regulations promulgated pursuant to this title, the division director shall not take any action on the application and shall forward the application to the applicable professional licensing board who shall then review, consider, and either grant or deny the application in a timely manner.

(c) Nothing in this Code section shall prevent a professional licensing board from reviewing applications for the issuance, renewal, or reinstatement of a license that is issued by such professional licensing board and granting or denying such applications. Any such application which a professional licensing board has granted or denied shall not be reviewed or considered by the division director and, if the division director is in the process of reviewing or considering such application at the time the professional licensing board grants or denies such application, the division director shall cease his or her review of such application and shall not take any further action on the application.

(d) When it is necessary for the division director, in connection with his or her review of an application for the issuance, renewal, or reinstatement of a license under subsection (b) of this Code section, to determine whether the applicant has satisfied any postsecondary education requirements required for the issuance, renewal, or reinstatement of such license, the division director shall not be required to obtain official transcripts evidencing the satisfaction of such education requirements from the relevant postsecondary education institution, provided that the division director is able to obtain confirmation, through other reliable means, from the postsecondary education institution that such education requirements have been satisfied. Each postsecondary education institution in this state is encouraged to work with the division director to develop such alternative method of confirming the satisfaction of education requirements as provided in this title.

History.
Code 1981, § 43-1-3.1, enacted by Ga. L. 2025, p. 307, § 1-3/HB 579, effective July 1, 2026.

Effective date.
This Code section becomes effective July 1, 2026.

43-1-4. (Effective until July 1, 2026.) Expiration, renewal, and penalty dates of licenses and certificates; duration of validity; renewals.

(a) The division director shall determine the expiration, renewal, and penalty dates for each license and certificate issued by the professional licensing boards through the office of the division director which is subject to renewal. Before becoming effective, these expiration, renewal, and penalty dates must be approved by the respective professional licensing boards.

(b) Each license and certificate issued by the professional licensing boards through the office of the division director which are subject to renewal shall be valid for up to two years and shall be renewable biennially on the renewal date established by the division director, as approved by the respective professional licensing boards.

(c) The division director is authorized to adopt the necessary rules and regulations to implement the biennial renewal of licenses and certificates in such manner as to ensure that the number of renewals is reasonably evenly distributed throughout each two-year period.

History.
Code 1933, § 84-104, enacted by Ga. L. 1972, p. 505, § 1; Ga. L. 1973, p. 1481, § 1; Ga. L. 1981, p. 1898, § 2; Ga. L. 2000, p. 1706, § 19.

Delayed effective date.
Code Section 43-1-4 is set out twice in this Code. This version is effective until July 1, 2026. For version effective July 1, 2026, see the following version.

43-1-4. (Effective July 1, 2026.) Expiration, renewal, and penalty dates of licenses and certificates; duration of validity; renewals.

(a) The division director shall determine the expiration, renewal, and penalty dates for each license and certificate issued by the professional licensing boards through the office of the division director which is subject to renewal. Before becoming effective, these expiration, renewal, and penalty dates must be approved by the respective professional licensing boards.

(b) Notwithstanding any provision of this title to the contrary, each license and certificate issued by the professional licensing boards through the office of the division director which are subject to renewal shall be valid for up to two years and shall be renewable biennially on the renewal date established by the division director, as approved by the respective professional licensing boards. Any such license or certificate shall be renewable for up to 45 days after the expiration of such license or certificate, provided that the licensee or the certificate holder has satisfied all requirements and paid all fees relating to the renewal of such license or certificate as provided in this title or in the rules and regulations promulgated pursuant to this title.

(c) The division director is authorized to adopt the necessary rules and regulations to implement the biennial renewal of licenses and certificates in such manner as to ensure that the number of renewals is reasonably evenly distributed throughout each two-year period.

History.
Code 1933, § 84-104, enacted by Ga. L. 1972, p. 505, § 1; Ga. L. 1973, p. 1481, § 1; Ga. L. 1981, p. 1898, § 2; Ga. L. 2000, p. 1706, § 19; Ga. L. 2025, p. 307, § 1-4/HB 579, effective July 1, 2026.

Delayed effective date.
Code Section 43-1-4 is set out twice in this Code. This version is effective July 1, 2026. For version effective until July 1, 2026, see the preceding version.

Amendments.
The 2025 amendment, effective July 1, 2026, in subsection (b), substituted "Notwithstanding any provision of this title to the contrary, each" for "Each" at the beginning and added the last sentence.

43-1-4.1. Continuing education tracking solution.

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

(1) "License" means any document, permit, certificate of registration, or other authorization issued by or on behalf of a professional licensing board that is required for a person to engage in a profession, business, or trade.

(2) "Licensee" means any person who is required to be licensed or who is actually licensed by a professional licensing board.

(b) The office of the Secretary of State, on behalf of all professional licensing boards under its jurisdiction that require continuing education, shall establish a continuing education tracking solution to monitor compliance of licensees with applicable continuing education requirements and to determine whether a licensee is in full compliance with such requirements at the time of making application for license renewal. Such tracking solution may be an off-premises hosted software-as-a-service application accessible through a public website. The Secretary of State may contract with third parties to implement, integrate, or otherwise provide such tracking system.

(c) On and after January 1, 2026, a professional licensing board shall not renew a license until the applicant has complied with all applicable continuing education requirements as verified using the continuing education tracking solution required by subsection (b) of this Code section. Nothing in this subsection shall prohibit a professional licensing board from granting a waiver or imposing additional penalties as otherwise provided by law or by the rules or regulations of the applicable board for failure to comply with continuing education requirements.

(d) The professional licensing boards and the division director may adopt any rules and regulations necessary to implement this Code section.

History.
Code 1981, § 43-1-4.1, enacted by Ga. L. 2025, p. 359, § 2-1/SB 125, effective July 1, 2025.

Effective date.
This Code section became effective July 1, 2025.

43-1-17. (Effective until July 1, 2026.) Removal from office of member of a professional licensing board.

The Governor, after notice and opportunity for hearing, may remove from office any member of a professional licensing board for any of the following:

(1) Inability or neglect to perform the duties required of members;

(2) Incompetence; or

(3) Dishonest conduct.

History.
Code 1981, § 43-1-17, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 19.

Delayed effective date.
Code Section 43-1-17 is set out twice in this Code. This version is effective until July 1, 2026. For version effective July 1, 2026, see the following version.

43-1-17. (Effective July 1, 2026.) Removal from office of member of a professional licensing board.

The Governor may remove from office any member of a professional licensing board for any of the following:

(1) Inability or neglect to perform the duties required of members;

(2) Incompetence; or

(3) Dishonest conduct.

History.
Code 1981, § 43-1-17, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2025, p. 307, § 1-5/HB 579, effective July 1, 2026.

Delayed effective date.
Code Section 43-1-17 is set out twice in this Code. This version is effective July 1, 2026. For version effective until July 1, 2026, see the preceding version.

Amendments.
The 2025 amendment, effective July 1, 2026, deleted ", after notice and opportunity for hearing," following "Governor" in the introductory paragraph.

43-1-26. (Effective July 1, 2026.) Limitation on promulgation of rules and regulations by professional licensing boards.

Notwithstanding any provision of this title to the contrary, the power of each professional licensing board to promulgate rules and regulations as provided in this title shall be limited to the promulgation of rules and regulations that are designed to protect the health, safety, and welfare of the public regarding the particular profession, business, or trade that is regulated by such professional licensing board.

History.
Code 1981, § 43-1-26, enacted by Ga. L. 2025, p. 307, § 1-6/HB 579, effective July 1, 2026.

Effective date.

This Code section becomes effective July 1, 2026.

Editor's notes.

The former Code section, relating to exemption of credentialed persons from licensure, registration, or certification in the state in connection with the Olympic and Paralympic Games, was based on Ga. L. 1994, p. 480, § 1, and was repealed and reserved by Ga. L. 1994, p. 480, § 1, effective December 31, 1996. In 2008, the Code Commission also reserved this Code section pursuant to its authority under Code Section 28-9-5.

43-1-29. Suspension of license for nonpayment of student loans prohibited.

A professional licensing board shall not suspend the license of a person licensed by that board because he or she has been certified by 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.

History.

Code 1981, § 43-1-29, enacted by Ga. L. 2001, p. 1066, § 1; Ga. L. 2019, p. 462, § 1-12/SB 214; Ga. L. 2024, p. 120, § 2-35/HB 985, effective June 30, 2024.

Amendments.

The 2024 amendment, effective June 30, 2024, deleted "is a borrower in default under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or because he or she" following "she" in the middle of this Code section.

43-1-33. Advertisement, signage, and identifier requirements for health care practitioners.

(a) This Code section shall be known and may be cited as the "Consumer Information and Awareness Act."

(b) The General Assembly hereby finds and declares that:

(1) There are numerous professional degrees that include the term "doctor," such as Doctor of Medicine (M.D.); Doctor of Osteopathy (D.O.); Doctor of Osteopathic Medicine; Doctor of Dental Surgery (D.D.S.); Doctor of Dental Medicine (D.M.D.); Doctor of Podiatric Medicine (D.P.M.); Doctor of Optometry (O.D.); Doctor of Chiropractic (D.C.); registered professional nurses or advanced practice registered nurses (nurse practitioners, clinical nurse specialists, certified nurse midwives, and certified nurse anesthetists) with doctorate degrees (D.N.P., D.N.S., Ph.D., or Ed.D.); audiologists with doctorate degrees (A.U.D.); speech-language pathologists with doctorate degrees (S.L.P.D. or Ph.D.); and other designations, which may be used by health care practitioners; and

(2) Each health care professional receives education and training that qualifies them to provide general and specialized services respectively. This training is necessary to correctly detect, diagnose, prevent, and treat serious health conditions.

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

(1) "Advertisement" means any communication or statement, whether printed, electronic, verbal, or in any way disseminated to the general public or to other health care practitioners, that names a health care practitioner or the practice, profession, or institution in which the practitioner is employed, volunteers, or otherwise provides health care services.

(2) "Clinical setting" means any location, whether physical or virtual, in which a person is evaluated, diagnosed, counseled, or treated for any disease, defect, or injury.

(3) "Deceptive or misleading terms or false representations" includes, but is not limited to, the use of titles, terms, or other words that misstate, falsely describe, falsely hold out, falsely detail, or falsely imply the health care practitioner's:

(A) Profession;

(B) Skills;

(C) Training;

(D) Expertise;

(E) Educational degree;

(F) Board certification;

(G) Licensure;

(H) Work or services offered; or

(I) Medical field, if such practitioner is not a physician licensed pursuant to Article 2 of Chapter 34 of this title.

(4) "Health care practice or facility" means a hospital, physician practice setting, nursing home, assisted living community, or personal care home.

(5) "Health care practitioner" means a:

(A) Chiropractor licensed pursuant to Chapter 9 of this title;

(B) Professional counselor, social worker, or marriage and family therapist licensed pursuant to Chapter 10A of this title;

(C) Dentist licensed pursuant to Chapter 11 of this title;

(D) Dietitian licensed or registered pursuant to Chapter 11A of this title;

(E) Advanced practice registered nurse, including nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, and clinical nurse specialist; registered professional nurse; and licensed practical nurse, licensed or registered pursuant to Chapter 26 of this title;

(F) Occupational therapist licensed pursuant to Chapter 28 of this title;

(G) Optometrist licensed pursuant to Chapter 30 of this title;

(H) Physical therapist licensed pursuant to Chapter 33 of this title;

(I) Allopathic physician or osteopathic physician licensed pursuant to Chapter 34 of this title;

(J) Physician assistant licensed pursuant to Chapter 34 of this title;

(K) Acupuncturist licensed pursuant to Chapter 34 of this title;

(L) Podiatrist licensed pursuant to Chapter 35 of this title;

(M) Psychologist licensed pursuant to Chapter 39 of this title;

(N) Audiologist or speech-language pathologist licensed pursuant to Chapter 44 of this title;

(O) Pharmacist licensed pursuant to Chapter 4 of Title 26;

(P) Ophthalmic technician;

(Q) Medical assistant or certified nursing assistant; and

(R) Respiratory care professional certified pursuant to Article 6 of Chapter 34 of this title.

(6) "Medical or medical specialty title" means any title that originates from or is a derivation of specialty or subspecialty training or certification attained by a physician through completion of nationally accredited medical education culminating in a Doctor of Medicine or Doctor of Osteopathic Medicine degree; completion of a physician internship, residency, or fellowship training program; or any combination thereof.

(d)(1) An advertisement by a health care practitioner shall include the practitioner's name and disclose only the type of license under which the health care practitioner is authorized to provide services.

(2) An advertisement by a health care practitioner shall not:

(A) Include deceptive or misleading terms or false representations; or

(B) Include or reference medical or medical specialty titles, unless such health care practitioner is a physician licensed pursuant to Article 2 of Chapter 34 of this title.

(3) This subsection shall not be construed to require a health care practice or facility in which multiple health care practitioners are employed to list in an advertisement the name of every health care practitioner so employed by such practice or facility.

(d.1)(1) An advanced practice registered nurse shall verbally identify himself or herself as an advanced practice registered nurse during each patient interaction in a clinical setting. An advanced practice registered nurse who holds a doctorate degree and identifies himself or herself with the title "doctor" while in a clinical setting shall clearly state that he or she is not a medical doctor or physician.

(2) A physician assistant shall verbally identify himself or herself as a physician assistant during each patient interaction in a clinical setting. A physician assistant who holds a doctorate degree and identifies himself or herself with the title "doctor" while in a clinical setting shall clearly state that he or she is not a medical doctor or physician.

(3) No health care practitioner shall identify or refer to himself or herself in a clinical setting with:

(A) Deceptive or misleading terms or false representations; or

(B) Any medical or medical specialty titles, unless such health care practitioner is a physician licensed pursuant to Article 2 of Chapter 34 of this title.

(e)(1) A health care practitioner providing services in this state in a health care practice or facility shall conspicuously post and affirmatively communicate the practitioner's specific licensure to all current and prospective patients as follows:

(A)(i) The health care practitioner shall wear an identifier during all patient encounters that shall include:

(I) The health care practitioner's name; and

(II) The type of license or educational degree the health care practitioner holds.

(ii) The identifier shall be of sufficient size and be worn in a conspicuous manner so as to be visible and apparent. A lab coat or similar distinguishing clothing or uniform indicating the practitioner's specific licensure may be considered an identifier if such clothing or uniform meets the requirements of division (i) of this subparagraph.

(iii) An identifier shall not be required in an operating room or other setting where surgical or other invasive procedures are performed or in any other setting where maintaining a sterile environment is medically necessary.

(iv) An identifier shall not be required in any mental health setting where it would impede the psychotherapeutic relationship.

(v) If a safety or health risk to the health care practitioner or a patient would be created as a result of the practitioner wearing such identifier in a specified practice setting, an identifier shall not be required or may be modified by omitting or concealing the last name of the practitioner in accordance with the requirements of the health care practice or facility; and

(B) A health care practitioner in a health care practice or facility other than a hospital shall display in the reception area of such practice or facility a notice that clearly identifies the type of health care practitioners employed in such practice or facility and the right of a patient to inquire as to the type of license of the health care practitioner treating such patient. The notice shall be of sufficient size so as to be visible and apparent to all current and prospective patients.

(2) A health care practitioner who practices in more than one office shall place the identifier information conspicuously on such practitioner's website if he or she maintains a website.

(3) A health care practitioner who practices in a nonpatient care setting and who does not have any direct patient care interactions shall not be subject to the provisions of this subsection.

(4) A health care practice or facility which requires, as of the effective date of this Code section, its health care practitioners to wear an identification badge shall not be required to replace such badges to conform to the requirements of subparagraph (A) of paragraph (1) of this subsection.

(5) Except as otherwise provided by paragraph (6) of this subsection, this subsection shall only apply to health care practices and facilities where more than one type of health care practitioner interacts with patients in exam settings. This subsection shall not apply to health care practices or facilities in which only one type of health care practitioner practices.

(6) This subsection shall only apply to a dentist if such dentist is practicing in a hospital. This subsection shall only apply to a chiropractor or optometrist if such chiropractor or optometrist is practicing in a hospital, nursing home, assisted living community, or personal care home.

(f) A health care practitioner who intentionally violates any provision of this Code section may be subject to disciplinary action by the health care practitioner's professional licensing board. Notwithstanding the imposition of any sanction, the health care practitioner's professional licensing board may seek an injunction or other legal means as appropriate against such health care practitioner violating this Code section.

(g) A violation of this Code section shall not constitute a private cause of action.

(h) Nothing in this Code section shall be construed to prevent a health care practitioner from using any title or abbreviation which is statutorily authorized for such practitioner pursuant to his or her respective licensing statutes.

History.

Code 1981, § 43-1-33, enacted by Ga. L. 2015, p. 1309, § 1/HB 416; Ga. L. 2023, p. 360, § 2/SB 197, effective July 1, 2023; Ga. L. 2024, p. 1052, § 6(33)/SB 448, effective July 1, 2024.

Amendments.

The 2023 amendment, effective July 1, 2023, substituted "This Code section" for "This Act" at the beginning of subsection (a); inserted "Doctor of Osteopathic Medicine" near the beginning of paragraph (b)(1); rewrote subsections (c) and (d); and added subsections (d.1) and (h).

The 2024 amendment, effective July 1, 2024, part of an Act to revise, modernize, and correct the Code, substituted "certified nurse midwife, and clinical nurse specialist; registered professional nurse;" for "certified nurse midwife, clinical nurse specialist, registered professional nurse," in subparagraph (c)(5)(E).

Editor's notes.

Ga. L. 2023, p. 360, § 1/SB 197, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Health Care Practitioners Truth and Transparency Act.'"

43-1-34. Licenses for transitioning members of the armed forces.

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

(1) "License" means a document, permit, certificate of registration, or other authorization issued by or on behalf of a professional licensing board or other board that is required under this title for a person to engage in a profession, business, or trade.

(2) "Military" means the United States armed forces, including the National Guard.

(3) "Other board" means a board created pursuant to this title that is not a professional licensing board.

(4) "Other state" means a state of the United States and shall also include the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(5) "Service member" means an active or reserve member of the armed forces, including the National Guard.

(6) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(b) No later than July 1, 2017, each professional licensing board and other board shall adopt rules and regulations implementing a process by which transitioning service members may qualify for temporary licenses, licenses by endorsement, expedited licenses, or a combination thereof for each profession, business, or trade for which a license is issued. Such process may include the issuance of a license to an applicant based upon such applicant:

(1) Holding a license from another state for which the training, experience, and testing substantially meet or exceed the requirements under this state to obtain a license; and

(2) Obtaining a specialty, certification, training, or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.

(c) Any professional licensing board or other board created after June 30, 2016, shall adopt within one year of its creation the rules and regulations required by subsection (b) of this Code section.

(d)(1) The spouse of a service member or of a transitioning service member may, while such service member or transitioning service member is stationed in this state, engage in the practice of his or her occupation or profession, subject to the circumstances and limitations set forth in this Code section, without being licensed by the applicable professional licensing board or other board when:

(A) The spouse holds a current and valid license to practice a regulated occupation or profession issued by any other state;

(B) The spouse is in good standing in such other state of licensure;

(C) The spouse has filed an application for an expedited license by endorsement pursuant to subsection (b) of Code Section 43-1-35 along with all of the information and documents that show that such spouse meets the requirements of that subsection, including, but not limited to, the information and documents necessary for verification under Code Section 50-36-1 and the military orders of the service member or transitioning service member. Such application may be filed prior to the service member or transitioning service member being stationed in this state, provided that the military orders have been received;

(D) The spouse is hired by an in-state employer who may lawfully hire such spouse to engage in such occupation or profession; and

(E) Prior to hiring the spouse, the in-state employer verifies that such spouse maintains the out-of-state license in good standing and has filed an application for an expedited license by endorsement as required under subparagraph (C) of this paragraph.

(2)(A) If the spouse who otherwise meets the requirements of this Code section is not issued an expedited license by endorsement within 30 days of the spouse filing such application in accordance with subparagraph (C) of paragraph (1) of this subsection, then such spouse may continue to work for any in-state employer without being licensed for such occupation or profession by a professional licensing board or other board.

(B) If the spouse is denied an expedited license by endorsement under Code Section 43-1-35, such spouse shall no longer qualify under this subsection to engage in the practice of his or her occupation or profession in this state without being licensed by a professional licensing board or other board.

(3) The relevant professional licensing board or other board may, at its discretion, investigate any person exempted from licensure under this subsection and, in accordance with the license revocation procedures of such professional licensing board or other board used to revoke the license of a licensee, revoke any such person's exemption from licensure upon a determination that such person:

(A) Has violated any of the recognized standards of the regulated occupation or profession; or

(B) Knowingly made any misleading, deceptive, untrue, or fraudulent representations in seeking to qualify for such exemption or in filing any application with such professional licensing board or other board.

(4) Each professional licensing board and other board may adopt rules and regulations that may be necessary to implement and carry out the provisions of this subsection.

History.

Code 1981, § 43-1-34, enacted by Ga. L. 2016, p. 428, § 2/HB 821; Ga. L. 2020, p. 909, § 1/HB 914; Ga. L. 2024, p. 405, § 1/HB 880, effective January 1, 2025; Ga. L. 2025, p. 1029, § 43(1)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "set forth in this Code section," for "described herein," in paragraph (d)(1).

43-1-35. Expedited license by endorsement for spouses of active or transitioning members of the armed forces; license by endorsement for certain professions.

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

(1) "Firefighter" shall have the same meaning as provided in Code Section 45-9-81.

(2) "Healthcare provider" means any physician or other person licensed or otherwise authorized in this state to furnish healthcare services, including any dentist, podiatrist, optometrist, pharmacist, psychologist, licensed professional counselor, clinical social worker, registered professional nurse, advanced practice registered nurse, licensed practical nurse, registered optician, physical therapist, chiropractor, physician assistant, cardiac technician, emergency medical technician, or paramedic.

(3) "Law enforcement officer" shall have the same meaning as provided in Code Section 45-9-81.

(4) "License" shall have the same meaning as provided in Code Section 43-1-34.

(5) "Other board" shall have the same meaning as provided in Code Section 43-1-34.

(6) "Service member" shall have the same meaning as provided in Code Section 43-1-34.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(8) "Transitioning service member" shall have the same meaning as provided in Code Section 43-1-34.

(b) Notwithstanding any other provisions of law and except as otherwise provided in Code Section 43-1-34, a professional licensing board or other board shall issue an expedited license by endorsement to any individual who is a spouse of a service member or transitioning service member stationed within the State of Georgia who:

(1) Holds a current license to practice such occupation or profession issued by another state;

(2) Is in good standing in such other state and is not the subject of an investigation or a disciplinary proceeding being conducted by a professional licensing board or other board in such other state; and

(3) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the occupation or profession for which such expedited license by endorsement is being sought.

(c) Notwithstanding any other provisions of law, a professional licensing board or other board shall issue a license by endorsement to any individual seeking licensure for a profession other than that of a firefighter, healthcare provider, or law enforcement officer, provided that such individual:

(1) Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;

(2) Is in good standing in such other state and is not the subject of an investigation or a disciplinary proceeding being conducted by a professional licensing board or other board in such other state; and

(3) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such license by endorsement is being sought.

(d) Subsection (c) of this Code section shall not be used to grant a license by endorsement of a firefighter, healthcare provider, or law enforcement officer to any individual.

(e)(1) An expedited license by endorsement provided for in subsection (b) of this Code section shall be issued no later than 30 days from the date of receipt of an application and information and documents that show that all of the requirements of subsection (b) of this Code section have been met. An application for an expedited license by endorsement or a license by endorsement shall only require such information and documentation necessary to verify that the applicant meets the requirements set forth in subsection (b) or (c), respectively, of this Code section.

(2) Any individual issued an expedited license by endorsement under subsection (b) of this Code section shall comply with the scope of practice, the established standards, and the continuing education requirements for such licensed occupation or profession.

(f) Nothing contained in this Code section shall be construed to be applicable to a license or admission to practice law in this state.

(g) Nothing contained in this Code section shall be construed to invalidate, override, or amend any licensing compact entered into by the State of Georgia or to permit the issuance of a license without verification under Code Section 50-36-1.

History.

Code 1981, § 43-1-34.1, enacted by Ga. L. 2020, p. 909, § 2/HB 914; Code 1981, § 43-1-35, as redesignated in 2022; Ga. L. 2022, p. 98, § 1/HB 884; Ga. L. 2023, p. 100, § 1/HB 155, effective July 1, 2023; Ga. L. 2024, p. 405, § 2/HB 880, effective January 1, 2025; Ga. L. 2024, p. 578, §

3/SB 195, effective July 1, 2024; Ga. L. 2025, p. 1029, § 43(2)/SB 153, effective July 1, 2025.

Amendments.

The 2023 amendment, effective July 1, 2023, rewrote this Code section, which read: "(a) As used in this Code section, the term:

"(1) 'License' shall have the same meaning as provided in Code Section 43-1-34.

"(2) 'Other board' shall have the same meaning as provided in Code Section 43-1-34.

"(3) 'Service member' shall have the same meaning as provided in Code Section 43-1-34.

"(4) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"(5) 'Transitioning service member' shall have the same meaning as provided in Code Section 43-1-34.

"(b) Notwithstanding any other provisions of law, a professional licensing board or other board shall issue an expedited license by endorsement to any individual who:

"(1) Is a spouse of a service member or transitioning service member stationed within the State of Georgia;

"(2) Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;

"(3) Is in good standing in such other state; and

"(4) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such expedited license by endorsement is being sought.

"(c) An expedited license by endorsement shall be issued no later than 90 days from the date of receipt of an application and information and documents that show that all of the requirements of subsection (b) of this Code section have been met. Such application shall only require such information and documentation necessary to verify that the applicant meets the requirements set forth in subsection (b) of this Code section.

"(d) Nothing contained in this Code section shall be construed to invalidate, override, or amend any licensing compact entered into by the State of Georgia."

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, in subsection (c), substituted "or law" for "or a law" and "such individual" for "such individual has".

43-1-36. Limitation on reporting about healthcare professionals; admissibility of evidence or disclosure.

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

(1) "Healthcare professional" means a person licensed, registered, or certified by a licensing board or a student enrolled in a school of medicine, osteopathic medicine, nursing, or pharmacy.

(2) "Licensing board" means:

(A) Georgia Board of Nursing;

(B) Georgia Composite Medical Board; and

(C) State Board of Pharmacy.

(3) "Professional program" means a program created to address issues related to career fatigue and wellness in healthcare professionals that is established or contracted for by a state-wide associa-

tion, that is exempt from federal income taxes pursuant to Section 501(c)(6) of the Internal Revenue Code, and that primarily represents healthcare professionals licensed to practice medicine or osteopathic medicine in multiple specialties.

(b) No person or entity shall be obligated to report information regarding a healthcare professional who is a participant in a professional program to his or her respective licensing board unless the person or entity has determined that there is reasonable probability that such participant is not competent to continue in practice or is a danger to himself or herself or to the health and welfare of his or her patients or the public, unless such person or entity is otherwise under a duty to report such information.

(c) Every member of, or healthcare professional consultant to, any committee, board, group, commission, or other entity that functions primarily to review, evaluate, or make recommendations on a professional program shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his or her duties while serving as a member of or consultant to such committee, board, group, commission, or other entity. No active participant in a professional program shall be employed or engaged by such professional program or have a financial ownership interest in such professional program.

(d) The proceedings, minutes, records, reports, analyses, findings, conclusions, recommendations, and the deliberative process, including opinions and reports of a professional program, both oral and written, originating in or provided to such professional program, shall not be subject to discovery or introduction into evidence in any civil action, unless a court of competent jurisdiction, after a hearing in camera, determines that the evidence is not otherwise available and extraordinary circumstances exist such that the need for the evidence substantially outweighs the interest in protecting such evidence from disclosure and orders the disclosure of such proceedings, minutes, records, reports, or communications; provided, however that nothing in this subsection shall be construed as providing any privilege to any healthcare professional or healthcare facility or entity with respect to any factual information regarding specific patient healthcare or treatment, whether oral, electronic, or written. A person involved in the work of a professional program may not be questioned as a witness in a civil action regarding his or her knowledge of any factual information regarding specific patient healthcare or treatment by virtue of his or her involvement in the professional program. Exchange of information between professional programs shall not constitute a waiver of any privilege provided in this subsection.

History.
Code 1981, § 43-1-36, enacted by Ga. L. 2024, p. 480, § 1/HB 455, effective July 1, 2024.

Effective date.
This Code section became effective July 1, 2024.

CHAPTER 1A

OCCUPATIONAL REGULATION LEGISLATION REVIEW

43-1A-1 through 43-1A-9. [Reserved].

History.
Ga. L. 1986, p. 803, § 1; Ga. L. 1987, p. 3, § 43; Ga. L. 2009, p. 453, § 1-6/HB 228; Ga. L. 2010, p. 376, § 1/SB 149; Ga. L. 2011, p. 705, § 6-5/HB 214; Ga. L. 2013, p. 141, § 43/HB 79; Ga. L. 2015, p. 1088, §§ 27, 28/SB 148; repealed by Ga. L. 2023, p. 113, § 1/HB 76, effective May 1, 2023.

Editor's notes.
Ga. L. 2023, p. 113, § 1/HB 76, repealed and reserved the designation of this chapter, effective May 1, 2023.

CHAPTER 3

ACCOUNTANTS

43-3-1. (Effective until January 1, 2026.) Short title.

This chapter shall be known and may be cited as the "Public Accountancy Act of 2014."

History.

Code 1933, § 84-201, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 2014, p. 136, § 1-2/HB 291.

Delayed effective date.

Code Section 43-3-1 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-1. (Effective January 1, 2026.) Short title.

This chapter shall be known and may be cited as the "Public Accountancy Act of 2025."

History.

Code 1933, § 84-201, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2025, p. 296, § 1-1/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-1 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, substituted "2025" for "2014" at the end of this Code section.

43-3-9. (Effective until January 1, 2026.) Requirements for certificate of certified public accountant; disclosure of commissions from sale of insurance or financial products.

(a) As used in this Code section, the term "good moral character" means fiscal integrity and a lack of any history of acts involving dishonesty or moral turpitude.

(b) The certificate of certified public accountant shall be granted by the board to any individual:

(1) Who has attained the age of 18;

(2) Who is, in the opinion of the board, of good moral character;

(3) Who meets the following requirements of education and experience:

(A)(i) Presentation to the board of such evidence as it may require that the applicant has received a baccalaureate degree or completed the requirements therefor, conferred by a college or university accredited by a national or regional accrediting organization recognized by the board, with a concentration in accounting or what the board determines to be the substantial equivalent of an accounting concentration, or with a nonaccounting concentration supplemented by what the board determines to be the substantial equivalent of an accounting concentration, including related courses in other areas of business administration.

(ii) After January 1, 1998, any individual who has not previously sat for the uniform written examination for the certificate of certified public accountant must have completed a total of 150 semester hours or 225 quarter hours of college education, including a baccalaureate degree awarded by a college or university accredited by either a national or regional accrediting organization recognized by the board. The total educational program shall include an undergraduate accounting concentration as defined by the board or what the board determines to be the substantial equivalent of an undergraduate accounting concentration; and

(B) One year of continuous experience in the accounting field relevant to the practice of public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule or regulation; provided, however, that the board may promulgate rules or regulations stating certain circumstances which shall constitute acceptable breaks in the continuity of such experience; provided, further, that the board may accept, in lieu of such year of experience in public accounting, evidence satisfactory to it of one year of continuous employment in the accounting field in industry, business, government, or college teaching; any combination of employment in such fields; or any combination of employment in such fields and the practice of public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof; and provided, further, that any individual certificated as a certified public accountant under the laws of this state on July 1, 1977, shall be deemed to have the experience in the practice of public accountancy required by this subparagraph; and

(4) Who shall have passed an examination approved by the board in such related subjects as the board deems appropriate.

(c) If the board determines that an applicant lacks good moral character, the board may refuse to certify an applicant when it finds by a preponderance of the evidence that there is a substantial connection between the lack of good moral character of the applicant and the potential professional responsibilities of such applicant. When an applicant is found to be unqualified for a certificate because of lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board and a complete listing of the evidence upon which the determination was based, and the applicant may request a hearing on that determination.

(d) Any individual or firm who holds a license as a certified public accountant and who is engaged in the sale of insurance or financial products for which such individual or firm receives commissions shall disclose in writing to the client the fact that the individual or firm will receive commissions from the sale to the client of any such insurance or financial products; provided, however, that the individual or firm shall not be required to disclose the actual amount of such commissions.

History.

Ga. L. 1908, p. 86, § 1; Civil Code 1910, § 1995; Code 1933, § 84-201; Code 1933, §§ 84-207, 84-208, enacted by Ga. L. 1935, p. 85, §§ 7, 8; Ga. L. 1943, p. 363, § 2; Ga. L. 1965, p. 185, § 1; Ga. L. 1972, p. 508, § 1; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-6; Ga. L. 1983, p. 559, § 2; Ga. L. 1991, p. 371, § 1; Ga. L. 2002, p. 863, § 1; Ga. L. 2008, p. 1112, § 3/HB 1055; Code 1981, § 43-3-9, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 5/HB 246.

Delayed effective date.

Code Section 43-3-9 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-9. (Effective January 1, 2026.) Requirements for certificate of certified public accountant; disclosure of commissions from sale of insurance or financial products.

(a) As used in this Code section, the term “good moral character” means fiscal integrity and a lack of any history of acts involving dishonesty or moral turpitude.

(b) The certificate of certified public accountant shall be granted by the board to any individual:

(1) Who has attained the age of 18;

(2) Who is, in the opinion of the board, of good moral character;

(3) Who meets the requirements of education and experience described in any one of the following subparagraphs:

(A)(i) Presentation to the board of such evidence as it may require that the applicant has received a baccalaureate degree or completed the requirements therefor, conferred by a college or university accredited by a national or regional accrediting organization recognized by the board, by successfully completing at such college or university a program of study that consists of not fewer than 150 semester hours, or equivalent quarter credit hours, with a concentration in accounting or what the board determines to be comparable to an accounting concentration, or with a nonaccounting concentration supplemented by what the board determines to be comparable to an accounting concentration, including related courses in other areas of business administration; and

(ii) One year of continuous experience in the accounting field relevant to the practice of public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule or regulation; provided, however, that the board may promulgate rules or regulations stating certain circumstances which shall constitute acceptable breaks in the continuity of such experience; provided, further, that the board may accept, in lieu of such year of experience in public accounting, evidence satisfactory to it of one year of continuous employment in the accounting field in industry, business, government, or college teaching; any combination of employment in such fields; or any combination of employment in such fields and the practice of public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof;

(B)(i) Presentation to the board of such evidence as it may require that the applicant has received a master's degree or completed the requirements therefor, conferred by a college or university accredited by a national or regional accrediting organization recognized by the board, with a concentration in accounting or taxation or what the board determines to be comparable to an accounting or taxation concentration, or with a nonaccounting concentration supplemented by what the board determines to be comparable to an accounting or taxation concentration, including related courses in other areas of business administration; and

(ii) One year of continuous experience in the accounting field relevant to the practice of public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule or regulation; provided, however, that the board may promulgate rules or regulations stating certain circumstances which shall constitute acceptable breaks in the continuity of such experience; provided, further, that the board may accept, in lieu of such year of experience in public accounting, evidence satisfactory to it of one year of continuous employment in the accounting field in industry, business, government, or college teaching; any combination of employment in such fields; or any combination of employment in such fields and the practice of public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof; or

(C)(i) Presentation to the board of such evidence as it may require that the applicant has received a baccalaureate degree or completed the requirements therefor, conferred by a college or university accredited by a national or regional accrediting organization recognized by the board, with a concentration in accounting or what the board determines to be comparable to an accounting concentration, or with a nonaccounting concentration supplemented by what the board determines to be comparable to an accounting concentration, including related courses in other areas of business administration; and

(ii) Two years of continuous experience in the accounting field relevant to the practice of public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule or regulation; provided, however, that the board may promulgate rules or regulations stating certain circumstances which shall constitute acceptable breaks in the continuity of such experience; provided, further, that the board may accept, in lieu of such two years of experience in public accounting, evidence satisfactory to it of two years of continuous employment in the accounting field in industry, business, government, or college teaching; any combination of employment in such fields; or any combination of employment in such fields and the practice of public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof; and

(4) Who shall have passed an examination approved by the board in such related subjects as the board deems appropriate.

(c) If the board determines that an applicant lacks good moral character, the board may refuse to certify an applicant when it finds by a preponderance of the evidence that there is a substantial connection between the lack of good moral character of the applicant and the potential professional responsibilities of such applicant. When an applicant is found to be unqualified for a certificate because of lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board and a complete listing of the evidence upon which the determination was based, and the applicant may request a hearing on that determination.

(d) Any individual or firm who holds a license as a certified public accountant and who is engaged in the sale of insurance or financial products for which such individual or firm receives commissions shall disclose in writing to the client the fact that the individual or firm will receive commissions from the sale to the client of any such insurance or financial products; provided, however, that the individual or firm shall not be required to disclose the actual amount of such commissions.

History.
Ga. L. 1908, p. 86, § 1; Civil Code 1910, § 1995; Code 1933, § 84-201; Code 1933, §§ 84-207, 84-208, enacted by Ga. L. 1935, p. 85, §§ 7, 8; Ga. L. 1943, p. 363, § 2; Ga. L. 1965, p. 185, § 1; Ga. L. 1972, p. 508, § 1; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-6; Ga. L. 1983, p. 559, § 2; Ga. L. 1991, p. 371, § 1; Ga. L. 2002, p. 863, § 1; Ga. L. 2008, p. 1112, § 3/HB 1055; Code 1981, § 43-3-9, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 5/HB 246; Ga. L. 2025, p. 296, § 1-2/HB 148, effective January 1, 2026.

Delayed effective date.
Code Section 43-3-9 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.
The 2025 amendment, effective January 1, 2026, rewrote paragraph (b)(3).

43-3-10. (Effective until January 1, 2026.) Examinations for certified public accountants.

(a) The board may provide, by rule or regulation, for the general scope of the examination described in paragraph (4) of subsection (b) of Code Section 43-3-9. The board may approve the examination and obtain advice and assistance in providing for and grading such examination and the executive director, with approval of the board, may contract with third parties to perform administrative services with respect to the examination as he or she deems appropriate.

(b) As a prerequisite to sit for the examination, applicants shall meet the education requirements provided in division (b)(3)(A)(ii) of Code Section 43-3-9.

(c) An applicant for the certificate of certified public accountant who has successfully completed the examination provided for in paragraph (4) of subsection (b) of Code Section 43-3-9 shall not use the CPA title or hold himself or herself out as a certified public accountant until he or she has the requisite education and experience and has received his or her certificate and license as a certified public accountant.

(d) The board, by rule or regulation, may provide for granting a credit to any applicant for satisfactory completion of an examination in any one or more of the subjects provided for in paragraph (4) of subsection (b) of Code Section 43-3-9 given by the licensing authority in any other state. Such rules or regulations shall include such requirements as the board deems appropriate to ensure that any examination approved as a basis for any such credit, in the judgment of the board, shall be at least as thorough as the examination approved by the board at the time of the granting of such credit.

(e) The board, by rule or regulation, may prescribe the time and conditions under which an applicant may retain credit for a portion or portions of the examination provided for in paragraph (4) of subsection (b) of Code Section 43-3-9.

History.
Code 1933, § 84-205, enacted by Ga. L. 1935, p. 85, § 5; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-7; Ga. L. 1983, p. 559, § 3; Ga. L. 1989, p. 1098, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2002, p. 863, § 2; Code 1981, § 43-3-10, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291.

Delayed effective date.
Code Section 43-3-10 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-10. (Effective January 1, 2026.) Examinations for certified public accountants.

(a) The board may provide, by rule or regulation, for the general scope of the examination described in paragraph (4) of subsection (b) of Code Section 43-3-9. The board may approve the examination and obtain advice and assistance in providing for and grading such examination and the executive director, with approval of the board, may contract with third parties to perform administrative services with respect to the examination as he or she deems appropriate.

(b) Unless otherwise provided by rule or regulation of the board, as a prerequisite to sit for the examination, applicants shall meet the education requirements provided in division (b)(3)(A)(i), (b)(3)(B)(i), or (b)(3)(C)(i) of Code Section 43-3-9.

(c) An applicant for the certificate of certified public accountant who has successfully completed the examination provided for in paragraph (4) of subsection (b) of Code Section 43-3-9 shall not use the CPA title or hold himself or herself out as a certified public accountant until he or she has the requisite education and experience and has received his or her certificate and license as a certified public accountant.

(d) The board, by rule or regulation, may provide for granting a credit to any applicant for satisfactory completion of an examination in any one or more of the subjects provided for in paragraph (4) of subsection (b) of Code Section 43-3-9 given by the licensing authority in any other state. Such rules or regulations shall include such requirements as the board deems appropriate to ensure that any examination approved as a basis for any such credit, in the judgment of the board, shall be at least as thorough as the examination approved by the board at the time of the granting of such credit.

(e) The board, by rule or regulation, may prescribe the time and conditions under which an applicant may retain credit for a portion or portions of the examination provided for in paragraph (4) of subsection (b) of Code Section 43-3-9.

History.

Code 1933, § 84-205, enacted by Ga. L. 1935, p. 85, § 5; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-7; Ga. L. 1983, p. 559, § 3; Ga. L. 1989, p. 1098, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2002, p. 863, § 2; Code 1981, § 43-3-10, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2025, p. 296, § 1-3/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-10 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote subsection (b), which read: “As a prerequisite to sit for the examination, applicants shall meet the education requirements provided in division (b)(3)(A)(ii) of Code Section 43-3-9.”.

43-3-12. (Effective until January 1, 2026.) Reciprocity for certified public accountants.

The board, in its discretion, may waive the examination provided for in paragraph (4) of subsection (b) of Code Section 43-3-9 and may issue a certificate as a certified public accountant to any individual who possesses the qualifications specified in paragraphs (1) and (2) of subsection (b) of Code Section 43-3-9 and what the board determines to be the substantial equivalent of the qualifications under paragraph (3) of subsection (b) of Code Section 43-3-9 and who is a holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of any other state; provided, however, that the certificate held by such individual was issued by any other state after an examination which, in the judgment of the board, is the equivalent of the standard established by the board for examinations administered pursuant to paragraph (4) of subsection (b) of Code Section 43-3-9; and provided, further, that such privileges are extended to citizens of this state by any other state that originally granted the certificate. Notwithstanding the foregoing, the examination provided for in paragraph (4) of subsection (b) of Code Section 43-3-9 shall be waived by the board in the case of an applicant who has been engaged in public practice for a period of ten years in any other state pursuant to the authority of such state.

History.

Code 1933, § 84-209, enacted by Ga. L. 1935, p. 85, § 9; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-11; Ga. L. 1983, p. 559, § 6; Code 1981, § 43-3-12, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291.

Delayed effective date.

Code Section 43-3-12 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-12. (Effective January 1, 2026.) Reciprocity for certified public accountants.

The board, in its discretion, may waive the examination provided for in paragraph (4) of subsection (b) of Code Section 43-3-9 and may issue a certificate as a certified public accountant to any individual who possesses the qualifications specified in paragraphs (1) and (2) of subsection (b) of Code Section 43-3-9 and what the board determines to be comparable to the qualifications under paragraph (3) of subsection (b) of Code Section 43-3-9 and who is a holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of any other state; provided, however, that the certificate held by such individual was issued by any other state after an examination which, in the judgment of the board, is the equivalent of the standard established by the board for examinations administered pursuant to paragraph (4) of subsection (b) of Code Section 43-3-9; and provided, further, that such privileges are extended to citizens of this state by any other state that originally granted the certificate. Notwithstanding the foregoing, the examination provided for in paragraph (4) of subsection (b) of Code Section 43-3-9 may be waived by the board in the case of an applicant who has been engaged in public practice for a period of ten years in any other state pursuant to the authority of such state.

History.

Code 1933, § 84-209, enacted by Ga. L. 1935, p. 85, § 9; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-11; Ga. L. 1983, p. 559, § 6; Code 1981, § 43-3-12, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2025, p. 296, § 1-4/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-12 is set out twice in this Code. This version is effective

January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, substituted "be comparable to" for "be the substantial equivalent of" in the first sentence and substituted "may be waived" for "shall be waived" in the second sentence.

43-3-16. (Effective until January 1, 2026.) Licensure requirements for firms practicing public accountancy.

(a) The board shall grant or renew the license of a firm practicing public accountancy to firms that meet the following requirements:

(1)(A) Partners, members, or shareholders owning at least a simple majority of the financial interest and voting rights of the firm shall be certified public accountants of this state or any other state in good standing, except that such partners, members, or shareholders who are certified public accountants and whose office location designated by such partners, members, or shareholders who are certified public accountants for purposes of substantial equivalency and reciprocity is in this state and who perform accounting services in this state shall be required to hold a license from this state.

(B) An individual who has substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18 who performs services for which a firm licensure is required under paragraph (4) of subsection (b) of Code Section 43-3-18 shall not be required to obtain a certificate or license under this chapter;

(2) The firm shall be in compliance with all requirements and provisions of law governing the organizational form of the firm in any other state that is the firm's office location designation for purposes of substantial equivalency and reciprocity;

(3) The firm shall comply with all rules or regulations pertaining to firms licensed by the board;

(4) The resident manager, as such term is defined in the board's rules or regulations, of each office of the firm within this state in the practice of public accountancy shall be a certified public accountant of this state in good standing;

(5) Any firm that includes nonlicensee owners shall comply with the following rules:

(A) The firm shall designate the holder of a license in this state, or in the case of a firm which is required to be licensed pursuant to subparagraph (b) (1) (C) of this Code section, a licensee of any other state who meets the substantial equivalency practice privileges requirements set forth in subsection (b) of Code Section 43-3-18, who shall be responsible for the proper licensure of the firm and shall identify that individual to the board;

(B) All nonlicensee owners shall provide services or perform functions in the firm or the firm's affiliated entities; and

(C) The firm shall comply with such other requirements as the board may impose by rule or regulation;

(6) Any holder of a license in this state and any individual who qualifies for substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18 who is responsible for supervising attest or compilation services and signs or authorizes someone to sign the accountant's report on behalf of the firm shall meet the competency requirements set by the board for such services; and

(7) Any holder of a license in this state and any individual who qualifies for substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18 who signs or authorizes someone to sign the accountant's report on behalf of the firm shall meet the competency requirements set by the board.

(b)(1) The following firms shall be required to be licensed under this Code section:

(A) Any firm with a physical office in this state practicing public accountancy;

(B) Any firm with a physical office in this state that uses the title "CPA" or "CPA firm"; and

(C) Any firm that does not have a physical office in this state but performs any service described in subparagraph (A), (C), or (D) of paragraph (2) of Code Section 43-3-2 for a client that specifies a location in this state to which such service is directed.

(2) A firm that does not have a physical office in this state may perform services described in subparagraphs (B) and (E) of paragraph (2) or paragraph (4) of Code Section 43-3-2 for a client that specifies a location in this state to which any service described in subparagraph (A), (C), or (D) of paragraph (2) of Code Section 43-3-2 is directed and may use the title "CPA" or "CPA firm" without being licensed as provided in this Code section only if:

(A) It meets the qualifications described in paragraph (1) of subsection (a) of this Code section;

(B) It complies with the board's rules or regulations regarding peer review; and

(C) It performs such services through an individual with substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18.

(3) A firm that does not have a physical office in this state and that is not subject to the requirements of subparagraph (C) of paragraph (1) or paragraph (2) of this subsection may perform other professional services, as such services are defined in the board's rules or regulations, included in the practice of public accountancy while using the title "CPA" or "CPA firm" in this state without being licensed under this Code section only if:

(A) It performs such services through an individual with substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18; and

(B) It can lawfully perform such services in any other state where such individuals with substantial equivalency practice privileges have their office location designated by such individuals for purposes of substantial equivalency and reciprocity.

(c) Each firm required to be licensed under paragraph (1) of subsection (b) of this Code section shall be licensed biennially under this chapter with the board, provided that any firm for which such requirement becomes effective between biennial reporting periods shall become licensed with the board within 60 days. Such a firm shall be required to show that all attest and compilation services rendered in this state are under the supervision of an individual holding a license issued by the board or an individual with substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18. The board, by rule or regulation, shall prescribe the procedure to be followed in effecting such licensure and the information which shall be required to be provided regarding the firm and its practice.

(d) A licensed firm shall file written notice to the board, within 60 days after the occurrence of the opening of a new office or the closing or change of address of any of its offices in this state. Each such office shall be under the supervision of a resident manager who may be a partner, principal, shareholder, member, or a staff employee holding a license in this state.

(e) Neither the denial of a firm license under this Code section nor the denial of the renewal of a firm license under Code Section 43-3-17 shall be considered to be a contested case within the meaning of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Notice and hearing within the meaning of Chapter 13 of Title 50 shall not be required, but the applicant shall be allowed to appear before the board if he or she requests.

History.

Code 1933, § 84-207, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-21; Ga. L. 1993, p. 123, § 8; Ga. L. 1997, p. 1545, § 1; Ga. L. 2005, p. 1030, § 7/SB 55; Ga. L. 2008, p. 1112, § 4/HB 1055; Code

1981, § 43-3-16, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 7/HB 246.

Delayed effective date.

Code Section 43-3-16 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-16. (Effective January 1, 2026.) Licensure requirements for firms practicing public accountancy.

(a) The board shall grant or renew the license of a firm practicing public accountancy to firms that meet the following requirements:

(1)(A) Partners, members, or shareholders owning at least a simple majority of the financial interest and voting rights of the firm shall be certified public accountants of this state or any other state in good standing, except that such partners, members, or shareholders who are certified public accountants and whose office location designated by such partners, members, or shareholders who are certified public accountants for purposes of mobility practice privileges and reciprocity is in this state and who perform accounting services in this state shall be required to hold a license from this state.

(B) An individual who has mobility practice privileges under subsection (b) of Code Section 43-3-18 who performs services for which a firm licensure is required under paragraph (4) of subsection (b) of Code Section 43-3-18 shall not be required to obtain a certificate or license under this chapter;

(2) The firm shall be in compliance with all requirements and provisions of law governing the organizational form of the firm in any other state that is the firm's office location designation for purposes of mobility practice privileges and reciprocity;

(3) The firm shall comply with all rules or regulations pertaining to firms licensed by the board;

(4) The resident manager, as such term is defined in the board's rules or regulations, of each office of the firm within this state in the practice of public accountancy shall be a certified public accountant of this state in good standing;

(5) Any firm that includes nonlicensee owners shall comply with the following rules:

(A) The firm shall designate the holder of a license in this state, or in the case of a firm which is required to be licensed pursuant to subparagraph (b)(1)(C) of this Code section, a licensee of any other state who meets the mobility practice privileges requirements set forth in subsection (b) of Code Section 43-3-18, who shall be responsible for the proper licensure of the firm and shall identify that individual to the board;

(B) All nonlicensee owners shall provide services or perform functions in the firm or the firm's affiliated entities; and

(C) The firm shall comply with such other requirements as the board may impose by rule or regulation;

(6) Any holder of a license in this state and any individual who qualifies for mobility practice privileges under subsection (b) of Code Section 43-3-18 who is responsible for supervising attest or compilation services and signs or authorizes someone to sign the accountant's report on behalf of the firm shall meet the competency requirements set by the board for such services; and

(7) Any holder of a license in this state and any individual who qualifies for mobility practice privileges under subsection (b) of Code Section 43-3-18 who signs or authorizes someone to sign the accountant's report on behalf of the firm shall meet the competency requirements set by the board.

(b)(1) The following firms shall be required to be licensed under this Code section:

(A) Any firm with a physical office in this state practicing public accountancy;

(B) Any firm with a physical office in this state that uses the title "CPA" or "CPA firm"; and

(C) Any firm that does not have a physical office in this state but performs any service described in paragraph (2) or paragraph (4) of Code Section 43-3-2 for a client that specifies a location in this state to which such service is directed, unless such firm meets the requirements of paragraph (2) of this subsection.

(2) A firm that does not have a physical office in this state may perform services described in paragraph (2) or paragraph (4) of Code Section 43-3-2 for a client that specifies a location in this state to which such services are directed and may use the title "CPA" or "CPA firm" without being licensed as provided in this Code section only if:

(A) It meets the qualifications described in paragraph (1) of subsection (a) of this Code section;

(B) It complies with the board's rules or regulations regarding peer review; and

(C) It performs such services through an individual who is licensed in this state under Code Section 43-3-9 or who has mobility practice privileges under subsection (b) of Code Section 43-3-18.

(c) Each firm required to be licensed under paragraph (1) of subsection (b) of this Code section shall be licensed biennially under this chapter with the board, provided that any firm for which such requirement becomes effective between biennial reporting periods shall become licensed with the board within 60 days. Such a firm shall be required to show that all attest and compilation services rendered in this state are under the supervision of an individual holding a license issued by the board or an individual with mobility practice privileges under subsection (b) of Code Section 43-3-18. The board, by rule or regulation, shall prescribe the procedure to be followed in effecting such licensure and the information which shall be required to be provided regarding the firm and its practice.

(d) A licensed firm shall file written notice to the board, within 60 days after the occurrence of the opening of a new office or the closing or change of address of any of its offices in this state. Each such office shall be under the supervision of a resident manager who may be a partner, principal, shareholder, member, or a staff employee holding a license in this state.

(e) Neither the denial of a firm license under this Code section nor the denial of the renewal of a firm license under Code Section 43-3-17 shall be considered to be a contested case within the meaning of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Notice and hearing within the meaning of Chapter 13 of Title 50 shall not be required, but the applicant shall be allowed to appear before the board if he or she requests.

History.

Code 1933, § 84-207, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-21; Ga. L. 1993, p. 123, § 8; Ga. L. 1997, p. 1545, § 1; Ga. L. 2005, p. 1030, § 7/SB 55; Ga. L. 2008, p. 1112, § 4/HB 1055; Code 1981, § 43-3-16, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 7/HB 246; Ga. L. 2025, p. 296, § 1-5/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-16 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, substituted "mobility practice privileges" for "substantial equivalency" in subparagraph (a)(1)(A) and in paragraph (a)(2); substituted "mobility" for "substantial equivalency" in subparagraphs (a)(1)(B) and (a)(5)(A), in paragraphs (a)(6) and (a)(7), and in subsection (c); in subparagraph (b)(1)(C), substituted "described in paragraph (2) or paragraph (4)" for "described in subparagraph (A), (C), or (D) of paragraph (2)" and added ", unless such firm meets the requirements of paragraph (2) of this subsection" at the end; in paragraph (b)(2), deleted "subparagraphs (B) and (E) of" following "described in" and substituted "to which such services are" for "to which any service described in subparagraph (A), (C), or (D) of paragraph (2) of Code Section 43-3-2 is"; in subparagraph (b)(2)(C), substituted "individual who is licensed in this state under Code Section 43-3-9 or who has mobility" for "individual with substantial equivalency"; and deleted former paragraph (b)(3).

43-3-18. (Effective until January 1, 2026.) Issuance of license to practice accountancy; substantial equivalency practice privileges for nonresidents.

(a) A license to engage in the practice of public accountancy in this state shall be issued by the executive director, at the direction of the board, to each individual who is certificated as a certified public accountant under Code Section 43-3-9 or 43-3-12 or who shall have furnished evidence, satisfactory to the board, of compliance with the continuing professional education requirements of Code Section 43-3-19, and to firms licensed under Code Section 43-3-16, provided that such firms are maintained and licensed as required under Code Sections 43-3-16 and 43-3-17. There shall be a biennial license fee in an amount to be determined by the board.

(b) Individuals may practice under substantial equivalency practice privileges as follows:

(1) An individual whose office location designation by such individual for purposes of substantial equivalency and reciprocity is in any other state shall be presumed to have qualifications substantially equivalent to this state's requirements, shall have all the privileges of license holders of this state, and may practice public accountancy in this state without the requirement to obtain a license under this chapter or to otherwise notify the board or pay any license fee if the individual:

(A) Holds a current license as a certified public accountant from any other state which requires, as a condition of licensure, that an individual:

(i) Has at least 150 semester hours of college education including a baccalaureate or higher degree conferred by a college or university;

(ii) Achieves a passing grade on the Uniform Certified Public Accountant Examination; and

(iii) Possesses at least one year of experience, including providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, which may be obtained through government, industry, academic, or public practice all of which was verified by a licensee; or

(B) Holds a current license as a certified public accountant from any other state which does not meet the requirements of subparagraph (A) of this paragraph but such individual's certified public accountant qualifications are substantially equivalent to those requirements. Any individual who passed the Uniform Certified Public Accountant Examination and holds a current license issued by any other state prior to January 1, 2012, may be exempt from the education requirement in division (1)(A)(i) of this subsection for purposes of this subparagraph;

(2) Notwithstanding any other provision of law, an individual who offers or renders professional services, as such services are defined in the board's rules or regulations, whether in person or by mail, telephone, or electronic means, under this Code section shall be granted substantial equivalency practice privileges in this state and no notice, license, fee, or other submission shall be provided by any such individual. Such an individual shall be subject to the requirements of paragraph (3) of this subsection;

(3) An individual licensee of any other state exercising the privilege afforded under this subsection, and any firm that employs such individual, shall simultaneously consent, as a condition of exercising this privilege:

(A) To the personal and subject matter jurisdiction and disciplinary authority of the board;

(B) To comply with the provisions of this chapter and the board's rules or regulations;

(C) That in the event the individual's license issued by any other state designated by such individual for purposes of substantial equivalency and reciprocity is not current, the individual shall cease practicing public accountancy in this state individually and on behalf of a firm; and

(D) To the appointment of the board that issued the individual's license as the individual's agent upon whom process may be served in any action or proceeding by this state's board against the individual;

(4) An individual who qualifies for the substantial equivalency practice privileges under this Code section who, for a client who specifies a location in this state to which any service under subparagraph (A), (C), or (D) of paragraph (2) of Code Section 43-3-2 is directed, may only perform such services through a firm that is licensed with the board under Code Section 43-3-16; and

(5) An individual qualifying for the substantial equivalency practice privileges under paragraph (1) of this subsection may provide expert witness services in this state and shall be deemed to be in compliance with Code Section 24-7-702 for purposes of such services.

(c) Subsection (b) of this Code section shall not be applied or construed to allow an individual to engage in the practice of public accountancy in this state based on substantial equivalency practice privileges unless such individual holds a current license as a certified public accountant in any other state which grants similar reciprocity to license holders in this state.

History.

Code 1933, § 84-210, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-24; Ga. L. 1983, p. 559, § 12; Ga. L. 1993, p. 123, § 11; Ga. L. 1994, p. 97, § 43; Ga. L. 1997, p. 1545, § 5; Ga. L. 2000, p. 1706, § 19; Ga. L. 2005, p. 1030, § 8/SB 55; Ga. L. 2008, p. 1112, § 5/HB 1055; Ga. L. 2011, p. 99, § 64/HB 24; Code 1981, § 43-3-18, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 8/HB 246.

Delayed effective date.

Code Section 43-3-18 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-18. (Effective January 1, 2026.) Issuance of license to practice accountancy; mobility practice privileges for nonresidents.

(a) A license to engage in the practice of public accountancy in this state shall be issued by the executive director, at the direction of the board, to each individual who is certificated as a certified public accountant under Code Section 43-3-9 or 43-3-12 or who shall have furnished evidence, satisfactory to the board, of compliance with the continuing professional education requirements of Code Section 43-3-19, and to firms licensed under Code Section 43-3-16, provided that such firms are maintained and licensed as required under Code Sections 43-3-16 and 43-3-17. There shall be a biennial license fee in an amount to be determined by the board.

(b) Individuals may practice under mobility practice privileges as follows:

(1) An individual whose office location designation by such individual for purposes of mobility practice privileges and reciprocity is in any other state shall have all the privileges of license holders of this state, and may practice public accountancy in this state without the requirement to obtain a license under this chapter or to otherwise notify the board or pay any license fee if the individual holds a current license in good standing as a certified public accountant from any other state and continues to be so licensed during the pendency of the individual's practice in this state, and:

(A) Has attained such education and experience as the board by rule or regulation may establish as necessary to practice under mobility practice privileges; and

(B) Has achieved a passing grade on the Uniform Certified Public Accountant Examination;

(2) Notwithstanding any other provision of law, an individual who

offers or renders professional services, as such services are defined in the board's rules or regulations, whether in person or by mail, telephone, or electronic means, under this Code section shall be granted mobility practice privileges in this state and no notice, license, fee, or other submission shall be provided by any such individual. Such an individual shall be subject to the requirements of paragraph (3) of this subsection;

(3) An individual licensee of any other state exercising the privilege afforded under this subsection, and any firm that employs such individual, shall simultaneously consent, as a condition of exercising this privilege:

(A) To the personal and subject matter jurisdiction and disciplinary authority of the board;

(B) To comply with the provisions of this chapter and the board's rules or regulations;

(C) That in the event the individual's license issued by any other state designated by such individual for purposes of mobility practice privileges and reciprocity is not current, the individual shall cease practicing public accountancy in this state individually and on behalf of a firm; and

(D) To the appointment of the board that issued the individual's license as the individual's agent upon whom process may be served in any action or proceeding by this state's board against the individual;

(4) An individual who qualifies for the mobility practice privileges under this Code section who, for a client who specifies a location in this state to which any service under subparagraph (A), (C), or (D) of paragraph (2) of Code Section 43-3-2 is directed, may only perform such services through a firm that meets the requirements of Code Section 43-3-16; and

(5) An individual qualifying for the mobility practice privileges under paragraph (1) of this subsection may provide expert witness services in this state and shall be deemed to be in compliance with Code Section 24-7-702 for purposes of such services.

(c) Subsection (b) of this Code section shall not be applied or construed to allow an individual to engage in the practice of public accountancy in this state based on mobility practice privileges unless such individual holds a current license as a certified public accountant in any other state which grants similar reciprocity to license holders in this state.

History.

Code 1933, § 84-210, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-24; Ga. L. 1983, p. 559, § 12; Ga. L. 1993, p. 123, § 11; Ga. L. 1994, p. 97, § 43; Ga. L. 1997, p. 1545, § 5; Ga. L. 2000, p. 1706, § 19; Ga. L. 2005, p. 1030, § 8/SB 55; Ga. L. 2008, p. 1112, § 5/HB 1055; Ga. L. 2011, p. 99, § 64/HB 24; Code 1981, § 43-3-18, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 8/HB 246; Ga. L. 2025, p. 296, § 1-6/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-18 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, substituted "mobility" for "substantial equivalency" in subsections (b) and (c) and in paragraphs (b)(2), (b)(4), and (b)(5); rewrote paragraph (b)(1) substituted "mobility practice privileges" for "substantial equivalency" in subparagraph (b)(3)(C); and substituted "meets the requirements of" for "is licensed with the board under" in paragraph (b)(4).

43-3-21. (Effective until January 1, 2026.) Revocation or refusal to grant or renew license; immunity.

(a) The board may refuse to grant a license to an applicant, revoke any license issued by the board, discipline a licensee, or forbid an individual from exercising the substantial equivalency practice privileges for any one or any combination of the following causes:

(1) Failed to demonstrate the qualifications or standards for a license contained in this chapter, or under the laws, rules, or regulations under which licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he or she meets all the requirements for the issuance of a license, and, if the board is not satisfied as to the applicant's qualifications or standards, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he or she so desires;

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of public accountancy or on any document connected therewith; practiced fraud or deceit or intentionally made any false statement in obtaining a license to practice public accountancy; made a false statement or deceptive registration with the board; or engaged in dishonesty, fraud, or gross negligence in the practice of public accountancy;

(3) Had been convicted of any felony or crime involving moral turpitude in the courts of this state, any other state, a territory, or a country or in the courts of the United States. As used in this paragraph, the term:

(A) "Conviction" means and includes a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

(B) "Felony" means and includes any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere.

(4)(A) Had been arrested, charged, and sentenced for the commission of any felony or crime involving moral turpitude when:

(i) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(ii) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge, except with respect to a plea of nolo contendere.

(B) An order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42 or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime.

(C) As used in this paragraph, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere;

(5) Had his or her license to practice public accountancy revoked, suspended, or annulled by any lawful licensing authority other than the board; had other disciplinary action taken against him or her by any such lawful licensing authority other than the board; was denied a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings; or was refused the renewal of a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice public accountancy under this chapter, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not result in actual injury to any person or be directly related to the practice of public accountancy but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of public accountancy;

(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by the board to practice public accountancy or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board;

(8) Violated a law or any rule or regulation of the board, this state,

any other state, the United States, or any other lawful authority, without regard to whether the violation is criminally punishable, which law or rule or regulation relates to or in part regulates the practice of public accountancy, when the licensee or applicant knows or should have known that such action is violative of such law or rule; or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement;

(9) Had been adjudged mentally incompetent by a court of competent jurisdiction within or outside this state; any such adjudication shall automatically suspend the license of any such person and shall prevent the reissuance or renewal of any license so suspended so long as the adjudication of incompetence is in effect;

(10) Displayed an inability to practice under this chapter with reasonable skill and safety to the public or has become unable to practice public accountancy with reasonable skill and safety to the public by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material;

(11) Failed to comply with an order for child support pursuant to Code Section 19-11-9.3; it shall be incumbent upon the applicant or licensee to supply a notice of release to the board from the child support agency within the Department of Human Services indicating that the applicant or licensee has come into compliance with an order for child support so that a license may be issued or granted if all other conditions for licensure are met;

(12) Suspension or revocation of the right to practice any profession before any state or federal agency;

(13) Failure to furnish evidence of satisfaction of requirements of continuing professional education as required by the board pursuant to Code Section 43-3-19 or to meet any conditions with respect to continuing professional education which the board may have ordered under Code Section 43-3-19;

(14) Conduct which discredits the accounting profession; or

(15) Failure of such holder's firm to renew its license under Code Sections 43-3-16 and 43-3-17 or the failure of such firm to comply with any of the provisions of Code Section 43-3-17.

(b) An individual, firm, association, authority, or other entity shall be immune from civil liability and criminal prosecution for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of subsection (a) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice public accountancy or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any individual who testifies or who makes a recommendation to the board in the nature of peer review, in good faith, without fraud or malice, before the board in any proceeding involving the provisions of subsection (a) of this Code section or any other law relating to a licensee's or applicant's fitness to practice public accountancy shall be immune from civil liability and criminal prosecution for so testifying.

History.

Code 1933, § 84-210, enacted by Ga. L. 1935, p. 85, § 10; Ga. L. 1950, p. 163, § 1; Code 1933, § 84-211, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-28; Ga. L. 1988, p. 1616, § 4; Ga. L. 1997, p. 1545, § 6; Ga. L. 2005, p. 1030, § 10/SB 55; Ga. L. 2008, p. 1112, § 6/HB 1055; Code 1981, § 43-3-21, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 11/HB 246.

Delayed effective date.

Code Section 43-3-21 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-21. (Effective January 1, 2026.) Revocation or refusal to grant or renew license; immunity.

(a) The board may refuse to grant a license to an applicant, revoke any license issued by the board, discipline a licensee, or forbid an individual from exercising the mobility practice privileges for any one or any combination of the following causes:

(1) Failed to demonstrate the qualifications or standards for a license contained in this chapter, or under the laws, rules, or regulations under which licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he or she meets all the requirements for the issuance of a license, and, if the board is not satisfied as to the applicant's qualifications or standards, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he or she so desires;

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of public accountancy or on any document connected therewith; practiced fraud or deceit or intentionally made any false statement in obtaining a license to practice public accountancy; made a false statement or deceptive registration with the board; or engaged in dishonesty, fraud, or gross negligence in the practice of public accountancy;

(3) Had been convicted of any felony or crime involving moral turpitude in the courts of this state, any other state, a territory, or a country or in the courts of the United States. As used in this paragraph, the term:

(A) "Conviction" means and includes a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

(B) "Felony" means and includes any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere.

(4)(A) Had been arrested, charged, and sentenced for the commission of any felony or crime involving moral turpitude when:

(i) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(ii) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge, except with respect to a plea of nolo contendere.

(B) An order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42 or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime.

(C) As used in this paragraph, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere;

(5) Had his or her license to practice public accountancy revoked, suspended, or annulled by any lawful licensing authority other than the board; had other disciplinary action taken against him or her by any such lawful licensing authority other than the board; was denied a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings; or was refused the renewal of a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice public accountancy under this chapter, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not result in actual injury to any person or be directly related to the practice of public accountancy but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of public accountancy;

(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by the board to

practice public accountancy or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board;

(8) Violated a law or any rule or regulation of the board, this state, any other state, the United States, or any other lawful authority, without regard to whether the violation is criminally punishable, which law or rule or regulation relates to or in part regulates the practice of public accountancy, when the licensee or applicant knows or should have known that such action is violative of such law or rule; or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement;

(9) Had been adjudged mentally incompetent by a court of competent jurisdiction within or outside this state; any such adjudication shall automatically suspend the license of any such person and shall prevent the reissuance or renewal of any license so suspended so long as the adjudication of incompetence is in effect;

(10) Displayed an inability to practice under this chapter with reasonable skill and safety to the public or has become unable to practice public accountancy with reasonable skill and safety to the public by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material;

(11) Failed to comply with an order for child support pursuant to Code Section 19-11-9.3; it shall be incumbent upon the applicant or licensee to supply a notice of release to the board from the child support agency within the Department of Human Services indicating that the applicant or licensee has come into compliance with an order for child support so that a license may be issued or granted if all other conditions for licensure are met;

(12) Suspension or revocation of the right to practice any profession before any state or federal agency;

(13) Failure to furnish evidence of satisfaction of requirements of continuing professional education as required by the board pursuant to Code Section 43-3-19 or to meet any conditions with respect to continuing professional education which the board may have ordered under Code Section 43-3-19;

(14) Conduct which discredits the accounting profession; or

(15) Failure of such holder's firm to renew its license under Code Sections 43-3-16 and 43-3-17 or the failure of such firm to comply with any of the provisions of Code Section 43-3-17.

(b) An individual, firm, association, authority, or other entity shall be immune from civil liability and criminal prosecution for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of subsection (a) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice public accountancy or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any individual who testifies or who makes a recommendation to the board in the nature of peer review, in good faith, without fraud or malice, before the board in any proceeding involving the provisions of subsection (a) of this Code section or any other law relating to a licensee's or applicant's fitness to practice public accountancy shall be immune from civil liability and criminal prosecution for so testifying.

History.

Code 1933, § 84-210, enacted by Ga. L. 1935, p. 85, § 10; Ga. L. 1950, p. 163, § 1; Code 1933, § 84-211, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-28; Ga. L. 1988, p. 1616, § 4; Ga. L. 1997, p. 1545, § 6; Ga. L. 2005, p. 1030, § 10/SB 55; Ga. L. 2008, p. 1112, § 6/HB 1055; Code 1981, § 43-3-21, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 11/HB 246; Ga. L. 2025, p. 296, § 1-7/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-21 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, substituted "mobility" for "substantial equivalency" in subsection (a).

43-3-23. (Effective until January 1, 2026.) Adjudicative hearings before board.

(a) The board may initiate proceedings under this chapter either on its own motion or on the complaint of any person.

(b) Notice, rules of procedure, right to review, and any other matters arising with respect to all adjudicative hearings conducted by the board shall be determined in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

(c) Before the board shall revoke or suspend a license, a certificate, or substantial equivalency practice privileges, it shall provide for a hearing for the holder of such license, certificate, or practice privileges in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any person who has exhausted all administrative remedies available within this chapter and who is aggrieved by a final decision in a contested case shall be entitled to judicial review in accordance with Chapter 13 of Title 50.

(d) Initial judicial review of a final decision of the board shall be held solely in the superior court of the county of domicile of the State Accounting Office.

History.
Code 1933, § 84-213, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-30; Ga. L. 2008, p. 1112, § 7/HB 1055; Code 1981, § 43-3-23, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291.

Delayed effective date.
Code Section 43-3-23 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-23. (Effective January 1, 2026.) Adjudicative hearings before board.

(a) The board may initiate proceedings under this chapter either on its own motion or on the complaint of any person.

(b) Notice, rules of procedure, right to review, and any other matters arising with respect to all adjudicative hearings conducted by the board shall be determined in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

(c) Before the board shall revoke or suspend a license, a certificate, or mobility practice privileges, it shall provide for a hearing for the holder of such license, certificate, or practice privileges in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any person who has exhausted all administrative remedies available within this chapter and who is aggrieved by a final decision in a contested case shall be entitled to judicial review in accordance with Chapter 13 of Title 50.

(d) Initial judicial review of a final decision of the board shall be held solely in the superior court of the county of domicile of the State Accounting Office.

History.
Code 1933, § 84-213, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-30; Ga. L. 2008, p. 1112, § 7/HB 1055; Code 1981, § 43-3-23, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2025, p. 296, § 1-8/HB 148, effective January 1, 2026.

Delayed effective date.
Code Section 43-3-23 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.
The 2025 amendment, effective January 1, 2026, substituted "mobility" for "substantial equivalency" in the first sentence of subsection (c).

43-3-27. (Effective until January 1, 2026.) Notification of conviction; time limit; suspension.

(a) Any individual issued a license or certification under this chapter or providing services under substantial equivalency practice privileges and convicted under the laws of this state, the United States, any other state, or any other country of a felony as defined in paragraph (3) of subsection (a) of Code Section 43-1-19 shall be required to notify the board of such conviction within 30 days of such conviction. The failure of such individual to notify the board of a conviction shall be considered grounds for revocation of his or her license or other authorization issued pursuant to this chapter.

(b) The board may not suspend the license of an individual because he or she has been certified by 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.

History.

Code 1981, § 43-3-27, enacted by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2019, p. 462, § 1-13/SB 214; Ga. L. 2024, p. 120, § 2-36/HB 985, effective June 30, 2024.

Delayed effective date.

Code Section 43-3-27 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

Amendments.

The 2024 amendment, effective June 30, 2024, deleted "is a borrower in default under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or" following "she" in subsection (b).

43-3-27. (Effective January 1, 2026.) Notification of conviction; time limit; suspension.

(a) Any individual issued a license or certification under this chapter or providing services under mobility practice privileges and convicted under the laws of this state, the United States, any other state, or any other country of a felony as defined in paragraph (3) of subsection (a) of Code Section 43-1-19 shall be required to notify the board of such conviction within 30 days of such conviction. The failure of such individual to notify the board of a conviction shall be considered grounds for revocation of his or her license or other authorization issued pursuant to this chapter.

(b) The board may not suspend the license of an individual because he or she has been certified by 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.

History.

Code 1981, § 43-3-27, enacted by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2019, p. 462, § 1-13/SB 214; Ga. L. 2024, p. 120, § 2-36/HB 985, effective June 30, 2024; Ga. L. 2025, p. 296, § 1-9/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-27 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, substituted "mobility" for "substantial equivalency" in the first sentence of subsection (a).

43-3-28. (Effective until January 1, 2026.) Reinstatement or modification of a revoked or suspended license.

Upon written application after a hearing pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," the board may recertificate a certified public accountant whose certification has been revoked or may reissue or modify the suspension of a license or substantial equivalency practice privileges which have been revoked or suspended.

History.

Code 1933, § 84-214, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-31; Ga. L. 2008, p. 1112, § 8/HB 1055; Code 1981, § 43-3-28, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 15/HB 246.

Delayed effective date.

Code Section 43-3-28 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-28. (Effective January 1, 2026.) Reinstatement or modification of a revoked or suspended license.

Upon written application after a hearing pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," the board may recertificate a certified public accountant whose certification has been revoked or may reissue or modify the suspension of a license or mobility practice privileges which have been revoked or suspended.

History.

Code 1933, § 84-214, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-31; Ga. L. 2008, p. 1112, § 8/HB 1055; Code 1981, § 43-3-28, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 15/HB 246; Ga. L. 2025, p. 296, § 1-10/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-28 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, substituted "mobility" for "substantial equivalency" near the end of this Code section.

43-3-30. (Effective until January 1, 2026.) Injunctions; enforcement.

(a) Whenever, in the judgment of the board, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of this chapter, the board may make application to the superior court of the county in which such acts or practices have occurred or may be reasonably expected to occur for an order enjoining such acts or practices; and upon a showing by the board that such person has engaged or is about to engage in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court.

(b) The Attorney General shall assist in the enforcement of this chapter. The board is authorized to retain such attorneys as it deems necessary, with the approval of the Attorney General, to assist the board in bringing any action authorized by law.

(c) The electronic, printed, engraved, or written display or uttering by a person of a card, sign, advertisement, instrument, or other device bearing an individual's name in conjunction with the words "certified public accountant" or any abbreviation thereof shall be prima-facie evidence in any action brought under this Code section or Code Section 43-3-34 that the individual whose name is so displayed caused or procured the electronic, printed, engraved, or written display or uttering of such card, sign, advertisement, instrument, or other device and that such individual is holding himself or herself out to be a certified public accountant holding a license or otherwise claims to be qualified to use such title by virtue of the substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18 or of the firm practice provisions of subsection (b) of Code Section 43-3-16. In any such action, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

History.

Code 1933, § 84-217, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-33; Code 1981, § 43-3-30, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291.

Delayed effective date.

Code Section 43-3-30 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-30. (Effective January 1, 2026.) Injunctions; enforcement.

(a) Whenever, in the judgment of the board, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of this chapter, the board may make application to the superior court of the county in which such acts or practices have occurred or may be reasonably expected to occur for an order enjoining such acts or practices; and upon a showing by the board that such person has engaged or is about to engage in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court.

(b) The Attorney General shall assist in the enforcement of this chapter. The board is authorized to retain such attorneys as it deems necessary, with the approval of the Attorney General, to assist the board in bringing any action authorized by law.

(c) The electronic, printed, engraved, or written display or uttering by a person of a card, sign, advertisement, instrument, or other device bearing an individual's name in conjunction with the words "certified public accountant" or any abbreviation thereof shall be prima-facie evidence in any action brought under this Code section or Code Section 43-3-34 that the individual whose name is so displayed caused or procured the electronic, printed, engraved, or written display or uttering of such card, sign, advertisement, instrument, or other device and that such individual is holding himself or herself out to be a certified public accountant holding a license or otherwise claims to be qualified to use such title by virtue of the mobility practice privileges under subsection (b) of Code Section 43-3-18 or of the firm practice provisions of subsection (b) of Code Section 43-3-16. In any such action, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

History.

Code 1933, § 84-217, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-33; Code 1981, § 43-3-30, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2025, p. 296, § 1-11/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-30 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, substituted "mobility" for "substantial equivalency" in the middle of subsection (c).

43-3-31. (Effective until January 1, 2026.) Prohibited use of title or designation; false or deceptive practices.

(a) No individual shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such individual is a certified public accountant unless such individual has received a certificate as a certified public accountant under this chapter, holds a license, and all of such individual's physical offices in this state are maintained and licensed as required under Code Sections 43-3-16 and 43-3-17.

(b) No firm shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is composed of certified public accountants unless such firm is licensed as a firm of certified public accountants under Code Section 43-3-16, and all physical offices of such firm in this state are maintained and licensed as required under Code Sections 43-3-16 and 43-3-17.

(c) No individual or firm shall assume or use:

(1) Any title or designation likely to be confused with "certified public accountant," including, without limiting the generality of the foregoing, "certified accountant," "enrolled accountant," "licensed

accountant," "licensed public accountant," or "registered accountant"; or

(2) Any abbreviation likely to be confused with "CPA," including, without limiting the generality of the foregoing, "C.A.," "E.A.," "R.A.," "L.A.," or "L.P.A."

(d) No individual shall sign or affix his or her name or any trade assumed name used by him or her in his or her profession or business to any report or compiled financial statement that states or implies assurance as to the reliability of any representation or estimate in regard to any person or organization embracing financial or attested information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, rules, regulations, grants, loans, and appropriations, together with any wording accompanying, contained in, or affixed on such report or compiled financial statement, which indicates that he or she has expert knowledge in accounting or auditing unless he or she holds a license and all of his or her physical offices in this state are maintained and licensed under Code Sections 43-3-16 and 43-3-17, provided that this subsection shall not prohibit any officer, employee, partner, member, or principal of any organization from affixing his or her signature to any statement or report in reference to the affairs of such organization with any wording designating the position, title, or office which he or she holds in such organization, nor shall this subsection prohibit any act of a public official or public employee in the performance of his or her duties as such.

(e) No individual shall sign or affix, or cause to be signed or affixed, a firm name to any report or compiled financial statement that states or implies assurance as to the reliability of any representation or estimate in regard to any person or organization embracing financial or attested information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, rules, grants, loans, and appropriations, together with any wording accompanying or contained in such report or compiled financial statement, which indicates that such firm is composed of or employs individuals having expert knowledge in accounting or auditing unless the firm holds a license and all of its physical offices in this state are maintained and licensed as required under Code Sections 43-3-16 and 43-3-17.

(f) A licensee shall not use or participate in the use of any form of public communication having reference to his or her practice of public accountancy which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes, but shall not be limited to, a statement or claim which:

(1) Contains a misrepresentation of fact;

(2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;

(3) Contains any testimonial, laudatory, or other statement or implication that the licensee's practice of public accountancy is of exceptional quality, if not supported by verifiable facts;

(4) Is intended or likely to create false or unjustified expectations of favorable results;

(5) Implies educational or professional attainments or licensing recognition not supported in fact;

(6) States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public accountancy, except in accordance with rules or regulations adopted by the board;

(7) Represents that the practice of public accountancy can or will be completely performed for a stated fee when this is not the case or makes representations with respect to fees for such services that do not disclose all variables that may reasonably be expected to affect the fees that will in fact be charged; or

(8) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(g) The board may by rule or regulation prohibit a licensee from soliciting by any direct personal communication an engagement to practice public accountancy.

(h) It shall not be a violation of this Code section or chapter for an individual who does not hold a license under this chapter but who qualifies for the substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18 to use the title or designation "certified public accountant" or "CPA" or other titles to indicate that the individual is a certified public accountant, and such individual may engage in the practice of public accountancy in this state with the same privileges as a license holder so long as the individual complies with paragraph (4) of subsection (b) of Code Section 43-3-18.

(i) It shall not be a violation of this Code section or chapter for a firm that has not obtained a license under this chapter and that does not have an office in this state to use the title or designation "certified public accountant" or "CPA" or other titles to indicate that the firm is composed of certified public accountants, and such firm may engage in the practice of public accountancy in this state with the same privileges as a firm with a license so long as it complies with subsection (b) of Code Section 43-3-16.

History.
Ga. L. 1908, p. 86, § 1; Penal Code 1910, § 702; Code 1933, § 84-9902; Code 1933, § 84-213, enacted by Ga. L. 1935, p. 85, § 13; Ga. L. 1943, p. 363, § 5; Ga. L. 1968, p. 1232, § 2; Code 1933, § 84-215, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-35; Ga. L. 1983, p. 559, § 15; Ga. L. 1993, p. 123, § 15; Ga. L. 1994, p. 97, § 43; Ga. L. 1997, p. 1545, § 10; Ga. L. 2005, p. 1030, § 11/SB 55; Ga. L. 2008, p. 1112, § 10/HB 1055; Code 1981, § 43-3-31, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 16/HB 246.

Delayed effective date.
Code Section 43-3-31 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

43-3-31. (Effective January 1, 2026.) Prohibited use of title or designation; false or deceptive practices.

(a) No individual shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such individual is a certified public accountant unless such individual has received a certificate as a certified public accountant under this chapter, holds a license, and all of such individual's physical offices in this state are maintained and licensed as required under Code Sections 43-3-16 and 43-3-17.

(b) No firm shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is composed of certified public accountants unless such firm is licensed as a firm of certified public accountants under Code Section 43-3-16, and all physical offices of such firm in this state are maintained and licensed as required under Code Sections 43-3-16 and 43-3-17.

(c) No individual or firm shall assume or use:

(1) Any title or designation likely to be confused with "certified public accountant," including, without limiting the generality of the foregoing, "certified accountant," "enrolled accountant," "licensed accountant," "licensed public accountant," or "registered accountant"; or

(2) Any abbreviation likely to be confused with "CPA," including, without limiting the generality of the foregoing, "C.A.," "E.A.," "R.A.," "L.A.," or "L.P.A."

(d) No individual shall sign or affix his or her name or any trade assumed name used by him or her in his or her profession or business to any report or compiled financial statement that states or implies assurance as to the reliability of any representation or estimate in regard to any person or organization embracing financial or attested information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, rules, regulations, grants, loans, and appropriations, together with any wording accompanying, contained in, or affixed on such report or compiled financial statement, which indicates that he or she has expert knowledge in accounting or auditing unless he or she holds a license and all of his or her physical offices in this state are maintained and licensed under Code Sections 43-3-16 and 43-3-17, provided that this subsection shall not prohibit any officer, employee, partner, member, or principal of any organization from affixing his or her signature to any statement or report in reference to the affairs of such organization with any wording designating the position, title, or office which he or she holds in such organization, nor shall this subsection prohibit any act of a public official or public employee in the performance of his or her duties as such.

(e) No individual shall sign or affix, or cause to be signed or affixed, a firm name to any report or compiled financial statement that states or implies assurance as to the reliability of any representation or estimate in regard to any person or organization embracing financial or attested information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, rules, grants, loans, and appropriations, together with any wording accompanying or contained in such report or compiled financial statement, which indicates that such firm is composed of or employs individuals having expert knowledge in accounting or auditing unless the firm holds a license and all of its physical offices in this state are maintained and licensed as required under Code Sections 43-3-16 and 43-3-17.

(f) A licensee shall not use or participate in the use of any form of public communication having reference to his or her practice of public accountancy which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes, but shall not be limited to, a statement or claim which:

(1) Contains a misrepresentation of fact;

(2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;

(3) Contains any testimonial, laudatory, or other statement or implication that the licensee's practice of public accountancy is of exceptional quality, if not supported by verifiable facts;

(4) Is intended or likely to create false or unjustified expectations of favorable results;

(5) Implies educational or professional attainments or licensing recognition not supported in fact;

(6) States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public accountancy, except in accordance with rules or regulations adopted by the board;

(7) Represents that the practice of public accountancy can or will be completely performed for a stated fee when this is not the case or makes representations with respect to fees for such services that do not disclose all variables that may reasonably be expected to affect the fees that will in fact be charged; or

(8) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(g) The board may by rule or regulation prohibit a licensee from soliciting by any direct personal communication an engagement to practice public accountancy.

(h) It shall not be a violation of this Code section or chapter for an individual who does not hold a license under this chapter but who qualifies for the mobility practice privileges under subsection (b) of Code Section 43-3-18 to use the title or designation "certified public accountant" or "CPA" or other titles to indicate that the individual is a certified public accountant, and such individual may engage in the practice of public accountancy in this state with the same privileges as a license holder so long as the individual complies with paragraph (4) of subsection (b) of Code Section 43-3-18.

(i) It shall not be a violation of this Code section or chapter for a firm that has not obtained a license under this chapter and that does not have an office in this state to use the title or designation "certified public accountant" or "CPA" or other titles to indicate that the firm is composed of certified public accountants, and such firm may engage in the practice of public accountancy in this state with the same privileges as a firm with a license so long as it complies with subsection (b) of Code Section 43-3-16.

History.

Ga. L. 1908, p. 86, § 1; Penal Code 1910, § 702; Code 1933, § 84-9902; Code 1933, § 84-213, enacted by Ga. L. 1935, p. 85, § 13; Ga. L. 1943, p. 363, § 5; Ga. L. 1968, p. 1232, § 2; Code 1933, § 84-215, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-35; Ga. L. 1983, p. 559, § 15; Ga. L. 1993, p. 123, § 15; Ga. L. 1994, p. 97, § 43; Ga. L. 1997, p. 1545, § 10; Ga. L. 2005, p. 1030, § 11/SB 55; Ga. L. 2008, p. 1112, § 10/HB 1055; Code 1981, § 43-3-31, as redesignated by Ga. L. 2014, p. 136, § 1-2/HB 291; Ga. L. 2015, p. 325, § 16/HB 246; Ga. L. 2025, p. 296, § 1-12/HB 148, effective January 1, 2026.

Delayed effective date.

Code Section 43-3-31 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, substituted "mobility" for "substantial equivalency" in the middle of subsection (h).

CHAPTER 4B

GEORGIA ATHLETIC AND ENTERTAINMENT COMMISSION

Article 1

General Provisions

Article 2

Licensing and Participatory Requirements

ARTICLE 1

GENERAL PROVISIONS

43-4B-1. Definitions.

As used in this chapter, the term:

(1) "Amateur," when applied to a person engaged in boxing, wrestling, or a martial art, means a person who receives no compensation and engages in a match, contest, or exhibition of boxing, wrestling, or a martial art that is governed or authorized by:

(A) U.S.A. Boxing;

(B) The Georgia High School Athletic Association;

(C) The National Collegiate Athletic Association;

(D) Amateur Athletic Union;

(E) Golden Gloves;

(F) Team Georgia Amateur Wrestling;

(G) USA Wrestling;

(H) National High School Coaches Association;

(I) North American Sport Karate Association;

(J) International Sport Kick Boxing/Karate Association;

(K) World Kick Boxing Association;

(L) United States Kick Boxing Association;

(M) International Sport Combat Federation;

(N) Professional Karate Commission;

(O) International Kick Boxing Federation; or

(P) The local affiliate of any organization listed in this paragraph.

(1.1) "Bare knuckle boxing match" means combat between two individuals in which contestants score points in rounds of two or three minutes by striking with wrapped hands, but without padded fists, the head and upper torso of the opponent or by knocking the opponent down and rendering the opponent unconscious or incapable of continuing the contest by such blows, which contest is held in a ring supervised by a referee and scored by three judges.

(2) "Boxing match" means a contest between two individuals in which contestants score points in rounds of two or three minutes by striking with padded fists the head and upper torso of the opponent or by knocking the opponent down and rendering the opponent unconscious or incapable of continuing the contest by such blows, which contest is held in a square ring supervised by a referee and scored by three judges. Such term shall not include a bare knuckle boxing match.

(3) "Boxing registry" means a registry created or designated pursuant to subsection (j) of Code Section 43-4B-4.

(3.1) "Charitable organization" means an entity described by:

(A) Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or

(B) Section 170(c), Internal Revenue Code of 1986 (26 U.S.C. Section 170(c)).

(4) "Commission" means the Georgia Athletic and Entertainment Commission.

(5) "Exhibition" means a contest where the participants engage in the use of boxing, wrestling, or martial arts skills and techniques and where the objective is to display such skills and techniques without striving to win.

(6) "Face value" means the dollar value of a ticket or order, which value shall reflect the dollar amount that the customer is required to pay or, for complimentary tickets, would have been required to pay to purchase a ticket with equivalent seating priority in order to view the match, contest, exhibition, or entertainment event. A complimentary

ticket shall not have a face value of $0.00. A complimentary ticket shall not have a face value of less than that of the least expensive ticket available for sale to the general public. Face value shall include any charges or fees, such as dinner, gratuity, parking, surcharges, or any other charges or fees which are charged to and must be paid by the customer in order to view the match, contest, exhibition, or entertainment event. It shall exclude any portion paid by the customer for federal, state, or local taxes.

(7) "Gross proceeds" means the total revenue received solely from the sale of tickets used or intended to be used by the audience physically attending any event required to be licensed under this chapter.

(8) "Gross receipts" means:

(A) The gross price charged for the sale or lease of broadcasting, television, pay per view, closed circuit, or motion picture rights without any deductions for commissions, brokerage fees, distribution fees, production fees, advertising, or other expenses or charges;

(B) The face value of all tickets sold and complimentary tickets issued, provided, or given; and

(C) The face value of any seats issued, provided, or given in exchange for advertising, sponsorships, or anything of value to the promotion of an event.

(9) "Local tax" means any occupation tax or other tax owed to a county or municipality in order to hold a match, contest, or exhibition or to carry on a business as a ticket broker within such county or municipality.

(9.1) "Kickboxing" means unarmed combat involving the use of striking techniques delivered with the upper and lower body and in which the competitors remain standing while striking.

(10) "Manager" means a person who under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a matter related to boxing on behalf of a boxer. Such term includes, but is not limited to, a person who functions as a booking agent, adviser, or consultant.

(10.1) "Martial art" means any form of unarmed combative sport or unarmed combative entertainment that allows contact striking, except boxing or wrestling.

(10.2) "Matchmaker" means a person who is employed by or associated with a promoter in the capacity of booking and arranging professional matches, contests, or exhibitions between opponents or who proposes professional matches, contests, or exhibitions and selects and arranges for the participants in such events and for whose activities in this regard the promoter is legally responsible.

(11) "Mixed martial arts" means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts, including but not limited to grappling, submission holds, and strikes with the upper and lower body.

(11.1) "Original purchaser for personal use" means a person who buys one or more tickets with the intention of using the ticket or tickets solely for the use of the purchaser or the purchaser's invitees, employees, and agents. An original purchaser who resells more than six tickets to the same athletic contest or entertainment event and who resells tickets to an athletic contest or entertainment event for more than 105 percent of their face value shall be rebuttably presumed to be engaging in the business of a ticket broker in any criminal prosecution or civil action, order, or penalty by the commission.

(11.2) "Patron boxing," "patron wrestling," or "patron martial arts" means boxing, wrestling, or martial arts that is not:

(A) Governed or authorized by any organization listed in paragraph (1) of this Code section;

(B) Governed or authorized by an organization licensed by the commission in accordance with this chapter;

(C) Governed or authorized by an organization exempted from licensure by the commission in accordance with this chapter; and

(D) Licensed by the commission in accordance with Article 2 of this chapter.

(11.3) "Pay per view" means a telecast for which a fee is required in addition to any other fee paid by the viewer for any other services of the telecaster.

(12) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

(13) "Physician" means a doctor of medicine or other medical professional legally authorized by any state to practice medicine.

(14) "Professional" means a person who is participating or has participated in a match, contest, or exhibition which is not governed or authorized by one or more of the organizations listed in paragraph (1) of this Code section and:

(A) Has received or competed for or is receiving or competing for any cash as a salary, purse, or prize for participating in any match, contest, or exhibition;

(B) Is participating or has participated in any match, contest, or exhibition to which admission is granted upon payment of any ticket for admission or other evidence of the right of entry;

(C) Is participating or has participated in any match, contest, or exhibition which is or was filmed, broadcast, or transmitted for viewing; or

(D) Is participating or has participated in any match, contest, or exhibition which provides a commercial advantage by attracting persons to a particular place or promoting a commercial product or enterprise.

(15) "Professional match, contest, or exhibition" means a match, contest, or exhibition which is not governed or authorized by one or more of the organizations listed in paragraph (1) of this Code section and:

(A) Rewards a participant with cash as a salary, purse, or prize for such participation;

(B) Requires for admission payment of a ticket for admission or other evidence of the right of entry;

(C) Is filmed, broadcast, or transmitted for viewing; or

(D) Provides a commercial advantage by attracting persons to a particular place or promoting a commercial product or enterprise.

(16) "Promoter" means the person primarily responsible for organizing, promoting, and producing a professional match, contest, or exhibition and who is legally responsible for the lawful conduct of such professional match, contest, or exhibition.

(16.1) "Promotion of unarmed combat" means the organization, promotion, production, publicizing, or arranging of, or provision of a venue for, a competition of unarmed combat by a person who receives some compensation or commercial benefit from such competition.

(17) "Purse" or "ring earnings" means the financial guarantee or any other remuneration, or part thereof, for which professional boxers or wrestlers are participating in a match, contest, or exhibition and includes the boxer's or wrestler's share of any payment received for radio broadcasting, television, or motion picture rights.

(17.1) "Shidokan" means unarmed combat involving three separate, segregated rounds in which karate rules and techniques are exclusively used in one round, kickboxing rules and techniques are exclusively used in one round, and grappling rules and techniques are exclusively used in one round.

(18) "State" means any of the 50 states, Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(19) "Ticket broker" means:

(A) Any person who is involved in the business of reselling tickets of admission to athletic contests, concerts, theater performances, amusements, exhibitions, or other entertainment events held in this state to which the general public is admitted and who charges a premium in excess of the price of the ticket; or

(B) Any person who has a permanent office or place of business in this state who is involved in the business of reselling tickets of admission to athletic contests, concerts, theater performances, amusements, exhibitions, or other entertainment events held inside or outside this state to which the general public is admitted and who charges a premium in excess of the price of the ticket.

The term ticket broker shall not include the owner, operator, lessee, or tenant of the property in which an athletic contest or entertainment event is being held or the sponsor of such a contest or event or the authorized ticket agent of such persons.

(20)(A) "Unarmed combat" means any form of competition between human beings or one or more human beings and one or more animals in which:

(i) One or more blows are struck which may reasonably be expected to inflict injury on a human being; and

(ii) There is some compensation or commercial benefit arising from such competition, whether in the form of cash or noncash payment to the competitors or the person arranging the competition; the sale of the right to film, broadcast, transmit, or view the competition; or the use of the competition to attract persons to a particular location for some commercial advantage or to promote a commercial product or commercial enterprise.

Such term also means any amateur kickboxing match in which the competitors are not wearing protective gear.

(B) Unarmed combat shall include but shall not be limited to: tough man fights, bad man fights, nude boxing, nude wrestling, patron boxing, patron martial arts, and patron wrestling.

(C) Unarmed combat shall not include:

(i) Professional boxing licensed in accordance with this chapter;

(ii) Professional wrestling governed or authorized by an organization licensed or exempted from licensure in accordance with this chapter;

(iii) Amateur boxing governed or authorized by an organization listed in paragraph (1) of this Code section;

(iv) Amateur wrestling governed or authorized by an organization listed in paragraph (1) of this Code section;

(v) Any competition displaying the skills of a single form of an Oriental system of unarmed combative sports or unarmed combative entertainment, including, but not limited to, kickboxing, karate, or full-contact karate, that is held pursuant to the rules of that form and governed or authorized by an organization licensed by the commission in accordance with Article 4 of this chapter;

(vi) Shidokan when the competition is governed or authorized by an organization licensed by the commission in accordance with Article 4 of this chapter;

(vi.1) Any bare knuckle boxing match;

(vii) Mixed martial arts fighting when the competition is governed or authorized by an organization licensed by the commission in accordance with Article 4 of this chapter; or

(viii) Other martial arts competitions, when governed or authorized by an organization licensed by the commission in accordance with Article 4 of this chapter.

(21) "Wrestling" means:

(A) A staged performance of fighting and gymnastic skills and techniques by two or more human beings who are not required to use their best efforts in order to win and for which the winner may have been selected before the performance commences; or

(B) A performance of fighting and gymnastic skills and techniques by two or more human beings.

History.

Code 1981, § 43-4B-1, enacted by Ga. L. 2001, p. 752, § 2; Ga. L. 2003, p. 774, §§ 23, 24; Ga. L. 2005, p. 984, § 1/SB 224; Ga. L. 2011, p. 752, § 43/HB 142; Ga. L. 2023, p. 113, § 1A/HB 76, effective May 1, 2023.

Amendments.

The 2023 amendment, effective May 1, 2023, added paragraph (1.1), added the last sentence in paragraph (2), and added division (20)(C)(vi.1).

ARTICLE 2

LICENSING AND PARTICIPATORY REQUIREMENTS

43-4B-18.1. Bare knuckle boxing; limitations on participation; role of commission.

(a) For purposes of this Code section, the term "qualifying experience" means that an individual has competed in a match, contest, or exhibition of boxing, kickboxing, martial arts, or wrestling for cash as a salary, purse, or prize for such participation.

(b) The commission shall have jurisdiction over any bare knuckle boxing match which occurs or is held within this state, is filmed in this state, or is broadcast or transmitted in this state.

(c) Only an individual that has qualifying experience may participate in a bare knuckle boxing match.

(d) Contestants in a bare knuckle boxing match shall be prohibited from strikes with any part of the body other than the hands.

(e) Contestants in a bare knuckle boxing match may be allowed, at the discretion of the referee, to clinch one another while standing, provided that striking is active.

(f) The commission shall have the authority to license organizations that govern, authorize, and promote bare knuckle boxing matches, to inquire as to compliance, to require license and match fees, and to enforce noncompliance and violations.

(g) The commission shall have the duty to safeguard the public health, protect competitors, and provide for competitive matches by determining basic minimum medical and safety requirements based on the nature of the activity and the anticipated level of physical conditioning and training of competitors in bare knuckle boxing matches.

(h) In addition to the powers and duties set out in this article, the commission is authorized to promulgate rules and regulations to accomplish the purposes of this Code section in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and to enforce the provisions of this Code section.

History.

Code 1981, § 43-4B-18.1, enacted by Ga. L. 2023, p. 113, § 1B/HB 76, effective May 1, 2023.

Effective date.

This Code section became effective May 1, 2023.

CHAPTER 6

AUCTIONEERS

43-6-11. Qualifications of applicants.

(a) No auctioneer's license shall be issued to any person who has not attained the age of 18 years, nor to any person who is not a resident of this state unless he or she has fully complied with Code Section 43-6-12, nor to any person who is not a citizen or has not filed his or her intent to become a citizen of the United States.

(b) Each applicant for an auctioneer's license shall be required to pass an examination in a form prescribed by the commission.

(c) Each applicant for licensure as an auctioneer must prove to the commission that he or she is reputable, trustworthy, honest, and competent to transact the business of auctioning in such a manner as to safeguard the interest of the public.

(d) Each applicant for licensure as an auctioneer shall have successfully graduated from an accredited high school or obtained a state approved high school equivalency (HSE) diploma and have graduated from an auctioneers school approved by the commission prior to making an application for an auctioneer's license.

History.

Code 1933, § 84-311A, enacted by Ga. L. 1975, p. 53, § 1; Ga. L. 1979, p. 1268, § 2; Ga. L. 1982, p. 3, § 43; Ga. L. 1982, p. 1686, §§ 1, 2; Ga. L. 1989, p. 1409, § 2; Ga. L. 1991, p. 801, § 1; Ga. L. 1993, p. 1030, § 3; Ga. L. 1996, p. 657, § 4; Ga. L. 2011, p. 752, § 43/HB 142; Ga. L. 2014, p. 294, § 4/HB 1042; Ga. L. 2022, p. 168, § 10(1)/SB 397; Ga. L. 2025, p. 1029, § 43(3)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, inserted "diploma" in subsection (d).

CHAPTER 9

CHIROPRACTORS

43-9-16. Scope of practice.

JUDICIAL DECISIONS

Medical malpractice actions. — Given the statutory definition of "chiropractic" and the scope of practice afforded to chiropractors, the Court of Appeals of

Georgia concludes that chiropractors are authorized under Georgia law to provide "health treatment and care" to their patients, such that an action alleging professional negligence against a chiropractor meets the definition of an action for medical malpractice. Fuller Life Chiropractic Center, P.C. v. Threadgill, 370 Ga. App. 256, 896 S.E.2d 15, 2023 Ga. App. LEXIS 554 (2023).

CHAPTER 10

BARBERS AND COSMETOLOGISTS

43-10-1. Definitions.

As used in this chapter, the term:

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

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

(A) Shaving or trimming the beard;

(B) Cutting or dressing the hair;

(C) Giving facial or scalp massages; or

(D) Giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances.

Such term shall not apply to an individual whose activities are limited to shampooing or blow-dry styling if an individual performs no other practices requiring a license under this chapter.

(3) "Barbering" means the occupation of shaving or trimming the beard, cutting or dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances, singeing and shampooing the hair, coloring or dyeing the hair, or permanently waving, relaxing, or straightening the hair of an individual for compensation.

(4) "Beautician" means "cosmetologist" as such term is defined in this Code section.

(5) "Beauty shop" or "beauty salon" or "barber shop" means any

premises where one or more individuals engage in barbering or in the occupation of a cosmetologist.

(5.1) “Blow-dry styling” means the practice of only shampooing, conditioning, drying, arranging, curling, straightening, or styling hair using only mechanical devices, hair sprays, and topical agents, such as balms, oils, and serums; provided, however, that such mechanical devices shall not include any flat irons or curling irons. Such term includes the use and styling of hair extensions, hair pieces, and wigs and excludes cutting hair or the application of dyes, bleach, reactive chemicals, keratin treatments, or other preparations to color or alter the structure of hair. Such practices are distinct from those performed by a barber II, hair designer, master barber, or master cosmetologist.

(6) “Board” means the State Board of Cosmetology and Barbers.

(7)(A) “Cosmetologist” means any individual who performs any one or more of the following services for compensation:

(i) Cuts or dresses the hair;

(ii) Gives facial or scalp massages or facial and scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances;

(iii) Singes and shampoos the hair, colors or dyes the hair, or does permanent waving, relaxing, or straightening of the hair;

(iv) Performs the services of a nail technician as defined in paragraph (12) of this Code section; or

(v) Performs the services of an esthetician as defined in paragraph (8) of this Code section.

(B) Such individual shall be considered as practicing the occupation of a cosmetologist within the meaning of this Code section; provided, however, that such term shall not mean an individual who only braids the hair by hairweaving; interlocking; twisting; plaiting; wrapping by hand, chemical, or mechanical devices; or using any natural or synthetic fiber for extensions to the hair, and no such individual shall be subject to the provisions of this chapter.

(C) Such term shall not apply to an individual whose activities are limited to the following practices and no other practices requiring a license under this chapter:

(i) The application of cosmetics;

(ii) Shampooing; and

(iii) Blow-dry styling.

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

(A) Massaging the face, neck, décolletage, or arms of an individual;

(B) Trimming, tweezing, shaping, or threading eyebrows;

(C) Dyeing eyelashes or eyebrows or applying eyelash extensions; or

(D) Waxing, threading, stimulating, cleansing, or beautifying the face, neck, arms, torso, or legs of an individual by any method with the aid of the hands or any mechanical or electrical apparatus or by the use of a cosmetic preparation.

Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition or medical aesthetics or the use of lasers. Such term shall not apply to an individual whose activities are limited to the application of cosmetics.

(9) "Hair designer" means an individual who performs any one or more of the following services for compensation:

(A) Cuts or dresses the hair; or

(B) Singes and shampoos the hair, applies a permanent relaxer or straightener to the hair, or colors or dyes the hair.

Such term shall not apply to an individual whose activities are limited to shampooing or blow-dry styling if an individual performs no other practices requiring a license under this chapter.

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

(10) "Master barber" means an individual who performs any one or more of the following services for compensation:

(A) Shaving or trimming the beard;

(B) Cutting or dressing the hair;

(C) Giving facial or scalp massages;

(D) Giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances; or

(E) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently waving, relaxing, or straightening the hair.

Such term shall not apply to an individual whose activities are limited to shampooing and blow-dry styling if an individual performs no other practices requiring a license under this chapter.

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

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

(13) "Person" means any individual, proprietorship, partnership, corporation, association, or other legal entity.

(14) "School of barbering" means any establishment that receives compensation for training more than one individual in barbering. Technical colleges whose programs have been approved by the Technical College System of Georgia or the Department of Education are not "schools of barbering" within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be "board approved."

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

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

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

(18) "School of nail care" means any establishment that receives compensation for training more than one individual in the occupation

of a nail technician. Technical colleges whose programs have been approved by the Technical College System of Georgia or the Department of Education are not "schools of nail care" within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be "board approved."

History.
Ga. L. 1963, p. 45, §§ 1, 2; Ga. L. 1966, p. 195, § 1; Ga. L. 1983, p. 1219, § 1; Ga. L. 1985, p. 1057, § 1; Ga. L. 1986, p. 843, § 1; Ga. L. 1996, p. 1239, § 4; Ga. L. 2000, p. 814, § 1; Ga. L. 2001, p. 1077, § 1; Ga. L. 2006, p. 904, § 1/SB 145; Ga. L. 2008, p. 335, § 7/SB 435; Ga. L. 2015, p. 1287, § 2/HB 314; Ga. L. 2018, p. 996, § 3/SB 461; Ga. L. 2024, p. 603, § 1/SB 354, effective July 1, 2024.

Amendments.
The 2024 amendment, effective July 1, 2024, added the undesignated paragraph following subparagraph (2)(D); added paragraph (5.1); redesignated former paragraph (7) as present subparagraphs (7)(A) through (7)(C); rewrote subparagraph (7)(C); deleted "during the production of film, television, or musical entertainment or to the application of cosmetics in a retail environment in which cosmetics are marketed to individuals and are readily commercially available to consumers" from the end of the undesignated paragraph of subparagraph (8)(D); and added the undesignated paragraph following subparagraphs (9)(B) and (10)(E).

43-10-17. Employment of persons to wash, shampoo, comb, brush, and blow-dry hair and apply cosmetics in beauty shops, beauty salons, and barber shops.

Notwithstanding any other provision of this chapter, a beauty shop, beauty salon, and barber shop shall be authorized to employ persons to do the following:

(1) Washing, shampooing, combing, brushing, and blow-dry styling; and

(2) Applying cosmetics. Such persons shall not be required to be registered by the board. Moreover, a facility in which an individual performs or individuals perform only shampooing, blow-dry styling, or applying cosmetics and no other practices requiring a license under this chapter is exempt from all facility licensing requirements under this chapter.

History.
Ga. L. 1977, p. 803, § 3; Ga. L. 1979, p. 1327, § 7; Ga. L. 1980, p. 1420, § 8; Ga. L. 1985, p. 1057, § 13; Ga. L. 1997, p. 675, § 2; Ga. L. 2000, p. 814, § 1; Ga. L. 2006, p. 904, § 11/SB 145; Ga. L. 2015, p. 1287, § 2/HB 314; Ga. L. 2024, p. 603, § 2/SB 354, effective July 1, 2024.

Amendments.
The 2024 amendment, effective July 1, 2024, rewrote this Code section, which read: "Notwithstanding any other provision of this chapter, a beauty shop, beauty salon, and barber shop shall be authorized to employ persons to wash, shampoo, comb, and brush hair, and such persons shall not be required to be registered by the board."

CHAPTER 10A

PROFESSIONAL COUNSELORS, SOCIAL WORKERS, AND MARRIAGE AND FAMILY THERAPISTS

ARTICLE 1

LICENSING PROVISIONS

43-10A-3. (For effective date, see note.) Definitions.

As used in this article, the term:

(1) "Advertise" means, but is not limited to, the issuing of or causing to be distributed any card, sign, or other device or the causing or permitting any sign or marking on or in any building or structure, or in any newspaper, magazine, or directory, or on radio or television.

(2) "Allied profession" means the practice of medicine, psychiatric nursing, psychology, or pastoral counseling.

(3) "Board" means the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists established by this article.

(4) "Commission on Accreditation for Marriage and Family Therapy Education" means the national accrediting agency for marriage and family therapy education as recognized by the Council for Higher Education Accreditation.

(5) "Commission on Rehabilitation Counselor Certification" means the national certifying agency for rehabilitation counselors as recognized by the National Commission for Certifying Agencies.

(6) "Council on Social Work Education" means the national accrediting agency for social work education as recognized by the United States Department of Education and the Council on Postsecondary Accreditation.

(7) "Counseling" means those techniques used to help persons learn how to solve problems and make decisions related to personal growth, vocation, family, social, and other interpersonal concerns.

(8) "Diagnose" means the use, administration, or application of any criteria contained within standard classification or diagnostic systems for mental disorders and that are related to the scope of practice as provided pursuant to this article. Such term shall not mean the diagnosis of any neuropsychological functioning or conditions.

(9) "Direction" means the ongoing administrative overseeing by an employer or superior of a specialty practitioner's work by a person:

(A) Responsible for assuring the quality of the services rendered by that practitioner;

(B) Responsible for ensuring that qualified supervision or intervention occurs in situations which require expertise beyond that of the practitioner; and

(C) Who is acceptable to the standards committee for that specialty in which the practitioner is working.

(10) "Division director" means the director of the professional licensing boards division. The division director shall serve as secretary to the board.

(11) "Fee" means money or anything of value, including but not limited to a salary, offered or received as compensation in return for rendering services in any specialty.

(12) "Marriage and family therapy" means that specialty which:

(A) Evaluates, diagnoses, and treats emotional and mental problems and conditions, whether cognitive, affective, or behavioral; resolves intrapersonal and interpersonal conflicts; and changes perception, attitudes, and behavior; all within the context of marital and family systems;

(B) Includes, without being limited to, individual, group, couple, sexual, family, and divorce therapy; and

(C) Involves an applied understanding of the dynamics of marital and family systems, including individual psychodynamics; the use of assessment instruments that evaluate marital and family functioning; designing and recommending a course of treatment; and the use of psychotherapy and counseling.

(13) "Practice a specialty" or "practice" means to offer to render for a fee or to render for a fee any service involving the application of

principles, methods, or procedures of professional counseling, social work, or marriage and family therapy.

(14) "Professional counseling" means that specialty which utilizes counseling techniques based on principles, methods, and procedures of counseling that assist people in identifying and resolving personal, social, vocational, intrapersonal, and interpersonal concerns; utilizes counseling and psychotherapy to evaluate, diagnose, treat, and recommend a course of treatment for emotional and mental problems and conditions, whether cognitive, behavioral, or affective, provided that the counselor shall have training and experience working with people with mental illness, developmental disability, or substance abuse; administers and interprets educational and vocational assessment instruments and other tests which the professional counselor is qualified to employ by virtue of education, training, and experience; utilizes information, community resources, and goal setting for personal, social, or vocational development; utilizes individual and group techniques for facilitating problem solving, decision making, and behavior change; utilizes functional assessment and vocational planning and guidance for persons requesting assistance in adjustment to a disability or disabling condition; utilizes referral for persons who request counseling services; performs service planning; and utilizes and interprets counseling research.

(15) "Psychotherapeutic techniques" means those specific techniques involving the in-depth exploration and treatment of interpersonal and intrapersonal dynamics but shall not include the performance of those activities exclusively reserved to any other business or profession by any other chapter of this title.

(16) "Recognized educational institution" means any educational institution which grants a bachelor's, master's, specialist, or doctoral degree and which is recognized by an accrediting body acceptable to the board.

(17) "Social work" means that specialty which helps individuals, marriages, families, couples, groups, or communities to enhance or restore their capacity for functioning: by assisting in the obtaining or improving of tangible social and health services; by providing psychosocial evaluations, in-depth analyses and diagnoses of the nature and status of emotional, cognitive, mental, behavioral, and interpersonal problems or conditions; and by counseling and psychotherapeutic techniques, casework, social work advocacy, psychotherapy, and treatment in a variety of settings which include but are not limited to mental and physical health facilities, child and family service agencies, or private practice.

(18) "Specialty" means social work, marriage and family therapy, or professional counseling, or any combination thereof.

(19) "Supervision" means the direct clinical review, for the purpose of training or teaching, by a supervisor of a specialty practitioner's interaction with a client. It may include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation in order to promote the development of the practitioner's clinical skills.

(20) "Supervisor" means a person who meets the licensure and other requirements established by the standards committee for that specialty which is being supervised.

History.

Code 1981, § 43-7A-3, enacted by Ga. L. 1984, p. 1406, § 1; Ga. L. 1987, p. 3, § 43; Ga. L. 1990, p. 1484, § 1; Ga. L. 1993, p. 330, § 2; Ga. L. 1994, p. 450, § 1; Ga. L. 1995, p. 1302, § 17; Ga. L. 1997, p. 452, § 1; Ga. L. 2000, p. 1706, § 9; Ga. L. 2002, p. 1479, § 1; Ga. L. 2012, p. 347, § 1/HB 434; Ga. L. 2014, p. 352, § 1/SB 128; Ga. L. 2015, p. 385, § 4-18/HB 252; Ga. L. 2016, p. 257, § 2/SB 319; Ga. L. 2021, p. 729, § 3/HB 395; Ga. L. 2022, p. 523, § 1/HB 972; Ga. L. 2024, p. 607, § 1/SB 373, effective July 1, 2024; Ga. L. 2025, p. 745, § 1/SB 154, see notes for effective date.

Delayed effective date.

Ga. L. 2025, p. 745, § 4/SB 154, provides that the 2025 amendment becomes effective upon an act of Congress repealing the establishment of the United States Department of Education or otherwise abolishing the United States Department of Education. This Code section, as set out above, does not reflect the amendment by that Act owing to the delayed effective date. After the contingency is met, paragraph (6) will read as follows: "(6) 'Council on Social Work Education' means the national accrediting agency for social work education as recognized by the United States Department of Education, or its successor, and the Council on Postsecondary Accreditation.". As of May 2025, the contingency has not been met.

Amendments.

The 2024 amendment, effective July 1, 2024, in paragraph (20), inserted "licensure and other" and deleted "and who is either licensed under this article or is a psychiatrist or a psychologist" following "supervised" at the end.

The 2025 amendment, inserted ", or its successor," following "United States Department of Education" in paragraph (6). For effective date of this amendment, see the delayed effective date note.

43-10A-5. Powers and duties of board; quorum; meetings.

(a) The members of the board shall take an oath to perform faithfully the duties of their office. Within 30 days after taking the oath of office, the first board appointed under this article shall meet for an organizational meeting on call by the division director. At such meeting and at an organizational meeting in January every odd-numbered year thereafter, the board shall elect from its members a chairperson and vice chairperson to serve for terms of two years.

(b) The quorum for the transaction of business of the board shall be as provided in subsection (h) of Code Section 43-1-2.

(c) Unless specifically delegated to a standards committee pursuant to Code Section 43-10A-6, the board shall have the following powers and duties:

(1) To adopt, amend, and repeal such rules and regulations not inconsistent with this article necessary for the proper administration and enforcement of this article;

(2) To issue, renew, and reinstate the licenses of duly qualified applicants for licensure to practice a specialty in this state;

(3) To deny, suspend, revoke, or otherwise sanction licenses to practice a specialty in this state;

(4) To initiate investigations for the purpose of discovering violations of this article;

(5) To conduct hearings upon charges calling for the discipline of a licensee or on violations of this article;

(6) To issue to specialists licensed under this article certificates under the seal of the board evidencing such licensure and signed, either by hand or facsimile signature, by the chairperson of the board and the division director;

(7) To adopt a seal; and

(8) To do all other things necessary to administer and enforce this article and all rules and regulations adopted by the board pursuant to this article.

(d) The board shall adopt a code of ethics to govern the behavior of persons licensed under this article, including but not limited to the prohibiting of practice in those areas in which the specialty practitioner has not obtained university level graduate training or substantially equivalent supervised experience.

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

(f) After a person has applied for licensure, no member of the board may supervise or direct such applicant for a fee nor shall any member vote on any applicant previously supervised or directed by that member.

(g) The board shall hold at least two regular meetings each year. Additional meetings may be held upon the call of the chairperson of the board or at the written request of any four members of the board.

(h) The board shall administer the Professional Counselors Licensure Compact contained in Article 2 of this chapter and the Social Work Licensure Compact contained in Article 3 of this chapter.

(i) The board is authorized to conduct national background checks by the submission of fingerprints to the Federal Bureau of Investigation through the Georgia Crime Information Center; provided, however, that reports from such background checks shall not be shared with entities outside of this state.

History.

Code 1981, § 43-7A-5, enacted by Ga. L. 1984, p. 1406, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2021, p. 729, §§ 1, 3/HB 395; Ga. L. 2022, p. 523, § 1/HB 972; Ga. L. 2024, p. 578, § 1/SB 195, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added "and the Social Work Licensure Compact contained in Article 3 of this chapter" at the end of subsection (h).

43-10A-6. (Reserved effective July 1, 2026.) Separate standards committees for professional counseling specialty, social work specialty, and marriage and family therapy specialty.

Editor's notes.

Ga. L. 2025, p. 307, § 2-1/HB 579, provides for the repeal and reservation of this Code section, effective July 1, 2026.

43-10A-10. Licensure without examination; waiver of experience requirements.

(a) The board may issue a license without examination to any applicant licensed in a specialty under the laws of another jurisdiction having requirements for licensure in that specialty which are substantially equal to the licensure requirements for that specialty in this state.

(b) The board shall be authorized to waive all or a portion of the experience requirements for any applicant licensed under the laws of another jurisdiction who has maintained full licensure in good standing in such jurisdiction for a minimum of two years.

History.

Code 1981, § 43-7A-10, enacted by Ga. L. 1984, p. 1406, § 1; Ga. L. 1990, p. 1484, § 2; Ga. L. 2022, p. 523, § 1/HB 972; Ga. L. 2024, p. 166, § 3/HB 1344, effective April 22, 2024.

Amendments.

The 2024 amendment, effective April 22, 2024, designated the existing provisions of this Code section as subsection (a) and added subsection (b).

43-10A-11. Requirements for licensure as associate professional counselor or professional counselor; use of title.

(a) The education, experience, and training requirements for licensure in professional counseling are as follows:

(1) For licensure as an associate professional counselor:

(A) A minimum of an earned master's degree or higher from a regionally accredited program in clinical counseling or counseling psychology that consists of at least 60 semester hours or 90 quarter hours with an approved supervised internship or practicum that is primarily counseling in content as a part of the degree program; and

(B) Registration with the board of an acceptable contract for obtaining the post-degree experience under direction and supervision that is required for licensure as a professional counselor.

(2) For licensure as a professional counselor:

(A) A minimum of an earned master's degree or higher from a regionally accredited program in clinical counseling or counseling psychology that consists of at least 60 semester hours or 90 quarter hours with an approved supervised internship or practicum that is primarily counseling in content as a part of the degree program; and

(B) Two years of post-degree experience under direction and supervision in a work setting acceptable to the board.

(b) For purposes of subsection (a) of this Code section, work settings acceptable to the board may include, but are not limited to, educational, rehabilitation, career development, mental health, or community organizations.

(c) Only a person licensed as an associate professional counselor may use the title "associate professional counselor" or "licensed associate professional counselor." Associate professional counselors shall practice professional counseling only under direction and supervision and only for a period not to exceed five years while obtaining the post-degree experience required for licensure as a professional counselor.

History.

Code 1981, § 43-7A-11, enacted by Ga. L. 1984, p. 1406, § 1; Ga. L. 1990, p. 1484, § 3; Ga. L. 1993, p. 330, § 4; Ga. L. 1994, p. 450, § 3; Ga. L. 1997, p. 1387, § 3; Ga. L. 2002, p. 1479, §§ 2, 3; Ga. L. 2022, p. 523, § 1/HB 972; Ga. L. 2024, p. 607, § 2/SB 373, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, substituted "90 quarter" for "80 quarter" in subparagraph (a)(1)(A) and subparagraph (a)(2)(A); redesignated division (a)(2)(A)(i) and former division (a)(2)(A)(ii) as present subparagraphs (a)(2)(A) and (a)(2)(B), respectively; substituted a period for "; or" at the end of present subparagraph (a)(2)(B); and deleted former subparagraph (a)(2)(B), which read: "A doctoral degree from a recognized educational institution in a program that is primarily counseling in content and requires at least one year of supervised internship in a work setting acceptable to the board."

43-10A-13. Requirements for licensure in marriage and family therapy; expedited license by endorsement.

(a) The education, experience, and training requirements for licensure in marriage and family therapy are as follows:

(1) For licensure as an associate marriage and family therapist, a master's degree from a program in marriage and family therapy or a program including a master's degree and additional post-master's degree coursework, both of which programs shall include coursework as set forth on July 1, 2023, by the Commission on Accreditation for Marriage and Family Therapy Education, or from any program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, which degree shall have been granted by a recognized educational institution; completion of a one-year practicum in marriage and family therapy under supervision before or after the granting of the master's degree, which practicum shall meet the minimum number of direct clinical contact hours and supervision hours as set forth on July 1, 2023, by the Commission on Accreditation for Marriage and Family Therapy Education; and registration with the board of an acceptable contract for obtaining the post-master's experience under direction and supervision required for licensure as a marriage and family therapist; and

(2) For licensure as a marriage and family therapist:

(A) Licensure as an associate marriage and family therapist and two years of full-time post-master's experience or its equivalent in the practice of marriage and family therapy under direction and supervision as an associate marriage and family therapist, which shall include a minimum of 1,500 hours of direct clinical experience and 100 hours of supervision of such experience and which shall be completed within a period of not less than two years and not more than five years;

(B) A master's degree from:

(i) A program in marriage and family therapy;

(ii) A program in clinical counseling, clinical social work, any allied profession, applied child and family development, or applied sociology; provided, however, that, on and after July 1, 2025, any such degree program or additional post-master's degree coursework shall include courses equivalent to those of a marriage and family therapy degree program; or

(iii) Any program accredited by the Commission on Accreditation for Marriage and Family Therapy Education,

which degree shall have been granted by a recognized educational institution, and three years' full-time post-master's experience or its equivalent under direction and supervision in the practice of any specialty, which shall include a minimum of 1,800 hours of direct clinical experience, one year of which may have been in an approved practicum before or after the granting of the master's degree which shall meet the minimum number of direct clinical contact hours and supervision hours as set forth on July 1, 2023, by the Commission on Accreditation for Marriage and Family Therapy Education, and two years of which shall have been in the practice of marriage and family therapy which shall include a minimum of 1,500 hours of direct clinical experience, and 200 hours of supervision of such experience all of which shall be completed within a period of not less than three years and not more than five years; or

(C) A doctorate degree from:

(i) A program in marriage and family therapy;

(ii) A program in clinical counseling, clinical social work, any allied profession, applied child and family development, or applied sociology; provided, however, that, on and after July 1, 2025, any such doctorate degree program or additional post-master's degree coursework shall include courses equivalent to those of a marriage and family therapy degree program; or

(iii) Any program accredited by the Commission on Accreditation for Marriage and Family Therapy Education,

which degree shall have been granted by a recognized educational institution; two years' full-time post-master's experience under direction in the practice of marriage and family therapy which shall include a minimum of 1,000 hours of direct clinical experience, one year of which may have been in an approved internship program before or after the granting of the doctoral degree, which shall meet the minimum number of direct clinical contact hours and supervision hours as set forth on July 1, 2023, by the Commission on Accreditation for Marriage and Family Therapy Education, and one year of which shall have been full-time post-master's experience, which shall include a minimum of 700 hours of direct clinical experience; and 100 hours of supervision of such experience in the practice of marriage and family therapy, 50 hours of which may have been obtained while a student or intern in an accredited doctoral program.

(b) Persons intending to apply for licensure as a marriage and family therapist and who have completed one of the graduate degrees required for such licensure may register a contract with the board for obtaining the required post-master's experience under direction and supervision.

(c) Associate marriage and family therapists may only use the title "associate marriage and family therapist" and may practice marriage and family therapy only under direction and supervision and only for a period not to exceed five years while obtaining the post-master's experience required for licensure as a marriage and family therapist.

(d)(1) Notwithstanding any other provisions of law, the board shall issue an expedited license by endorsement to any individual seeking licensure as a marriage and family therapist who:

(A) Completes an application for licensure and pays all applicable fees;

(B) Holds a current, valid, and unrestricted license to practice as a marriage and family therapist issued by another state;

(C) Is in good standing in such other state and is not the subject of an investigation or a disciplinary proceeding being conducted by a professional licensing board in such other state;

(D) Does not have a disqualifying criminal record; and

(E) Has been verified to have a lawful presence in the United States pursuant to Code Section 50-36-1.

(2) An expedited license by endorsement provided for in paragraph (1) of this subsection shall be issued no later than 30 days from the date of receipt of an application and information and documents that show that all of the requirements of paragraph (1) of this subsection have been met. Such application for an expedited license by endorsement shall only require such information and documentation necessary to verify that the applicant meets the requirements set forth in paragraph (1) of this subsection.

(3) This subsection shall not be used to grant an expedited license by endorsement to an associate marriage and family therapist.

(4) For purposes of this subsection, the term “another state” or “other state” means a state of the United States other than this state, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

History.

Code 1981, § 43-7A-13, enacted by Ga. L. 1984, p. 1406, § 1; Ga. L. 1988, p. 580, § 1; Ga. L. 1989, p. 825, § 3; Ga. L. 1994, p. 97, § 43; Ga. L. 1995, p. 874, § 1; Ga. L. 1996, p. 843, § 3; Ga. L. 1997, p. 452, § 2; Ga. L. 2002, p. 415, § 43; Ga. L. 2013, p. 141, § 43/HB 79; Ga. L. 2015, p. 5, § 43/HB 90; Ga. L. 2022, p. 523, § 1/HB 972; Ga. L. 2023, p. 113, § 2/HB 76, effective July 1, 2023; Ga. L. 2024, p. 607, § 3/SB 373, effective July 1, 2024.

Amendments.

The 2023 amendment, effective July 1, 2023, rewrote subsection (a), which read: “The education, experience, and training requirements for licensure in marriage and family therapy are as follows:

“(1) For licensure as an associate marriage and family therapist, a master’s degree in a program in marriage and family therapy or a program including a master’s degree and additional post-master’s degree coursework, both of which programs shall include three courses in marriage and family studies, three courses in marriage and family therapy, three courses in human development, one course in marriage and family therapy ethics, and one course in research, or from any program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, which degree shall have been granted by a recognized educational institution; completion of a one-year practicum in marriage and family therapy under supervision before or after the granting of the master's degree, which practicum shall include 500 hours of direct clinical experience in marriage and family therapy and 100 hours of supervision of such experience; and registration with the board of an acceptable contract for obtaining the post-master's experience under direction and supervision required for licensure as a marriage and family therapist; and

"(2) For licensure as a marriage and family therapist:

"(A) Licensure as an associate marriage and family therapist and two years of full-time post-master's experience or its equivalent in the practice of marriage and family therapy under direction and supervision as an associate marriage and family therapist, which shall include a minimum of 2,000 hours of direct clinical experience and 100 hours of supervision of such experience and which shall be completed within a period of not less than two years and not more than five years;

"(B) A master's degree from a program in any specialty, any allied profession, applied child and family development, applied sociology, or from any program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, which degree shall have been granted by a recognized educational institution and shall include, as part of the degree program or as additional post-master's degree coursework, at least two courses in marriage and family studies, two courses in marriage and family therapy, and, after July 1, 2000, one course in marriage and family therapy ethics; and three years' full-time post-master's experience or its equivalent under direction and supervision in the practice of any specialty, which shall include a minimum of 2,500 hours of direct clinical experience, one year of which may have been in an approved practicum before or after the granting of the master's degree which shall include a minimum of 500 hours of direct clinical experience, and two years of which shall have been in the practice of marriage and family therapy which shall include a minimum of 2,000 hours of direct clinical experience, and 200 hours of supervision of such experience all of which shall be completed within a period of not less than three years and not more than five years; or

"(C) A doctorate degree from a program in any specialty, any allied profession, applied child and family development, applied sociology, or from any program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, which degree shall have been granted by a recognized educational institution and shall include, as part of a master's or doctoral degree program or as additional postgraduate degree coursework, at least two courses in marriage and family studies, two courses in marriage and family therapy, and, after July 1, 2000, one course in marriage and family therapy ethics; two years' full-time post-master's experience under direction in the practice of marriage and family therapy which shall include a minimum of 1,500 hours of direct clinical experience, one year of which may have been in an approved internship program before or after the granting of the doctoral degree, which shall include a minimum of 500 hours of direct clinical experience, and one year of which shall have been full-time post-master's experience, which shall include a minimum of 1,000 hours of direct clinical experience; and 100 hours of supervision of such experience in the practice of marriage and family therapy, 50 hours of which may have been obtained while a student or intern in an accredited doctoral program."

The 2024 amendment, effective July 1, 2024, added subsection (d).

Editor's notes.

Ga. L. 2023, p. 113, § 5/HB 76, not codified by the General Assembly, provides: "Nothing in this bill shall add any additional requirements or restrictions to clinical pastoral counselors."

ARTICLE 3

SOCIAL WORK LICENSURE COMPACT

Effective date.

This article became effective July 1, 2024.

43-10A-60. Short title.

This article shall be known and may be cited as the "Social Work Licensure Compact Act."

History.

Code 1981, § 43-10A-60, enacted by Ga. L. 2024, p. 578, § 2/SB 195, effective July 1, 2024.

43-10A-61. (For effective date, see note.) Compact enacted; text of compact.

The Social Work Licensure Compact is enacted into law and entered into by the State of Georgia with any and all other states legally joining therein in the form substantially as follows:

"SOCIAL WORK LICENSURE COMPACT ACT

SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure. This Compact is designed to achieve the following objectives:

A. Increase public access to Social Work Services;

B. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

C. Enhance the Member States' ability to protect the public's health and safety;

D. Encourage the cooperation of Member States in regulating multistate practice;

E. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;

F. Support military families;

G. Facilitate the exchange of licensure and disciplinary information among Member States;

H. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by the Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and

I. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

SECTION 2: DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Military Member" means any individual in full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's authorization to practice, including issuance of a cease and desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

D. "Charter Member States" - Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Section 14.

E. "Compact Commission" or "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as defined in Section 10, and which shall operate as an instrumentality of the Member States.

F. "Current Significant Investigative Information" means:

1. Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or

2. Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether

the Regulated Social Worker has been notified and has had an opportunity to respond.

G. “Data System” means a repository of information about Licensees, including, but not limited to, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Multistate License(s) and Adverse Action information or other information as required by the Commission.

H. “Domicile” means the jurisdiction in which the Licensee resides and intends to remain indefinitely.

I. “Disqualifying Event” means any Adverse Action or incident which results in an Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or renew a Multistate License.

J. “Encumbrance” means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

K. “Executive Committee” means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the compact and Commission.

L. “Home State” means the Member State that is the Licensee’s primary Domicile.

M. “Impairment” means a condition(s) that may impair a practitioner’s ability to engage in full and unrestricted practice as a Regulated Social Worker without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

N. “Licensee(s)” means an individual who currently holds a license from a State to practice as a Regulated Social Worker.

O. “Licensing Authority” means the board or agency of a Member State, or equivalent, that is responsible for the licensing and regulation of Regulated Social Workers.

P. “Member State” means a state, commonwealth, district, or territory of the United States of America that has enacted this Compact.

Q. “Multistate Authorization to Practice” means a legally authorized privilege to practice, which is equivalent to a license, associated with a Multistate License permitting the practice of Social Work in a Remote State.

R. “Multistate License” means a license to practice as a Regulated Social Worker issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all Member States under Multistate Authorization to Practice.

S. "Qualifying National Exam" means a national licensing examination approved by the Commission.

T. "Regulated Social Worker" means any clinical, master's or bachelor's Social Worker licensed by a Member State regardless of the title used by that Member State.

U. "Remote State" means a Member State other than the Licensee's Home State.

V. "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the Compact, that has the force of law.

W. "Single State License" means a Social Work license issued by any State that authorizes practice only within the issuing State and does not include Multistate Authorization to Practice in any Member State.

X. "Social Work" or "Social Work Services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State's statutes and regulations in the State where the services are being provided.

Y. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work

Z. "Unencumbered License" means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

SECTION 3: STATE PARTICIPATION IN THE COMPACT

A. To be eligible to participate in the compact, a potential Member State must currently meet all of the following criteria:

1. License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category.

2. Require applicants for licensure to graduate from a program that is:

   a. Operated by a college or university recognized by the Licensing Authority;

b. Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation, or its successor; or

ii. the United States Department of Education; and

c. Corresponds to the licensure sought as outlined in Section 4.

3. Require applicants for clinical licensure to complete a period of supervised practice.

4. Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

B. To maintain membership in the Compact a Member State shall:

1. Require applicants for a Multistate License pass a Qualifying National Exam for the corresponding category of Multistate License sought as outlined in Section 4;

2. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

3. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

4. Implement procedures for considering the criminal history records of applicants for a Multistate License. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

5. Comply with the Rules of the Commission;

6. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable Home State laws;

7. Authorize a Licensee holding a Multistate License in any Member State to practice in accordance with the terms of the Compact and Rules of the Commission; and

8. Designate a delegate to participate in the Commission meetings.

C. A Member State meeting the requirements of Section 3.A. and 3.B of this Compact shall designate the categories of Social Work licensure that are eligible for issuance of a Multistate License for applicants in such Member State. To the extent that any Member State does not meet the requirements for participation in the Compact at any particular category of Social Work licensure, such Member State may choose, but is not obligated to, issue a Multistate License to applicants that otherwise meet the requirements of Section 4 for issuance of a Multistate License in such category or categories of licensure.

D. The Home State may charge a fee for granting the Multistate License.

SECTION 4: SOCIAL WORKER PARTICIPATION IN THE COMPACT

A. To be eligible for a Multistate License under the terms and provisions of the Compact, an applicant, regardless of category must:

1. Hold or be eligible for an active, Unencumbered License in the Home State;

2. Pay any applicable fees, including any State fee, for the Multistate License;

3. Submit, in connection with an application for a Multistate License, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken;

5. Meet any continuing competence requirements established by the Home State;

6. Abide by the laws, regulations, and applicable standards in the Member State where the client is located at the time care is rendered.

B. An applicant for a clinical-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a clinical-category Qualifying National Exam; or

b. Licensure of the applicant in their Home State at the clinical category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a master's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation or its successor; or

ii. the United States Department of Education.

3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either:

a. A period of postgraduate supervised clinical practice equal to a minimum of three thousand hours; or

b. A minimum of two years of full-time postgraduate supervised clinical practice; or

c. The substantial equivalency of the foregoing practice requirements which the Commission may determine by Rule.

C. An applicant for a master's-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a masters-category Qualifying National Exam;

b. Licensure of the applicant in their Home State at the master's category, beginning prior to such time as a Qualifying National Exam was required by the Home State at the master's category and accompanied by a continuous period of Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a master's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation or its successor; or

ii. the United States Department of Education.

D. An applicant for a bachelor's-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a bachelor's-category Qualifying National Exam;

b. Licensure of the applicant in their Home State at the bachelor's category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a bachelor's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation or its successor; or

ii. the United States Department of Education.

E. The Multistate License for a Regulated Social Worker is subject to the renewal requirements of the Home State. The Regulated Social Worker must maintain compliance with the requirements of Section 4(A).

F. The Regulated Social Worker's services in a Remote State are subject to that Member State's regulatory authority. A Remote State may, in accordance with due process and that Member State's laws, remove a Regulated Social Worker's Multistate Authorization to Practice in the Remote State for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate Authorization to Practice shall be deactivated in all Remote States until the Multistate License is no longer encumbered.

H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated Social Worker's Multistate Authorization to Practice may be deactivated in that State until the Multistate Authorization to Practice is no longer encumbered.

SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

A. Upon receipt of an application for Multistate License, the Home State Licensing Authority shall determine the applicant's eligibility for a Multistate License in accordance with Section 4 of this Compact.

B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice.

C. Upon issuance of a Multistate License, the Home State Licensing Authority shall designate whether the Regulated Social Worker holds a Multistate License in the Bachelors, Masters, or Clinical category of Social Work.

D. A Multistate License issued by a Home State to a resident in that State shall be recognized by all Compact Member States as authorizing Social Work Practice under a Multistate Authorization to Practice corresponding to each category of licensure regulated in the Member State.

SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the practice of Social Work in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single State License to practice Social Work in that State.

D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Authorization to Practice in that State.

E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

A. A Licensee may hold a Multistate License, issued by their Home State, in only one Member State at any given time.

B. If a Licensee changes their Home State by moving between two Member States:

1. The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission.

2. Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered and eligible for reissuance under the terms of the Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission.

3. Prior to the reissuance of the Multistate License, the new Home State shall conduct procedures for considering the criminal history records of the Licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

4. If required for initial licensure, the new Home State may require completion of jurisprudence requirements in the new Home State.

5. Notwithstanding any other provision of this Compact, if a Licensee does not meet the requirements set forth in this Compact

for the reissuance of a Multistate License by the new Home State, then the Licensee shall be subject to the new Home State requirements for the issuance of a Single State License in that State.

C. If a Licensee changes their primary State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be subject to the State requirements for the issuance of a Single State License in the new Home State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State, and only one Multistate License.

E. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single State License.

SECTION 8: MILITARY FAMILIES

An Active Military Member or their spouse shall designate a Home State where the individual has a Multistate License. The individual may retain their Home State designation during the period the service member is on active duty.

SECTION 9: ADVERSE ACTIONS

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Regulated Social Worker's Multistate Authorization to Practice only within that Member State, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

2. Only the Home State shall have the power to take Adverse Action against a Regulated Social Worker's Multistate License.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a

Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Regulated Social Worker who changes their Home State during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Regulated Social Worker the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Regulated Social Worker.

E. A Member State may take Adverse Action based on the factual findings of another Member State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Social Work practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the Multistate License of a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Multistate License. All Home State disciplinary orders that impose Adverse Action against the license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in all Member States until all conditions of the decision, order or agreement are satisfied.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State and all other Member State's of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action. Nothing in this Compact shall authorize a Member State to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another Member State for lawful actions within that Member State.

J. Nothing in this Compact shall authorize a Member State to impose discipline against a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions within another Member State.

SECTION 10: ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 14.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.

2. The delegate shall be either:

a. A current member of the State Licensing Authority at the time of appointment, who is a Regulated Social Worker or public member of the State Licensing Authority; or

b. An administrator of the State Licensing Authority or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by Commission delegates.

7. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

8. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish code of conduct and conflict of interest policies;

3. Establish and amend Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an Executive Committee, including a chair and a vice chair;

21. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

22. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its Rules and bylaws, and other such duties as deemed necessary;

b. Recommend to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensure Compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the Commission;

f. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. The chair and vice chair of the Commission shall be voting members of the Executive Committee.

b. The Commission shall elect five voting members from the current membership of the Commission.

c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national Social Work organizations.

d. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection F.2 below.

b. The Executive Committee shall give seven (7) days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission.

c. The Executive Committee may hold a special meeting in accordance with subsection F.1.b. below.

E. The Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Commission

1. All meetings shall be open to the public, except that the Commission may meet in a closed, non-public meeting as provided in subsection F.2 below.

a. Public notice for all meetings of the full Commission of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 12, except that the Commission may hold a special meeting as provided in subsection F.1.b below.

b. The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's Rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting for the Commission or Executive Committee or other committees of the Commission to receive legal advice or to discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees;

c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Matters specifically exempted from disclosure by federal or Member State law; or

l. Other matters as promulgated by the Commission by Rule.

3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

G. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources as provided in subsection C(13).

3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error,

or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

SECTION 11: DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and the presence of Current Significant Investigative Information on all licensed individuals in Member States.

B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. The presence of Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

E. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

1. It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the database to determine whether Adverse Action has been taken against a

Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

F. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

G. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 12: RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's laws, regulations, and applicable standards as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking, and

3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

K. The Commission shall, by majority vote of all members, take final action on the proposed Rule based on the Rulemaking record and the full text of the Rule.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 12.L, the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this compact.

SECTION 13: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six (6) months after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the

Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. By majority vote as provided by Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

2. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No person other than a Member State shall enforce this compact against the Commission.

SECTION 14: EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 13.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Section 10(C)(21) to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to

this compact for a minimum of six (6) months after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 15: CONSTRUCTION AND SEVERABILITY

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 13.B, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 16: CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. A Licensee providing services in a Remote State under a Multistate Authorization to Practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the Remote State where the client is located at the time care is rendered.

B. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. All permissible agreements between the Commission and the Member States are binding in accordance with their terms."

History.

Code 1981, § 43-10A-61, enacted by Ga. L. 2024, p. 578, § 2/SB 195, effective July 1, 2024; Ga. L. 2025, p. 745, § 2/SB 154, see notes for effective date.

Delayed effective date.

Ga. L. 2025, p. 745, § 4/SB 154, provides that the 2025 amendment becomes effective upon an act of Congress repealing the establishment of the United States Department of Education or otherwise abolishing the United States Department of Education. This Code section, as set out above, does not reflect the amendment by that Act owing to the delayed effective date. After the contingency is met, division (A)(2)(b)(ii) of Section 3 and divisions (B)(2)(b)(ii), (C)(2)(b)(ii) and (D)(2)(b)(ii) of Section 4 will read as follows: "Section 3. (a)(2)(b)(ii) the United States Department of Education or its successor; and"

"Section 4. (B)(2)(b)(ii) the United States Department of Education or its successor."

"Section 4. (C)(2)(b)(ii) the United States Department of Education or its successor." and

"Section 4. (D)(2)(b)(ii) the United States Department of Education or its successor." As of May 2025, the contingency has not been met.

Amendments.

The 2025 amendment, inserted "or its successor" in division (A)(2)(b)(ii) of Section 3 and in divisions (B)(2)(b)(ii), (C)(2)(b)(ii) and (D)(2)(b)(ii) of Section 4. For effective date of this amendment, see the delayed effective date note.

Editor's notes.

Section 14, Paragraph A of this Compact, contained in this Code section, refers to the date on which this compact comes into effect. The compact became effective April 12, 2024, following the enactment by the seventh Member State.

CHAPTER 11

DENTISTS, DENTAL HYGIENISTS, AND DENTAL ASSISTANTS

Article 1

General Provisions

Article 2

Licenses for the Practice of Dentistry

ARTICLE 1

GENERAL PROVISIONS

43-11-2.1. Board authority; appointment, powers, and duties of executive director; meetings.

(a) On and after July 1, 2013, the board shall not be under the jurisdiction of the Secretary of State but shall be a division of the Department of Community Health; provided, however, that except as otherwise specifically provided, the board shall be autonomous from the Board of Community Health and the commissioner of community health and shall exercise its quasi-judicial, rule-making, licensing, or policy-making functions independently of the department and without approval or control of the department and prepare its budget and submit its budgetary requests, if any, through the department. Such transfer shall in no way affect any existing obligations, liabilities, or rights of the board, as such existed on June 30, 2013. The board shall have with respect to all matters within the jurisdiction of the board as provided under this chapter the powers, duties, and functions of professional licensing boards as provided in Chapter 1 of this title.

(b) The board shall appoint and fix the compensation, which shall be approved by the Board of Community Health, of an executive director of such board who shall serve at the pleasure of the board. Any reference in this chapter to the executive director shall mean the executive director appointed pursuant to this subsection. The executive director shall have those duties and powers prescribed by the board and any power, duty, and functions granted to the division director with respect to professional licensing boards under Chapter 1 of this title but shall not be subject to any approval or other powers exercised by the Secretary of State.

(c) Meetings and hearings of the board shall be held at the site of the office of the board or at such other site as may be specified by the president of the board. A majority of the members of the board shall constitute a quorum for the transaction of business of the board.

(d) The board, through the executive director, may hire investigators for the purpose of conducting investigations. Any person so employed, if a P.O.S.T. certified peace officer under Chapter 8 of Title 35, shall be considered to be a peace officer and shall have all powers, duties, and status of a peace officer of this state; provided, however, that such investigators shall only be authorized, upon written approval of the executive director, notwithstanding Code Sections 16-11-126 and 16-11-129, to carry firearms in the performance of their duties and exercise the powers of arrest in the performance of their duties.

(e) The venue of any action involving members of the board shall be the county in which is found the primary office of the governmental entity of which the defendant is an officer. The executive director of the board shall not be considered a member of the board in determining the venue of any such action and no court shall have jurisdiction of any such action solely by virtue of the executive director residing or maintaining a residence within its jurisdiction.

(f) The board shall give point credit to veterans in the same manner as required under Code Sections 43-1-9 through 43-1-13.

(g) Initial judicial review of a final decision of the board shall be held solely in the superior court of the county of domicile of the board.

(h) The executive director shall make a report no later than December 31 of each year covering the activities of the board for that calendar year, which shall be made available to any member of the General Assembly upon request.

(i) The executive director shall prepare and maintain a roster containing the names and addresses of all current dental and dental hygiene licensees. A copy of this roster shall be available to any person upon request at a fee prescribed by the executive director sufficient to cover the cost of printing and distribution.

(j) The executive director, with the approval of the board, notwithstanding any other provisions of law to the contrary, shall enter into such contracts as are deemed necessary to carry out this chapter to provide for all services required of the board.

(k) It shall be the duty of the executive director to keep minutes and a record of all acts of the board and such other books and records as may be necessary to show the acts of the board.

History.

Code 1981, § 43-11-2.1, enacted by Ga. L. 2013, p. 192, § 2-2/HB 132; Ga. L. 2025, p. 1029, § 43(4)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "this title" for "Title 43" in the last sentence of subsection (b).

ARTICLE 2

LICENSES FOR THE PRACTICE OF DENTISTRY

43-11-42. Teacher's, instructor's, and temporary public health licenses.

(a) The board may issue, in its discretion, without examination, a teacher's or instructor's license to a dental hygienist who has graduated from a school or college approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, if any, for the sole purpose of teaching or instructing, in an accredited dental hygiene school in this state, those procedures and services recognized in this state to be within the scope of practice of such person's professional license.

(a.1)(1) The board may issue, in its discretion, without examination, a teacher's or instructor's license to a dentist who has graduated from a school, college, or advanced dental education program approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, if any, for the sole purpose of teaching or instructing, in an accredited dental college, advanced dental education program, or training clinic in this state, those procedures and services recognized in this state to be within the scope of practice of such person's professional license. Those applicants who have received a doctoral degree in dentistry from a dental school not so accredited must comply with the following requirements in order to submit an application for such teacher's or instructor's license:

(A) The applicant is or has been licensed to practice dentistry in another state, country, or territory;

(B) The applicant shall submit a letter of recommendation from the dean or director of the teaching institution at which he or she is seeking employment along with verification of an executed employment offer for the full-time or part-time position that the applicant is applying to fill. Such recommendation shall verify that the applicant has met or been approved under the credentialing standards of a dental school or an academic medical center with which the person is to be affiliated; such dental school or academic medical center shall be accredited by the Commission on Dental Accreditation of the American Dental Association or The Joint Commission;

(C) The applicant has never failed the Georgia dental licensure examination;

(D) The applicant has never had a dental license revoked in this state or another state, country, or territory; and

(E) The applicant shall have a current cardiopulmonary resuscitation (CPR) certification.

(2) The board may establish by rule or regulation the requirements for documentation of an applicant's educational and personal qualifications for licensure under this subsection.

(3) In order to be granted a license under this subsection, all applicants shall pass a jurisprudence examination on the laws of this state and rules and regulations as they relate to the practice of dentistry as established or approved by the board, which shall be administered in the English language.

(b) Any license issued under subsection (a.1) of this Code section authorizes the licensee to practice dentistry only while engaged in the performance of the licensee's duties as an employee of the accredited school or college or only in connection with programs or training clinics affiliated with or endorsed by such school or college. Such licensee shall not practice dentistry with such license outside of such authorization.

(c) The board may issue, in its discretion, without examination, a license to dentists for the sole purpose of practicing public health dentistry in an official state or a local health department or to render dental services to patients in state operated eleemosynary or correctional institutions, provided that these dentists possess a license in another state, are in good standing in said state, and have graduated from an accredited dental college. Such license shall be considered to be a temporary license which shall be valid for a period to be established by board rule.

(d) The cost of such teacher's, instructor's, or temporary public health license shall be established by the board.

(e) Any license issued or considered for issuance under this Code section shall be subject to the provisions set forth in Code Section 43-11-47.

(f) Application for a license under this Code section shall constitute consent for performance of a criminal background check. Each applicant who submits an application to the board for licensure agrees to provide the board with any and all information necessary to run a criminal background check, including but not limited to classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of a background check.

History.

Ga. L. 1920, p. 132, § 8; Code 1933, § 84-710; Ga. L. 1949, p. 1367, § 3; Ga. L. 1956, p. 372, § 1; Ga. L. 1976, p. 484, § 1; Ga. L. 1983, p. 1389, § 3; Ga. L. 1996, p. 226, § 1; Ga. L. 1999, p. 234, § 14; Ga. L. 2002, p. 415, § 43; Ga. L. 2004, p. 720, § 6; Ga. L. 2008, p. 530, § 3/SB 363; Ga. L. 2025, p. 305, § 1/HB 322, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote subsection (a.1); added subsection (b); and redesignated former subsections (b) through (e) as present subsections (c) through (f), respectively.

43-11-54. (Effective January 1, 2026.) Requirements and limitations of teledentistry.

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

(1) "Authorizing dentist" means a dentist licensed by and in good standing with the board and practicing in the State of Georgia.

(2) "Dental hygienist" means a licensed dental hygienist in good standing with the board who meets the requirements to perform the specific dental hygiene functions permitted under general supervision under Code Section 43-11-74.

(3) "Digital scan" means a computer generated replica of the hard and soft tissues of the oral cavity created with digital technology and enhanced digital photography.

(4) "Direct supervision" shall have the same meaning as set forth in Code Section 43-l1-74.

(5) "General supervision" shall have the same meaning as set forth in Code Section 43-11-74.

(6) "Referred dentist" means a dentist licensed by and in good standing with the board practicing in this state to provide in-person dental treatment to patients receiving dental care through a teledentistry interaction under this Code section.

(7) "Store and forward technologies" means technologies that allow for the electronic transmission of dental and health information, including images, photographs, documents, and health histories, through a secure communication system.

(8) "Synchronous, real-time communication" means a live, two-way interaction between the authorizing dentist and a dental hygienist or patient permitted under this Code section using audiovisual telecommunications technology but shall not constitute direct supervision for the purposes of Code Section 43-l1-74 and the practice of dentistry in this state.

(9) "Teledentistry" means the delivery of dental care through the use of synchronous, real-time communication in conjunction with and supported by store and forward technologies under the general supervision of the authorizing dentist when dental care is provided to a patient physically located at a site in this state that is different from the site where the authorizing dentist is physically located. A teledentistry interaction shall not constitute or be considered the equivalent of an in-person, clinical examination by a licensed dentist.

(b) No licensed dentist in this state shall provide dental care through teledentistry except under the conditions specified in this Code section.

(c) A licensed dentist who intends to provide dental care through teledentistry pursuant to this Code section shall notify the board of such intent and provide written documentation evidencing that such dentist has:

(1) A physical office for the provision of dental services in this state; and

(2) Established a referral relationship with a referred dentist who practices dentistry and treats patients in a physical and operational dental office located in this state.

Such dentist shall provide other reasonably pertinent information as prescribed by the board.

(d) Subject to the conditions specified in subsection (e) of this Code section, an authorizing dentist shall only be allowed to:

(1) Authorize a dental hygienist to perform the specific dental hygiene functions permitted under general supervision in accordance with the requirements of Code Section 43-11-74, except as otherwise provided in paragraph (1) of subsection (e) of this Code section;

(2) Prescribe a medication that is not a controlled substance for a patient receiving dental care through a teledentistry interaction;

(3) Authorize the performance of digital scans by a dentist or dental hygienist;

(4) Authorize the use of store and forward technologies to transmit patient records, images, digital scans, X-rays, and other relevant health information between the authorizing dentist and a dental hygienist for the purposes of evaluating a patient's oral health condition and authorizing the performance of dental care permitted under this Code section. The authorizing dentist shall be the custodian of all patient records for the purposes of this Code section unless the patient is treated by a referred dentist. In such instance, the referred dentist shall be the custodian of the patient's records associated with the dental care the referred dentist provides to the patient, and such referred dentist shall furnish copies of these records to the authorizing dentist;

(5) Provide consultation to another provider regarding the patient's care; and

(6) Provide the following teledentistry services that are appropriately delivered without an in-person clinical examination:

(A) Emergency evaluation;

(B) Rendering second opinions; and

(C) Assessment, diagnosis, consultation, treatment, and monitoring of a patient.

Teledentistry services described in this paragraph do not include orthodontics, delivering of dental appliances, or the supervision of a dental hygienist.

(e) Authorizing and referring dentists as well as those acting under their supervision shall be subject to the following conditions when providing dental care through teledentistry as authorized in subsection (d) of this Code section:

(1) Teledentistry services shall be consistent with how dental treatment is provided in person and shall adhere to the standards of appropriate patient care required in other dental care settings, including, but not limited to, appropriate patient examination, the taking and review of X-rays, and review of a patient's medical and dental history;

(2)(A) Initial consultations with new patients may be conducted via teledentistry, provided that the authorizing dentist establishes a bona fide dentist-patient relationship by reviewing the patient's medical and dental history and verifying the patient's identity and physical location to ensure the patient is physically located in this state when dental care is provided and shall obtain the requisite consent from a parent or guardian if the patient is a minor.

(B) An in-person clinical examination shall be performed immediately prior to providing or authorizing services or treatments to patients that are not reversible or that otherwise result in increased risk to the patient. For ongoing dentist-patient relationships, dentists shall strongly encourage patients to be seen in person at least annually.

(3) The authorizing dentist shall prepare a written authorization, which shall be given to the patient and included in the patient's record, providing the name and license number of the authorizing dentist and the name and license number of the dental hygienist treating the patient during the teledentistry interaction, as well as any other information the authorizing dentist or board deems appropriate;

(4) Prior to first performing teledentistry services, and at least annually thereafter, informed consent shall be obtained from the patient, or from the parent or guardian if the patient is a minor, explaining the alternatives to and the capabilities and limitations of teledentistry, which shall include a written statement advising that a teledentistry interaction is not equivalent to an in-person clinical

examination and that the authorizing dentist shall not be physically present during the delivery of dental care. Such informed consent shall also be documented and included in the patient's record;

(5) The authorizing dentist shall provide dental services through teledentistry only if such dental services are appropriate for the patient, as determined by such authorizing dentist;

(6)(A) The authorizing dentist shall provide the name, license number, office mailing address, and office phone number of the referred dentist to the patient after each teledentistry interaction.

(B) The referred dentist shall accept a referral to treat all dental emergencies and provide all necessary dental care, as determined by and in consultation with the authorizing dentist.

(7)(A) An authorizing dentist may only authorize up to four dental hygienists to perform the functions permitted in subsection (d) of this Code section at any one time. This requirement shall not apply to the performance of dental hygiene duties by personnel of the Department of Public Health or county boards of health.

(B) A dental hygienist performing the functions permitted in subsection (d) of this Code section via teledentistry shall have at least two years of experience in the practice of dental hygiene, shall be in compliance with continuing education requirements pursuant to Code Section 43-11-73.1 and cardiopulmonary resuscitation certification requirements contained in Code Section 43-11-73, and shall be licensed in good standing.

(C) A dental hygienist practicing under general supervision via teledentistry pursuant to this Code section shall maintain professional liability insurance in accordance with board rules and regulations; provided, however, that this subparagraph shall not apply to an entity covered under sovereign immunity;

(8) No authorizing dentist or dental hygienist shall attempt to waive liability for teledentistry services in advance of delivering such services, and no authorizing dentist or dental hygienist shall attempt to prevent a patient from filing any complaint with any governmental agency or authority relating to the provision of dental care through teledentistry; and

(9) The authorizing dentist shall ensure that the use of teledentistry complies with the privacy and security requirements of the federal Health Insurance Portability and Accountability Act of 1996, in effect on January 1, 2025, as well as those of Chapter 33 of Title 31.

(f) Nothing in this Code section shall be construed to:

(1) Require a licensed dentist in this state to practice teledentistry;

(2) Require a licensed dentist to authorize a dental hygienist to perform the functions permitted in this Code section via teledentistry;

(3) Require a school or facility receiving dental hygiene services provided pursuant to subsection (h) or (i) of Code Section 43-ll-74 to purchase any equipment to provide dental care through teledentistry; or

(4) Expand the scope of practice for dental hygienists or establish independent dental hygiene practice.

(g) The board shall promulgate rules and regulations that are reasonably necessary to implement the provisions of this Code section.

History.
Code 1981, § 43-11-54, enacted by Ga. L. 2025, p. 260, § 1/HB 567, effective January 1, 2026.

Effective date.
This Code section becomes effective January 1, 2026.

ARTICLE 3

DENTAL HYGIENISTS

43-11-71. Qualifications of applicants for license; criminal background check.

Delayed effective date.
Ga. L. 2025, p. 745, § 4/SB 154, provides that the 2025 amendment becomes effective upon an act of Congress repealing the establishment of the United States Department of Education or otherwise abolishing the United States Department of Education. This Code section as amended is not set out in the Code owing to the delayed effective date. After the contingency is met, subsection (a) will read as follows: “No person shall be entitled to or be issued such license as set out in Code Section 43-11-70 unless such person is at least 18 years of age, of good moral character, and a graduate of a dental hygiene program recognized by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency which is operated by a school or college accredited by an institutional accrediting agency recognized by the United States Department of Education, or it successor, whose curriculum is at least two academic years of courses at the appropriate level and at the completion of which an associate or baccalaureate degree is awarded.” As of May 2025, the contingency has not been met.

Amendments.
The 2025 amendment, inserted “, or its successor,” following “the United States Department of Education” in subsection (a). For effective date of this amendment, see the delayed effective date note.

CHAPTER 14

ELECTRICAL CONTRACTORS, PLUMBERS, CONDITIONED AIR CONTRACTORS, LOW VOLTAGE CONTRACTORS, AND UTILITY CONTRACTORS

43-14-1. Declaration of purpose.

This chapter is enacted for the purpose of safeguarding homeowners, other property owners, tenants, and the general public against faulty, inadequate, inefficient, or unsafe electrical, plumbing, low voltage wiring, utility contracting, or conditioned air installations. The practices of electrical contracting, plumbing contracting, low voltage contracting, utility contracting, and conditioned air contracting are declared to be businesses or professions affecting the public interest; and this chapter shall be liberally construed so as to accomplish the purposes stated in this Code section.

History.

Ga. L. 1949, p. 1622, § 1; Ga. L. 1968, p. 308, § 1; Ga. L. 1971, p. 583, § 2; Ga. L. 1980, p. 1299, § 1; Ga. L. 1983, p. 424, § 1; Ga. L. 1984, p. 1129, § 1; Ga. L. 1989, p. 1756, § 1; Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted "low voltage" for "low-voltage" in the first sentence, and in the second sentence, substituted "practices" for "practice" and "low voltage" for "installing, or repairing, low-voltage."

43-14-2. Definitions.

As used in this chapter, the term:

(1) "Alarm system" means any device or combination of devices used to detect a situation, causing an alarm in the event of a burglary, fire, robbery, medical emergency, or equipment failure, or on the occurrence of any other predetermined event.

(2) "Board" means the State Construction Industry Licensing Board.

(3) "Certificate of competency" means a valid and current certificate that is issued by the Division of Electrical Contractors created in Code Section 43-14-3 and that gives the named electrical contractor to which it is issued authority to engage in electrical contracting of the kind described therein. Certificates of competency shall be of two kinds, Class I and Class II, according to the classification of license held by the electrical contractor.

(4) "Conditioned air contracting" means the installation, repair, or service of conditioned air systems or conditioned air equipment, which includes, but is not limited to:

(A) Service to or installation of the electrical connection between the electrical disconnect and conditioned air equipment; and

(B) Service to or installation of the electrical circuit from the electrical distribution panel to the conditioned air equipment where the electrical service to the building or site is a single-phase electrical circuit not exceeding 200 amperes.

(5) "Conditioned air contractor" means any person engaged in conditioned air contracting under express or implied contract or that bids for, offers to perform, purports to have the capacity to perform, or does perform conditioned air contracting services under express or implied contract. Such term shall not include an individual who is an employee of a conditioned air contractor and who receives only a salary or hourly wage for performing conditioned air contracting work.

(6) "Conditioned air equipment" means heating and air-conditioning equipment covered under state codes and the natural gas piping system on the outlet side of the gas meter.

(7) "Electrical contracting" means the installation, maintenance, alteration, or repair of any electrical equipment, apparatus, control system, or electrical wiring device which is attached to or incorporated into any building or structure in this state but shall not include low voltage contracting.

(8) "Electrical contractor" means any person engaged in the business of electrical contracting under express or implied contract or that bids for, offers to perform, purports to have the capacity to perform, or does perform electrical contracting services under express or implied contract. Such term shall not include an individual who is an employee of an electrical contractor and who receives only a salary or hourly wage for performing electrical contracting work.

(9) "Executive director" means the executive director of the State Construction Industry Licensing Board.

(10) "General system" means any electrical system, other than an alarm or telecommunication system, involving low voltage wiring.

(11) "Journeyman plumber" means any individual other than a master plumber who has practical knowledge of the installation of plumbing and installs plumbing under the direction of a master plumber.

(12) "License" means a valid and current certificate of registration issued by a division of the board, which certificate shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

(13) "Low voltage contracting" means the installation, alteration, service, or repair of a telecommunication system, alarm system, or general system involving low voltage wiring.

(14) "Low voltage contractor" means any person engaged in low voltage contracting under express or implied contract or that bids for, offers to perform, purports to have the capacity to perform, or does perform low voltage contracting services under express or implied contract.

(15) "Low voltage wiring" means:

(A) Wiring systems of 50 volts or less and control circuits directly associated therewith;

(B) Wiring systems having a voltage in excess of 50 volts, provided such systems consist solely of power limited circuits meeting the definition of a Class II and Class III wiring system as defined in Article 725 of the National Electrical Code; or

(C) Line voltage wiring having a voltage not in excess of 300 volts to ground and installed from the load-side terminals of a suitable disconnecting means which has been installed for the specific purpose of supplying the low voltage wiring system involved or installed from a suitable junction box which has been installed for such specific purpose.

(16) "Master plumber" means any individual engaged in the business of plumbing under express or implied contract or who bids for, offers to perform, purports to have the capacity to perform, or does perform plumbing contracting services under express or implied contract.

(17) "Plumbing" means:

(A) The practice of installing, maintaining, altering, or repairing piping fixtures, appliances, and appurtenances in connection with sanitary drainage or storm drainage facilities, venting systems, medical gas piping systems, natural gas piping systems on the outlet side of gas meters, or public or private water supply systems within or adjacent to any building, structure, conveyance, or manhole; and

(B) The practice of and materials used in installing, maintaining, extending, or altering the natural gas, storm-water, sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

(18) "Telecommunication system" means a switching system and associated apparatus which performs the basic function of two-way voice or data service, or both, and which can be a commonly controlled system capable of being administered both locally and remotely via secured access.

(19) "Utility contracting" means undertaking to construct, erect, alter, or repair or have constructed, erected, altered, or repaired any utility system.

(20) "Utility contractor" means a sole proprietorship, partnership, or corporation which is engaged in utility contracting under express or implied contract or which bids for, offers to perform, purports to have the capacity to perform, or does perform utility contracting under express or implied contract.

(21) "Utility foreman" means any individual who is employed by a licensed contractor to supervise the construction, erection, alteration, or repair of utility systems.

(22) "Utility manager" means any individual who is employed by a utility contractor to have oversight and charge of the construction, erection, alteration, or repair of utility systems.

(23) "Utility system" means:

(A) Any system at least five feet underground, when installed or accessed by trenching, open cut, cut and cover, or other similar construction methods which install or access the system from the ground surface, including, but not limited to, gas distribution systems, electrical distribution systems, communication systems, water supply systems, and sanitary sewerage and drainage systems; and

(B) Reservoirs and filtration plants, water and waste-water treatment plants, leachate collection and treatment systems associated with landfills, and pump stations, when the system distributes or collects a service, product, or commodity for which a fee or price is paid for said service, product, or commodity or for the disposal of said service, product, or commodity.

History.

Ga. L. 1949, p. 1622, § 2; Ga. L. 1968, p. 308, §§ 2, 3; Ga. L. 1971, p. 583, § 3; Ga. L. 1980, p. 1299, § 2; Ga. L. 1981, p. 1703, § 1; Ga. L. 1983, p. 424, § 1; Ga. L. 1984, p. 1129, § 2; Ga. L. 1989, p. 1756, § 2; Ga. L. 1992, p. 6, § 43; Ga. L. 1993, p. 123, § 28; Ga. L. 1993, p. 733, § 1; Ga. L. 1993, p. 1339, § 1; Ga. L. 1994, p. 383, § 1; Ga. L. 1995, p. 860, § 2; Ga. L. 1996, p. 1078, § 1; Ga. L. 1999, p. 81, § 43; Ga. L. 2000, p. 1527, § 3; Ga. L. 2003, p. 419, § 1; Ga. L. 2004, p. 390, § 1; Ga. L. 2005, p. 472, § 1/HB 207; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214; Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

JUDICIAL DECISIONS

Electrical work performed as personal favor at homeowners' request and on temporary basis did not come within the meaning of "electrical contracting" in O.C.G.A. § 43-14-2(6) (now paragraph (7)) so as to require a license under O.C.G.A. § 43-14-8(a). Echols v. Quality Mechanical, Inc., 177 Ga. App. 870, 341 S.E.2d 328, 1986 Ga. App. LEXIS 1546 (1986).

Septic tank installation, maintenance, or repair is not included within the definition of "plumbing" in O.C.G.A. § 43-14-2(12) (now paragraph (17)) and, as a result, state law does not preempt counties from enacting regulations that specify the qualifications of persons who install septic tanks. DeKalb County Bd. of Health v. Lee, 266 Ga. 507, 467 S.E.2d 564, 1996 Ga. LEXIS 108 (1996).

OPINIONS OF THE ATTORNEY GENERAL

"Conditioned air contracting" construed. — Cleaning air ducts and air duct systems which involves the disassembly and re-assembly, lubrication, or adjustment of system components constitutes "service of conditioned air systems or conditioned air equipment" as defined in O.C.G.A. § 43-14-2(5) (now paragraph

(6)) and therefore falls within the statutory definition of "conditioned air contracting." 1991 Op. Att'y Gen. 91-24.

43-14-3. State Construction Industry Licensing Board; members.

(a) There is created within the executive branch of state government the State Construction Industry Licensing Board. The board shall be assigned to the Secretary of State's office for administrative purposes and shall be under the jurisdiction of the division director.

(b) The board shall be composed of 27 members as follows:

(1) Five members known as the Division of Electrical Contractors, one of whom shall be a professional engineer engaged in electrical practice, another of whom shall be an inspector with electrical inspection duties of a county or municipality or a third-party inspector regularly providing inspections to a county or municipality, and the remaining three of whom shall be licensed electrical contractors in this state;

(2) Five members known as the Division of Master Plumbers and Journeyman Plumbers, one of whom shall be a full-time plumbing inspector of a county or municipality, three of whom shall be master or contracting plumbers, and one of whom shall be a journeyman plumber;

(3) Five members known as the Division of Conditioned Air Contractors, one of whom shall be a licensed professional engineer engaged in mechanical practice, one of whom shall be the chief conditioned air inspector of a county or municipality, and three of whom shall be conditioned air contractors with more than five years of installation and service experience in the trade;

(4) Five members known as the Division of Low Voltage Contractors, one of whom shall be an alarm system low voltage contractor, one of whom shall be an unrestricted low voltage contractor, one of whom shall be a telecommunication system low voltage contractor, one of whom shall be a professional electrical engineer, and one of whom shall be an inspector with electrical inspection duties of a county or municipality or contracted by a county or municipality to perform electrical inspections;

(5) Five members known as the Division of Utility Contractors, three of whom shall be utility contractors, one of whom shall be a registered professional engineer, and one of whom shall be an insurance company representative engaged primarily in the bonding of construction projects; and

(6) Two members who shall not have any connection with the electrical contracting, plumbing, or conditioned air contracting businesses whatsoever but who shall have a recognized interest in consumer affairs and consumer protection concerns.

(c) All members shall be appointed by the Governor, subject to confirmation by the Senate, for four-year terms.

(d) A member shall serve until a successor has been duly appointed and qualified.

(e) The Governor shall make appointments to fill the unexpired portions of any terms vacated for any reason. In making such appointments, the Governor shall preserve the composition of the board as required by this chapter. Members shall be eligible for reappointment.

(f) Any appointed member who, during his or her term, shall cease to meet the qualifications for original appointment shall forfeit membership on the board.

(g) Each member of the board shall take an oath of office before the Governor or the Governor's designee to faithfully perform the duties of such office.

(h) The Governor may remove any member for failure to attend meetings, neglect of duty, incompetence, revocation or suspension of professional trade license, or other dishonorable conduct.

(i) Members of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

History.

Ga. L. 1949, p. 1622, §§ 7-10; Ga. L. 1968, p. 308, §§ 7, 8; Ga. L. 1971, p. 583, §§ 5, 6, 8; Ga. L. 1980, p. 1299, § 3; Ga. L. 1983, p. 424, § 1; Ga. L. 1984, p. 22, § 43; Ga. L. 1984, p. 1129, § 3; Ga. L. 1989, p. 1756, § 3; Ga. L. 1993, p. 1339, § 2; Ga. L. 1994, p. 383, § 2; Ga. L. 2000, p. 1706, § 19; Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote paragraph (b)(1); in paragraph (b)(4), substituted "low voltage" for "low-voltage" three times, substituted "the Division of Low Voltage" for "the Division of Low-voltage", substituted "an inspector with electrical inspection duties" for "the chief electrical inspector", and added "or contracted by a county or municipality to perform electrical inspections" at the end; in subsection (f), substituted "appointed" for "appointive" and deleted "thereby" preceding "forfeit membership"; and inserted "or the Governor's designee" in subsection (g).

43-14-4. Chairperson; meetings; organization of divisions; meetings of divisions; quorums within divisions.

(a) The office of chairperson shall be rotated among the five divisions enumerated in Code Section 43-14-3 unless the board, through its rules and regulations, provides otherwise. Any vacancy in the office of chairperson shall be filled by the members for the unexpired term. The individual selected to fill the vacancy shall be a member of the same division as the previous chairperson.

(b) The board shall meet at the call of the chairperson or upon the recommendation of a majority of its members.

(c) Each division within the board shall also elect from its membership a chairperson who shall serve for a term of two years. Any vacancy in the office of chairperson shall be filled by one of the members for the unexpired term.

(d) Any member elected chairperson of a division may serve more than one consecutive term of office.

(e) Each division shall carry out its powers and duties provided for in this chapter with the assistance of the executive director and staff of the board.

(f) The divisions shall meet at the call of the chairperson.

(g) Three members of each division shall constitute a quorum for the transaction of business of such division.

History.

Ga. L. 1949, p. 1622, § 8; Ga. L. 1968, p. 308, §§ 7-9; Ga. L. 1971, p. 583, §§ 4, 6, 7; Ga. L. 1980, p. 1299, § 4; Ga. L. 1983, p. 424, § 1; Ga. L. 1984, p. 1129, § 4; Ga. L. 1989, p. 1756, § 4; Ga. L. 1993, p. 1339, § 3; Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted "individual" for "person" in the last sentence of subsection (a).

43-14-5. General powers of board.

The board shall have the power to:

(1) Request from the various state departments and other agencies and authorities of the state and its political subdivisions and their agencies and authorities such available information as it may require in its work; and all such agencies and authorities shall furnish such requested available information to the board within a reasonable time;

(2) Provide by regulation for reciprocity with other states in the registration and licensing of electrical contractors, master plumbers, journeyman plumbers, low voltage contractors, utility contractors, or conditioned air contractors and in the certification of utility contracting foremen, provided that such other states have requirements substantially similar to the requirements in force in this state for registration, licensure, and certification; provided, further, that a similar privilege is offered to residents of this state;

(3) Adopt an official seal for its use and modify such seal as the board deems necessary;

(4) Establish policies for regulating the businesses of electrical contracting, plumbing contracting, low voltage contracting, utility contracting, and conditioned air contracting;

(5) Upon notice and hearing authorized and conducted in accordance with Code Section 43-14-14 and any rules and regulations promulgated by the board, either by the board directly or through a valid delegation of the board's enforcement power to a division thereof, assess civil penalties in an amount up to $10,000.00 per violation against any person found to be in violation of any requirement of this chapter;

(6) Determine qualifications for licensure or certification including such experience requirements as the board deems necessary; and

(7) Promulgate and adopt rules and regulations necessary to carry out this chapter.

History.

Ga. L. 1949, p. 1622, §§ 9, 11, 15; Ga. L. 1968, p. 308, §§ 10, 12, 16; Ga. L. 1971, p. 583, §§ 9, 14; Ga. L. 1980, p. 1299, § 7; Ga. L. 1982, p. 3, § 43; Ga. L. 1983, p. 424, § 1; Ga. L. 1984, p. 1129, § 5; Ga. L. 1989, p. 1756, § 5; Ga. L. 1993, p. 1339, § 4; Ga. L. 2004, p. 390, § 2; Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in paragraph (2), substituted "low voltage" for "low-voltage" and "similar" for "equal"; substituted "modify such seal as the board deems necessary" for "change it at pleasure" in paragraph (3); in paragraph (4), deleted "the" following "Establish" and substituted "plumbing contracting, low voltage contracting, utility contracting" for "plumbing, low-voltage, utility"; redesignated former paragraph (4.1) as paragraph (5); substituted "Code Section 43-14-14" for "Code Section 43-14-10" in paragraph (5); and redesignated former paragraphs (5) and (6) as paragraphs (6) and (7), respectively.

43-14-6. Powers and duties of divisions.

(a) The Division of Electrical Contractors, with respect to applicants for a license to engage in or licensees engaging in the business of electrical contracting; the Division of Master Plumbers and Journeyman Plumbers, with respect to applicants for a license to engage in or licensees engaging in the business of plumbing as master plumbers or journeyman plumbers; the Division of Low Voltage Contractors, with respect to applicants for a license to engage in or licensees engaging in the business of low voltage contracting; the Division of Utility Contractors with respect to applicants for a license to engage in or licensees engaging in the business of utility contracting and with respect to applicants for a certificate to be a utility manager or utility foreman or holders of a utility manager or utility foreman certificate; and the Division of Conditioned Air Contractors, with respect to applicants for a license to engage in or licensees engaging in the business of conditioned air contracting, shall:

(1) Approve examinations for all applicants for licenses or certifi-

cates, except for utility contractor licenses and utility foreman certificates, as follows:

(A) The Division of Electrical Contractors shall approve separate examinations for Class I and Class II licenses. Class I licenses shall be restricted to electrical contracting involving multifamily structures of not more than two levels or single-family dwellings of up to three levels; provided, however, that such structures shall have single-phase electrical installations which do not exceed 400 amperes at the service drop or the service lateral. Class II licenses shall be unrestricted;

(B) The Division of Master Plumbers and Journeyman Plumbers shall approve separate examinations for Master Plumber Class I, Master Plumber Class II, and Journeyman Plumbers. Master Plumber Class I licenses shall be restricted to plumbing involving single-family and multifamily dwellings designed for not more than three stories and commercial structures not to exceed 20,000 square feet in area. Master Plumber Class II licenses shall be unrestricted. Only a journeyman plumber, a Master Plumber Class I, or a Master Plumber Class II shall be authorized to install, maintain, alter, or repair medical gas piping systems;

(C) The Division of Conditioned Air Contractors shall approve separate examinations for Class I and Class II licenses. Class I licenses shall be restricted to the installation, repair, or service of conditioned air systems or equipment not exceeding 175,000 BTU (net) of heating and five tons (60,000 BTU) of cooling. Class II licenses shall be unrestricted; and

(D) The Division of Low Voltage Contractors shall approve separate examinations for:

(i) Low Voltage Contractor Class LV-A licenses restricted to alarm and general system low voltage contracting;

(ii) Low Voltage Contractor Class LV-T licenses restricted to telecommunication and general system low voltage contracting;

(iii) Low Voltage Contractor Class LV-G licenses restricted to general system low voltage contracting; and

(iv) Low Voltage Contractor Class LV-U licenses that shall be unrestricted and permit the performance of alarm, telecommunication, and general system low voltage contracting;

(2) Register and license or grant a certificate and issue renewal licenses and renewal certificates biennially to all persons meeting the qualifications for a license or certificate. The following licenses or certificates shall be issued by the divisions:

(A) Electrical Contractor Class I;

(B) Electrical Contractor Class II;

(C) Master Plumber Class I;

(D) Master Plumber Class II;

(E) Journeyman Plumber;

(F) Conditioned Air Contractor Class I;

(G) Conditioned Air Contractor Class II;

(H) Low Voltage Contractor Class LV-A;

(I) Low Voltage Contractor Class LV-T;

(J) Low Voltage Contractor Class LV-G;

(K) Low Voltage Contractor Class LV-U;

(L) Utility Contractor; Class A;

(M) Utility Contractor; Class B;

(N) Utility Contractor; Class U;

(O) Utility Manager (certificate); and

(P) Utility Foreman (certificate);

(3) Investigate, with the aid of the division director, alleged violations of this chapter or other laws and rules and regulations of the board relating to the profession;

(4) After notice and hearing, have the power to reprimand any person, licensee, or certificate holder, or to suspend, revoke, or cancel the license or certificate of or refuse to grant, renew, or restore a license or certificate to any person, licensee, or certificate holder upon any one of the following grounds:

(A) The commission of any false, fraudulent, or deceitful act or the use of any forged, false, or fraudulent document in connection with the license or certificate requirements of this chapter or the rules and regulations of the board;

(B) Failure at any time to comply with the requirements for a license or certificate under this chapter or the rules and regulations of the board;

(C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to such an extent as to render the license or certificate holder unsafe or unfit to practice any profession licensed or certified under this chapter;

(D) Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

(E) Knowingly performing any act which in any way assists an unlicensed or noncertified person to practice such profession;

(F) Violating, directly or indirectly, or assisting in or abetting any violation of any provision of this chapter or any rule or regulation of the board;

(G) The performance of any faulty, inadequate, inefficient, or unsafe electrical, plumbing, low voltage contracting, utility contracting, or conditioned air contracting likely to endanger life, health, or property. The performance of any work that does not comply with the standards set by state codes or by local codes in jurisdictions where such codes are adopted, provided that such local codes are as stringent as the state codes, or by other codes or regulations which have been adopted by the board, shall be prima-facie evidence of the faulty, inadequate, inefficient, or unsafe character of such electrical, plumbing, low voltage contracting, utility contracting, or conditioned air contracting; provided, however, that the board, in its sole discretion, for good cause shown and under such conditions as it may prescribe, may restore a license to any person whose license has been suspended or revoked;

(H) With respect to utility contractors, the bidding by such a utility contractor in excess of license coverage; or

(I) With respect to utility contractors, violations of Chapter 9 of Title 25;

(5) Review amendments to or revisions in the state minimum standard codes as prepared pursuant to Part 1 of Article 1 of Chapter 2 of Title 8; and the Department of Community Affairs shall be required to provide to the division director a copy of any amendment to or revision in the state minimum standard codes at least 45 days prior to the adoption thereof; and

(6) Do all other things necessary and proper to exercise their powers and perform their duties in accordance with this chapter.

(b) The Division of Electrical Contractors may also provide, by rules and regulations, for the issuance of certificates of competency pertaining to financial responsibility and financial disclosure; provided, however, that such rules and regulations are adopted by the board. The division shall issue certificates of competency and renewal certificates to persons meeting the qualifications therefor.

(c) The divisions mentioned in subsection (a) of this Code section shall also hear appeals resulting from the suspension of licenses by an approved municipal or county licensing or inspection authority pursuant to Code Section 43-14-16.

(d) The Division of Conditioned Air Contractors shall be authorized to:

(1) Require persons seeking renewal of Conditioned Air Contractor Class I and Class II licenses to complete board approved continuing education of not less than four hours annually;

(2) Approve courses offered by institutions of higher learning, vocational technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to conditioned air contracting provided or conducted by public utilities, equipment manufacturers, or institutions under the State Board of the Technical College System of Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection. Such continuing education courses or programs shall be in the areas of safety, technological advances, business management, or government regulation. Courses or programs conducted by manufacturers specifically to promote their products shall not be approved. The continuing education requirements of this subsection shall not be required for any licensed conditioned air contractor who is a registered professional engineer;

(3) Administer all provisions of this subsection relating to continuing professional education;

(4) Waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate; and

(5) Promulgate rules and regulations to implement and ensure compliance with the requirements of this Code section.

(e) The Division of Electrical Contractors shall be authorized to:

(1) Require individuals seeking renewal of Electrical Contractor Class I and Class II licenses to complete board approved courses or courses which meet board criteria for continuing education of not less than four hours annually;

(2) Approve continuing education courses to be held within or outside this state that are available to all licensed electrical contractors on a reasonable nondiscriminatory fee basis. Any request for division approval of a continuing education course shall be submitted in a timely manner with due regard for the necessity of investigation and consideration by the division. The division may contract with institutions of higher learning, professional organizations, or other qualified persons to provide programs that meet the requirements of

this subsection and any rules or regulations established by the division. Such programs shall be self-sustaining by the individual fees set and collected by the provider of the program; and

(3) Waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate.

(f) The Division of Utility Contractors shall be authorized to:

(1) Require individuals seeking renewal of utility foreman certificates and utility manager certificates issued under this chapter to complete board approved continuing education of not more than four hours annually;

(2) Approve courses offered by institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to utility contracting provided or conducted by institutions under the State Board of the Technical College System of Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection; and

(3) Waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate.

(g) The Division of Master Plumbers and Journeyman Plumbers shall be authorized to:

(1) Require individuals seeking renewal of Journeyman Plumber, Master Plumber Class I, and Master Plumber Class II licenses to complete board approved continuing education of not less than four hours annually;

(2) Approve courses offered by institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to plumbing provided or conducted by institutions under the State Board of the Technical College System of Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection; and

(3) Waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate.

(h) Each division shall make all reasonable efforts to make the continuing education offered pursuant to this Code section available online or through home study courses and accessible at times outside of the normal work hours of those licensed by such division.

History.

Ga. L. 1949, p. 1622, §§ 4-6, 14, 15; Ga. L. 1968, p. 308, §§ 4-6, 14, 15; Ga. L. 1971, p. 583, §§ 10, 13, 16; Ga. L. 1980, p. 1299, § 8; Ga. L. 1981, p. 1703, § 2; Ga. L. 1982, p. 3, § 43; Ga. L. 1983, p. 424, § 1; Ga. L. 1984, p. 1129, § 6; Ga. L. 1989, p. 1756, § 6; Ga. L. 1991, p. 1581, § 1; Ga. L. 1993, p. 1339, §§ 5, 6; Ga. L. 1994, p. 383, § 3; Ga. L. 1994, p. 659, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2008, p. 894, § 1/HB 611; Ga. L. 2011, p. 632, § 3/HB 49; Ga. L. 2011, p. 752, § 43/HB 142; Ga. L. 2014, p. 866, § 43/SB 340; Ga. L. 2015, p. 5, § 43/HB 90; Ga. L. 2019, p. 462, § 4-1/SB 214; Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

43-14-7. Powers and duties of division director.

(a) All orders and processes of the board and the divisions of the board shall be signed and attested by the division director; and any notice or legal process necessary to be served upon the board or the divisions may be served upon the division director.

(b) The division director or his or her designee is vested with the power and authority to make such investigations in connection with the enforcement of this chapter and the rules and regulations of the board as the director, the board, the divisions of the board, or any district attorney may deem necessary or advisable.

History.

Ga. L. 1980, p. 1299, § 5; Ga. L. 1982, p. 3, § 43; Ga. L. 1983, p. 424, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in subsection (b), inserted “or her” and substituted “the director” for “he”.

43-14-8. Licensing required for electrical, plumbing, conditioned air contracting, or low voltage contracting businesses conducted by partnerships, limited liability companies, and corporations; applications; review courses.

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

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

(b)(1) No person shall engage in plumbing contracting as a master plumber unless such person has a valid license from the Division of Master Plumbers and Journeyman Plumbers. Notwithstanding any other provisions of this chapter, any person who holds a valid master plumber license or any company which holds a valid utility contractor license shall be qualified to construct, alter, or repair any plumbing system which extends from the property line up to but not within five feet of any building, structure, or conveyance, regardless of the cost or depth of any such plumbing system; provided, however, that only persons who hold a valid license to engage in plumbing under this chapter shall be qualified to construct, alter, or repair any plumbing system within five feet of any building, structure, or conveyance.

(2) No person shall engage in plumbing contracting as a master plumber unless such person has a valid license from the Division of Master Plumbers and Journeyman Plumbers. A person that is not licensed as a Master Plumber Class 1 or a Master Plumber Class II shall be prohibited from advertising in any manner that such person is in the business or profession of plumbing contracting.

(c)(1) No person shall engage in conditioned air contracting unless such person has a valid conditioned air contractor license from the Division of Conditioned Air Contractors.

(2) A person that is not licensed as a conditioned air contractor shall be prohibited from advertising in any manner that such person is in the business or profession of a conditioned air contractor unless the work is performed by a licensed conditioned air contractor.

(d)(1) No person shall engage in low voltage contracting unless such person has a valid license from the Division of Low Voltage Contractors; provided, however, that:

(A) An employee of a low voltage contractor who receives only a salary or hourly wage for performing low voltage contracting work may but shall not be required to be licensed under this chapter to perform such low voltage contracting work, except that those employees upon whom the qualification of a partnership, limited liability company, or corporation rests as provided for in Code Section 43-14-9 shall be required to be licensed; and

(B) Tier 2 local exchange companies, as such term is set forth in subparagraph (B) of paragraph (10) of Code Section 46-5-162, as well as any affiliates or subsidiaries of such companies, may but shall not be required to be licensed under this chapter to engage in low voltage contracting.

(2) Except as provided in paragraph (1) of this subsection, a person that is not licensed as a low voltage contractor shall be prohibited from advertising in any manner that such person is in the business or profession of a low voltage contractor unless the work is performed by a licensed low voltage contractor.

(e) Notwithstanding any other provision of this chapter, prior to and including September 30, 1983, the following persons desiring to qualify under the provisions stated in this subsection, shall be issued a state-wide license without restriction by the appropriate division of the State Construction Industry Licensing Board, provided that such individual submits proper application and pays or has paid the required fees and is not otherwise in violation of this chapter:

(1) Any individual holding a license issued by the State Construction Industry Licensing Board, prior to the effective date of this chapter;

(2) Any individual holding a license issued by the State Board of Electrical Contractors, the State Board of Examiners of Plumbing Contractors, or the State Board of Warm Air Heating Contractors;

(3) Any individual holding a license to engage in such vocation issued to him or her by any governing authority of any political subdivision; and

(4) Any individual who has successfully and efficiently engaged in such vocation in a local jurisdiction, which did not issue local licenses, for a period of at least two consecutive years immediately prior to the time of application. To prove that he or she has successfully engaged in said vocation, the individual shall only be required to give evidence of three successful jobs completed over such period. Such applicant shall swear before a notary public that such evidence is true and accurate prior to its submission to the division.

(f) The decision of the division as to the necessity of taking the examination or as to the qualifications of applicants taking the required examination shall, in the absence of fraud, be conclusive. All individuals, partnerships, limited liability companies, or corporations desiring to engage in a business licensed under this chapter shall take the examination and qualify under this chapter before engaging in such vocation or business, including at the local level.

(g) No partnership, limited liability company, or corporation shall have the right to engage in the business of electrical contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actively engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter; provided, however, that partners, officers, and employees of any individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of electrical contracting under a license which was valid at the time of the licensee's death for a period of 90 days from the date of such death. The division may, at its discretion, upon application by the electrical contractor showing good cause, grant one additional 90 day grace period.

(h) No partnership, limited liability company, or corporation shall have the right to engage in the business of plumbing unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actively engaged in the performance of such business on a full-time basis who have valid licenses for master plumbers issued to them as provided in this chapter; provided, however, that partners, officers, and employees of any individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of plumbing contracting under a license which was valid at the time of the licensee's death for a period of 90 days from the date of such death. The division may, at its discretion, upon application by the plumbing contractor showing good cause, grant one additional 90 day grace period.

(i) No partnership, limited liability company, or corporation shall have the right to engage in the business of conditioned air contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actively engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter; provided, however, that partners, officers, and employees of the individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of conditioned air contracting under a license which was valid at the time of the licensee's death for a period of 90 days from the date of such death. The division may, at its discretion, upon application by the conditioned air contractor showing good cause, grant one additional 90 day grace period.

(j) Partnerships, limited liability companies, or corporations having more than one office location from which conditioned air contracting is performed shall have at least one person stationed in each branch office of such partnership, limited liability company, or corporation who is engaged in the performance of conditioned air contracting on a full-time basis; who is supervising the installation, repair, alteration, and service work of air-conditioning and heating systems of all employees of such branch office locations; and who has a valid license issued as provided in this Code section.

(k) It shall be the duty of all partnerships, limited liability companies, and corporations qualified under this chapter to notify the appropriate division within seven days of the severance of connection with such partnership, limited liability company, or corporation of any person or persons upon whom such qualification rested.

(l) Applicants for examinations and licenses provided for by this chapter and any applicants for renewal of licenses under this chapter shall be required to complete a division approved form on which the applicant will:

(1) Indicate if the applicant is an individual, partnership, limited liability company, or corporation;

(2) If the applicant is a partnership, limited liability company, or corporation, provide the names and addresses of the partners or members or the names and addresses of the officers, when and where formed or incorporated, and such other information as the board or each division may require; and

(3) If the renewal is for a partnership, limited liability company, or corporation, indicate whether a duly qualified person holding a license issued by the division is still connected with such entity.

(m) Applicants who have a failing examination score on two consecutive testing attempts within the approved testing time frame shall be required to present satisfactory evidence to the appropriate division that the applicant has completed a board approved review course before such applicant will be approved to take the examination again. If such applicant fails the examination a third time, the applicant shall not be required to complete additional board approved review courses prior to taking subsequent examinations.

History.

Ga. L. 1949, p. 1622, §§ 4-6; Ga. L. 1968, p. 308, §§ 4-6; Ga. L. 1971, p. 583, § 10; Ga. L. 1980, p. 1299, § 9; Ga. L. 1981, p. 1703, § 3; Ga. L. 1982, p. 3, § 43; Ga. L. 1983, p. 424, § 1; Ga. L. 1989, p. 1617, § 1; Ga. L. 1993, p. 123, § 29; Ga. L. 2001, p. 883, § 1; Ga. L. 2003, p. 419, § 2; Ga. L. 2019, p. 462, § 4-2/SB 214; Ga. L. 2021, p. 922, § 43/HB 497; Ga. L. 2022, p. 766, § 1/HB 342; Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

43-14-8.1. [Redesignated.]

Editor's notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-8.1 as present Code Section 43-14-9.

43-14-8.2. [Redesignated.]

Editor's notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-8.2 as present Code Section 43-14-10.

43-14-8.3. [Redesignated.]

Editor's notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-8.3 as present Code Section 43-14-11.

43-14-8.4. [Redesignated.]

Editor's notes.
Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-8.4 as present Code Section 43-14-12.

43-14-9. License requirement for low voltage electrical contracting; businesses conducted by partnerships, limited liability companies, and corporations; applications.

(a) For purposes of this Code section only, "division" means the "Division of Low Voltage Contractors."

(b) No person shall engage in alarm system, general system, or telecommunication system low voltage contracting unless such person has a valid license therefor from the Division of Low Voltage Contracting.

(c)(1) Prior to January 1, 1985, any person desiring to qualify under the provisions of this subsection who meets the requirements of this subsection, submits proper application, and pays or has paid the required fees and is not otherwise in violation of this chapter shall be issued a state-wide Low Voltage Contractor Class LV-A, LV-G, LV-U, or LV-T license without examination.

(2) An individual desiring to obtain Low Voltage Contractor Class LV-T shall submit to the division an affidavit which outlines the experience of said individual in the practice of low voltage wiring relating to telecommunication systems.

(3) An individual desiring to obtain a Low Voltage Contractor Class LV-A license shall submit to the division an affidavit which outlines the experience of said individual in the practice of low voltage wiring relating to alarm systems.

(4) An individual desiring to obtain a Low Voltage Contractor Class LV-G license shall submit to the division an affidavit which outlines the experience of said individual in the practice of low voltage wiring relating to general systems.

(5) An individual desiring to obtain a Low Voltage Contractor Class LV-U license shall submit to the division an affidavit which outlines the experience of said individual in the practice of low voltage wiring relating to alarm and telecommunication systems and which describes in detail the installation of at least six complete low voltage wiring jobs, three in alarm and three in telecommunication systems, which shall demonstrate that the individual has successfully performed low voltage wiring in those areas for a period of at least one year immediately prior to the time of application.

(6) Each affidavit for licensure required in paragraphs (1) through (4) of this subsection shall describe in detail the installation of at least three complete low voltage wiring jobs which shall demonstrate that the individual has successfully performed low voltage wiring in the area of licensure requested for a period of at least one year prior to the time of application.

(d) The decision of the division as to the necessity of taking the examination or as to the qualifications of applicants taking the required examination shall, in the absence of fraud, be conclusive. All individuals, individuals serving as partners in partnerships, applicants for limited liability companies, or applicants for corporations desiring to engage in the vocation of low voltage contracting shall take the examination and qualify under this Code section before engaging in such vocation.

(e) No partnership, limited liability company, or corporation shall have the right to engage in the business of low voltage contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons, actively engaged in the performance of such business on a full-time basis and supervising the low voltage systems installation, repair, alteration, and service work of all employees of such partnership, limited liability company, or corporation, who have valid licenses issued to them as provided in this chapter; provided, however, that partners, officers, and employees of any individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of low voltage contracting under a license which was valid at the time of the licensee's death for a period of 90 days from the date of such death. The division may, at its discretion, upon application by the low voltage contractor showing good cause, grant one additional 90 day grace period.

(f) Partnerships, limited liability companies, or corporations having more than one office location from which low voltage contracting is performed shall have at least one person stationed in each branch office of such partnership, limited liability company, or corporation who is engaged in the performance of low voltage contracting on a full-time basis; who is supervising the low voltage wiring systems installation, repair, alteration, and service work of all employees of such branch office locations; and who has a valid license issued as provided in this Code section.

History.

Code 1981, § 43-14-8.1, enacted by Ga. L. 1984, p. 1129, § 7; Ga. L. 1993, p. 123, § 30; Ga. L. 2002, p. 415, § 43; Ga. L. 2010, p. 266, § 20/SB 195; Code 1981, § 43-14-9, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-8.1 as present Code Section 43-14-9, and rewrote this Code section.

Editor's notes.

Ga. L. 2025, p. 359, § 1-1/SB 125,

effective July 1, 2025, redesignated former Code Section 43-14-9 as present Code Section 43-14-13. For current provisions concerning display of license and registration number see Code Section 43-14-13.

43-14-10. Utility contractor license; utility manager; business entities; severance of connection with utility manager; unlawful contracts.

(a) For purposes of this Code section only, "division" means the "Division of Utility Contractors."

(b)(1) No sole proprietorship, partnership, or corporation shall have the right to engage in the business of utility contracting unless:

(A) Such business holds a utility contractor license; and

(B) There is regularly connected with such business a person or persons who holds a valid utility manager certificate issued under this chapter, and such utility manager must be actively engaged in the performance of such business on a full-time basis and must oversee the utility contracting work of all employees of the business.

(2) If a sole proprietorship, partnership, or corporation has more than one permanent office, then each permanent office shall be registered with the division and at least one person who holds a valid utility manager certificate issued under this chapter shall be stationed in each office on a full-time basis and shall oversee the utility contracting work of all employees of that office.

(3) The requirements of this Code section shall not prevent any person holding a valid license issued by the State Construction Industry Licensing Board, or any division thereof, pursuant to this chapter, from performing any work defined in the Code section or sections under which the license held by said person was issued.

(c) Any corporation, partnership, or sole proprietorship desiring to qualify and be issued a utility contractor license under the provisions of this subsection shall:

(1) Submit a completed application to the division on the form provided indicating:

(A) The names and addresses of proprietor, partners, or officers of such applicant;

(B) The place and date such partnership was formed or such corporation was incorporated; and

(C) The name of the qualifying utility manager holding a current certificate who is employed for each permanent office location of the business from which utility contracting is performed;

(2) Submit its safety policy which must meet the minimum standards established by the board;

(3) Pay or have paid the required fees; and

(4) Not be otherwise in violation of this chapter.

(d) The decision of the division as to the qualifications of applicants shall, in the absence of fraud, be conclusive.

(e) It shall be the duty of the utility manager certificate holders and the licensed utility contractor to notify the division, in accordance with board rules, of the severance of connection between such utility contractor and the utility manager certificate holder or holders upon whom the qualification of the utility contractor rested.

(f) In the event that a licensed utility contractor temporarily does not have employed a utility manager certificate holder to oversee its utility contracting work, upon notice by such utility contractor to the division within seven days following the last day of employment of the utility manager certificate holder, the division shall grant the utility contractor a 90 day grace period in which to employ a utility manager certificate holder to oversee its utility contracting work before any action may be taken by the division to revoke the utility contractor's license. The division may, at its discretion, upon application by the utility contractor showing good cause, grant one additional 90 day grace period. Grace periods totaling not more than 180 days may be granted during any two-year period. Failure to have employed a utility manager certificate holder to oversee the utility contracting work of the utility contractor shall be grounds for the revocation or suspension of the utility contractor license after a notice of hearing.

(g) All applicants for renewal of utility contractor licenses provided for by this Code section shall be required to submit with the required fee a completed application on a form provided by the division.

(h) It shall be unlawful for any person to contract with any other person for the performance of utility contracting work who is known by such person not to have a current, valid license as a utility contractor pursuant to this chapter.

History.

Code 1981, § 43-14-8.2, enacted by Ga. L. 1989, p. 1756, § 7; Ga. L. 1993, p. 123, § 31; Ga. L. 1993, p. 1339, § 7; Ga. L. 1994, p. 1, § 1; Ga. L. 1994, p. 383, § 4; Ga. L. 2004, p. 390, § 3; Code 1981, § 43-14-10, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-8.2 as 43-14-10; substituted "No" for "After June 30, 1994, no" at the beginning of paragraph (b)(1); added the subparagraph (b)(1)(A) and (b)(1)(B) designations; in (b)(1)(B), substituted "chapter, and such utility manager must be actively" for "chapter. Such utility manager must be actually" and inserted "must"; added the paragraph (b)(2) designation; substituted "If" for "In cases where" in paragraph (b)(2); redesignated former paragraph (b)(2) as paragraph (b)(3); added "the" following "rules, of" in subsection (e); and, in subsection (f), substituted "seven days" for "five days" in the first sentence and inserted a comma following "good cause" in the second sentence.

Editor's notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-10 as present Code Section 43-14-14. For current provisions concerning applicability of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", see Code Section 43-14-14.

JUDICIAL DECISIONS

Interpretation. — Language of O.C.G.A. § 43-14-8.2 (now O.C.G.A. § 43-14-10) is perfectly plain, and the statute's meaning is neither absurd, impossible of enforcement, or unreasonable. Brantley Land & Timber, LLC v. W & D Invs., Inc., 316 Ga. App. 277, 729 S.E.2d 458, 2012 Ga. App. LEXIS 532 (2012).

License not required. — Trial court properly denied the contractor's motion for partial summary judgment on the developers' counterclaim that the parties' contracts were unenforceable because the contractor was not required to have a utility contractor license under O.C.G.A. § 43-14-8.2 (now O.C.G.A. § 43-14-10) to perform work under its agreements with developers, and those agreements were not unenforceable on the ground that the contractor did not possess such a license; the contractor was not engaged in utility contracting in connection with the developers' properties because none of the trenching, cutting, and installation related to the construction and access of the systems on the developers' properties was done at a depth of five feet or deeper below the surface. Brantley Land & Timber, LLC v. W & D Invs., Inc., 316 Ga. App. 277, 729 S.E.2d 458, 2012 Ga. App. LEXIS 532 (2012).

43-14-11. Utility manager certificate.

(a) No person may be employed as a utility manager unless that person holds a current utility manager certificate issued by the Division of Utility Contractors.

(b) The division shall certify all applicants for certification under this chapter who satisfy the requirements of this chapter and the rules and regulations promulgated under this chapter. Persons wishing to qualify for utility manager certification shall submit a completed application form documenting required experience and other qualifications as prescribed by the board with the required fees, shall pass an examination, and must submit proof of completion of a board approved safety training course in utility contracting. In order to continue to hold such certificate, the certificate holder must present proof to the division of completion of a safety training course approved by the division at least every two years from the date of the completion of the initial safety training course.

(c) An applicant may request an oral administration of the examination.

History.

Code 1981, § 43-14-8.3, enacted by Ga. L. 1989, p. 1756, § 7; Ga. L. 1993, p. 1339, § 7; Ga. L. 1994, p. 1, § 2; Ga. L. 1994, p. 383, § 5; Ga. L. 2004, p. 390, § 4; Code 1981, § 43-14-11, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-8.3 as present Code Section 43-14-11; substituted "No" for "After June 30, 1994, no" for at the beginning of subsection (a); and substituted "fees, shall pass an examination, and must submit proof of completion of a board approved safety training course in utility contracting" for "fees and shall pass an examination. In order to obtain a utility manager certificate, an applicant must submit proof of completion of a course of safety training in utility contracting approved by the division" in subsection (b).

Editor's notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-11 as present Code Section 43-14-15. For current provisions concerning injunction for violation of chapter, see Code Section 43-14-15.

43-14-12. Utility foreman certificate; presence of certified utility manager or certified utility foreman required.

(a) No person may be employed as a utility foreman unless that person holds a current utility foreman certificate issued by the Division of Utility Contractors.

(b) The division shall certify all applicants for certification under this chapter who satisfy the requirements of this chapter and the rules and regulations promulgated under this chapter. One requirement for such certification shall be the successful completion of a board approved safety training course in utility contracting approved by the division. In order to continue to hold such certificate, the certificate holder must submit proof to the division of completion of a safety training course approved by the division at least every two years from the date of the completion of the initial safety training course. In lieu of safety training any person desiring to be issued a utility foreman certificate may submit a completed application on or before December 31, 1994, which documents to the satisfaction of the division at least two years of experience as a utility foreman during the period between January 1, 1984, and June 30, 1994. Any person who does not submit a completed application for certification on or before December 31, 1994, must complete the required safety training in order to be certified.

(c) No utility system shall be constructed, erected, altered, or repaired unless a certified utility manager or certified utility foreman who holds a current certification is present at the job site of such construction, erection, alteration, or repair of the utility system.

History.

Code 1981, § 43-14-8.4, enacted by Ga. L. 1993, p. 1339, § 7; Ga. L. 1994, p. 1, § 3; Ga. L. 1994, p. 383, § 6; Ga. L. 2004, p. 390, § 5; Code 1981, § 43-14-12, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section

43-14-8.4 as present Code Section 43-14-12; substituted “No” for “After June 30, 1994, no” for at the beginning of subsections (a) and (c); and substituted “board approved safety training course” for “course of safety training” in subsection (b).

Editor’s notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-12 as present Code Section 43-14-16. For current provisions concerning suspension of, or refusal to restore, licenses and certificates by municipal or county inspection authority; appeals; adoption and enforcement of codes at local level; bonds; fees or taxes, see Code Section 43-14-16.

43-14-12.1. [Redesignated.]

Editor’s notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-12.1 as present Code Section 43-14-17.

43-14-12.2. [Redesignated.]

Editor’s notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-12.2 as present Code Section 43-14-18.

43-14-13. Display of license and registration or certificate number.

(a) Every person holding a license issued by a division of the board shall display it in a conspicuous manner at his or her place of business.

(b) All commercial vehicles used by licensees and certificate holders exclusively in the daily operation of their business shall have prominently displayed thereon the company or business registration or certificate number issued by the Secretary of State’s office. Such registration number or certificate number, or website address where such number can be found, shall also be prominently displayed on any advertising relating to work which a licensee or certificate holder purports to have the capacity to perform. Said registration or certificate number shall also be printed on all invoices and proposal forms.

History.

Ga. L. 1971, p. 583, § 15; Ga. L. 1980, p. 1299, § 10; Code 1981, § 43-14-9; Ga. L. 1983, p. 424, § 1; Ga. L. 1991, p. 1581, § 2; Ga. L. 1993, p. 1339, § 8; Code 1981, § 43-14-13, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-9 as present Code Section 43-14-13; inserted “or her” in subsection (a); and, in subsection (b), inserted “or certificate” in the first and third sentences, and in the second sentence, inserted “or certificate number, or website address where such number can be found,” and deleted “in telephone yellow pages and newspapers” following “advertising”.

Editor’s notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-13 as present Code Section 43-14-19. For current provisions concerning applicability of chapter, see Code Section 43-14-19.

43-14-14. Applicability of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

This chapter shall be administered in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

History.

Ga. L. 1980, p. 1299, § 6; Ga. L. 1983, p. 424, § 1; Code 1981, § 43-14-14, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-10 as present Code Section 43-14-14.

Editor's notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-14 as present Code Section 43-14-20. For current provisions concerning penalties, see Code Section 43-14-20.

43-14-15. Injunction for violation of chapter.

Whenever it shall appear to a division of the board or to the executive director or to a county or municipal inspection authority that any person is or has been violating this chapter or any of the lawful rules, regulations, or orders of the board, the division of the board, the local inspection authority, or the appropriate prosecuting attorney may file a petition for an injunction in the proper superior court of this state against such person for the purpose of enjoining any such violation. It shall not be necessary to allege or prove that there is no adequate remedy at law. The right of injunction provided for in this Code section shall be in addition to any other legal remedy which the board has and shall be in addition to any right of criminal prosecution provided for by law.

History.

Ga. L. 1971, p. 583, § 18; Ga. L. 1980, p. 1299, § 12; Code 1981, § 43-14-11; Ga. L. 1981, p. 1703, § 4; Ga. L. 1983, p. 424, § 1; Ga. L. 1994, p. 97, § 43; Code 1981, § 43-14-15, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-11 as present Code Section 43-14-15.

Editor's notes.

Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025, redesignated former Code Section 43-14-15 as present Code Section 43-14-21. For current provisions concerning certain military certifications entitle persons to obtain certain professional licenses, see Code Section 43-14-21.

43-14-16. Suspension of, or refusal to restore, licenses and certificates by municipal or county inspection authority; appeals; adoption and enforcement of codes at local level; bonds; fees or taxes.

(a) Any municipal or county inspection authority which meets the standards established by the board shall be authorized, after notice and hearing, to suspend the license or certificate of competency of, or refuse to restore a license or certificate of competency to, any person or licensee upon the grounds set out in paragraph (4) of subsection (a) of Code Section 43-14-6; provided, however, that such suspension of a license by a local inspection authority shall be applicable only within the jurisdiction of such local authority. Any person aggrieved by an action of a local authority shall be entitled to an appeal to the appropriate division of the board and shall be entitled to a hearing.

(b)(1) This chapter shall not be construed to prohibit the governing authority of any county or municipality in the state from adopting and enforcing codes at the local level; provided, however, that no county or municipality may require any licensed conditioned air contractor or licensed plumber who has executed and deposited a bond as authorized in paragraph (2) of this subsection to give or furnish or execute any code compliance bond or similar bond for the purpose of ensuring that all construction, installation, or modifications are made or completed in compliance with the county or municipal ordinances or building and construction codes.

(2) In order to protect the public from damages arising from any work by a licensed conditioned air contractor or licensed plumber, which work fails to comply with the ordinances or building and construction codes adopted by any county or municipal corporation, any such licensed conditioned air contractor or licensed plumber may execute and deposit with the judge of the probate court in the county of his or her principal place of business a bond in the sum of $10,000.00. Such bond shall be a cash bond of $10,000.00 or executed by a surety authorized and qualified to write surety bonds in the State of Georgia and shall be approved by the judge of the probate court. Such bond shall be conditioned upon all work done or supervised by such licensee complying with the provisions of any ordinances or building and construction codes of any county or municipal corporation wherein the work is performed. Action on such bond may be brought against the principal and surety thereon in the name of and for the benefit of any person who suffers damages as a consequence of said licensee's work not conforming to the requirements of any ordinances or building and construction codes; provided, however, that the aggregate liability of the surety to all persons so damaged shall in no event exceed the sum of such bond.

(3) In any case where a bond is required under this subsection, the conditioned air contractor or plumber shall file a copy of the bond with the building official in the political subdivision wherein the work is being performed.

(4) The provisions of this subsection shall not apply to or affect any bonding requirements involving contracts for public works as provided in Chapter 10 of Title 13.

(c) No provision of this chapter shall be construed as prohibiting or preventing a municipality or county from fixing, charging, assessing, or collecting any license fee, registration fee, tax, or gross receipt tax on any related business or on anyone engaged in any related business governed by this chapter.

History.

Ga. L. 1981, p. 1703, § 5; Ga. L. 1983, p. 424, § 1; Ga. L. 1993, p. 1339, § 9; Ga. L. 1994, p. 662, § 1; Code 1981, § 43-14-16, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-12 as present Code Section 43-14-16.

Editor's notes.

Former Code Section 43-14-16, relating to exceptions to operation of chapter, was based on Ga. L. 1968, p. 308, § 20; Ga. L. 1980, p. 1299, § 13; Ga. L. 1981, p. 844, § 1; Ga. L. 1981, p. 1703, § 6; Ga. L. 1981, Ex. Sess., p. 8; Ga. L. 1983, p. 424, § 1; Ga. L. 1984, p. 1129, § 9; Ga. L. 1989, p. 1600, § 1; Ga. L. 1989, p. 1756, § 9; Ga. L. 1990, p. 8,§ 43; Ga. L. 1991, p. 1581, § 3, and was repealed by Ga. L. 1993, p. 1339, § 12, effective April 15, 1993.

Another former Code Section 43-14-16, relating to limited reciprocal licensing of military spouses, was based on Code 1981, § 43-14-16, enacted by Ga. L. 2013, p. 26, § 1/HB 188, and was repealed by Ga. L. 2020, p. 909, § 4/HB 914, effective January 1, 2021.

OPINIONS OF THE ATTORNEY GENERAL

Although former O.C.G.A. § 43-14-12 (now O.C.G.A. § 43-14-16) allowed a municipality or county to charge a "license fee, registration fee, tax, or gross receipt tax on any related business or on anyone engaged in any related business governed by this chapter," such "revenue" measures have been struck down when their underlying intent was to create a licensing requirement as a precondition for engaging in the occupation as opposed to creating a tax on an otherwise-licensed occupation. 1987 Op. Att'y Gen. No. 87-3 (rendered prior to 1993 amendment).

Authority to require liability insurance compliance bonds. — County and municipal governments are prohibited from requiring contractors licensed under O.C.G.A. Ch. 14, T. 43 to obtain liability insurance in order to perform work covered by the license; however, county and municipal governments may require contractors to obtain code compliance bonds in order to perform work covered by the contractor's license, provided that the local government may not require such a bond from conditioned air contractors and plumbers who have executed and deposited a bond under former O.C.G.A. § 43-14-12(b)(2) (now O.C.G.A. § 43-14-16(b)(2)), and provided that the local ordinance does not otherwise conflict with the general law. 1995 Op. Att'y Gen. No. 95-7.

43-14-17. Evidence of violation; cease and desist orders; fines; other penalties for violations.

(a) If a person is in violation of paragraph (1) or (2) of subsection (c) of Code Section 43-14-8, it shall not be necessary for an investigator to observe or witness the unlicensed person engaged illegally in the process of work or to show work in progress or work completed in order to prove the unlawful practice of conditioned air contracting, plumbing contracting, or electrical contracting by an unlicensed person.

(b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed as a conditioned air contractor, plumbing contractor, or electrical contractor advertises that such person is in the business or profession of a conditioned air contractor, plumbing contractor, or electrical contractor or advertises in a manner such that the general public would believe that such person is a licensed conditioned air contractor or in the business or profession of a conditioned air contractor, is a licensed plumbing contractor in the business or profession of a plumbing contractor, or is a licensed electrical contractor in the business or profession of an electrical contractor. Advertising under this subsection includes, but is not limited to, newspaper, internet, social media and digital applications, television, radio, telephone directory listings, mailings, business cards, or signage at a place of business or attached to a vehicle.

(c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing, the board may issue a cease and desist order prohibiting any person from violating the provisions of this chapter by engaging in the business or profession of a conditioned air contractor, plumbing contractor, or electrical contractor without a license as required under this chapter.

(d) The violation of any cease and desist order of the board issued under subsection (c) of this Code section shall subject the person violating the order to further proceedings before the board, and the board shall be authorized to impose a fine not to exceed $1,500.00 for each violation thereof. Each day that a person practices in violation of this Code section and chapter shall constitute a separate violation.

(e) Nothing in this Code section shall be construed to prohibit the board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section.

History.

Code 1981, § 43-14-12.1, enacted by Ga. L. 1998, p. 1517, § 1; Ga. L. 2001, p. 883, § 2; Code 1981, § 43-14-17, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-12.1 as present Code Section 43-14-17; inserted “plumbing contracting, or electrical contracting” in subsection (a); in subsection (b), in the first sentence, inserted “, plumbing contractor, or electrical contractor” twice and “, is a licensed plumbing contractor in the business or profession of a plumbing contractor, or is a licensed electrical contractor in the business or profession of an electrical contractor” in the second sentence, inserted “internet, social media and digital applications” and “listings” and substituted “signage at a” for “sign at”; inserted “, plumbing contractor, or electrical contractor” in subsection (c); and substituted “$1,500.00” for “$500.00” in the first sentence of subsection (d).

Editor’s notes.

Former Code Section 43-14-17 was redesignated by Ga. L. 1993, p. 1339, § 13, effective April 15, 1993, as Code Section 43-14-14 (now Code Section 43-14-20).

43-14-18. Proof of unlawful practice of utility contracting by unlicensed individual; cease and desist orders; penalty for violations.

(a) If a person is in violation of Code Section 43-14-10, 43-14-11, or 43-14-12, it shall not be necessary for an investigator to observe or witness the unlicensed person engaged illegally in the process of work or to show work in progress or work completed in order to prove the unlawful practice of utility contracting by an unlicensed person.

(b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed as a utility contractor advertises that such person is in the business or profession of a utility contractor or advertises in a manner such that the general public would believe that such person is a licensed utility contractor or in the business or profession of a utility contractor. Advertising under this subsection includes, but is not limited to, newspaper, television, or radio advertisements, telephone directory listings, mailings, business cards, or a sign or signs at a place of business or attached to a vehicle.

(c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing, the board may issue a cease and desist order prohibiting any person from violating the provisions of this chapter by engaging in the business or profession of a utility contractor without a license as required under this chapter or by constructing, erecting, altering, or repairing a utility system without a properly certified utility manager or properly certified utility foreman present at such job site.

(d) The violation of any cease and desist order of the board issued under subsection (c) of this Code section shall subject the person violating the order to further proceedings before the board, and the board shall be authorized to impose a fine not to exceed $5,000.00 for each violation thereof. Each day that a person practices in violation of this Code section and chapter or constructs, erects, alters, or repairs a utility system without a properly certified utility manager or properly certified utility foreman present at such job site shall constitute a separate violation.

(e) Nothing in this Code section shall be construed to prohibit the board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section.

History.

Code 1981, § 43-14-12.2, enacted by Ga. L. 2004, p. 390, § 6; Code 1981, § 43-14-18, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-12.2 as present Code Section 43-14-18 and substituted "Code Section 43-

14-10, 43-14-11, or 43-14-12" for "Code Section 43-14-8.2, 43-14-8.3, or 43-14-8.4" in subsection (a).

Editor's notes.

Former Code Section 43-14-18, relating to termination, was based on Ga. L. 1981, Ex.Sess., p. 8; Ga. L. 1983, p. 424, § 1; Ga. L. 1989, p. 1617, § 2, and repealed by Ga. L. 1992, p. 3137, § 13, effective July 1, 1992.

43-14-19. Applicability of chapter.

(a) This chapter shall apply to all installations, alterations, and repairs of plumbing, air-conditioning and heating, or electrical or low voltage wiring or utility systems within or on public or private buildings, structures, or premises except as otherwise provided in this Code section.

(b) Any person that holds a license issued under this chapter may engage in the business of plumbing contracting, electrical contracting, conditioned air contracting, low voltage contracting, or utility contracting but only as prescribed by the license, throughout the state; and except as provided in Code Section 43-14-16, no municipality or county may require such person to comply with any additional licensing requirements imposed by such municipality or county.

(c) This chapter shall not apply to:

(1) The installation, alteration, or repair of plumbing, air-conditioning and heating, utility systems, or electrical services, except low voltage wiring services, up to and including the meters where such work is performed by and is an integral part of the system owned or operated by a public service corporation, an electrical, water, or gas department of any municipality in this state, a railroad company, a pipeline company, or a mining company in the exercise of its normal function as such;

(2) Low voltage wiring performed by public utilities, except that the portion of the business of public utilities which involves the installation, alteration, repair, or service of telecommunication systems for profit shall be covered under this chapter;

(3) The installation, construction, or maintenance of power systems or telecommunication systems for the generation or distribution of electric current constructed under the National Electrical Safety Code, which regulates the safety requirements of utilities; but the interior wiring regulated by the National Electrical Safety Code shall not be exempt and must be done by an electrical contractor, except as otherwise provided by law;

(4) Any technician employed by a municipal or county franchised community antenna television (CATV) system or a municipally owned CATV system in the performance of work on the system;

(5) Regular full-time employees of an institution, manufacturer, or

business who perform plumbing, electrical, low voltage wiring, utility contracting, or conditioned air contracting when working on the premises of their employer;

(6) A contractor certified by the Department of Public Health to make the connection to any on-site waste-water management system from the stub out exiting the structure to an on-site waste-water management system;

(7) Any employee or authorized agent of a regulated gas utility or municipally owned gas utility while in the course and scope of such employment; or

(8) Persons licensed as manufactured or mobile home installers by the state fire marshal when:

(A) Coupling the electrical connection from the service entrance panel outside the manufactured housing to the distribution panel board inside the manufactured housing;

(B) Connecting the exterior sewer outlets to the aboveground sewer system; or

(C) Connecting the exterior water line to the aboveground water system.

(d) This chapter shall not prohibit:

(1) An individual from installing, altering, or repairing plumbing fixtures, air-conditioning and heating, air-conditioning and heating fixtures, utility systems, or electrical or low voltage wiring services in a residential dwelling owned or occupied by such individual; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and any applicable county or municipal resolutions, ordinances, codes, or inspection requirements;

(2) An individual employed on the maintenance staff of a facility owned by the state or by a county, municipality, or other political subdivision from installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, or electrical or low voltage wiring services when such work is an integral part of the maintenance requirements of the facility; provided, however, that all such work must be done in conformity with all other provisions of this chapter and the orders, rules, and regulations of the board;

(3) Any person from installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, or electrical or low voltage wiring services in a farm or ranch service building or as an integral part of any irrigation system on a

farm or ranch when such system is not located within 30 feet of any dwelling or any building devoted to animal husbandry. Nothing in this subsection shall be construed to limit the application of any resolution, ordinance, code, or inspection requirements of a county or municipality relating to such connections;

(4) Any person from installing, altering, or repairing the plumbing component of a lawn sprinkler system from a backflow preventer which was installed by a licensed plumber; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and ordinances of the county or municipality; or

(5) Any propane dealer that is properly insured as required by law and that holds a liquefied petroleum gas license issued by the Safety Fire Commissioner from installing, repairing, or servicing a propane system or the gas piping or components of such system; provided, however, that such propane dealers shall be prohibited from performing the installation of conditioned air systems or forced air heating systems unless licensed to do so under this chapter.

(e) Any person qualified by the Department of Transportation to perform work for the department shall not be required to be licensed under:

(1) Code Section 43-14-10 or certified under Code Sections 43-14-11 and 43-14-12 in order to perform work for the department; or

(2) Code Section 43-14-10 or certified under Code Sections 43-14-11 and 43-14-12 in order to perform work for a county, municipality, authority, or other political subdivision when such work is of the same nature as that for which the person is qualified when performing department work; provided, however, that such work is not performed on a utility system as defined in paragraph (23) of Code Section 43-14-2 for which the person receives compensation.

(f) Any person who contracts with a licensed conditioned air contractor:

(1) As part of a conditioned air contract to install, alter, or repair duct systems, control systems, or insulation is not required to hold a license from the Division of Conditioned Air Contractors. The conditioned air contractor must retain responsibility for completion of the contract, including any subcontracted work;

(2) To perform a complete installation, alteration, or repair of a conditioned air system must hold a valid license from the Division of Conditioned Air Contractors; or

(3) To perform for or on behalf of a conditioned air contractor the installation, alteration, or repair of the electrical, low voltage, or

plumbing components of a conditioned air system must hold a valid license from the appropriate division of the board.

(g) Any utility contractor holding a valid utility contractor's license under this chapter shall be authorized to bid for and perform work on any utility system in this state without obtaining a license under Chapter 41 of this title. It shall be unlawful for the owner of a utility system or anyone soliciting work to be performed on a utility system to refuse to allow a utility contractor holding a valid utility contractor's license under this chapter to bid for or perform work on a utility system on the basis that such contractor does not hold a license under Chapter 41 of this title.

History.

Ga. L. 1980, p. 1299, § 16; Code 1981, § 43-14-13; Ga. L. 1981, p. 845, § 1; Ga. L. 1981, p. 1703, § 7; Ga. L. 1983, p. 424, § 1; Ga. L. 1984, p. 1129, § 8; Ga. L. 1989, p. 1756, § 8; Ga. L. 1993, p. 1339, § 11; Ga. L. 1994, p. 383, § 7; Ga. L. 1994, p. 662, § 2; Ga. L. 2003, p. 419, § 3; Ga. L. 2010, p. 211, § 1/SB 339; Ga. L. 2015, p. 5, § 43/HB 90; Code 1981, § 43-14-19, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-13 as present Code Section 43-14-19 and rewrote this Code section.

OPINIONS OF THE ATTORNEY GENERAL

Licensing exemption contained in O.C.G.A. § 43-14-13(d) (now O.C.G.A. § 43-14-19(d)), while permitting individuals to install or repair plumbing, air conditioning, heating, electrical wiring or low voltage wiring on single-family dwellings which an individual owns or occupies, did not permit such owners or occupiers to employ unlicensed persons to perform these activities. Similarly, the exemption contained in former O.C.G.A. § 43-14-16(d) [repealed] only allowed the unlicensed employees of a general building contractor to perform work upon the business premises of the general contractor and not upon any other property the contractor may own. 1988 Op. Att'y Gen. 88-29.

43-14-20. Penalty.

Any person violating this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $3,000.00 or imprisoned for not more than six months, or both.

History.

Ga. L. 1980, p. 1299, § 15; Ga. L. 1983, p. 424, § 1; Code 1981, § 43-14-17; Code 1981, § 43-14-14, as redesignated by Ga. L. 1993, p. 1339, § 13; Ga. L. 2001, p. 883, § 3; Code 1981, § 43-14-20, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-14 as present Code Section 43-14-20 and substituted "$3,000.00" for "$1,000.00" in the middle of this Code section.

OPINIONS OF THE ATTORNEY GENERAL

Fingerprinting. — Georgia Crime Information Center is not authorized to collect and file fingerprints of persons charged with a violation of former O.C.G.A. § 43-14-14 (now O.C.G.A. § 43-14-20). 2001 Op. Att'y Gen. No. 2001-11.

43-14-21. Certain military certifications entitle persons to obtain certain professional licenses.

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

(1) "Discharge" means an honorable discharge or a general discharge from active military service. Such term shall not mean a discharge under other than honorable conditions, a bad conduct discharge, or a dishonorable discharge.

(2) "Military" means the armed forces of the United States or a reserve component of the armed forces of the United States, including the National Guard.

(b) A committee composed of the division director, members of the Governor's Office of Workforce Development, and members of the relevant divisions of the licensing board representing the profession for which the applicant is seeking a license shall determine the military specialties or certifications the training or experience for which substantially meets or exceeds the requirements to obtain a license for Electrical Contractor Class I, Journeyman Plumber, Conditioned Air Contractor Class I, or Utility Foreman. The Governor shall designate a chairperson from among the members of the committee.

(c) Any current or former member of the military may apply to the licensing board for the expedited issuance of a license or certification based upon his or her having obtained a military specialty or certification, the training or experience for which substantially meets or exceeds the requirements to obtain a license or certification identified in subsection (b) of this Code section.

(d) In order to qualify under this subsection, an applicant shall make application not later than two years after his or her discharge. The licensing board, in its discretion, may by rule or regulation extend such two-year period for a license or certification, or class thereof, or may extend such two-year period for an individual applicant if certain circumstances, including, but not limited to, health, hospitalization, or other related emergencies or exigencies, prevented the member of the military from making an application.

(e) Such application shall be in such form and shall require such documentation as the division director shall determine. If the applicant satisfies the requirements of this Code section, the division director shall direct the appropriate division to issue the appropriate license, and the division shall immediately issue such license; provided, however, that the applicant shall satisfy all financial and insurance requirements for the issuance of such license. This Code section shall only apply to the initial issuance of a license. After the initial issuance of a license, the licensee shall be subject to any provisions relating to the renewal of the license applicable to all licensees.

History.
Code 1981, § 43-14-15, enacted by Ga. L. 2013, p. 26, § 1/HB 188; Ga. L. 2014, p. 866, § 43/SB 340; Ga. L. 2021, p. 440, § 1/SB 27; Code 1981, § 43-14-21, as redesignated by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, redesignated former Code Section 43-14-15 as Code Section 43-14-21; substituted "expedited" for "immediate" in subsection (c); and added the subsection (d) and (e) designations.

43-14-22. Licenses placed on inactive status; qualifications for licenses returned to active status.

The board may establish a process through rules and regulations for licenses issued under this chapter to be placed on inactive status and the qualifications necessary for such licenses to be returned to active status; provided, however, that engaging in any conduct that requires a license under this chapter while holding an inactive license shall be considered an unlicensed practice and shall be prohibited.

History.
Code 1981, § 43-14-22, enacted by Ga. L. 2025, p. 359, § 1-1/SB 125, effective July 1, 2025.

Effective date.
This Code section became effective July 1, 2025.

CHAPTER 15

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

43-15-1. Short title and purpose.

RESEARCH REFERENCES

ALR.
Enforceability and interpretation of limitation of liability clauses in design professional contracts, 78 A.L.R.7th 6.

43-15-2. Definitions.

As used in this chapter, the term:

(1) "Board" means the Georgia Professional Engineers and Land Surveyors Board created in subsection (a) of Code Section 43-15-3.

(2) "Certificate" means any certificate issued under Code Section 43-15-8 or 45-15-13.

(3) "Certificate of registration" means any certificate issued under Code Section 43-15-9 or 43-15-16.

(4) "Current certificate of registration" means a certificate of registration which has not expired or been revoked and the rights under which have not been suspended or otherwise restricted by the board.

(4.1) "Current license" means a license issued under Code Section 43-15-13 which has not expired or been revoked and the rights under which have not been suspended or otherwise restricted by the board.

(5) "Engineer-in-training" means an individual who meets the qualifications for and to whom the board has duly issued an engineer-in-training certificate.

(5.1) "Executive director" means the executive director appointed by the Georgia Professional Engineers and Land Surveyors Board pursuant to Code Section 43-15-3.

(6) "Land surveying" means any service, work, or practice, the adequate performance of which requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the requirements of relevant law in the evaluation and location of property rights, as applied to:

(A) Measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, in underground works, and on the beds of bodies of water, for the purpose of determining and reporting positions, topography, areas, and volumes;

(B) Establishing or reestablishing, locating or relocating, or setting or resetting of monumentation for any property, easement, or right of way boundaries, or the boundary of any estate or interest therein;

(C) The platting and layout of lands and subdivisions thereof, including alignment and grades of streets and roads, excluding thoroughfares;

(D) The design, platting, and layout, incidental to subdivisions of any tract of land by a land surveyor, of:

(i) Grading plans and site plans;

(ii) Erosion and sediment control plans, including detention ponds, provided that no impoundment shall be designed on a live (perennial) stream; provided, further, that such detention ponds:

(I) Contain no more than five acre-feet of water storage at maximum pool (top of dam) or are no more than ten feet in height for a dry storage pond;

(II) Are no more than six feet in height for a permanent (wet) storage pond; or

(III) Contain no more than three acre-feet of water storage at maximum pool (top of dam) if the height is more than ten feet but less than 13 feet for a dry storage pond;

(iii) Storm-water management plans and facilities, including hydrologic studies and temporary sediment basins, provided that the contributing drainage area shall not be larger than 100 acres; and

(iv) Extension of existing water distribution piping and gravity sewers, eight inches in diameter or smaller, provided that off-site length shall not exceed 1,000 feet, the design and construction of which shall conform to the local government ordinances and regulations, and such extensions shall be subjected to the review and approval of a local government which has been delegated approval authority by the Environmental Protection Division of the Department of Natural Resources,

provided that the design of any storm-water management plans, facilities, water distribution lines, and sanitary sewer collection systems shall be performed only by such professional land surveyors who are qualified to do so as provided in Code Section 43-15-13.1;

(E) Conducting horizontal and vertical control surveys, layout or stake-out of proposed construction, or the preparation of as-built surveys which relate to property, easement, or right of way boundaries;

(F) Utilization of measurement devices or systems, such as aerial photogrammetry, geodetic positioning systems, land information systems, or similar technology for evaluation or location of property, easement, or right of way boundaries; or

(G) The preparation and perpetuation of maps, record plats, drawings, exhibits, field notes, or property descriptions representing these services.

(7) "Land surveyor intern" means an individual who meets the qualifications for and to whom the board has duly issued a certificate as a land surveyor-in-training.

(8) "Person" means an individual or any legal or commercial entity, including, by way of illustration and not limitation, a partnership, corporation, association, or governmental agency.

(9) "Professional engineer" means an individual who is qualified, by reason of knowledge of mathematics, the physical sciences, and the principles by which mechanical properties of matter are made useful to mankind in structures and machines, acquired by professional education and practical experience, to engage in the practice of professional engineering and who possesses a current certificate of registration as a professional engineer issued by the board.

(10) "Professional engineering" means the practice of the arts and sciences, known as engineering, by which mechanical properties of matter are made useful to mankind in structures and machines and shall include any professional service, such as consultation, investigation, evaluation, planning, designing, or responsible supervision of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of engineering principles and data and training in the application of mathematical and physical sciences. An individual shall be construed to practice or offer to practice professional engineering, within the meaning of this chapter, who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents or holds himself or herself out as a professional engineer or engineer or as able or qualified to perform engineering services or who performs any of the services set out in this paragraph. Nothing contained in this chapter shall include the work ordinarily performed by individuals who operate or maintain machinery or equipment.

(11) "Professional land surveyor" or "registered land surveyor" or "land surveyor" means an individual who is qualified to engage in the practice of land surveying and who possesses a current license as a professional land surveyor issued by the board. An individual shall be construed to practice or offer to practice land surveying within the meaning of this chapter who by verbal claim, sign, advertisement, letterhead, cards, or in any other way represents or holds himself or herself out as able or qualified to perform or who does perform land surveying services.

(12) "Professional structural engineer" means a professional engineer with specialized knowledge and expertise in the practice of

structural engineering. Such person shall be qualified by reason of knowledge of mathematics, physical sciences, and principles by which mechanical properties of matter are made useful to man in structures, acquired through professional education and practical experience, to engage in the practice of structural engineering. Such persons shall further possess a current certificate of registration as a professional structural engineer issued by the board.

(13) "Structural engineering" means the practice of a specialized branch of professional engineering involving the design or analysis of designated structures as defined by the board, and shall include any professional service, such as consultation, investigation, evaluation, planning, designing, analyzing, or responsible supervision of construction or operation, in connection with any public or private designated structures, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of structural engineering principles and data and training in the application of mathematical and physical sciences. A person shall be construed to practice or offer to practice structural engineering, within the meaning of this chapter, who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents or holds himself or herself out as a professional structural engineer or as able or qualified to perform structural engineering services or who does perform any of the services set out in this paragraph.

History.

Ga. L. 1937, p. 294, § 2; Ga. L. 1945, p. 294, § 4; Code 1933, § 84-2103, enacted by Ga. L. 1975, p. 1048, § 1; Ga. L. 1991, p. 1133, § 1; Ga. L. 1992, p. 3297, § 1; Ga. L. 2003, p. 817, § 1; Ga. L. 2018, p. 583, § 1/SB 425; Ga. L. 2019, p. 1056, § 43/SB 52; Ga. L. 2020, p. 642, § 1/SB 310; Ga. L. 2022, p. 604, § 2/HB 476; Ga. L. 2024, p. 578, § 5/SB 195, effective July 1, 2024; Ga. L. 2025, p. 1029, § 43(5)/SB 153, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, substituted "or 45-15-13" for "or 43-15-12" at the end of paragraph (2).

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "'Executive director'" for "'Executive Director'" in paragraph (5.1).

43-15-9. Professional engineer certificate of registration; eligibility.

To be eligible for a certificate of registration as a professional engineer, an applicant must meet the following minimum requirements:

(1)(A) Obtain certification by the board as an engineer-in-training under paragraph (1) of Code Section 43-15-8;

(B) Acquire a specific record of not less than four years' experience in engineering work of a character satisfactory to the board which indicates the applicant is competent to practice professional engineering; and

(C) Pass a written examination in the principles and practice of engineering (professional engineer's examination);

(2)(A) Obtain certification by the board as an engineer-in-training under paragraph (2) of Code Section 43-15-8;

(B) Acquire a specific record of not less than seven years' experience in engineering work of a character satisfactory to the board which indicates the applicant is competent to practice professional engineering; and

(C) Pass a written examination in the principles and practice of engineering (professional engineer's examination);

(3)(A) Obtain certification by the board as an engineer-in-training under paragraph (3) of Code Section 43-15-8;

(B) Acquire a specific record of not less than seven years' experience in engineering work of a character satisfactory to the board which indicates the applicant is competent to practice professional engineering; and

(C) Pass a written examination in the principles and practice of engineering (professional engineer's examination); or

(4)(A) Graduate in an engineering or related science curriculum of not less than four academic years;

(B) Acquire a specific record of not less than 16 years' experience in engineering work, of which at least eight years have been in responsible charge of important engineering work of a character satisfactory to the board, which indicates the applicant is competent to practice professional engineering; and

(C) Pass a written examination in the principles and practice of engineering (professional engineer's examination).

History.

Code 1933, § 84-2111, enacted by Ga. L. 1975, p. 1048, § 1; Ga. L. 1984, p. 1146, § 2; Ga. L. 1999, p. 81, § 43; Ga. L. 2002, p. 415, § 43; Ga. L. 2018, p. 583, § 1/SB 425; Ga. L. 2025, p. 359, § 1-2/SB 125, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted "Pass" for "Subsequently pass" at the beginning of subparagraphs (1)(C), (2)(C), (3)(C), and (4)(C).

43-15-12. [Reserved] Surveyor intern certificate; eligibility.

History.

Code 1933, § 84-2114, enacted by Ga. L. 1975, p. 1048, § 1; Ga. L. 1981, p. 763, § 1; Ga. L. 1992, p. 3297, § 2; Ga. L. 2010,

p. 266, § 21/SB 195; Ga. L. 2018, p. 583, § 1/SB 425; repealed by Ga. L. 2024, p. 578, § 6/SB 195, effective July 1, 2024.

Editor's notes.

Ga. L. 2024, p. 578, § 6/SB 195, repealed and reserved this Code section, effective July 1, 2024.

43-15-13. Licensure as a professional land surveyor; land surveyor intern certification.

(a) To be eligible for licensure as a professional land surveyor, an applicant shall:

(1) Complete the education and training requirements of subparagraph (A), (B), or (C) of this paragraph as follows:

(A)(i) Earn a bachelor's degree in a curriculum approved by the board. Such applicant shall complete a minimum of 18 semester hours in land surveying subjects acceptable to the board as a part of or separate from such degree; and

(ii) Acquire not less than three years of combined office and field experience in land surveying of a nature satisfactory to the board;

(B)(i) Earn an associate's degree in a curriculum approved by the board. Such applicant shall complete a minimum of 18 semester hours in land surveying subjects acceptable to the board as a part of or separate from such degree; and

(ii) Acquire not less than five years of combined office and field experience in land surveying of a nature satisfactory to the board; or

(C)(i) Earn a high school diploma or its equivalent. Such applicant shall complete a minimum of 18 semester hours in land surveying subjects acceptable to the board; and

(ii) Acquire not less than eight years of combined office and field experience in land surveying of a nature satisfactory to the board; and

(2)(A) Pass each of the following board approved examinations:

(i) The fundamentals of surveying examination;

(ii) The principles and practices of land surveying examination; and

(iii) The laws and history of land surveying in Georgia examination.

(B) The examinations listed in divisions (i) through (iii) of subparagraph (A) of this paragraph may be taken after completion of the education requirements of paragraph (1) of this subsection; provided, however, that the examination in division (i) of subparagraph (A) of this paragraph shall be taken and passed before the examination in division (ii) of subparagraph (A) of this paragraph is taken, and the examination listed in division (ii) of subparagraph (A) of this paragraph shall be taken and passed before the examination in division (iii) of subparagraph (A) of this paragraph is taken.

(b) The board may issue a land surveyor intern certificate to an applicant who has:

(1) Completed the education requirements set forth in division (a)(1)(A)(i), (a)(1)(B)(i), or (a)(1)(C)(i) of this Code section;

(2) Passed the board approved fundamentals of surveying examination as required under division (a)(2)(A)(i) of this Code section; and

(3) Completed such additional requirements as may be required by the board through rules and regulations.

History.

Amended by Ga. L. 2024, p. 578, § 7/SB 195, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

Editor's notes.

This Code section formerly pertained to professional land surveyor license and the eligibility for receiving such licensure. The former Code section was based on Code 1933, § 84-2115, enacted by Ga. L. 1975, p. 1048, § 1; Ga. L. 1981, p. 763, § 2; Ga. L. 1992, p. 3297, § 3; Ga. L. 2002, p. 415, § 43; Ga. L. 2018, p. 583, § 1/SB 425 and was repealed by Ga. L. 2024, p. 578, § 7/SB 195, effective July 1, 2024.

CHAPTER 17

CHARITABLE SOLICITATIONS

43-17-13. Penalties; cease and desist orders; injunctions; restitution; appointment and powers of receiver; subpoenas.

(a) Whenever it may appear to the Secretary of State, either upon complaint or otherwise, that any person has engaged in or is engaging in or is about to engage in any act, practice, or transaction which is prohibited by this chapter or by any rule, regulation, or order of the Secretary of State promulgated or issued pursuant to any Code section of this chapter or which is declared to be unlawful under this chapter, the Secretary of State may, at his or her discretion, act under any or all of the following paragraphs and may:

(1) Impose administrative sanctions as provided in this paragraph:

(A) Subject to notice and opportunity for hearing in accordance with Code Section 43-17-16, unless the right to notice is waived by the person against whom the sanction is imposed, the Secretary of State may take any or all of the following actions:

(i) Issue a cease and desist order against any person;

(ii) Censure or bar the person if the person is registered as a charitable organization, paid solicitor, or solicitor agent;

(iii) Suspend or revoke the person's registration if the person is registered as a charitable organization, paid solicitor, or solicitor agent;

(iv) Bar or suspend the person from association with a charitable organization or paid solicitor;

(v) Issue an order against a charitable organization, paid solicitor, or solicitor agent that willfully violates this chapter or any rule or regulation promulgated under this chapter or any order of the Secretary of State, imposing a civil penalty up to a maximum of $10,000.00 for a single violation or up to $100,000.00 for multiple violations in a single proceeding or a series of related proceedings; or

(vi) Regarding any willful act, practice, or transaction, issue an order imposing a civil penalty up to a maximum of $10,000.00 against any person for a single violation or $100,000.00 for multiple violations in a single proceeding or a series of related proceedings;

(B)(i) Imposition of the sanctions under this paragraph is limited as follows:

(I) If the Secretary of State revokes the registration of a charitable organization, paid solicitor, or solicitor agent or bars a person from association with a charitable organization or paid solicitor under subparagraph (A) of this paragraph, the imposition of that sanction precludes imposition of the sanctions specified in divisions (v) and (vi) of subparagraph (A) of this paragraph; and

(II) The imposition by the Secretary of State of one or more sanctions under this paragraph with respect to a specific violation precludes the Secretary of State from later imposing any other sanctions under this paragraph with respect to the violation.

(ii) For the purpose of determining the amount or extent of a sanction, if any, to be imposed under subparagraph (A) of this paragraph, the Secretary of State shall consider, among other factors, the frequency, persistence, and willfulness of the conduct constituting a violation of this chapter or a rule or regulation promulgated under this chapter or an order of the Secretary of State, the number of persons adversely affected by the conduct, and the resources of the person committing the violation;

(2) Seek civil sanctions by applying to any superior court of competent jurisdiction in this state, which court:

(A) Upon a showing by the Secretary of State that a person has violated this chapter, a rule or regulation promulgated under this chapter, or an order of the Secretary of State, may enter or grant any or all of the following:

(i) A temporary restraining order, permanent or temporary injunction, or a writ of prohibition or mandamus;

(ii) A civil penalty up to a maximum of $10,000.00 for a single violation or up to $100,000.00 for multiple violations in a single proceeding or a series of related proceedings;

(iii) A declaratory judgment;

(iv) Restitution to contributors;

(v) An order of disgorgement;

(vi) The appointment of a receiver, auditor, or conservator for the defendant or the defendant's assets; or

(vii) Other relief as the court deems just and equitable;

(B) May, upon a showing by the Secretary of State that the defendant is about to violate this chapter, a rule or regulation promulgated under this chapter, or an order of the Secretary of State, issue:

(i) A temporary restraining order;

(ii) A temporary or permanent injunction;

(iii) A writ of prohibition or mandamus; or

(iv) Such other relief as the court deems just and equitable; or

(C) In determining the appropriate relief to grant, shall consider enforcement action taken and sanctions imposed by the Secretary of State under paragraph (1) of this subsection in connection with the transaction or transactions constituting a violation of this chapter, a rule or regulation promulgated under this chapter, or an order of the Secretary of State; or

(3) Transmit such evidence as may be available concerning such act, practice, or transaction to any district attorney or to the Attorney General, who may, at his or her individual discretion, institute the necessary criminal proceedings.

(b) In any proceedings for an injunction, the Secretary of State may apply for and be entitled to have issued the court's subpoena requiring:

(1) The appearance forthwith of any defendant and the defendant's agents, employees, partners, officers, or directors or the members of a defendant limited liability company; and

(2) The production of such documents, books, and records as may appear necessary for the hearing upon the petition for an injunction.

(c) In any action brought under subsection (a) of this Code section, the court, upon application of the state, may appoint a receiver for the assets of the defendant where it has been established:

(1) That the defendant has engaged in a pattern of willful violations of this chapter which has resulted in substantial actual damage to citizens of this state;

(2) That the defendant is outside this state or is actually removing or about to remove himself or his property outside the limits of this state or conceals himself or his property; or

(3) That the appointment of the receiver is necessary to preserve the assets of the defendant for the benefit of citizens of the state damaged by the defendant's violations of this chapter.

(d) When a receiver is appointed by the court pursuant to this chapter, he shall have the power to bring an action for, collect, receive, and take into his possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, records, documents, papers, choses in action, bills, notes, and property of every description, derived by any means in violation of this chapter, including property with which such property has been mingled. He shall have the power to sell, convey, and assign the same and to hold and dispose of the proceeds thereof under the direction of the court. The court shall have jurisdiction of all questions arising in such proceedings and may make such orders and judgments therein as may be required.

(e) In any criminal proceeding either the district attorney or the Attorney General or both may apply for and be entitled to have issued the court's subpoena requiring:

(1) The appearance forthwith of any defendant or the defendant's agents, employees, partners, officers, or directors or the members of a defendant limited liability company; and

(2) The production of such documents, books, and records as may appear necessary for the prosecution of such criminal proceedings.

History.
Code 1981, § 43-17-13, enacted by Ga. L. 1988, p. 490, § 1; Ga. L. 1993, p. 123, § 38; Ga. L. 2018, p. 191, § 4/HB 475; Ga. L. 2019, p. 1056, § 43/SB 52; Ga. L. 2024, p. 938, § 1/SB 412, effective May 6, 2024.

Amendments.
The 2024 amendment, effective May 6, 2024, rewrote subsection (a).

CHAPTER 18

FUNERAL DIRECTORS AND ESTABLISHMENTS, EMBALMERS, AND CREMATORIES

Article 1

Funeral Directors and Establishments, Embalmers, and Crematories

Part 1

General Provisions

Part 2

State Board of Funeral Service

Part 3

Licenses for Funeral Directors and Embalmers

Part 4

Operation of Funeral Establishments and Crematories

ARTICLE 1

FUNERAL DIRECTORS AND ESTABLISHMENTS, EMBALMERS, AND CREMATORIES

Part 1

General Provisions

43-18-1. Definitions.

As used in this article, the term:

(1) "Alternative container" means any receptacle or enclosure which is of sufficient strength to be used to hold and to transport a dead human body. Such term does not include a casket.

(2) "Apprentice" means a person who practices embalming, funeral directing, or both, under the direct supervision of a funeral director, embalmer, or both, in this state.

(3) "Board" means the State Board of Funeral Service.

(4) "Casket" means a container which is designed for the encasement and viewing of a dead human body.

(5) "Cremation" means the reduction of the dead human body to residue by intense heat or any mechanical, chemical, thermal, or other professionally accepted process. Such term also includes any other mechanical, chemical, thermal, or other professionally accepted process whereby dead human bodies are pulverized, burned, recremated, or otherwise further reduced in size or quantity. Such term does not include organic human reduction.

(5.1) "Cremation device" means a retort, vat, or container in which dead human bodies are cremated by traditional flame, alkaline hydrolysis, or other means approved by the board.

(6) "Crematory" means any place where cremation is performed, other than a hospital, clinic, laboratory, or other facility authorized by the Department of Community Health for such purposes.

(7) "Direct supervision" means that the embalmer, funeral direc-

tor, or both, are present and overseeing the activities of the apprentice.

(8) "Embalmer" means a person who practices embalming or uses in connection with such person's name the words "embalmer," "licensed embalmer," "undertaker," or "mortician" or offers or holds himself or herself out as offering such services.

(9) "Final disposition" means the final disposal of a dead human body whether it is by, but not limited to, earth interment, aboveground interment, cremation, organic human reduction, burial at sea, or delivery to a medical institution for lawful dissection if such medical institution assumes responsibility for disposal.

(10) "Funeral" or "funeral services" means the observances, services, or ceremonies held for dead human bodies and includes any service relating to the transportation, embalming, cremation, organic human reduction, and interment of a dead human body.

(11) "Funeral director" means a person who practices funeral directing or uses in connection with such person's name or with a picture of such person the words "funeral director," "licensed funeral director," "undertaker," or "mortician" or offers or holds himself or herself out as offering such services.

(12) "Funeral director in full and continuous charge" means a funeral director who is approved by the board to assume full responsibility for the operations of a particular funeral establishment, organic human reduction facility, or crematory and who shall ensure that such establishment complies with the provisions of this article and with all rules promulgated pursuant to this article.

(13) "Funeral establishment" means a place where embalming or funeral directing is practiced and which is open to the public and transacting business relating to funeral services.

(14) "Funeral merchandise" means the goods that may only be sold or offered for sale by a funeral director working in a funeral establishment, organic human reduction facility, or crematory and includes, but is not limited to, a casket or alternative container, but does not include an outer burial container or cemetery marker.

(15) "Funeral service contract" means a written or oral agreement between a funeral director or funeral establishment, organic human reduction facility, or crematory and a legally authorized person for the embalming, funeral, or final disposition of a dead human body.

(16) "Legally authorized person" means the deceased's surviving spouse, a son or daughter who is 18 years of age or older; the deceased's parent, a brother or sister who is 18 years of age or older;

any other person who is 18 years of age or older and who is in the next degree of kinship to the deceased; the deceased's legal guardian or personal representative; or a public health officer.

(16.1) "Organic human reduction" means the contained, accelerated conversion of dead human bodies to soil.

(16.2) "Organic human reduction container" means a container in which organic human reduction occurs.

(16.3) "Organic human reduction facility" means a location where organic human reduction is performed.

(16.4) "Organically reduced remains" means the resulting residue of a dead human body that has undergone organic human reduction.

(17) "Outer burial container" means an enclosure into which a casket is placed, including, but not limited to, a vault made of concrete, steel, fiberglass, or copper; a sectional concrete enclosure; a crypt; or a wooden enclosure.

(18) "Practice of embalming" or "embalming" means disinfecting or preserving or attempting to disinfect or preserve dead human bodies by replacing certain body fluids with preserving and disinfecting chemicals.

(19) "Practice of funeral directing" or "funeral directing" means making or directing, at need or preneed, arrangements for the preparation and transportation of dead human bodies for final disposition and the supervision and direction of all funeral services.

(20) "Retort" means a furnace where dead human bodies are cremated.

(21) "Soliciting" means the making of any uninvited contact with another person by a funeral director or by a funeral director's agent, assistant, employer, or employee for the purpose of the sale of funeral services or merchandise. Such term shall not include any advertising which is directed to the public in general.

History.

Code 1981, § 43-18-1, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 1992, p. 2762, § 1; Ga. L. 2002, p. 641, § 3; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2012, p. 625, § 3/HB 933; Ga. L. 2021, p. 342, § 1/HB 124; Ga. L. 2025, p. 269, § 1-1/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

43-18-5. Unlawful acts; exemption.

(a) It shall be unlawful for any person, firm, or corporation or any officer, agent, or employee of such person, firm, or corporation to practice or hold out to the public that such person, firm, or corporation as practicing embalming or funeral directing, or to act as an embalmer or funeral director, or to assist in so doing as an apprentice, without having complied with this article, or to practice embalming or funeral directing without having paid the fee for license renewal prior to the expiration of that license as provided for in this article.

(b) Any person, firm, or corporation that has control of a funeral establishment, organic human reduction facility, or crematory and fails to obtain licensure as required by this article, upon conviction thereof, may be fined not less than $100.00 nor more than $500.00 for each violation. Each day that the funeral establishment, organic human reduction facility, or crematory is operated in violation of this article shall be deemed to be a separate and distinct offense.

(c) Any persons representing themselves as an embalmer or funeral director without having first complied with this article shall be deemed and considered guilty of practicing without a license and the use of these terms shall be prima-facie evidence of guilt.

(d) It shall be unlawful for any person, firm, or corporation or any officer, agent, or employee of such person, firm, or corporation engaged in the practice of funeral directing or embalming to give or contract to give, either directly or indirectly, any reward, commission, compensation, or anything of value to any person, firm, or corporation for the purpose of or as an inducement to such person, firm, or corporation to persuade or induce any person to use or employ such person engaged in the practice of funeral directing or embalming in or about the provision of funeral services.

(e) It shall be unlawful for any funeral director, embalmer, firm, or corporation, or any officer, agent, or employee of such person, firm, or corporation engaged in the funeral business for compensation or otherwise to influence, or attempt to influence, by persuasion, argument, or suggestion, the family or friends of any deceased person as to where the body should or should not be buried.

(f) It shall be unlawful for any funeral establishment, funeral director, or embalmer to refuse to release a dead human body to a legally authorized person upon request of that person, but the release of such body shall not constitute a release of any indebtedness or other claim owed for any services performed on that body by the person or entity releasing that body.

(g) Accredited colleges of funeral service and those otherwise approved by the board are authorized to perform on-campus embalming operations subject to satisfying inspection standards as established by the board. Nothing in this article shall require any person who is currently enrolled full time or part time in a program at an accredited college of funeral service or such other college as provided by rule to be licensed or registered as provided in this article when obtaining practical training in embalming or funeral directing under the supervision of a licensed embalmer, funeral director, or both, at such college or at a funeral establishment; provided, however, that any licensed embalmer, funeral director, or both, who supervise such student shall be responsible for the acts of such student.

History.

Code 1981, § 43-18-5, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 2025, p. 269, § 1-2/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in subsection (b), substituted “that has control” for “who has control”, inserted “, organic human reduction facility,” twice, and inserted a comma following “establishment” in the second sentence; and, in subsection (d), substituted “practice of funeral directing or embalming to give or contract to give” for “funeral or crematory business to give, or contract to give”, deleted a comma following “the purpose of” and following “an inducement to,” and substituted “such person engaged in the practice of funeral directing or embalming in or about the provision of funeral services” for “such funeral director or embalmer in or about the preparation for burial or conducting the burial of any deceased person”.

43-18-8. Identification of body or remains of deceased; affidavit required for cremated or organically reduced remains.

(a)(1) The funeral director or person in charge of final disposition of a dead human body shall, prior to the interment, organic human reduction, or cremation of such dead human body, affix on the ankle or wrist of the deceased a tag of durable, noncorroding material permanently marked with the name of the deceased, the date of death, the social security number of the deceased, the county and state of death, and the serial number of any prosthesis removed from the dead human body by the funeral establishment, organic human reduction facility, or crematory.

(2) No funeral director in charge of a crematory or organic human reduction facility shall permit any dead human body to be on the premises of the crematory or organic human reduction facility without the dead human body being identified as provided by this subsection, except when the body is placed in a cremation device or organic human reduction container; and the tag shall be removed from the body and kept in a regular location near the cremation device or organic human reduction container during cremation or the organic human reduction and thereafter placed atop the cremated or organically reduced remains on the inside of the vessel and any liner therein. The vessel containing cremated or organically reduced remains shall be plainly labeled on the outside so as to identify the deceased with the same information, excluding social security number, as is required to be on the tag inside the vessel and so as to identify the name of the person or firm to which such remains are to be delivered or released.

(3) Tags and labels used for purposes of this subsection shall be in such standard forms as prescribed by the board. If the religious faith of the deceased prohibits such means of identification, alternative means of identification of the body may be used.

(b) A crematory or an organic human reduction facility may deliver or release cremated or organically reduced remains to a funeral establishment or a legally authorized person. The funeral director in charge of a crematory or an organic human reduction facility shall provide to the funeral establishment or legally authorized person to whom cremated or organically reduced remains are delivered or released, at the time of such delivery or release, an affidavit, on such standard form as prescribed by the board, signed and verified by such funeral director before a person authorized to administer oaths and attesting that the vessel contains substantially the remains of the deceased identified in accordance with subsection (a) of this Code section.

(c) No funeral establishment shall accept or take delivery of any cremated or organically reduced remains from any crematory or organic human reduction facility unless the vessel containing such remains is labeled as required by paragraph (2) of subsection (a) of this Code section and is accompanied by the affidavit required by subsection (b) of this Code section, which vessel and affidavit shall be provided by the funeral establishment to a legally authorized person upon delivery or release of the cremated or organically reduced remains.

History.

Code 1981, § 43-18-8, enacted by Ga. L. 1995, p. 839, § 1; Ga. L. 2002, p. 641, § 4; Ga. L. 2021, p. 342, § 2/HB 124; Ga. L. 2025, p. 269, § 1-3/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “dead human body” for “dead body” three times in paragraph (a)(1) and twice in paragraph (a)(2); in paragraph (a)(1), inserted “, organic human reduction,” and “, organic human reduction facility,”; in paragraph (a)(2), inserted “or organic human reduction facility” twice, inserted “or organic human reduction container” twice, inserted “or the organic human reduction”, and inserted “or organically reduced” twice; in subsection (b), inserted “or an organic human reduction facility” twice, inserted “or organically reduced” twice, and substituted “an affidavit” for “a written statement”; and, in subsection (c), inserted “or organically reduced” twice and inserted “or organic human reduction facility”.

43-18-9. Disposition of veterans’ cremated or organically reduced remains.

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

(1) “Veteran” means a resident of this state who qualifies as a veteran under the rules of the United States Department of Veterans Affairs and who was discharged under conditions other than dishonorable.

(2) "Veterans' organization" means the Department of Veterans Service, the National Cemetery Administration's National Cemetery Scheduling Office, or any association or other entity organized for the benefit of veterans that has been recognized or chartered by the United States Congress, such as the American Legion, the Legion of Honor, the Patriot Guard, the Missing in America Project, and the Vietnam Veterans of America.

(b) The funeral director shall make a reasonable effort to determine whether any dead human body submitted for final disposition by cremation or organic human reduction is that of a deceased veteran.

(c) The funeral director shall, at the time the cremation or organic human reduction authorization form is signed:

(1) Inquire as to whether the legally authorized person has information or belief as to whether the deceased is a veteran; and

(2) Notify the legally authorized person of the responsibilities of the funeral director under this Code section.

(d) If the funeral director is unable to determine with certainty whether the deceased was a veteran through an inquiry with the legally authorized person, then any veterans' organization shall be allowed access to all information available from the United States Department of Veterans Affairs regarding the deceased in the possession of the funeral director in charge of the crematory or organic human reduction facility so that any veterans' organization may attempt to determine whether the deceased is a veteran. If any veterans' organization that is allowed access to information pursuant to this Code section discovers that the deceased is a veteran, such veterans' organization shall notify the funeral director.

(e)(1) If the funeral director determines that the deceased is a veteran from information provided by the legally authorized person, any veterans' organization, or otherwise, then such funeral director shall immediately notify the legally authorized person of such finding and shall advise that the deceased person may be eligible to be interred at an appropriate veterans' cemetery.

(2) If the funeral director determines that the deceased is a veteran from information provided by the legally authorized person, any veterans' organization, or otherwise, and the cremated or organically reduced remains are not claimed by a legally authorized person, then the funeral director shall hold any such cremated or organically reduced remains for at least 60 days. After 60 days, the funeral director shall send written notice to the legally authorized person who signed the cremation or organic human reduction authorization form requesting disposition instructions. If the funeral director does

not receive a written response from the legally authorized person within 30 days of sending such written notice, then the funeral director shall contact a veterans' organization so that arrangements for the disposition of the cremated or organically reduced remains of the veteran may be made in a state or national veterans' cemetery.

(f) Nothing in this Code section shall delay the authorized cremation or organic human reduction of a deceased's remains.

(g)(1) A funeral director complying with this Code section shall be immune from any criminal or civil liability regarding:

(A) The determination of a deceased's status as a veteran;

(B) The release of information relating to the determination of a deceased's status as a veteran;

(C) The availability of interment or inurnment for a deceased veteran; or

(D) The release of cremated or organically reduced remains to a veterans' cemetery.

(2) A funeral director shall be immune from civil liability for any act or omission under this Code section except for willful or wanton misconduct.

(h) A veterans' organization shall be immune from civil liability for any act or omission related to the disposition of cremated or organically reduced remains under this Code section except for willful or wanton misconduct.

History.

Code 1981, § 43-18-9, enacted by Ga. L. 2012, p. 881, § 2/SB 372; Ga. L. 2025, p. 269, § 1-4/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted "or organic human reduction" in subsections (b), (c), (e), and (f); inserted "human" in subsection (b); in subsection (d), substituted "authorized person" for "authorized agent", inserted "or organic human reduction facility", and substituted "such veterans' organization" for "the veterans' organization"; in subsection (e)(2), inserted "or organically reduced" three times and substituted "such written notice" for "a written notice"; and, inserted "or organically reduced" in subparagraph (g)(1)(D) and in subsection (h).

Part 2

State Board of Funeral Service

43-18-22. Election of president; meetings; reimbursement of members; conflict of interest.

(a) The board shall each year elect from its members a president whose term shall be one year and who shall serve during the period for which elected and until a successor shall be elected.

(b) The board shall meet at least once in each year and more often as the proper and efficient discharge of its duties may require.

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

(d) No board inspector shall own, operate, or be employed by any funeral establishment, organic human reduction facility, or crematory, or perform any services on behalf thereof without prior approval by the board and the division director. The provisions of this subsection shall not prohibit any board member from acting as an inspector as authorized in this article.

History.
Code 1981, § 43-18-22, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2025, p. 269, § 1-5/SB 241, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, in subsection (d), inserted ", organic human reduction facility," and substituted "The provisions of this subsection shall not" for "However, this shall not".

PART 3

LICENSES FOR FUNERAL DIRECTORS AND EMBALMERS

43-18-43.1. Application for reinstatement of licensure.

If a licensee who has passed the examination for licensure as a funeral director required under this part and who has not been subject to disciplinary action by the board allows or has allowed his or her license to lapse for a period of not more than ten years, the board shall reinstate such funeral director's license upon such applicant for reinstatement:

(1) Paying the total amount of all renewal fees for the period during which the license was lapsed, plus a reinstatement fee not to exceed the amount of the biennial renewal fee; and

(2) Successfully completing continuing education hours as the board may require under Code Section 43-18-56, unless such continuing education hours would be waived under subsection (c) of Code Section 43-18-56, if such applicant for reinstatement had not let the license lapse.

History.
Code 1981, § 43-18-43.1, enacted by Ga. L. 2022, p. 650, § 1/HB 1193; Ga. L. 2024, p. 387, § 1/SB 205, effective April 23, 2024.

Amendments.
The 2024 amendment, effective April 23, 2024, inserted "or has allowed" in the introductory language.

43-18-46. Grounds for denial or revocation of license or registration; other discipline.

In addition to the authority provided in Chapter 1 of this title, the board may refuse to grant a license to operate a funeral establishment, organic human reduction facility, or crematory or to practice embalming or funeral directing, may refuse to grant a registration to serve as an apprentice, or may revoke, suspend, fine, or otherwise discipline a licensee or registrant upon any of the following grounds:

(1) The employment of fraud or deception in applying for a license or registration or in passing the examination provided for in this article;

(2) Issuance of a license or registration through error;

(3) Conviction of a crime involving moral turpitude;

(4) The practice of embalming or funeral directing under a false name or the impersonation of another embalmer, funeral director, or apprentice of a like or different name;

(5) The making of a false statement or representation regarding the qualifications, training, or experience of any applicant;

(6) The making of a misrepresentation of any kind regarding any funeral merchandise;

(7) Directly or indirectly, by gifts or otherwise, committing the offense of buying business or paying a commission or making gifts, directly or indirectly, for the purpose of securing business to any physician or hospital, or to any institution where death occurs, or to any hospital superintendent, nurse, intern, or employee of any hospital, nursing home, or other institution where death occurs; or to any coroner or other government official;

(8) Gross or willful malpractice or gross neglect in the practice of embalming or funeral directing;

(9) Signing a death certificate as having embalmed or prepared a body for burial or preservation when in fact someone else performed such embalming or preparation;

(10) Interfering, either directly or indirectly, with a licensed embalmer or funeral director having legal charge of a dead human body;

(11) Using any statements that mislead or deceive the public including, but not limited to, false or misleading statements regarding a legal or cemetery requirement, funeral merchandise, funeral services, or in the operation of a funeral establishment, organic human reduction facility, or crematory;

(12) Failing to fulfill the terms of a funeral service contract;

(13) Disregarding a decedent's dignity, right to privacy, or right to confidentiality unless compelled by law to do otherwise;

(14) Using profane, indecent, or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed;

(15) Failing to turn assigned benefits in excess of charges incurred over to the assignee of the deceased within ten working days of receipt of such assigned funds;

(16) Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to the custody;

(17) Failing to have the charges rendered to be in compliance with those listed in the funeral establishment general price list, the casket price list, the outer burial container list, or the funeral service contract price list;

(18) Aiding or abetting an unlicensed person to practice under this article;

(19) Promoting or participating in a burial society, burial association, burial certificate plan, or burial membership plan;

(20) Soliciting;

(21) Presenting a false certification of work done by an apprentice or as an apprentice;

(22) Willfully violating any state law or regulation; any law or regulation of the Federal Trade Commission, the Occupational Safety and Health Administration, the Department of Public Health, or the Environmental Protection Agency; or any municipal or county ordinance or regulation that affects the handling, custody, care, or transportation of dead human bodies, including, but not limited to, the disposal of equipment, residual fluids, or medical wastes;

(23) Knowingly making any misleading, deceptive, untrue, or fraudulent representation in the practice of funeral directing or embalming or in any document connected to such practice;

(24) Discriminating in the provision of services on the basis of race, creed, color, religion, gender, or national origin;

(25) Failing to safeguard all personal properties obtained from dead human bodies and failing to dispose of same as directed by a legally authorized person;

(26) Failing to refund moneys due as a result of overpayment by an insurance company or other third party;

(27) Engaging in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public that materially affects the fitness of the licensee or registrant to practice in the funeral business, or is of a nature likely to jeopardize the interest of the general public that need not have resulted in actual injury to any person or be directly related to the practice of funeral directing or embalming but shows that the person has committed any act or omission which is indicative of bad moral character or untrustworthiness. Unprofessional conduct or practice shall also include any departure from or failure to conform to the minimal reasonable standards of acceptable and prevailing practice of funeral services;

(28) Engaging in any practice whereby a person who is both a funeral director and a coroner or who is both a funeral director and a minister presents that person as a funeral director to a legally authorized person when death is imminent or after death occurs prior to when the legally authorized person selects a funeral director or funeral establishment, organic human reduction facility, or crematory which will handle the dead human body;

(29) Practicing embalming or funeral directing or operating a funeral establishment, organic human reduction facility, or crematory prior to the board's having approved an application for licensure; or

(30) Failing to satisfy the funeral director in full and continuous charge requirements as set out in Code Section 43-18-71 or the funeral establishment, crematory, or organic human reduction facility requirements as set out in Code Sections 43-18-70, 43-18-72, and 43-18-72.1, respectively.

History.
Code 1981, § 43-18-46, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 1991, p. 94, § 43; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214; Ga. L. 2025, p. 269, § 1-6/SB 241, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, rewrote this Code section.

PART 4

OPERATION OF FUNERAL ESTABLISHMENTS AND CREMATORIES

43-18-70. Requirement to only practice at licensed funeral establishment, organic human reduction facility, or crematory; requirements of funeral establishments.

(a) No embalmer or funeral director shall engage in the practice of embalming or funeral directing at a funeral establishment, organic human reduction facility, or crematory which is not licensed by the board.

(b) A funeral establishment must be at a specified street address or location and must have the following minimum facilities and equipment:

(1) A room with adequate seating for a minimum of 30 people in which funeral services may be conducted;

(2) A preparation room equipped with a nonporous, sanitary floor and walls, and necessary drainage and ventilation and containing necessary instruments and supplies for the preparation and embalming of dead human bodies;

(3) A display room containing actual caskets or models, mock-ups, or sections of caskets or similar items if all such caskets are available and in stock for purchase at the establishment or can be delivered within 24 hours. Each funeral establishment shall maintain on the premises at each of its locations an adequate stock of funeral caskets which shall not be less than eight and which shall meet such other criteria as necessary to protect the public;

(4) At least one operable motor hearse which is either owned or leased by the establishment and which has a current Georgia registration; and

(5) At least one church truck.

(c) The board may adopt and enforce such rules as may be reasonable and proper to define such necessary drainage, ventilation, and sanitary flooring and walls and necessary and suitable instruments, supplies, and merchandise in a funeral establishment.

(d) If a funeral director resides in a funeral establishment to be accessible to the community for purposes of satisfying the requirements of funeral director in full and continuous charge, the living quarters in the funeral establishment shall include at a minimum furnished sleeping quarters, cooking, refrigerating, and bathing facilities.

History.

Code 1981, § 43-18-70, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 2007, p. 552, § 2/HB 90; Ga. L. 2025, p. 269, § 1-7/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted ", organic human reduction facility," in subsection (a); and, in subsection (d), substituted "If a funeral director resides in a funeral establishment" for "If the funeral director resides in the funeral establishment" at the beginning and substituted "shall include" for "must include" near the end.

43-18-71. Funeral establishments, organic human reduction facilities, and crematories to be licensed and to employ a licensed funeral director to be in full and continuous charge; display of name and license of funeral director.

(a) It shall be unlawful for any person, firm, corporation, or association to operate a funeral establishment, organic human reduction facility, or crematory engaged in the business of providing funeral services without first obtaining a license from the board in accordance with this article. The board shall not issue a license to any funeral establishment, organic human reduction facility, or crematory unless such funeral establishment, organic human reduction facility, or crematory shall employ the service of a funeral director licensed in accordance with this article, who shall be the funeral director in full and continuous charge of the establishment and who is a resident of this state. There shall be conspicuously displayed in each funeral establishment, organic human reduction facility, and crematory the name and license of the funeral director in full and continuous charge. A funeral director in full and continuous charge shall:

(1) Assume full responsibility for the supervision and operation of the funeral establishment, organic human reduction facility, or crematory for which that person has been designated as the funeral director in full and continuous charge;

(2) Act as funeral director for only one funeral establishment, organic human reduction facility, or crematory; and

(3) Spend a minimum of 40 hours per week in the employ and operation of the establishment and be accessible and available to the community.

(b) When there is a change in the funeral director in full and continuous charge, such change shall be reported to the board in writing within five days of the effective date of such change. The board may request the new funeral director in full and continuous charge and owner to appear before the board to determine if the requirements for a funeral director in full and continuous charge have been met.

History.

Code 1981, § 43-18-71, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 1992, p. 2762, § 5; Ga. L. 2025, p. 269, § 1-8/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in subsection (a), inserted ", organic human reduction facility," in four places, substituted "providing funeral services" for "funeral directing or embalming or cremating", inserted "the funeral director" in the second sentence, and deleted "who is" following "A funeral director"; in paragraph (a)(1), inserted ", organic human reduction facility, or crematory", substituted "designated as the funeral director in full continuous charge" for "designated as funeral director" at the end; and, in paragraph (a)(2), inserted ", organic human reduction facility, or crematory".

43-18-72.1. Licensing for organic human reduction facilities; requirements; regulations.

(a)(1) It shall be unlawful for any person, firm, corporation, or association to operate an organic human reduction facility without first obtaining a separate license for such purpose from the board in accordance with this article. The organic human reduction facility shall be at a specific address or location and shall meet the following requirements and have the following minimum equipment, facilities, and personnel:

(A) A room with seating for a minimum of 30 people in which funeral services may be conducted;

(B) A display room containing an adequate supply of containers in which organically reduced remains are placed;

(C) Rolling stock consisting of at least one operable motor hearse either owned or leased by said firm with current Georgia registration;

(D) At least one operable organic human reduction container;

(E) At least one operable processing station for grinding of organically reduced remains;

(F) At least one church truck; and

(G) Not be located within 1,000 feet of a residential subdivision platted and recorded in the office of the clerk of the superior court of a county in which such residential subdivision is located.

(2)(A) The provisions of subparagraphs (A), (B), and (F) of paragraph (1) of this subsection shall not apply to organic human reduction facilities which provide organic human reduction services only to other funeral establishments.

(B) The provision of paragraph (G) of paragraph (1) of this subsection shall only apply to the issuance or renewal of any license on or after July 1, 2025, for any stand-alone organic human reduction facility that was not in operation as of July 1, 2025. As used in this subparagraph, the term "stand-alone organic human reduction facility" means an organic human reduction facility that is not located on or adjacent to a tract or parcel of land which contains a funeral establishment.

(b) The board may adopt and enforce such rules and regulations as may be reasonable and necessary to provide for the sanitary disposal of dead human bodies by organic human reduction and prevent the spread of disease and to protect the health, safety, and welfare of the people of this state. Such rules and regulations may include required inspections of any organic human reduction container by the manufacturer or other authorized repair company once every five years to ensure proper operations.

(c) Application for licensure of an organic human reduction facility shall be made upon a form approved by the board and shall be accompanied by an application fee. No license shall be issued unless the organic human reduction facility meets all the requirements set forth by this Code section and by the board.

(d) The board shall adopt rules requiring each organic human reduction facility to submit periodic reports to the board in a standard form which include the names of deceased persons whose bodies underwent organic human reduction at the facility and the types of organic human reduction containers used.

(e)(1) No more than one dead human body shall be placed in an organic human reduction container at one time unless written permission has been received from the person possessing legal responsibility for the final disposition of the dead human body.

(2) Upon completion of the organic human reduction process, the organically reduced remains shall be pulverized until no single fragment is recognizable as skeletal tissue. Such pulverized remains shall then be transferred to a container or multiple containers, if so requested by the legally authorized person, and delivered to the legally authorized person or otherwise disposed of in accordance with the provisions of Code Section 43-18-80.

(f) Nothing in this article shall require a funeral establishment or crematory for which a valid license to operate is in effect on July 1, 2025, to have a separate license to operate as an organic human reduction facility until on and after the renewal date of such license to operate a funeral establishment or crematory which first occurs after July 1, 2025, but such funeral establishment or crematory, if performing organic human reduction, shall comply with all the minimum equipment and facilities requirements and all other statutes, rules, and regulations relating to organic human reduction and organic human reduction facilities.

History.

Code 1981, § 43-18-72.1, enacted by Ga. L. 2025, p. 269, § 1-9/SB 241, effective July 1, 2025.

Effective date.

This Code section became effective July 1, 2025.

43-18-73. Renewal of licenses for the operation of funeral establishments, organic human reduction facilities, and crematories; changes in ownership.

(a) Licenses for the operation of funeral establishments, organic human reduction facilities, and crematories shall expire biennially unless the owner or proprietor of a licensed funeral establishment, organic human reduction facility, or crematory applies to the board to renew the license prior to its expiration. The application shall show the name of the funeral establishment, organic human reduction facility, or crematory; the names and addresses of all owners or, if the owner is a corporation, the names and addresses of all officers and directors of the corporation; and the names of all licensed embalmers and funeral directors who own or are employed by such funeral establishment, organic human reduction facility, or crematory or are otherwise connected to such establishment, facility, or crematory, together with the date of issue and the license number of each registered embalmer and funeral director as required. If the renewal fee prescribed by the board has been paid and the funeral establishment, organic human reduction facility, or crematory meets all the other requirements provided for in this article, the board shall issue a license; otherwise it shall be unlawful for any funeral establishment, organic human reduction facility, or crematory to operate in this state. Nothing in this Code section shall be construed to require an organic human reduction facility or a crematory to employ an embalmer in order to be licensed.

(b) Whenever there is a change in ownership of a funeral establishment, organic human reduction facility, or crematory, the board shall be notified within 15 days prior to the proposed change upon a form provided by the board.

History.
Code 1981, § 43-18-73, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 2025, p. 269, § 1-10/SB 241, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, rewrote subsection (a) and inserted ", organic human reduction facility," in the middle of subsection (b).

43-18-74. Transferability of licenses.

Licenses for funeral establishments, organic human reduction facilities, or crematories shall be issued to such establishments, facilities, or crematories at their location at the time of issuance. Such license shall not be transferable to another location of any such establishment, facility, or crematory.

History.
Code 1981, § 43-18-74, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 2025, p. 269, § 1-10/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted ", organic human reduction facilities," near the beginning, substituted "such establishments, facilities, or crematories" for "such enterprises", and added "of any such establishment, facility, or crematory" at the end.

43-18-75. Inspections; suspension or revocation of license; other disciplinary actions.

(a) The board shall provide for inspections from time to time, but not less frequently than annually, of the premises of funeral establishments, organic human reduction facilities, and crematories for purposes of ensuring compliance with the provisions of this article and any rules or regulations issued pursuant thereto, and every such establishment, facility, and crematory shall submit to such inspections. The board is authorized to contract with any one or more county boards of health, and each county board of health is authorized to contract with the board, for the provision of inspection services on behalf of the board for purposes of this subsection.

(b) The license of any funeral establishment, organic human reduction facility, or crematory may be suspended, revoked, or put on probation, or fines may be imposed by the board if the evidence produced before it at a hearing indicates that the funeral establishment, organic human reduction facility, or crematory has violated any provisions of this article or any rules or regulations issued pursuant thereto. The board shall comply with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," in relation to such hearing. The licensee shall have the right to appeal any decision of the board in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

History.

Code 1981, § 43-18-75, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 2002, p. 641, § 6; Ga. L. 2025, p. 269, § 1-10/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted ", organic human reduction facilities," in the first sentence in subsection (a) and twice in the first sentence in subsection (b); in subsection (a), substituted "every such establishment, facility, and crematory shall" for "every such firm shall" at the end of the first sentence; and, in subsection (b), in the first sentence, inserted "at a hearing" and "funeral", deleted "of the" following "violated any", and substituted "such hearing. The licensee" for "such hearing; and the licensee" at the end of the second sentence.

43-18-77. Funeral establishment, organic human reduction facility, or crematory temporarily without services of funeral director in full and conterminous charge.

In the event that a funeral establishment, organic human reduction facility, or crematory is temporarily without the services of a funeral director in full and continuous charge, upon notice by the funeral establishment, organic human reduction facility, or crematory to the board within five days following the last day of service by such funeral director, the board shall grant the funeral establishment, organic human reduction facility, or crematory a 90 day grace period in which to have a funeral director in full and continuous charge approved by the board before any action may be taken by the board to revoke or terminate the funeral establishment's, organic human reduction facility's, or crematory's license. The board may, in its discretion, upon application by the funeral establishment, organic human reduction facility, or crematory, grant one additional 90 day grace period upon showing of good cause. Grace periods totaling not more than 180 days may be granted during any two-year period beginning the first day on which the grace period was granted. Failure to have a funeral director in full and continuous charge shall be grounds for the revocation or suspension of any license, after notice and hearing.

History.

Code 1981, § 43-18-77, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 2002, p. 415, § 43; Ga. L. 2025, p. 269, § 1-11/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted ", organic human reduction facility," four times, and, near the end of the first sentence, inserted "funeral" following "terminate the", and inserted ", organic human reduction facility's,".

43-18-78. Temporary destruction of licensed funeral establishment, organic human reduction facility, or crematory; use of temporary location during grace period.

In the event any funeral establishment, organic human reduction facility, or crematory is temporarily destroyed by fire, flood, or other natural catastrophe, upon notice by the funeral establishment, organic human reduction facility, or crematory to the board within five days following the destruction, the board may grant the funeral establishment, organic human reduction facility, or crematory a 90 day grace period to use a board approved temporary location while reconstructing the destroyed location, provided the funeral establishment, organic human reduction facility, or crematory complies with all other provisions of this article and the rules of the board. The board may, in its discretion, upon application by the funeral establishment, organic human reduction facility, or crematory, grant additional 90 day grace periods upon showing of good cause.

History.

Code 1981, § 43-18-78, enacted by Ga. L. 1990, p. 1372, § 1; Ga. L. 2025, p. 269, § 1-11/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted ", organic human reduction facility," five times and substituted "the destroyed location" for "the previous location" in the first sentence.

43-18-79. Death of license holder.

No funeral establishment, organic human reduction facility, or crematory license shall terminate upon the death of the holder thereof but shall pass to the legal representative of the deceased or, if there is no legal representative, to the widow of the deceased who may continue to operate the establishment, facility, or crematory for the unexpired time of the license.

History.

Code 1981, § 43-18-79, enacted by Ga. L. 1992, p. 2762, § 6; Ga. L. 2025, p. 269, § 1-11/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted ", organic human reduction facility or crematory," and ", facility, or crematory".

43-18-80. Authorizing agent; statement specifying disposition of cremated or organically reduced remains; shipment of remains.

(a) As used in this Code section, the term "authorizing agent" means a person legally entitled to authorize the organic human reduction or cremation of a dead human body.

(b) The authorizing agent shall provide to the funeral establishment, organic human reduction facility, or crematory in which the organic human reduction or cremation arrangements are made a signed statement specifying the ultimate disposition of the organically reduced remains or cremated remains, if known. A copy of such statement shall be retained by the funeral establishment, organic human reduction facility, or crematory offering or conducting the organic human reduction or cremation.

(c) Organically reduced remains or cremation remains shall be shipped only by a method that has an internal tracking system available and that provides a receipt signed by the person accepting delivery.

(d) The authorizing agent shall be responsible for the disposition of the organically reduced remains or cremated remains. If, after 60 days from the date the organic human reduction is completed or the date of cremation, the authorizing agent or his or her representative has not specified the ultimate disposition or claimed the organically reduced or cremated remains, the funeral establishment, organic human reduction facility, crematory, or other entity in possession of the organically reduced remains or cremated remains shall send a notification to the authorizing agent notifying him or her that, pursuant to this subsection, failure to respond to such notification and specify the ultimate disposition of the organically reduced remains or cremated remains within 30 days of the transmission of such notice shall authorize the funeral establishment, organic human reduction facility, crematory, or other entity to make arrangements for the disposition of such remains. If, after 30 days, the funeral establishment, organic human reduction facility, crematory or entity in possession of the organically reduced remains or cremated remains has not received instructions from the authorizing agent describing a specific method of disposing of such remains, the funeral establishment, organic human reduction facility, crematory or entity in possession of such remains shall be authorized to dispose of the organically reduced remains or cremated remains in a dignified and humane manner by the entombment, internment, or scattering of such remains in accordance with local and state law or by storage in the funeral establishment, organic human reduction facility, crematory, or location of the entity in possession of the remains. The final resting place of the organically reduced remains or cremated remains shall be clearly marked, unless such remains are scattered, and recorded by the funeral establishment, organic human reduction facility, crematory, or entity that disposed of such remains. Any costs or fees incurred to entomb, inter, scatter, or disinter such remains shall be the responsibility of the authorizing agent; provided, however, that such cost shall not exceed $100.00.

History.

Code 1981, § 43-18-80, enacted by Ga. L. 2009, p. 292, § 3/HB 68; Ga. L. 2025, p. 269, § 1-11/SB 241, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

CHAPTER 20A

REGULATION OF PRIVATE IMMIGRATION ASSISTANCE SERVICES

43-20A-16. Cause for disciplinary actions; disciplinary order a final order.

(a) The Secretary of State shall order the discipline, denial, suspension, or revocation of license issued pursuant to this chapter, if the Secretary of State finds that the order is in the public interest and that such person:

(1) Has filed an application for licensure with the Secretary of State which, as of its effective date or any date after filing in the case of an order denying effectiveness, contained a statement that was, in

light of the circumstances under which it was made, false with respect to a material fact in the application;

(2) Has violated or failed to comply with any provisions of this chapter;

(3) Is the subject of an adjudication or determination, after notice and opportunity for hearing, within the last five years by any government agency or administrator of another state or a court of competent jurisdiction that the person has willfully violated the law of another state, but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts occurred in this state;

(4) Has been convicted of any felony in the courts of this state or any other state, territory, or country or in the courts of the United States; as used in this paragraph and paragraph (5) of this subsection, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and, as used in this paragraph, the term "conviction" shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

(5) Within the last ten years has been convicted of a felony or misdemeanor involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States, the record of conviction being conclusive evidence of conviction, which the Secretary of State finds:

(A) Involves the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any of the foregoing offenses;

(B) Arises out of the conduct of immigration assistance; or

(C) Involves the theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds;

(6) Is the subject of an order of the Secretary of State that denies, suspends, or revokes a license from such person other than a license issued pursuant to this chapter;

(7) Is the subject of any of the following orders which are effective at the time of the Secretary of State's order and were issued within five years before the Secretary of State's order:

(A) An order by an agency or administrator of another state, a foreign country, or the federal government, entered after notice and opportunity for hearing, that denies, suspends, or revokes a license from such person other than a license issued pursuant to this chapter;

(B) A United States Postal Service fraud order; or

(C) A cease and desist order entered after notice and opportunity for hearing by the Secretary of State or other state or federal authority;

(8) Is determined by the Secretary of State not to be qualified pursuant to this chapter;

(9) Violated or conspired to violate this chapter;

(10) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity;

(11) Has failed to cure any application deficiency within 30 days after being notified by the Secretary of State of a deficiency, but the Secretary of State shall vacate an order pursuant to this paragraph when the deficiency is corrected, unless the applicant has abandoned the application; or

(12) Has failed to comply with an order for child support as defined by Code Section 19-11-9.3. Notwithstanding the provisions of Chapter 13 of Title 50, the hearings and appeals procedures provided in Code Section 19-6-28.1 or 19-11-9.3, where applicable, shall be the only such procedures required under this subsection.

(b) Prior to issuing an order pursuant to subsection (a) of this Code section, the Secretary of State shall consider:

(1) How recently the conduct occurred;

(2) The nature of the conduct and the context in which it occurred;

(3) The degree of harm imposed upon others; and

(4) Any other relevant conduct of the applicant.

(c) If the Secretary of State determines that a licensee is no longer in existence or acting as an immigration assistance provider, the subject of an adjudication of incapacity, subject to the control of a trustee, conservator, or guardian, or cannot reasonably be located, the Secretary of State may issue an order that cancels or terminates the license. The Secretary of State may reinstate a canceled or terminated license, with or without hearing, and may make the license retroactive.

(d) An order issued pursuant to subsection (a) of this Code section shall constitute a final order, shall be deemed to be in the public interest, and shall not be deemed to constitute findings of fact or conclusions of law related to other persons. The entry of such an order shall not be deemed to be a waiver or estoppel on the part of the

Secretary of State from proceeding in individual actions against any persons who may have violated this chapter, nor shall such an order prevent the Secretary of State from bringing individual actions against any persons who have violated this chapter, if such violation was not known to the Secretary of State at the time the order was issued.

(e) An order is not a proceeding or enforcement action pursuant to Chapter 13 of Title 50.

History.

Code 1981, § 43-20A-16, enacted by Ga. L. 2008, p. 1112, § 15/HB 1055; Ga. L. 2019, p. 462, § 1-14/SB 214; Ga. L. 2024, p. 120, § 2-37/HB 985, effective June 30, 2024.

Amendments.

The 2024 amendment, effective June 30, 2024, deleted subsection (a.1), which read: "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 been found by the Georgia Higher Education Assistance Corporation to be a borrower in default who is not in satisfactory repayment status as defined in Code Section 20-3-295."

CHAPTER 21

OPERATORS OF HOTELS, INNS, AND ROADHOUSES

ARTICLE 1

RIGHTS, DUTIES, AND LIABILITIES OF INNKEEPERS

43-21-3. Duty of innkeeper to receive guests.

RESEARCH REFERENCES

ALR.

Associational discrimination or retaliation under state civil rights statutes, 78 A.L.R.7th 7.

43-21-3.1. Notice of termination of occupancy by innkeeper.

JUDICIAL DECISIONS

Contractual right to occupy room. — Trial court erred by granting defendant summary judgment on plaintiff's claim under O.C.G.A. § 43-211-3.1 because a question of fact existed as to whether plaintiff had a contractual right to occupy the room at the time he was evicted. Information on defendant's website showed that, under the terms of the loyalty program, plaintiff's specific membership level entitled him to a late check-out time of at least 2 PM. Jordan v. Kimpton Hotel and Restaurant Group, LLC, 368 Ga. App. 750, 890 S.E.2d 417, 2023 Ga. App. LEXIS 366 (2023).

43-21-3.2. Written statement of period of occupancy signed by guest; rights of innkeeper and guest under contract.

JUDICIAL DECISIONS

Legal relationship must be established first. — In a dispute between three extended-stay room renters and a motel wherein the motel sought to immediately evict them for falling behind in rent, the Georgia Supreme Court remanded the case to the trial court for the trial court to determine the parties' relationship, whether innkeeper and guest or landlord and tenant, under the proper legal framework. Efficiency Lodge, Inc. v. Neason, 316 Ga. 551, 889 S.E.2d 789, 2023 Ga. LEXIS 134 (2023).

CHAPTER 21A

INDUSTRIAL HYGIENE, HEALTH PHYSICS, AND SAFETY PROFESSION RECOGNITION AND TITLE PROTECTION

43-21A-3. Definitions.

Delayed effective date.

Ga. L. 2025, p. 745, § 4/SB 154, provides that the 2025 amendment becomes effective upon an act of Congress repealing the establishment of the United States Department of Education or otherwise abolishing the United States Department of Education. This Code section as amended is not set out in the Code owing to the delayed effective date. After the contingency is met, the first sentence of paragraph (1) will read as follows: "'Accredited college or university' means a United States college or university that holds accreditation from one of the six regional accrediting bodies or the Distance Education and Training Council which are recognized by the Council on Higher Education and the U.S. Department of Education or its successor." As of May 2025, the contingency has not been met.

Amendments.

The 2025 amendment, inserted "or its successor" following "U.S. Department of Education" in the first sentence of paragraph (1). For effective date of this amendment, see the delayed effective date note.

Editor's notes.

Ga. L. 2025, p. 745, § 2/SB154, which amended this Code section, purported to insert "or its successor" following "United States Department of Education" in paragraph (1) but actually inserted such phrase following "U.S. Department of Education".

CHAPTER 22A

LACTATION CONSULTANT PRACTICE

43-22A-2. Purpose of chapter; legislative findings.

Constitutionality. — Georgia Lactation Consultant Practice Act, O.C.G.A. § 43-22A-1 et seq., violated plaintiffs' due process rights to practice their chosen profession of lactation care provider because the Secretary of State's proffered interest in promoting access to quality care was an insufficient basis upon which to authorize only International Board Certified Lactation Consultants to provide lactation care and services for compensation given the court's consistent and definitive understanding of the scope of the due process right to practice one's chosen profession free from unreasonable government restrictions. Raffensperger v. Jackson, 316 Ga. 383, 888 S.E.2d 483, 2023 Ga. LEXIS 114 (2023).

43-22A-11. Use of title "licensed lactation consultant" or "licensed L.C."

Constitutionality. — Georgia Lactation Consultant Practice Act, O.C.G.A. § 43-22A-1 et seq., violated plaintiffs' due process rights to practice their chosen profession of lactation care provider because the Secretary of State's proffered interest in promoting access to quality care was an insufficient basis upon which to authorize only International Board Certified Lactation Consultants to provide lactation care and services for compensation given the court's consistent and definitive understanding of the scope of the due process right to practice one's chosen profession free from unreasonable government restrictions. Raffensperger v. Jackson, 316 Ga. 383, 888 S.E.2d 483, 2023 Ga. LEXIS 114 (2023).

CHAPTER 24A

MASSAGE THERAPY PRACTICE

Article 1

General Provisions

ARTICLE 1

GENERAL PROVISIONS

43-24A-3. Definitions.

Delayed effective date.

Ga. L. 2025, p. 745, § 4/SB 154, provides that the 2025 amendment becomes effective upon an act of Congress repealing the establishment of the United States Department of Education or otherwise abolishing the United States Department of Education. This Code section as amended is not set out in the Code owing to the delayed effective date. After the contingency is met, subparagraph (4)(C) will read as follows: "A postsecondary institution that is accredited by an accrediting agency recognized by the United States Department of Education, or its successor, and that is authorized or approved by a professional licensing board, department, or agency in another state, jurisdiction, or territory whose standards have been determined by the board to be equivalent to the Nonpublic Postsecondary Education Commission." As of May 2025, the contingency has not been met.

Amendments.

The 2025 amendment, inserted ", or its successor," following "United States Department of Education" in subparagraph (4)(C). For effective date of this amendment, see the delayed effective date note.

43-24A-5. Qualifications of board members; removal; training.

(a)(1) There shall be four professional members of the board who shall:

(A) Be citizens of the United States and residents of this state for at least three years prior to the date of appointment;

(B) Have been engaged in massage therapy practice for compensation for at least five years immediately preceding their appointment; and

(C) Be licensed under this chapter.

(2) No more than one professional member of the board may be an owner of or affiliated with any massage therapy school.

(b) There shall be one consumer member of the board who shall be appointed by the Governor from the public at large, shall be a citizen of the United States and resident of this state, and shall be a person to whom neither this state nor any other state or jurisdiction or organization has ever issued a certificate, registration, license, or permit to engage in the practice of massage therapy nor be an owner of or affiliated with any massage therapy school or massage therapy business.

(c) The Governor, after notice and opportunity for hearing, may remove any member of the board for incompetence, neglect of duty, unprofessional conduct, conviction of a felony, failure to meet the qualifications of this chapter, or committing any act prohibited by this chapter.

(d) Each board member shall annually complete at least one-half hour of training in human trafficking awareness and prevention and shall provide documentation of such training to the chairperson of the board.

History.

Code 1981, § 43-24A-5, enacted by Ga. L. 2005, p. 1251, § 1/SB 110; Ga. L. 2019, p. 591, § 1/HB 242; Ga. L. 2024, p. 418, § 2/SB 370, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added subsection (d).

Cross references.

Trafficking of persons for labor or sexual servitude, § 16-5-46.

43-24A-7. Powers of the board.

(a)(1) On and after July 1, 2019, the Georgia Board of Massage Therapy shall regulate the practice of massage therapy in this state. The board shall promulgate rules and regulations governing the practice of massage therapy and massage therapy educational programs pursuant to this chapter. Such rules and regulations shall be adopted no later than July 1, 2020.

(2) Any person who holds a license as a massage therapist issued under this chapter as its provisions existed on June 30, 2019, shall not be required to undergo recertification under this chapter but shall otherwise be subject to all applicable provisions of this chapter effective on and after July 1, 2019.

(b) The board shall have the power to:

(1) Examine and determine the qualifications and fitness of applicants for licenses to practice massage therapy in this state;

(2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice massage therapy in this state or otherwise discipline licensed massage therapists;

(3) Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining persons or entities acting in violation of this chapter;

(4) Initiate on-site inspections of the facility, equipment, policies, and practices of a massage therapy business or board recognized massage therapy educational program by appropriate inspectors in the office of the Secretary of State for the purpose of determining compliance with the standards established pursuant to this chapter;

(5) Hold hearings on all matters properly brought before the board

and, in conjunction therewith, to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may designate one or more of its members as its hearing officer;

(6) Adopt, revise, and enforce rules concerning advertising by licensees including, but not limited to, rules to prohibit false, misleading, or deceptive practices;

(7) Periodically evaluate board recognized massage therapy educational programs and license such programs that meet the board's requirements;

(8) Develop and enforce standards for continuing education courses required of licensed massage therapists which may include courses in massage therapy or any of the modalities described in paragraphs (5) through (8) of subsection (a) of Code Section 43-24A-19;

(9) Develop and enforce reasonable and uniform standards for massage therapy educational programs and massage therapy practice;

(10) Deny or withdraw recognition of noncompliant massage therapy educational programs that do not meet standards established pursuant to this chapter;

(11) Appoint standing or ad hoc committees as necessary to inform and make recommendations to the board about issues and concerns of the massage therapy profession and to facilitate communication amongst the board, licensees under this chapter, and the community, which may include nonmembers of the board;

(12) Collect and publish data regarding existing massage therapy resources in Georgia without violation of any state or federal privacy laws and coordinate planning for board recognized massage therapy educational programs and practice;

(13) Adopt an official seal; and

(14) Bring proceedings to the courts for the enforcement of this chapter or any rules and regulations promulgated pursuant to this chapter.

(c) In addition to the enumerated powers in subsection (b) of this Code section, the board has the authority to conduct its business pursuant to the provisions of Code Section 43-1-19 which is incorporated herein and made a part of this chapter by specific reference.

History.

Code 1981, § 43-24A-7, enacted by Ga. L. 2005, p. 1251, § 1/SB 110; Ga. L. 2010, p. 401, § 2/SB 364; Ga. L. 2019, p. 591, § 1/HB 242; Ga. L. 2024, p. 418, § 3/SB 370, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, in paragraph (b)(4), substituted "Initiate" for "Upon reasonable notice, request" at the beginning, and substituted "the office" for "the Office" in the middle.

43-24A-14. Display of the license certificate; expiration and renewal of licenses; liability insurance coverage; change of address; inactive status.

(a) The licensee shall display the license certificate or a photocopy thereof in an appropriate and public manner at each location at which he or she practices, with a two-inch by two-inch photograph of the licensee taken within the last two years affixed thereto.

(b) All licenses shall expire biennially unless renewed. All applications for renewal of a license shall be filed with the division director prior to the expiration date, accompanied by the biennial renewal fee prescribed by the board and certifying that all current requirements of continuing education as determined by the board have been fulfilled. The board shall provide for penalty fees for late registration. The failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of said license, subject to reinstatement only after application and payment of the prescribed reinstatement fee within the time period established by the division director, provided that the applicant meets such requirements as the board may establish by rule.

(c) A licensee shall provide evidence of current liability insurance coverage as required in Code Section 43-24A-8 upon request by the board at any time during such licensee's term of licensure.

(d) The licensee shall inform the board of any change of address within 30 days.

(e) Each person licensed under this chapter is responsible for renewing his or her license before the expiration date.

(f) Under procedures and conditions established by the board, a licensee may request that his or her license be declared inactive. The licensee may apply for active status at any time and upon meeting the conditions set forth by the board shall be declared active.

History.

Code 1981, § 43-24A-14, enacted by Ga. L. 2005, p. 1251, § 1/SB 110; Ga. L. 2019, p. 591, § 1/HB 242; Ga. L. 2024, p. 418, § 4/SB 370, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added ", with a two-inch by two-inch photograph of the licensee taken within the last two years affixed thereto" at the end of subsection (a).

43-24A-19. Exceptions.

(a) Nothing in this chapter shall be construed to affect, restrict, or prevent the practice, services, or activities of:

(1) A person licensed, registered, or certified under any other chapter or article under this title while engaged in the professional or trade practices properly conducted under authority of such other licensing laws, provided that such person shall not use the title of massage therapist;

(2) A person pursuing a course of study leading to a degree or certificate as a massage therapist in a board recognized massage therapy educational program if such person is designated by title indicating student status and is fulfilling uncompensated work experiences required for the attainment of the degree or certificate;

(3) A nonresident person rendering massage therapy up to 60 days during a 12 month period for treatment of a temporary sojourner only, provided that such nonresident massage therapist holds a license, registration, or certification from another state, jurisdiction, or country if the requirements as determined by the board for licensure, registration, or certification are substantially equal to the requirements contained in this chapter or provided that such nonresident massage therapist is currently nationally certified in therapeutic massage and bodywork;

(4) A person duly licensed, registered, or certified in another jurisdiction, state, territory, or a foreign country when incidentally in this state to provide service as part of an emergency response team working in conjunction with disaster relief officials or as part of a charity event with which he or she comes into the state;

(5) A person who restricts his or her practice to the manipulation of the soft tissue of the human body to hands, feet, or ears who does not have the client disrobe and does not hold himself or herself out as a massage therapist;

(6) A person who uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy;

(7) A person who uses touch and movement education to effect change in the structure of the body while engaged in the practice of structural integration, provided that he or she is a member of, or whose training would qualify for membership in, the International

Association of Structural Integrators and provided that his or her services are not designated or implied to be massage or massage therapy;

(8) A person who uses touch to affect the energy systems, polarity, acupoints, or Qi meridians, also known as channels of energy, of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy;

(9) A person who was engaged in massage therapy practice prior to July 1, 2005; provided, however, that the prohibition of subsection (c) of Code Section 43-24A-15 shall apply to such a person on and after July 1, 2007; or

(10) A person licensed under other chapters of this title providing cupping therapy or taping techniques that are authorized within the scope of practice of such person.

(b) Nothing in this chapter shall prohibit a licensed massage therapist from practicing any of the modalities described in paragraphs (5) through (8) of subsection (a) of this Code section.

History.

Code 1981, § 43-24A-19, enacted by Ga. L. 2005, p. 1251, § 1/SB 110; Ga. L. 2019, p. 591, § 1/HB 242; Ga. L. 2025, p. 1029, § 43(6)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "this title" for "Title 43" in paragraph (a)(1).

CHAPTER 25

OPERATORS OF MOTOR VEHICLE RACETRACKS

43-25-8. Promulgation of rules and regulations by Safety Fire Commissioner.

JUDICIAL DECISIONS

Not applicable to participants. — Trial court did not err in finding that O.C.G.A. §§ 43-25-7 though 43-25-10 were not intended to protect passengers like the appellant because those statutes address injury to spectators, not participants. Knight v. Senoia Raceway Management, Inc., 369 Ga. App. 798, 894 S.E.2d 621, 2023 Ga. App. LEXIS 533 (2023).

CHAPTER 26

NURSES

Cross references.

Student loan repayment for selected nurses, § 49-10-6.

ARTICLE 1

GEORGIA REGISTERED PROFESSIONAL NURSE PRACTICE ACT

43-26-3. (For effective date, see note.) Definitions.

As used in this article, the term:

(1) "Advanced nursing practice" means practice in a population focus by a registered professional nurse who is licensed by the board under this article or who holds a multistate license under Article 4 of this chapter who meets those educational, practice, certification requirements, or any combination of such requirements as specified in Code Section 43-26-7.1 and established by the board, and includes certified nurse midwives, certified nurse practitioners, certified registered nurse anesthetists, clinical nurse specialists and clinical nurse specialists in psychiatric/mental health, and others recognized by the board.

(1.1) "Advanced practice registered nurse" means:

(A) A person who is licensed by the board as having met the requirements as specified in Code Section 43-26-7.1 and established by the board to engage in advanced nursing practice within one of the following roles: a certified nurse midwife, a certified nurse practitioner, a certified registered nurse anesthetist, or a clinical nurse specialist or clinical nurse specialist in psychiatric/mental health; or

(B) A person who was recognized as an advanced practice registered nurse by the board on or before June 30, 2006.

This paragraph shall not be construed to require a certified registered nurse anesthetist who graduated from an approved nurse anesthetist educational program prior to January 1, 1999, to hold a master's degree or other graduate degree. Further, this paragraph shall not be construed to require a registered professional nurse who holds a multistate license under Article 4 of this chapter authorizing such nurse to practice in another party state under a multistate licensure privilege to obtain a single-state license from the board as a condition of receiving licensure by the board to practice in this state as an advanced practice registered nurse.

(1.2) "Approved nursing education program" located in this state means a nursing education program approved by the board as meeting criteria established by the board. An "approved nursing education program" located outside this state means a nursing education program that the board has determined to meet criteria similar to and not less stringent than criteria established by the board for nursing education programs located in this state. In order to be approved by the board, a nursing education program must be one that is offered by:

(A) A unit of the University System of Georgia accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;

(B) An institution of the Technical College System of Georgia accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;

(C) A postsecondary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education; or

(D) A postsecondary institution of higher education that is not accredited in accordance with subparagraph (C) of this paragraph, but whose curriculum has been determined by the board to meet criteria similar to and not less stringent than criteria established by the board for other approved nursing education programs.

(2) "Board" means the Georgia Board of Nursing created in Code Section 43-26-4.

(3) "Consumer member" means a United States citizen and Georgia resident who is knowledgeable about consumer health concerns,

does not derive that person's primary livelihood from the practice of nursing, and shall neither be, nor ever have been, a health care provider or enrolled in any health related educational program.

(4) "License" means a current document, issued by the board, permitting a person to practice nursing as a registered professional nurse or a licensed undergraduate nurse. This term shall also include a multistate license issued by another state in accordance with Article 4 of this chapter permitting a person to practice nursing as a registered professional nurse in this state under a multistate licensure privilege.

(5) "Licensure" means the bestowing of a current license by the board permitting a person to practice nursing as a registered professional nurse or a licensed undergraduate nurse.

(6) "Practice nursing" or "practice of nursing" means to perform for compensation or the performance for compensation of any act in the care and counsel of the ill, injured, or infirm, and in the promotion and maintenance of health with individuals, groups, or both throughout the life span. It requires substantial specialized knowledge of the humanities, natural sciences, social sciences, and nursing theory as a basis for assessment, nursing diagnosis, planning, intervention, and evaluation. It includes, but is not limited to, provision of nursing care; administration, supervision, evaluation, or any combination thereof, of nursing practice; teaching; counseling; and the administration of medications and treatments as prescribed by a physician practicing medicine in accordance with Article 2 of Chapter 34 of this title, a dentist practicing dentistry in accordance with Chapter 11 of this title, or a podiatrist practicing podiatry in accordance with Chapter 35 of this title.

(7) "Practice nursing as a licensed undergraduate nurse" means to practice nursing by performing for compensation selected acts in the care of the ill, injured, or infirm under the direction of a registered professional nurse, a physician practicing medicine in accordance with Article 2 of Chapter 34 of this title, a dentist practicing dentistry in accordance with Chapter 11 of this title, or a podiatrist practicing podiatry in accordance with Chapter 35 of this title.

(8) "Practice nursing as a registered professional nurse" means to practice nursing by performing for compensation any of the following:

(A) Assessing the health status of individuals, groups, or both throughout the life span;

(B) Establishing a nursing diagnosis;

(C) Establishing nursing goals to meet identified health care needs;

(D) Planning, implementing, and evaluating nursing care;

(E) Providing for safe and effective nursing care rendered directly or indirectly;

(F) Managing and supervising the practice of nursing;

(G) Collaborating with other members of the health care team in the management of care;

(H) Teaching the theory and practice of nursing;

(I) Administering, ordering, and dispensing medications, diagnostic studies, and medical treatments authorized by protocol, when such acts are authorized by other general laws and such acts are in conformity with those laws;

(J) Administering medications and treatments as prescribed by a physician practicing medicine in accordance with Article 2 of Chapter 34 of this title, a dentist practicing dentistry in accordance with Chapter 11 of this title, or a podiatrist practicing podiatry in accordance with Chapter 35 of this title; or

(K) Performing any other nursing act in the care and counsel of the ill, injured, or infirm, and in the promotion and maintenance of health with individuals, groups, or both throughout the life span.

(9) "Registered professional nurse" means a person who is authorized by a license issued under this article to practice nursing as a registered professional nurse.

History.

Code 1981, § 43-26-3, enacted by Ga. L. 1990, p. 747, § 1; Ga. L. 1994, p. 97, § 43; Ga. L. 2006, p. 125, § 3/SB 480; Ga. L. 2007, p. 460, § 1/SB 222; Ga. L. 2009, p. 210, § 1/HB 475; Ga. L. 2011, p. 779, § 1/SB 100; Ga. L. 2012, p. 19, § 1/HB 675; Ga. L. 2019, p. 219, § 1/SB 168; Ga. L. 2021, p. 922, § 43/HB 497; Ga. L. 2024, p. 409, § 2-1/SB 449, effective July 1, 2024; Ga. L. 2025, p. 745, § 2/SB 154, see notes for effective date.

Delayed effective date.

Ga. L. 2025, p. 745, § 4/SB 154, provides that the 2025 amendment becomes effective upon an act of Congress repealing the establishment of the United States Department of Education or otherwise abolishing the United States Department of Education. This Code section, as set out above, does not reflect the amendment by that Act owing to the delayed effective date. After the contingency is met, subparagraph (1.2)(C) will read as follows: "A postsecondary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education or its successor; or". As of May 2025, the contingency has not been met.

Amendments.

The 2024 amendment, effective July 1, 2024, in paragraph (1), inserted "in a population focus" near the beginning, inserted "in Code Section 43-26-7.1 and established" in the middle, and substituted "certified nurse practitioners, certified registered nurse anesthetists, clinical nurse specialists and" for "nurse practitioners, certified registered nurse anesthetists,"; and rewrote paragraph (1.1).

The 2025 amendment, inserted "or its successor" following "United States Department of Education" in subparagraph (1.2)(C). For effective date of this amendment, see the delayed effective date note.

43-26-7.1. Requirements for licensure as advanced practice registered nurse.

(a) On and after September 1, 2025, any applicant who meets the requirements of this Code section shall be eligible for licensure as an advanced practice registered nurse.

(b)(1) Except as otherwise provided in paragraph (2) of this subsection, an applicant for initial licensure to practice as an advanced practice registered nurse shall:

(A) Submit a completed written application and fee;

(B) Be currently licensed by the board as a registered professional nurse or hold a multistate license under Article 4 of this chapter;

(C) Have completed an accredited graduate or postgraduate level advanced practice registered nursing program in one of the four roles specified under subparagraph (A) of paragraph (1.1) of Code Section 43-26-3 and in at least one population focus;

(D) Be currently certified by a national certifying body recognized by the board in an advanced practice registered nursing program in a role and population focus appropriate for educational preparation;

(E) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for licensure under this subsection shall constitute express consent and authorization for the board to perform a criminal background check. Each applicant who submits an application to the board for licensure agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such criminal background check; and

(F) Meet such other criteria as established by the board.

(2) A person who is authorized by the board to practice as an advanced practice registered nurse as of September 1, 2025, shall by operation of law be automatically licensed to practice as an advanced practice registered nurse on such date.

(c) An applicant for reinstatement of licensure who has previously held a valid advanced practice registered nurse license in Georgia or authorization to practice as an advanced practice registered nurse in Georgia prior to September 1, 2025, shall:

(1) Submit a completed written application and fee;

(2) Meet continuing competency requirements as established by the board;

(3) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for reinstatement of licensure under this subsection shall constitute express consent and authorization for the board to perform a criminal background check. Each applicant who submits an application to the board for reinstatement of licensure agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such criminal background check; and

(4) Meet such other criteria as established by the board.

History.

Code 1981, § 43-26-7.1, enacted by Ga. L. 2024, p. 409, § 2-2/SB 449, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

43-26-9. Biennial renewal of licenses; continuing competency requirements; voluntary surrender or failure to renew license; restoration and reissuance of license.

(a) Licenses issued under this article shall be renewed biennially according to schedules and fees approved by the board.

(b) A renewed license shall be issued to a registered professional nurse, advanced practice registered nurse, or licensed undergraduate nurse who remits the required fee and complies with requirements established by the board.

(c) Beginning with the 2016 license renewal cycle, an applicant for license renewal as a registered professional nurse under this article shall meet one of the following continuing competency requirements during the previous licensure period:

(1) Completion of 30 continuing education hours by a board approved provider;

(2) Maintenance of certification or recertification by a national certifying body recognized by the board;

(3) Completion of an accredited academic program of study in nursing or a related field, as recognized by the board;

(4) Verification of competency by a health care facility or entity licensed under Chapter 7 of Title 31 or operated exclusively by the federal government or any of its agencies or by a physician's office that is part of a health system and at least 500 hours practiced as evidenced by employer certification on a form approved by the board; or

(5) Other activities as prescribed and approved by the board that show competency in the nursing field.

Failure to meet the minimum continuing competency requirement for renewal of a license shall be grounds for denial of a renewal application. The board may waive or modify the requirements contained in this subsection in cases of hardship, disability, or illness or under such other circumstances as the board, in its discretion, deems appropriate. An applicant who is renewing a license for the first time shall not be required to meet the requirements of this subsection until the time of the second renewal if the applicant's initial license period is six months or less.

(d) The voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of said license, subject to reinstatement at the discretion of the board. The board may restore and reissue a license and, as a condition thereof, may impose any disciplinary sanction provided by Code Section 43-1-19 or 43-26-11.

History.

Code 1981, § 43-26-9, enacted by Ga. L. 1990, p. 747, § 1; Ga. L. 2013, p. 830, § 1/HB 315; Ga. L. 2023, p. 311, § 1/HB 493, effective July 1, 2023; Ga. L. 2024, p. 409, § 2-3/SB 449, effective July 1, 2024.

Amendments.

The 2023 amendment, effective July 1, 2023, in paragraph (b.1)(4), inserted "or operated exclusively by the federal government or any of its agencies," and inserted a comma following "health system".

The 2024 amendment, effective July 1, 2024, inserted ", advanced practice registered nurse," in subsection (b); redesignated former subsections (b.1) and (c) as present subsections (c) and (d), repectively; and inserted "as a registered professional nurse" in subsection (c).

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2023, commas were removed following "agencies" and "health system" in paragraph (b.1)(4).

43-26-10. Practicing without a license prohibited.

It shall be a misdemeanor for any person, including any corporation, association, or individual, to:

(1) Practice nursing as a registered professional nurse or advanced practice registered nurse without a valid, current license, except as otherwise permitted under Code Section 43-26-12;

(2) Practice nursing as a registered professional nurse or advanced practice registered nurse under cover of any diploma, license, or record illegally or fraudulently obtained, signed, or issued;

(3) Practice nursing as a registered professional nurse or advanced practice registered nurse during the time the license is suspended, revoked, surrendered, or administratively revoked for failure to renew;

(4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying that such person is a registered professional nurse or advanced practice registered nurse unless such person is duly licensed or recognized by the board to practice under the provisions of this article;

(5) Fraudulently furnish a license to practice nursing as a registered professional nurse or advanced practice registered nurse;

(6) Knowingly employ any person to practice nursing as a registered professional nurse or advanced practice registered nurse who is not a registered professional nurse or advanced practice registered nurse;

(7) Conduct a nursing education program preparing persons to practice nursing as registered professional nurses unless the program has been approved by the board; or

(8) Knowingly aid or abet any person to violate this article.

History.

Code 1981, § 43-26-10, enacted by Ga. L. 1990, p. 747, § 1; Ga. L. 1994, p. 97, § 43; Ga. L. 2006, p. 125, § 6/SB 480; Ga. L. 2024, p. 409, § 2-4/SB 449, effective July 1, 2024; Ga. L. 2025, p. 1029, § 43(7)/SB 153, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “or advanced practice registered nurse” throughout this Code section and deleted a comma following “professional nurse” in paragraph (1).

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “to practice” for “so to practice” in paragraph (4).

43-26-13. Certain information given to the board by licensees; references to rural hospital organizations.

(a) A licensee may, in lieu of providing his or her home address, provide the board a legitimate business address for purposes of the public information made available by the board with regard to licensed registered professional nurses.

(b) Notwithstanding any other provision of this chapter, any reference to a rural hospital organization in this chapter shall also include any hospital located in any county that satisfies the definition of rural hospital organization in Code Section 31-8-9.1.

History.

Code 1981, § 42-26-13, as enacted by Ga. L. 2006, p. 125, § 7/SB 480; Ga. L. 2024, p. 409, § 2-5/SB 449, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, designated the existing provisions of this Code section as subsection (a) and added subsection (b).

ARTICLE 2

LICENSED PRACTICAL NURSES

43-26-32. Definitions.

Delayed effective date.

Ga. L. 2025, p. 745, § 4/SB 154, provides that the 2025 amendment becomes effective upon an act of Congress repealing the establishment of the United States Department of Education or otherwise abolishing the United States Department of Education. This Code section as amended is not set out in the Code owing to the delayed effective date. After the contingency is met, subparagraph (1.1)(C) will read as follows: "A postsecondary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education or its successor; or". As of May 2025, the contingency has not been met.

Amendments.

The 2025 amendment, inserted "or its successor" following "United States Department of Education" in subparagraph (1.1)(C). For effective date of this amendment, see the delayed effective date note.

43-26-36. Application for licensure; examination; provisional licensure of military medical personnel.

(a) All applicants for a license to practice as a licensed practical nurse shall make application through the board. An applicant for licensure who has not been duly examined according to the prescribed examination approved by the board and who does not otherwise qualify for licensure under this article must apply by examination. Such applicants shall submit to the board a designated fee and written evidence verifying that the applicant:

(1) Is at least 18 years of age;

(2) Has graduated from high school or the equivalent thereof;

(3) Has graduated from an approved nursing education program, as defined in Code Section 43-26-32 or from a nursing education program located outside of the United States that is determined by the board to be equivalent to and not less stringent than an approved nursing education program as defined in Code Section 43-26-32;

(4) Is in good physical and mental health;

(5) In the case of an applicant who has graduated from a program conducted in a foreign country, has demonstrated the ability to speak, write, and understand the English language; and

(6) Meets such other criteria as established by the board.

(b) A person who is at least 17 years of age and meets all of the criteria set forth in subsection (a) of this Code section may apply to the board for special consideration to take the examination for licensure.

(c) Notwithstanding Code Section 43-1-35, or any other provision of law, the board, in collaboration with the Department of Veterans Service, shall establish a program through which military medical personnel may provisionally operate within their scope of practice and training for a period of 12 months without meeting the requirements provided for in paragraphs (3), (5), and (6) of subsection (a) of this Code section.

(d) For purposes of this Code section, the term "military medical personnel" means an individual who has, within 12 months of seeking licensure pursuant to this Code section, served as a medic in the United States Army, medical technician in the United States Air Force, or corpsman in the United States Navy or Coast Guard and who was discharged or released from such service under conditions other than dishonorable.

History.

Code 1981, § 43-26-36, enacted by Ga. L. 1992, p. 2151, § 1; Ga. L. 1993, p. 471, § 2; Ga. L. 2009, p. 210, § 5/HB 475; Ga. L. 2013, p. 643, § 6/HB 332; Ga. L. 2015, p. 954, § 4/HB 394; Ga. L. 2024, p. 409, § 1-4/SB 449, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added subsections (c) and (d).

CHAPTER 27

LONG-TERM CARE FACILITY ADMINISTRATORS

43-27-2. State Board of Long-Term Care Facility Administrators; members.

(a) There is created the State Board of Long-Term Care Facility Administrators, which, on and after June 30, 2022, shall consist of 11 members. The members of the board shall be appointed by the Governor and confirmed by the Senate, as follows:

(1) Four members who are nursing home administrators in this state, at least one of whom shall represent nonproprietary nursing homes;

(2) Four members, each of whom are either a personal care home administrator or an assisted living community administrator; provided, however, that on and after July 1, 2021, all successor members

appointed pursuant to this paragraph shall be either a licensed personal care home administrator or a licensed assisted living community administrator;

(3) Two members of the public at large who are not personal care home administrators, assisted living community administrators, or nursing home administrators or pecuniarily interested in any personal care home, assisted living community, or nursing home, or have any connection with the personal care home, assisted living community, or nursing home industry whatsoever; and

(4) One member who is a health care professional with at least a bachelor's degree, experience in elder care, and knowledge in dementia care and who is not a personal care home administrator, an assisted living community administrator, or a nursing home administrator or pecuniarily interested in any personal care home, assisted living community, or nursing home, or has any connection with the personal care home, assisted living community, or nursing home industry whatsoever.

(b) The term for all members shall be three years from the date of appointment. A member may be removed as provided in Code Section 43-1-17, including removal for failing to attend three meetings in one calendar year. All vacancies shall be filled by the Governor for the unexpired terms in accordance with the requirements for appointment to the vacant position.

History.

Ga. L. 1968, p. 1143, § 6; Ga. L. 1969, p. 744, § 1; Ga. L. 1970, p. 573, § 1; Ga. L. 1976, p. 1184, §§ 2, 3; Ga. L. 1979, p. 385, § 1; Ga. L. 1980, p. 536, § 2; Ga. L. 1986, p. 846, § 2; Ga. L. 1992, p. 2770, § 1; Ga. L. 1999, p. 296, § 24; Ga. L. 2009, p. 453, §§ 1-6, 1-47/HB 228; Ga. L. 2020, p. 95, § 9/HB 987; Ga. L. 2022, p. 352, § 43/HB 1428; Ga. L. 2022, p. 552, § 1/HB 1049; Ga. L. 2025, p. 1029, § 43(8)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "11 members" for "eleven members" in the first sentence of subsection (a).

CHAPTER 28

OCCUPATIONAL THERAPISTS

Article 2

Occupational Therapy Licensure Compact

ARTICLE 2

OCCUPATIONAL THERAPY LICENSURE COMPACT

43-28-21. Text of compact.

The Occupational Therapy Licensure Compact is enacted into law and entered into by the State of Georgia with any and all other states legally joining therein in the form substantially as follows:

OCCUPATIONAL THERAPY LICENSURE COMPACT

Section 1.

Purpose

The purpose of this Compact is to facilitate interstate practice of Occupational Therapy with the goal of improving public access to Occupational Therapy services. The Practice of Occupational Therapy occurs in the State where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Occupational Therapy services by providing for the mutual recognition of other Member State licenses;

B. Enhance the States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multi-State Occupational Therapy Practice;

D. Support spouses of relocating military members;

E. Enhance the exchange of licensure, investigative, and disciplinary information between Member States;

F. Allow a Remote State to hold a provider of services with a Compact Privilege in that State accountable to that State's practice standards; and

G. Facilitate the use of Telehealth technology in order to increase access to Occupational Therapy services.

Section 2.

Definitions

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. 'Active Duty Military' means full-time duty status in the active uniformed service of the United States, including members of the

National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

B. 'Adverse Action' means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against an Occupational Therapist or Occupational Therapy Assistant, including actions against an individual's license or Compact Privilege such as censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.

C. 'Alternative Program' means a non-disciplinary monitoring process approved by an Occupational Therapy Licensing Board.

D. 'Compact Privilege' means the authorization, which is equivalent to a license, granted by a Remote State to allow a Licensee from another Member State to practice as an Occupational Therapist or practice as an Occupational Therapy Assistant in the Remote State under its laws and rules. The Practice of Occupational Therapy occurs in the Member State where the patient/client is located at the time of the patient/client encounter

E. 'Continuing Competence/Education' means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

F. 'Current Significant Investigative Information' means Investigative Information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the Occupational Therapist or Occupational Therapy Assistant to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

G. 'Data System' means a repository of information about Licensees, including but not limited to license status, Investigative Information, Compact Privileges, and Adverse Actions.

H. 'Encumbered License' means a license in which an Adverse Action restricts the Practice of Occupational Therapy by the Licensee or said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. 'Executive Committee' means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

J. 'Home State' means the Member State that is the Licensee's Primary State of Residence.

K. 'Impaired Practitioner' means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

L. 'Investigative Information' means information, records, and/or documents received or generated by an Occupational Therapy Licensing Board pursuant to an investigation.

M. 'Jurisprudence Requirement' means the assessment of an individual's knowledge of the laws and rules governing the Practice of Occupational Therapy in a State.

N. 'Licensee' means an individual who currently holds an authorization from the State to practice as an Occupational Therapist or as an Occupational Therapy Assistant.

O. 'Member State' means a State that has enacted the Compact.

P. 'Occupational Therapist' means an individual who is licensed by a State to practice Occupational Therapy.

Q. 'Occupational Therapy Assistant' means an individual who is licensed by a State to assist in the Practice of Occupational Therapy.

R. 'Occupational Therapy,' 'Occupational Therapy Practice,' and the 'Practice of Occupational Therapy' mean the care and services provided by an Occupational Therapist or an Occupational Therapy Assistant as set forth in the Member State's statutes and regulations.

S. 'Occupational Therapy Compact Commission' or 'Commission' means the national administrative body whose membership consists of all States that have enacted the Compact.

T. 'Occupational Therapy Licensing Board' or 'Licensing Board' means the agency of a State that is authorized to license and regulate Occupational Therapists and Occupational Therapy Assistants.

U. 'Primary State of Residence' means the state (also known as the Home State) in which an Occupational Therapist or Occupational Therapy Assistant who is not Active Duty Military declares a primary residence for legal purposes as verified by: driver's license, federal income tax return, lease, deed, mortgage or voter registration or other verifying documentation as further defined by Commission Rules.

V. 'Remote State' means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Compact Privilege.

W. 'Rule' means a regulation promulgated by the Commission that has the force of law.

X. 'State' means any state, commonwealth, district, or territory of the United States of America that regulates the Practice of Occupational Therapy.

Y. 'Single-State License' means an Occupational Therapist or Occupational Therapy Assistant license issued by a Member State that authorizes practice only within the issuing State and does not include a Compact Privilege in any other Member State.

Z. 'Telehealth' means the application of telecommunication technology to deliver Occupational Therapy services for assessment, intervention and/or consultation.

Section 3.

State Participation in the Compact

A. To participate in the Compact, a Member State shall:

1. License Occupational Therapists and Occupational Therapy Assistants

2. Participate fully in the Commission's Data System, including but not limited to using the Commission's unique identifier as defined in Rules of the Commission;

3. Have a mechanism in place for receiving and investigating complaints about Licensees;

4. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;

5. Implement or utilize procedures for considering the criminal history records of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A Member State shall, within a time frame established by the Commission, require a criminal background check for a Licensee seeking/applying for a Compact Privilege whose Primary State of Residence is that Member State, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

6. Comply with the Rules of the Commission;

7. Utilize only a recognized national examination as a requirement for licensure pursuant to the Rules of the Commission; and

8. Have Continuing Competence/Education requirements as a condition for license renewal.

B. A Member State shall grant the Compact Privilege to a Licensee holding a valid unencumbered license in another Member State in accordance with the terms of the Compact and Rules.

C. Member States may charge a fee for granting a Compact Privilege.

D. A Member State shall provide for the State's delegate to attend all Occupational Therapy Compact Commission meetings.

E. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to these individuals shall not be recognized as granting the Compact Privilege in any other Member State.

F. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

Section 4.

Compact Privilege

A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identification number;

3. Have no encumbrance on any State license;

4. Be eligible for a Compact Privilege in any Member State in accordance with Section 4D, F, G, and H;

5. Have paid all fines and completed all requirements resulting from any Adverse Action against any license or Compact Privilege, and two years have elapsed from the date of such completion;

6. Notify the Commission that the Licensee is seeking the Compact Privilege within a Remote State(s);

7. Pay any applicable fees, including any State fee, for the Compact Privilege;

8. Complete a criminal background check in accordance with Section 3A(5);

a. The Licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check.

9. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

10. Report to the Commission Adverse Action taken by any non-Member State within 30 days from the date the Adverse Action is taken.

B. The Compact Privilege is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4A to maintain the Compact Privilege in the Remote State.

C. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

D. Occupational Therapy Assistants practicing in a Remote State shall be supervised by an Occupational Therapist licensed or holding a Compact Privilege in that Remote State.

E. A Licensee providing Occupational Therapy in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Compact Privilege in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Compact Privilege in any State until the specific time for removal has passed and all fines are paid.

F. If a Home State license is encumbered, the Licensee shall lose the Compact Privilege in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and

2. Two years have elapsed from the date on which the Home State license is no longer encumbered in accordance with Section 4(F)(1).

G. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4A to obtain a Compact Privilege in any Remote State.

H. If a Licensee's Compact Privilege in any Remote State is removed, the individual may lose the Compact Privilege in any other Remote State until the following occur:

1. The specific period of time for which the Compact Privilege was removed has ended;

2. All fines have been paid and all conditions have been met;

3. Two years have elapsed from the date of completing requirements for 4(H)(1) and (2); and

4. The Compact Privileges are reinstated by the Commission, and the compact Data System is updated to reflect reinstatement.

I. If a Licensee's Compact Privilege in any Remote State is removed due to an erroneous charge, privileges shall be restored through the compact Data System.

J. Once the requirements of Section 4H have been met, the license must meet the requirements in Section 4A to obtain a Compact Privilege in a Remote State.

Section 5.

Obtaining a New Home State License by Virtue of Compact Privilege

A. An Occupational Therapist or Occupational Therapy Assistant may hold a Home State license, which allows for Compact Privileges in Member States, in only one Member State at a time.

B. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving between two Member States:

1. The Occupational Therapist or Occupational Therapy Assistant shall file an application for obtaining a new Home State license by virtue of a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of compact privilege, the new Home State shall verify that the Occupational Therapist or Occupational Therapy Assistant meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

a. An FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable Rules adopted by the Commission in accordance with Public Law 92-544;

b. Other criminal background check as required by the new Home State; and

c. Submission of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Compact Privilege once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria in Section 4, the new Home State shall apply its requirements for issuing a new Single-State License.

5. The Occupational Therapist or the Occupational Therapy Assistant shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single-State License in the new State.

D. Nothing in this compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States; however, for the purposes of this compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

Section 6.

Active Duty Military Personnel or Their Spouses

A. Active Duty Military personnel, or their spouses, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State or through the process described in Section 5.

Section 7.

Adverse Actions

A. A Home State shall have exclusive power to impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license issued by the Home State.

B. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege within that Member State.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the

production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the State in which the witnesses or evidence are located.

C. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

D. The Home State shall complete any pending investigations of an Occupational Therapist or Occupational Therapy Assistant who changes Primary State of Residence during the course of the investigations. The Home State, where the investigations were initiated, shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the OT Compact Commission Data System. The Occupational Therapy Compact Commission Data System administrator shall promptly notify the new Home State of any Adverse Actions.

E. A Member State, if otherwise permitted by State law, may recover from the affected Occupational Therapist or Occupational Therapy Assistant the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Occupational Therapist or Occupational Therapy Assistant.

F. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

G. Joint Investigations

1. In addition to the authority granted to a Member State by its respective State Occupational Therapy laws and regulations or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

H. If an Adverse Action is taken by the Home State against an Occupational Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege in all other Member States shall be deactivated until all encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license shall include a Statement that the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege is deactivated in all Member States during the pendency of the order.

I. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

J. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

Section 8.

Establishment of the Occupational Therapy Compact Commission

A. The Compact Member States hereby create and establish a joint public agency known as the Occupational Therapy Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board, who is an Occupational Therapist, Occupational Therapy Assistant, or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State board shall fill any vacancy occurring in the Commission within 90 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

7. The Commission shall establish by Rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

1. Establish a Code of Ethics for the Commission;

2. Establish the fiscal year of the Commission;

3. Establish bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

6. Promulgate uniform Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Member States;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Occupational Therapy Licensing Board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Occupational Therapy licensure and practice.

D. The Executive Committee

The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Committee shall be composed of nine members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission;

b. One ex-officio, nonvoting member from a recognized national Occupational Therapy professional association; and

c. One ex-officio, nonvoting member from a recognized national Occupational Therapy certification organization.

2. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following Duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact

Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Perform other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 10.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or Member State statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or

licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Section 9.

Data System

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. A Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable (utilizing a unique identifier) as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license or Compact Privilege;

4. Non-confidential information related to Alternative Program participation;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission; and

7. Current Significant Investigative Information.

C. Current Significant Investigative Information and other Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

Section 10.

Rulemaking

A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

B. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each Member State Occupational Therapy Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;

2. The text of the proposed Rule or amendment and the reason for the proposed Rule;

3. A request for comments on the proposed Rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty five (25) persons;

2. A State or federal governmental subdivision or agency; or

3. An association or organization having at least twenty five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or

4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Section 11.

Oversight, Dispute Resolution, and Enforcement

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits

conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

4. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

6. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the

Commission. The Commission may pursue any other remedies available under federal or State law.

Section 12.

Date of Implementation of the Interstate Commission for Occupational
Therapy Practice and Associated Rules, Withdrawal, and Amendment

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Occupational Therapy Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Occupational Therapy licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

Section 13.

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United

States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

Section 14.

Binding Effect of Compact and Other Laws

A. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws promulgated by the Commission, are binding upon the Member States.

E. All agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

History.

Code 1981, § 43-28-21, enacted by Ga. L. 2021, p. 710, § 4/HB 268; Ga. L. 2025, p. SB 153, § 43(9)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "10 U.S.C. Chapters 1209 and 1211" for "10 U.S.C. Chapter 1209 and Section 1211" subparagraph (A) of Section 2.

CHAPTER 30

OPTOMETRISTS

43-30-1. (For effective date, see note.) Definitions.

As used in this chapter, the term:

(1) "Board" means the State Board of Optometry.

(2)(A) "Optometry" means the art and science of visual care and is declared to be a learned profession. The practice of optometry consists of the diagnosis and interpretation of the visual behavior of the human organism by the employment of any means other than surgery. The practice of optometry further consists of the correction of visual anomalies through the prescribing, employment, and use of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, and visual training, light frequencies, and any other means or methods for the relief, correction, or remedy of any insufficiencies or abnormal conditions of the human visual organism, other than surgery. Optometrists are prohibited from using nondiagnostic lasers. Nothing in this chapter shall prohibit the use, administration, or prescription of pharmaceutical agents for diagnostic purposes and treatment of ocular disease in the practice of optometry by optometrists who have received pharmacological training and certification from a properly accredited institution of higher learning and who are certified by the board to use pharmaceutical agents for diagnostic and treatment purposes. Only a doctor of optometry who:

(i) Is already certified for using pharmaceutical agents for diagnostic purposes;

(ii) Has passed or passes an examination approved by the board which tests knowledge of pharmacology for treatment and management of ocular diseases;

(iii) Is certified in coronary pulmonary resuscitation (CPR); and

(iv) Maintains at least $1 million in malpractice insurance coverage

shall be certified to use pharmaceutical agents for treatment purposes.

(B) The board shall establish by rule a list, which may be modified from time to time, of pharmaceutical agents which optometrists shall be allowed to use for treatment purposes.

(C) A doctor of optometry may administer pharmaceutical agents related to the diagnosis or treatment of diseases and conditions of the eye and adnexa oculi by injection, except for sub-tenon, retrobulbar, peribulbar, facial nerve block, subconjunctival anesthetic, dermal filler, intravenous injections, intramuscular injections, intraorbital nerve block, intraocular, or botulinum toxin injections, if he or she:

(i) Holds a current license or certificate of registration issued by the board and has obtained a certificate showing successful completion of an injectables training program, sponsored by a school or college of optometry credentialed by the United States Department of Education and the Council on Postsecondary Accreditation, consisting of a minimum of 30 hours approved by the board; or

(ii)(I) Is enrolled in an injectables training program, sponsored by a school or college of optometry credentialed by the United States Department of Education and the Council on Postsecondary Accreditation, in order to fulfill the requirements of such training program consisting of a minimum of 30 hours approved by the board; and

(II) Is under the direct supervision of a physician licensed under Chapter 34 of this title and board certified in ophthalmology.

Any injectables training program approved by the board pursuant to this subparagraph shall, prior to its approval by the board, be subject to the guidance of the Department of Public Health as to the appropriate curriculum necessary to safeguard the public health of the people of this state.

(D) Pharmaceutical agents which are used by a doctor of optometry for treatment purposes may only be:

(i)(I) Nonnarcotic oral analgesics, hydrocodone administered orally, and Schedule III or Schedule IV controlled substances which are oral analgesics;

(II) Used for ocular pain; and

(III) Used for no more than 72 hours without consultation with the patient's physician; provided, however, that with respect to hydrocodone, used for no more than 48 hours without consultation with the patient's physician; or

(ii) Other pharmaceutical agents related to the diagnosis or treatment of diseases and conditions of the eye and adnexa oculi except Schedule I or Schedule II controlled substances.

Doctors of optometry using such pharmaceutical agents shall be held to the same standard of care imposed by Code Section 51-1-27 as would be applied to a physician licensed under Chapter 34 of this title performing similar acts; provided, however, that a doctor of optometry shall not be authorized to treat systemic diseases.

(E) Pharmaceutical agents which are used by a doctor of optometry for treatment purposes and administered topically shall be subject to the following conditions only when used for the treatment of glaucoma:

(i) If the pharmaceutical agent is a beta blocker, an optometrist certified to use pharmaceutical agents for treatment purposes must take a complete case history and determine whether the patient has had a physical examination within the past year. If the patient has not had such a physical examination or if the patient has any history of congestive heart failure, bradycardia, heart block, asthma, or chronic obstructive pulmonary disease, that patient must be referred to a person licensed under Chapter 34 of this title for examination prior to initiating beta blocker therapy;

(ii) If the glaucoma patient does not respond to the topically administered pharmaceutical agents after 60 days of treatment, that patient must be referred to an ophthalmologist;

(iii) If the patient is diagnosed as having closed angle glaucoma, the patient shall be immediately referred to an ophthalmologist; and

(iv) If the pharmaceutical agent is oral corticosteroids, an optometrist certified to use pharmaceutical agents for treatment purposes must take a complete case history and determine whether the patient has had a physical examination within the past year and must not prescribe oral corticosteroids for a patient with any condition for which oral corticosteroids are contraindicated, and in no event shall such oral corticosteriods be prescribed for more than 14 days.

(F) Doctors of optometry using pharmaceutical agents for treatment purposes shall be held to the same standard of care imposed by Code Section 51-1-27 as would be applied to a physician licensed under Chapter 34 of this title performing similar acts.

(G) Any doctor of optometry who uses a pharmaceutical agent, except under the conditions specified therefor by this chapter and any other law, shall be guilty of a misdemeanor unless a greater penalty is otherwise provided by law.

(H)(i) A doctor of optometry shall be authorized to dispense and sell pharmaceutical agents, other than controlled substances, that are related to the treatment of diseases and conditions of the eye and adnexa oculi and are for a legitimate medical purpose to patients, provided that a doctor of optometry shall:

(I) Be on the premises when any pharmaceutical agent is dispensed to a patient and be actively involved in the dispensing process;

(II) Inform the patient on the appropriate use of the pharmaceutical agent being dispensed;

(III) Document in the patient's record the name, strength, quantity, and appropriate use of the pharmaceutical agent dispensed;

(IV) Maintain a readily retrievable record system by manual or electronic means of all the pharmaceutical agents purchased for administration, dispensing, or selling in the course of the professional practice; and

(V) Comply with the requirements under Code Section 26-4-130 and the rules and regulations established pursuant thereto by the State Board of Pharmacy.

(ii) Nothing in this subparagraph shall expand the administrative or prescriptive authority of a doctor of optometry.

History.

Ga. L. 1916, p. 83, § 1; Code 1933, § 84-1101; Ga. L. 1956, p. 94, § 1; Ga. L. 1980, p. 47, § 1; Ga. L. 1988, p. 34, § 1; Ga. L. 1994, p. 853, § 1; Ga. L. 1994, p. 996, § 1; Ga. L. 1995, p. 351, § 1; Ga. L. 2007, p. 551, § 1/SB 17; Ga. L. 2013, p. 639, § 1/HB 235; Ga. L. 2017, p. 680, § 1/SB 153; Ga. L. 2018, p. 251, § 1/SB 382; Ga. L. 2025, p. 588, § 2/SB 140, effective May 13, 2025; Ga. L. 2025, p. 745, § 1/SB 154, see notes for effective date.

Delayed effective date.

Ga. L. 2025, p. 745, § 4/SB 154, provides that the 2025 amendment becomes effective upon an act of Congress repealing the establishment of the United States Department of Education or otherwise abolishing the United States Department of Education. This Code section, as set out above, does not reflect the amendment by that Act owing to the delayed effective date. After the contingency is met, division (2)(C)(i) and subdivision (2)(C)(ii)(I) will read as follows: "(2)(C)(i) Holds a current license or certificate of registration issued by the board and has obtained a certificate showing successful completion of an injectables training program, sponsored by a school or college of optometry credentialed by the United States Department of Education, or its successor, and the Council on Postsecondary Accreditation, consisting of a minimum of 30 hours approved by the board; or" and

"(2)(C)(ii)(I) Is enrolled in an injectables training program, sponsored by a school or college of optometry credentialed by the United States Department of Education, or its successor, and the Council on Postsecondary Accreditation, in order to fulfill the requirements of such training program consisting of a minimum of 30 hours approved by the board; and". As of May 2025, the contingency has not been met.

Amendments.

The first 2025 amendment, effective

May 13, 2025, rewrote subparagraph (2)(H).

The second 2025 amendment, inserted ", or its successor," following "United States Department of Education" in division (2)(C)(i) and subdivision (2)(C)(ii)(I). For effective date of this amendment, see the delayed effective date note.

43-30-13. Construction of chapter.

(a) Nothing in this chapter shall be construed to apply to physicians and surgeons duly licensed to practice medicine; to prevent persons from selling spectacles or eyeglasses on prescription from any duly qualified optometrist or physician; to prevent any person from selling glasses as articles of merchandise or from using test cards in connection with the sale of such glasses at a permanently located place when not trafficking or attempting to traffic upon assumed skill in optometry; or to authorize any registered optometrist to use, dispense, sell, prescribe, or administer drugs except as permitted by law, to practice medicine or surgery in any manner as defined by the laws of this state, or to use the title of "M.D." or any other title mentioned in Code Section 43-34-21 or 43-34-22.

(b) Nothing in this chapter shall be construed to imply liability, either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26 and who in good faith fills a prescription presented by a patient pursuant to this chapter. The pharmacist shall presume that the prescription was issued by a duly licensed optometrist under this chapter who has qualified under this Code section to prescribe pharmaceutical agents. The pharmacist shall also presume that the pharmaceutical agent prescribed by the optometrist is an approved pharmaceutical agent, unless the pharmacist has actual or constructive knowledge to the contrary.

History.

Ga. L. 1916, p. 83, § 9; Code 1933, § 84-1108; Ga. L. 1988, p. 34, § 3; Ga. L. 2009, p. 859, § 13/HB 509; Ga. L. 2025, p. 588, § 3/SB 140, effective May 13, 2025.

Amendments.

The 2025 amendment, effective May 13, 2025, in subsection (a), substituted "; to prevent" for ", nor to prevent" twice, substituted "or to authorize" for "nor shall anything in this chapter be construed to authorize", substituted "to use, dispense, sell, prescribe, " substituted "law, to practice" for "law or practice", and for "to prescribe", substituted "state, or" for "state; nor shall this chapter be construed to authorize any such person".