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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.
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Tables:

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CHAPTER 33

PHYSICAL THERAPISTS

Article 1

General Provisions

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licenses; discipline of licensees; suspension, revocation, or restriction of licenses; immunity for violation reporters.

Article 2**Physical Therapy Licensure
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Sec.

43-33-31. Ratification; text of compact.

ARTICLE 1**GENERAL PROVISIONS****43-33-18. Refusal to grant or restore licenses; discipline of licensees; suspension, revocation, or restriction of licenses; immunity for violation reporters.**

(a) The board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist licensed under this article upon a finding by the board that the licensee or applicant has:

(1) Identified himself or herself as a doctor without also clearly informing the public of his or her professional credential as a physical therapist;

(2) Performed physical therapy care and services without examination and evaluation of patients or clients in order to determine a physical therapy diagnosis, prognosis, and plan of intervention, which, in the case of patients who have self-referred, means the physical therapist has:

(A) Failed to refer the patient to an individual licensed pursuant to Article 2 of Chapter 11 of this title or Article 2 of Chapter 34 of this title if at any time the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment beyond the scope of practice of the physical therapist or, regardless of the patient's condition, if after 21 days or eight visits from the initiation of a physical therapy plan of intervention, the physical therapist has not received a referral from the patient's provider who is licensed pursuant to Article 2 of Chapter 11 of this title or Article 2 of Chapter 34 of this title. The day and visit limitations contained in this subparagraph shall not apply:

(i) In the case of services provided for health promotion, wellness, fitness, or maintenance purposes, in which case the physical therapist shall refer a client seen for health promotion, wellness, fitness, or maintenance purposes to an appropriate

individual licensed pursuant to Article 2 or 4 of Chapter 34 of this title if the client exhibits or develops signs and symptoms beyond the scope of practice of the physical therapist;

(ii) In the case of a patient diagnosed within the previous nine months with a neuromuscular or developmental condition when the evaluation, treatment, or services are being provided for problems or symptoms associated with that previously diagnosed condition; or

(iii) In the case of a patient diagnosed within the previous 90 days with a chronic musculoskeletal condition and noted by a current relevant document from an appropriate licensed health care provider;

(B) Ordered radiology, performed surgery, ordered laboratory or body fluid testing, diagnosed disease, or practiced medicine;

(C) Failed to provide each self-referred patient with a written disclosure that a physical therapy diagnosis is not a medical diagnosis by a physician or based on radiological imaging and that such services might not be covered by the patient's health plan or insurer;

(D) Not satisfied the additional requirements for seeing a patient who has self-referred, which shall include:

(i) A doctorate in physical therapy or equivalent degree from an accredited institution plus two years of clinical practice experience;

(ii) A doctorate in physical therapy or equivalent and:

(I) Post graduate certification;

(II) American Board of Physical Therapy Specialties Board Certification; or

(III) Residency or fellowship training; or

(iii) Five years of clinical practice experience; or

(E) Performed dry needling treatment interventions without consulting an individual licensed pursuant to Article 2 or 4 of Chapter 34 of this title; or

(3) Acted in a manner inconsistent with generally accepted standards of physical therapy practice, regardless of whether actual injury to a patient occurs, or failed to provide the expected minimal standard of patient or client management, which shall include that:

(A) A physical therapist is fully responsible for managing all aspects of the physical therapy care of each patient. A physical therapist shall provide:

(i) The initial evaluation, determination of physical therapy diagnosis, prognosis, and plan of intervention and documentation of the initial evaluation;

(ii) Periodic reevaluation and documentation of findings for each patient; and

(iii) The documented episode of care for each patient, including the patient's response to the plan of intervention at the time of completion of the episode of care;

(B) A physical therapist shall assure the qualifications of all physical therapist assistants and physical therapy aides under his or her direction and supervision;

(C) For each patient on each date of service, a physical therapist shall provide all of the intervention that requires the education, skills, knowledge, and abilities of a physical therapist;

(D) A physical therapist shall determine the use of physical therapist assistants and physical therapy aides to ensure the delivery of care that is safe, effective, and efficient. A physical therapist may use physical therapy aides for designated routine tasks. A physical therapy aide shall work under the supervision of a physical therapist;

(E) A physical therapist shall communicate the overall plan of care with the patient or the patient's legally authorized representative;

(F) A physical therapist's responsibility shall include accurate documentation and billing of the services provided;

(G) A physical therapist shall adhere to the recognized standards for professional conduct and code of ethics of the physical therapy profession as established by rule; and

(H) A physical therapist shall ensure that he or she has liability coverage either independently or provided by the entity by which he or she is employed.

(b) The board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist assistant licensed under this article upon a finding by the board that the licensee or applicant has:

(1) Worked outside the supervision of a physical therapist;

(2) Failed to provide accurate documentation or billing of services provided;

(3) Failed to adhere to the recognized standards of ethical conduct and code of ethics as established by rule; or

(4) Acted in a manner inconsistent with generally accepted standards of the physical therapist assistant's scope of work, regardless of whether actual injury to the patient occurs.

(c) The board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist or physical therapist assistant licensed under this article or any antecedent law upon a finding by the board that the licensee or applicant has:

(1) Displayed an inability or has become unable to practice as a physical therapist or as a physical therapist assistant with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition:

(A) In enforcing this paragraph the board may, upon reasonable grounds, require a licensee or applicant to submit to a mental or physical examination by an appropriate licensed health care provider designated by the board. The expense of such mental or physical examination shall be borne by the licensee or applicant. The results of such examination shall be admissible in any hearing before the board, notwithstanding any claim of privilege under a contrary rule of law or statute, including, but not limited to, Code Section 24-5-501. Every person who shall accept the privilege of practicing physical therapy in this state or who shall file an application for a license to practice physical therapy in this state shall be deemed to have given his or her consent to submit to such mental or physical examination and to have waived all objections to the admissibility of the results in any hearing before the board upon the grounds that the same constitutes a privileged communication. If a licensee or applicant fails to submit to such an examination when properly directed to do so by the board, unless such failure was due to circumstances beyond his or her control, the board may enter a final order upon proper notice, hearing, and proof of such refusal. Any licensee or applicant who is prohibited from practicing physical therapy under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate to the board that he or she can resume or begin the practice of physical therapy with reasonable skill and safety to patients;

(B) For the purposes of this paragraph, the board may, upon reasonable grounds, obtain any and all records relating to the mental or physical condition of a licensee or applicant, including psychiatric records; and such records shall be admissible in any hearing before the board, notwithstanding any privilege under a contrary rule of law or statute, including, but not limited to, Code Section 24-5-501. Every person who shall accept the privilege of practicing physical therapy in this state or who shall file an

application to practice physical therapy in this state shall be deemed to have given his or her consent to the board's obtaining any such records and to have waived all objections to the admissibility of such records in any hearing before the board upon the grounds that the same constitute a privileged communication; and

(C) If any licensee or applicant could, in the absence of this paragraph, invoke a privilege to prevent the disclosure of the results of the examination provided for in subparagraph (A) of this paragraph or the records relating to the mental or physical condition of such licensee or applicant obtained pursuant to subparagraph (B) of this paragraph, all such information shall be received by the board in camera and shall not be disclosed to the public, nor shall any part of the record containing such information be used against any licensee or applicant in any other type of proceeding;

(2) Been convicted of a felony or crime involving moral turpitude in the courts of this state or the United States or the conviction of an offense in another jurisdiction which if committed in this state would be deemed a felony. For the purpose of this Code section, a "conviction" shall include a finding or verdict of guilty, a plea of guilty, or a plea of nolo contendere in a criminal proceeding regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon pursuant to the provisions of Code Sections 42-8-60 through 42-8-64, relating to first offenders, or any comparable rule or statute;

(3) Knowingly made misleading, deceptive, untrue, or fraudulent representations to a patient, consumer, or other person or entity in connection with the practice of physical therapy or in any document connected therewith; practiced fraud or deceit or intentionally made any false statement in obtaining or attempting to obtain a license to practice physical therapy or as a physical therapist assistant; or made a false or deceptive biennial registration with the board;

(4) Practiced physical therapy contrary to this Code section or to the rules and regulations of the board; knowingly aided, assisted, procured, or advised any person to practice physical therapy contrary to this Code section or to the rules and regulations of the board; or knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person to practice physical therapy;

(5) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice need not have resulted in actual injury to any person; unprofessional conduct shall also include any departure from, or the

failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice or the failure to comply with the code of ethics of the board;

(6) Failed to report to the board any act or omission of a licensee or applicant or any other person which violates the provisions of this subsection; or

(7) Divided fees or agreed to divide fees received for professional services with any person, firm, association, corporation, or other entity for bringing or referring a patient.

(d)(1) When the board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a), (b), or (c) of this Code section, the board may take any one or more of the following actions:

(A) Refuse to grant or restore a license to an applicant;

(B) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(C) Suspend any license for a definite period;

(D) Limit or restrict any license;

(E) Revoke any license;

(F) Condition the penalty or withhold formal disposition, upon the physical therapist's, physical therapist assistant's, or other person's submission to the care, counseling, or treatment of physicians or other professional persons, and the completion of such care, counseling, or treatment, as directed by the board; or

(G) Impose a fine not to exceed \$500.00 for each violation of law, rule, or regulation of the board.

(2) In addition to or in conjunction with the actions enumerated pursuant to paragraph (1) of this subsection, the board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty, or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee or applicant on probation, which may be vacated upon noncompliance with such reasonable terms as the board may impose.

(e) In its discretion, the board may restore and reissue a license issued under this article or any antecedent law and, as a condition thereof, it may impose any disciplinary or corrective measure provided in this article.

(f) A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting the acts

or omissions of a licensee or applicant which violate the provisions of subsection (a), (b), or (c) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice as a physical therapist or as a physical therapist assistant, if such report is made in good faith without fraud or malice. Any person who testifies without fraud or malice before the board in any proceeding involving a violation of the provisions of subsection (a), (b), or (c) of this Code section or any other law relating to a licensee's or applicant's fitness to practice as a physical therapist or as a physical therapist assistant shall be immune from civil and criminal liability for so testifying.

(g) The provisions of this Code section shall not prevent any other health care provider from administering techniques authorized within his or her scope of practice.

History.

Ga. L. 1951, p. 175, § 10; Ga. L. 1972, p. 388, § 20; Ga. L. 1982, p. 1416, §§ 8, 17; Ga. L. 1992, p. 2434, § 12; Ga. L. 1993, p. 91, § 43; Ga. L. 1997, p. 715, § 1; Ga. L. 2006, p. 501, § 1/HB 801; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2011, p. 99, § 73/HB 24; Ga. L. 2015, p. 288, § 6/HB 505; Ga. L. 2019, p. 126, § 4/HB 39; Ga. L.

2025, p. 1029, § 43(10)/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" four times in subparagraph (a)(2)(A) and once in division (a)(2)(A)(i) and subparagraph (a)(2)(E).

ARTICLE 2

PHYSICAL THERAPY LICENSURE COMPACT

43-33-31. Ratification; text of compact.

The Physical 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:

PHYSICAL THERAPY LICENSURE COMPACT

SECTION 1. PURPOSE

(a) The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This Compact is designed to achieve the following objectives:

(1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

- (2) Enhance the states' ability to protect the public's health and safety;
- (3) Encourage the cooperation of member states in regulating multi-state physical therapy practice;
- (4) Support spouses of relocating military members;
- (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
- (6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

SECTION 2. DEFINITIONS

As used in this compact, and except as otherwise provided, the term:

- (1) '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.
- (2) 'Adverse Action' means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
- (3) 'Alternative Program' means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.
- (4) 'Compact privilege' means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.
- (5) 'Continuing competence' 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.
- (6) 'Data system' means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
- (7) 'Encumbered license' means a license that a physical therapy licensing board has limited in any way.
- (8) 'Executive Board' means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

(9) ‘Home state’ means the member state that is the licensee’s primary state of residence.

(10) ‘Investigative information’ means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

(11) ‘Jurisprudence Requirement’ means the assessment of an individual’s knowledge of the laws and rules governing the practice of physical therapy in a state.

(12) ‘Licensee’ means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

(13) ‘Member state’ means a state that has enacted the Compact.

(14) ‘Party state’ means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

(15) ‘Physical therapist’ means an individual who is licensed by a state to practice physical therapy.

(16) ‘Physical therapist assistant’ means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.

(17) ‘Physical therapy,’ ‘physical therapy practice,’ and ‘the practice of physical therapy’ mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

(18) ‘Physical Therapy Compact Commission’ or ‘Commission’ means the national administrative body whose membership consists of all states that have enacted the Compact.

(19) ‘Physical therapy licensing board’ or ‘licensing board’ means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(20) ‘Remote State’ means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

(21) ‘Rule’ means a regulation, principle, or directive promulgated by the Commission that has the force of law.

(22) ‘State’ means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

(a) To participate in the compact, a state must:

(1) Participate fully in the Commission's data system, including using the Commission's unique identifier as defined in rules;

(2) Have a mechanism in place for receiving and investigating complaints about licensees;

(3) 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;

(4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with Section 3.B.;

(5) Comply with the rules of the Commission;

(6) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the Commission; and

(7) Have continuing competence requirements as a condition for license renewal.

(b) Upon adoption of this article, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. § 534 and 42 U.S.C. § 14616.

(c) 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.

(d) Member states may charge a fee for granting a compact privilege.

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 no encumbrance on any state license;

(3) Be eligible for a compact privilege in any member state in accordance with Section 4D, G and H;

(4) Have not had any adverse action against any license or compact privilege within the previous 2 years;

(5) Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

(6) Pay any applicable fees, including any state fee, for the compact privilege;

(7) Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

(8) 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 license. The licensee must comply with the requirements of Section 4.A. to maintain the compact privilege in the remote state.

(c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(d) A licensee providing physical 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 is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(e) 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 of the adverse action.

(f) 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.

(g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any 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

(3) Two years have elapsed from the date of the adverse action.

(h) Once the requirements of Section 4G have been met, the licensee must meet the requirements in Section 4A to obtain a compact privilege in a remote state.

SECTION 5. ACTIVE MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- (a) Home of record;
- (b) Permanent Change of Station (PCS); or
- (c) State of current residence if it is different than the PCS state or home of record.

SECTION 6. ADVERSE ACTIONS

(a) A home state shall have exclusive power to impose adverse action against a license issued by the home state.

(b) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(c) 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 and that such participation shall remain non-public if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(d) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(e) A remote state shall have the authority to:

(1) Take adverse actions as set forth in Section 4.D. against a licensee's compact privilege in the state;

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party 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 where the witness and/or evidence are located; and

(3) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(f) Joint Investigations

(1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a 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.

SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY
COMPACT COMMISSION

(a) The Compact member states hereby create and establish a joint public agency known as the Physical 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 a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(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.

(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.

(6) 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.

(7) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The Commission shall have the following powers and duties:

(1) Establish the fiscal year of the Commission;

(2) Establish bylaws;

(3) Maintain its financial records in accordance with the bylaws;

(4) Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

(5) 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;

(6) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(7) Purchase and maintain insurance and bonds;

(8) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to 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;

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

- (13) Establish a budget and make expenditures;
- (14) Borrow money;
- (15) 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;
- (16) Provide and receive information from, and cooperate with, law enforcement agencies;
- (17) Establish and elect an Executive Board; and
- (18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.

(d) The Executive Board

The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact.

- (1) The Executive Board 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 the recognized national physical therapy professional association; and
 - (C) One ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.
- (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) Other duties as provided in rules or bylaws.
- (2) The ex-officio members will be selected by their respective organizations.
- (3) The Commission may remove any member of the Executive Board as provided in bylaws.
- (4) The Executive Board shall meet at least annually.
- (5) The Executive Board 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;

(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 9.

(2) The Commission or the Executive Board or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Board or other committees of the Commission must discuss:

(A) Noncompliance 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 the 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 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 8. 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) 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 or compact privilege;

(4) Nonconfidential information related to alternative program participation;

(5) Any denial of application for licensure; and the reason(s) for such denial; and

(6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

(c) Investigative information pertaining to a licensee in any member state will only be available to other party 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 9. 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) 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 four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

(d) 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 physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) 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 the 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.

(f) 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.

(g) 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 having at least twenty-five (25) members.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) 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 10. 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 nonmember 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 11. DATE OF IMPLEMENTATION OF THE INTER-STATE COMMISSION FOR PHYSICAL 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 physical 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 physical 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 12. 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 party 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 party state, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

History.
Code 1981, § 43-33-31, enacted by Ga. L. 2019, p. 126, § 4/HB 39; Ga. L. 2025, p. 1029, § 43(11)/SB 153, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, part of an Act to revise, modern-

ize, and correct the Code, substituted “10 U.S.C. Chapters 1209 and 1211” for “10 U.S.C. Section 1209 and 1211” in paragraph (1) of Section 2.

CHAPTER 34

PHYSICIANS, ACUPUNCTURE, PHYSICIAN ASSISTANTS, CANCER AND GLAUCOMA TREATMENT, RESPIRATORY CARE, CLINICAL PERFUSIONISTS, AND ORTHOTICS AND PROSTHETICS PRACTICE

Article 1

Georgia Composite Medical Board

Sec.

43-34-8. Authority to refuse license, certificate, or permit or issue discipline; suspension; restoration; investigations; hearings on fitness; immunity; publication of final disciplinary actions.

43-34-15. Prohibition on certain therapies and procedures for treatment of gender dysphoria in minors; regulations; exceptions; accountability.

Article 2

Medical Practice

43-34-23. Delegation of authority to nurse or physician assistant.

43-34-25. Delegation of certain medical acts to advanced practice registered nurse; construction and limitations of such delegation; conditions of nurse protocol; issuance of prescription drug orders.

Sec.

43-34-26.1. Vaccine protocol agreements.

43-34-37. Persons authorized to perform artificial insemination, in vitro fertilization, or other similar method of assisted reproduction; limited immunity from civil liability; criminal penalty for unauthorized persons.

Article 4

Physician Assistants

43-34-103. Application for licensure as a physician assistant; authorized delegated authority; prohibited acts.

Article 9

Cosmetic Laser Services

43-34-242. Definitions.

43-34-244. Two levels of license; application.

Article 10

Pain Management Clinic

43-34-290. Confidentiality of records.

ARTICLE 1

GEORGIA COMPOSITE MEDICAL BOARD

43-34-8. Authority to refuse license, certificate, or permit or issue discipline; suspension; restoration; investigations; hearings on fitness; immunity; publication of final disciplinary actions.

(a) The board shall have authority to refuse to grant a license, certificate, or permit to an applicant or to discipline a person regulated under this chapter or any antecedent law upon a finding by the board that the licensee, certificate holder, or permit holder or applicant has:

(1) Failed to demonstrate the qualifications or standards for a license, certificate, or permit contained in this chapter or in the rules and regulations of the board. It shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he or she meets all requirements for the issuance of a license; and, if the board is not satisfied as to the applicant's qualifications, it shall not issue a license, certificate, or permit;

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of a profession licensed, certified, or permitted under this chapter or in any document connected therewith; practiced fraud or deceit or intentionally made any false statement in obtaining a license, certificate, or permit under this chapter to practice pursuant to this chapter; or made a false statement or deceptive registration with the board;

(3) Been convicted of a felony in the courts of this state or any other state, territory, country, or of the United States. As used in this paragraph, the term "conviction of a felony" shall include a conviction of an offense which if committed in this state would be deemed a felony under either state or federal law, without regard to its designation elsewhere. As used in this paragraph, the term "conviction" shall include a finding or verdict of guilt, a plea of guilty resulting in first offender status, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon;

(4) Committed a crime involving moral turpitude, without regard to conviction; the conviction of a crime involving moral turpitude shall be evidence of the commission of such crime. As used in this paragraph, the term "conviction" shall have the meaning prescribed in paragraph (3) of this subsection. For the purpose of this chapter, a conviction or plea of guilty or of nolo contendere to a charge or indictment by either federal or state government for income tax evasion shall not be considered a crime involving moral turpitude;

(5) Had his or her license, certificate, or permit to practice pursuant to this chapter revoked, suspended, or annulled by any lawful licensing authority; had other disciplinary action taken against him or her by any lawful licensing authority; or been denied a license by any lawful licensing authority;

(6) Advertised for or solicited patients; obtained a fee or other thing of value on the representation that a manifestly incurable disease can be permanently cured; or made untruthful or improbable statements, or flamboyant or extravagant claims concerning his or her professional excellence or treatment protocols;

(7) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which need not have

resulted in actual injury to any person. As used in this paragraph, the term “unprofessional conduct” shall include any departure from, or failure to conform to, the minimum standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimum standards of acceptable and prevailing medical practice or by rule of the board;

(8) Performed, procured, or aided or abetted in performing or procuring a criminal abortion;

(9) Knowingly maintained a professional connection or association with any person who is in violation of this chapter or the rules or regulations of the board; knowingly aided, assisted, procured, or advised any person to practice pursuant to this chapter contrary to this chapter or to the rules and regulations of the board; knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or entity to practice pursuant to this chapter; or divided fees or agreed to divide fees received for professional services with any person, firm, association, corporation, or other entity for bringing or referring a patient;

(10) Violated or attempted to violate a law, rule, or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, when such law, rule, or regulation relates to or in part regulates the practice of medicine, when the licensee or applicant knows or should know that such action violates such law, rule, or regulation; or violated a lawful order of the board previously entered by the board in a disciplinary hearing;

(11) Committed any act or omission which is indicative of bad moral character or untrustworthiness;

(12) Been adjudged mentally incompetent by a court of competent jurisdiction, within or outside this state. Any such adjudication shall automatically suspend the license, certificate, or permit of any such person and shall prevent the reissuance or renewal of any license, certificate, or permit so suspended for as long as the adjudication of incompetence is in effect unless the board, upon a finding that the licensee, certificate holder, or permit holder is mentally competent, orders otherwise. Any applicant who has been so adjudged to be mentally incompetent shall not receive a license, certificate, or permit unless the board, upon a finding that the applicant is mentally competent, orders otherwise;

(13)(A) Become unable to practice pursuant to this chapter with reasonable skill and safety to patients by reason of illness or use of

alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition.

(B) In enforcing this paragraph the board may, upon reasonable grounds, require a licensee, certificate holder, permit holder, or applicant to submit to a mental or physical examination by physicians designated by the board. The expense of this examination shall be borne by the licensee, certificate holder, or permit holder or applicant. The results of such examination shall be admissible in any hearing before the board, notwithstanding any claim of privilege under a contrary rule of law or statute, including, but not limited to, Code Section 24-5-501. Every person who shall accept the privilege of practicing a profession regulated under this chapter or who shall file an application for a license to practice a profession regulated under this chapter in this state shall be deemed to have given his or her consent to submit to such mental or physical examination and to have waived all objections to the admissibility of the results in any hearing before the board, upon the grounds that the same constitutes a privileged communication. If a licensee, certificate holder, or permit holder or applicant fails to submit to such an examination when properly directed to do so by the board, unless such failure was due to circumstances beyond his or her control, the board may enter a final order upon proper notice, hearing, and proof of such refusal. Any licensee, certificate holder, permit holder, or applicant who is prohibited from practicing pursuant to this chapter under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate to the board that he or she can resume or begin practice pursuant to this chapter with reasonable skill and safety to patients.

(C) For the purposes of this paragraph, the board and any entity which has entered into a contract with the board pursuant to Code Section 43-34-5.1, if specifically provided for in such contract, may, upon reasonable grounds, obtain any and all records relating to the mental or physical condition of a licensee, certificate holder, or permit holder or applicant, including psychiatric records; and such records shall be admissible in any hearing before the board, notwithstanding any privilege under a contrary rule of law or statute, including, but not limited to, Code Section 24-5-501. Every person who shall accept the privilege of practicing pursuant to this chapter in this state or who shall file an application to practice pursuant to this chapter in this state shall be deemed to have given his or her consent to the board's obtaining any such records and to have waived all objections to the admissibility of such records in any hearing before the board, upon the grounds that the same constitute a privileged communication.

(D) If any licensee, certificate holder, or permit holder or appli-

cant could, in the absence of this paragraph, invoke a privilege to prevent the disclosure of the results of the examination provided for in subparagraph (B) of this paragraph or the records relating to the mental or physical condition of such licensee, certificate holder, or permit holder or applicant obtained pursuant to subparagraph (C) of this paragraph, all such information shall be received by the board in camera and shall not be disclosed to the public, nor shall any part of the record containing such information be used against any licensee, certificate holder, or permit holder or applicant in any other type of proceeding;

(14) Cheated on or attempted to subvert an examination by the board;

(15) Committed an act of sexual abuse, misconduct, or exploitation of a patient including guardians and parents of minors;

(15.1)(A) Pleaded guilty to committing a sexual assault on a patient; or

(B) Been found guilty by a court of law of committing a sexual assault on a patient;

(16) Mistreated or abandoned a patient or his or her records; provided, however, that a physician in compliance with Chapter 33 of Title 31 shall not be considered to have abandoned patient records;

(17) Entered into conduct which discredits the profession;

(18) Failed to furnish records, including, but not limited to, medical records, to the board in response to a subpoena or failed to answer questions on the renewal of the license, certificate, or permit;

(19) Failed to maintain appropriate medical or other records as required by board rule;

(20) Failed to follow generally accepted infection control procedures or Occupational Safety and Health Administration standards;

(21) Failed to comply with federal laws and standards relating to the practice of medicine or other health care profession regulated under this chapter, the regulations of drugs, the delivery of health care, or other related laws;

(22) Failed to comply with an order for child support as defined by Code Section 19-11-9.3; it shall be incumbent upon the applicant, licensee, certificate holder, or permit holder to supply a notice of release to the board from the appropriate child support authorities within the Department of Human Services indicating that the licensee, certificate holder, permit holder, or applicant has come into compliance with an order for child support so that a license,

certificate, or permit may be issued if all other conditions for the issuance of a license, certificate, or permit are met; or

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

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

(a.1) The provisions of Chapter 13 of Title 50, the “Georgia Administrative Procedure Act,” with respect to emergency action by a professional licensing board and summary suspension of a license are adopted and incorporated by reference into this Code section.

(a.2) Upon a finding by the board that the public health, safety, or welfare imperatively requires emergency action pursuant to an alleged sexual assault on a patient by a licensee, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action, which proceeding shall be promptly instituted and determined.

(b)(1) When the board finds that any person is unqualified to be granted a license, certificate, or permit or finds that any person should be disciplined pursuant to subsection (a) of this Code section, the board may take any one or more of the following actions:

- (A) Refuse to grant a license, certificate, or permit to an applicant;
- (B) Place the licensee, certificate holder, or permit holder on probation for a definite or indefinite period with terms and conditions;
- (C) Administer a public or private reprimand, provided that a private reprimand shall not be disclosed to any person except the licensee, certificate holder, or permit holder;
- (D) Suspend any license, certificate, or permit for a definite or indefinite period;
- (E) Limit or restrict any license, certificate, or permit;
- (F) Revoke any license, certificate, or permit;
- (G) Impose a fine not to exceed \$3,000.00 for each violation of a law, rule, or regulation relating to the licensee, certificate holder, permit holder, or applicant;

(H) Impose a fine in a reasonable amount to reimburse the board for the administrative costs;

(I) Require passage of a board approved minimum competency examination;

(J) Require board approved medical education;

(K) Condition the penalty, or withhold formal disposition, which shall be kept confidential unless there is a public order upon the applicant, licensee, certificate holder, or permit holder's submission to the care, counseling, or treatment by physicians or other professional persons, which may be provided pursuant to Code Section 43-34-5.1, and the completion of such care, counseling, or treatment, as directed by the board; or

(L) Require a board approved mental and physical evaluation of all licensees, certificate holders, or permit holders.

(2) In addition to and in conjunction with the actions enumerated pursuant to paragraph (1) of this subsection, the board may make a finding adverse to the licensee, certificate holder, permit holder, or applicant but withhold imposition of judgment and penalty; or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee, certificate holder, permit holder, or applicant on probation, which may be vacated upon noncompliance with such reasonable terms as the board may impose.

(3) Neither the issuance of a private reprimand nor the denial of a license, certificate, or permit nor the denial of a request for reinstatement of a revoked license, certificate, or permit nor the refusal to issue a previously denied license, certificate, or permit 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 said chapter shall not be required, but the applicant or licensee, certificate holder, or permit holder shall be allowed to appear before the board if he or she so requests. The board may resolve a pending action by the issuance of a letter of concern. Such letter shall not be considered a disciplinary action or a contested case under Chapter 13 of Title 50 and shall not be disclosed to any person except the holder of a license, certificate, or permit or an applicant.

(b.1) The board shall not suspend the license, certificate, or permit of a person licensed by the 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 education loan, loan repayment, or service conditional scholarship program.

(c) In its discretion, the board may restore and reissue a license, certificate, or permit issued under this chapter or any antecedent law

and, as a condition thereof, may impose any disciplinary or corrective measure provided in this chapter.

(d) The executive director is vested with the power and authority to make, or cause to be made through employees or agents of the board, such investigations as he or she, or the board, or any district attorney may deem necessary or advisable in the enforcement of this chapter. Any person properly conducting an investigation on behalf of the board shall have access to and may examine any writing, document, or other material, except that as to which privilege has not been denied or deemed waived by this chapter, and which is deemed by the chairperson of the board, or vice chairperson if the chairperson is not available, to be related to the fitness of any licensee, certificate holder, permit holder, or applicant to practice pursuant to this chapter. The executive director or the chairperson of the board, or vice chairperson if the chairperson is not available, may issue subpoenas to compel such access. When a subpoena is disobeyed, the board may apply to the superior court of the county where the person to whom the subpoena is issued resides for an order requiring obedience. Failure to comply with such order shall be punishable as for contempt of court. The results of any investigations whatsoever shall be reported only to the board, and the records of such investigations shall be kept by the board; no part of any such record shall be released for any purpose other than a hearing before the board and as provided in Chapter 34A of this title; nor shall such records be subject to subpoena. The board shall be authorized to release records that are not otherwise confidential or privileged only to another state or federal enforcement agency or lawful licensing authority and such release shall not alter the confidential or privileged nature of the documents.

(e) In any hearing to determine a licensee's, certificate holder's, permit holder's, or applicant's fitness to practice pursuant to this chapter, any record relating to any patient of the licensee, certificate holder, permit holder, or applicant shall be admissible into evidence, regardless of any statutory privilege which such patient might otherwise be able to invoke. In addition, no such patient may withhold testimony bearing upon a licensee's, certificate holder's, permit holder's, or applicant's fitness to practice pursuant to this chapter on the ground of privilege between such licensee, certificate holder, permit holder, or applicant and such patient. Any testimony or written evidence relating to a patient of a licensee, certificate holder, permit holder, or applicant or to the record of any such patient shall be received by the board in camera and shall not be disclosed to the public.

(f) In any hearing in which the fitness of a licensee, certificate holder, permit holder, or applicant to practice pursuant to this chapter is in question, the board may exclude all persons from its deliberation of the

appropriate action to be taken and may, when in its discretion it deems it necessary, speak to a licensee, certificate holder, permit holder, or applicant in private.

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

(h) Peer review conducted pursuant to this Code section shall be subject to the provisions of Article 6 of Chapter 7 of Title 31, relating to medical peer review groups. Any person providing information for purposes of peer review under this Code section and any person providing information to the board under this Code section shall not be criminally or civilly liable in any way for such actions unless:

(1) Such information is unrelated to the carrying out of peer review under this Code section; or

(2) Such information is false and the person disclosing such information knew that such information was false.

(i) This Code section is enacted in the public welfare and shall be liberally construed.

(j) The board shall investigate a licensee's, certificate holder's, or permit holder's fitness to practice pursuant to this chapter if the board has received a notification, pursuant to Code Section 33-3-27, regarding that licensee, certificate holder, or permit holder of a medical malpractice judgment or settlement in excess of \$100,000.00 or a notification pursuant to Code Section 33-3-27 that there have been two or more previous judgments against or settlements with the licensee, certificate holder, or permit holder relating to practice pursuant to this chapter involving an action for medical malpractice. Every licensee, certificate holder, or permit holder shall notify the board of any settlement or judgment, excluding any low payment under a high/low agreement, involving the licensee, certificate holder, or permit holder

involving an action for medical malpractice. For purposes of this subsection, the terms “high/low agreement” and “low payment” shall have the same meaning as in Code Section 33-3-27.

(k) The board may conduct an assessment of a licensee’s, certificate holder’s, or permit holder’s fitness to practice pursuant to this chapter if it has disciplined the licensee, certificate holder, or permit holder three times in the last ten years as a result of an action for medical malpractice. The assessment shall include an examination of the licensee’s, certificate holder’s, or permit holder’s entire history with respect to practice pursuant to this chapter and a one-day on-site visit to the licensee’s, certificate holder’s, or permit holder’s current practice location. The assessment shall be completed within six months of the third disciplinary action. As a result of its findings the board may take any action it deems necessary to reduce medical errors and promote patient safety, including revocation, suspension, or limiting the licensee’s, certificate holder’s, or permit holder’s license, certificate, or permit or requiring additional clinical training, additional continuing medical education, proctoring, or referral to appropriate rehabilitation facilities. As used in this subsection, the term “action for medical malpractice” shall have the same meaning as provided in Code Section 9-3-70. The board shall implement this subsection upon the effective date of a specific appropriation of funds for purposes of this subsection as expressed in a line item making specific reference to the full funding of this subsection in an appropriations Act enacted by the General Assembly.

(l) If any licensee, certificate holder, permit holder, or applicant after 30 days’ notice fails to appear at any hearing of the board for that licensee, certificate holder, permit holder, or applicant, the board may proceed to hear the evidence against such licensee, certificate holder, permit holder, or applicant and take action as if such licensee, certificate holder, permit holder, or applicant had been present. A notice of hearing, initial or recommended decision, or final decision of the board in a disciplinary proceeding shall be served personally upon the licensee, certificate holder, permit holder, or applicant or served by certified mail, return receipt requested, to the last known address of record with the board. If such material is served by certified mail and is returned marked “unclaimed” or “refused” or is otherwise undeliverable and if the licensee, certificate holder, permit holder, or applicant cannot, after diligent effort, be located, the executive director shall be deemed to be the agent for service for such licensee, certificate holder, permit holder, or applicant for purposes of this Code section, and service upon the executive director shall be deemed to be service upon the licensee, certificate holder, permit holder, or applicant.

(m) The voluntary surrender of a license, certificate, or permit or the failure to renew a license, certificate, or permit by the end of the

established penalty period shall have the same effect as a revocation of said license, certificate, or permit, subject to reinstatement in the discretion of the board. The board may restore and reissue a license, certificate, or permit to practice under this chapter and, as a condition thereof, may impose any disciplinary sanction provided by this Code section.

(n) Subsections (a) and (b) of this Code section shall be supplemental to and shall not operate to prohibit the board from acting pursuant to those provisions of law which may now or hereafter authorize other disciplinary grounds and actions for the board. In cases where those other provisions of law so authorize other disciplinary grounds and actions but subsections (a) and (b) of this Code section limit such grounds for action, those other provisions shall apply.

(o) The board shall publish all final public disciplinary actions taken against a licensee, certificate holder, or permit holder pursuant to this chapter on its official website.

History.

Ga. L. 1909, p. 123, § 10; Civil Code 1910, § 1741; Ga. L. 1913, p. 101, § 14; Ga. L. 1918, p. 173, § 8; Code 1933, §§ 84-916, 84-1210; Ga. L. 1957, p. 129, § 1; Ga. L. 1972, p. 673, § 1; Ga. L. 1974, p. 1156, § 6; Ga. L. 1977, p. 317, § 1; Ga. L. 1980, p. 3, § 2; Code 1981, § 43-34-37; Ga. L. 1982, p. 3, § 43; Ga. L. 1982, p. 2266, § 5; Ga. L. 1983, p. 3, § 32; Ga. L. 1983, p. 670, §§ 1, 2; Ga. L. 1987, p. 407, § 2; Ga. L. 1992, p. 6, § 43; Ga. L. 1993, p. 91, § 43; Ga. L. 1999, p. 81, § 43; Ga. L. 1999, p. 296, § 25; Ga. L. 2001, p. 192, § 4; Ga. L. 2001, p. 1170, § 3; Ga. L. 2005, p. 1, § 9/SB 3; Ga. L. 2008, p. 324, § 43/SB 455; Code 1981, § 43-34-8, as redesignated by Ga. L. 2009, p. 859, § 1/HB 509; Ga. L. 2010, p. 543, § 3/SB 252; Ga. L. 2010, p. 878, § 43/HB 1387; Ga. L. 2011, p. 99, § 74/HB 24; Ga. L. 2017, p. 774, § 43/HB 323; Ga. L. 2019, p. 462, § 1-16/SB 214; Ga. L. 2019, p. 826, § 2/HB 128; Ga. L. 2019, p. 1056, § 43/SB 52; Ga. L. 2021, p. 777, § 3/HB 458; Ga. L. 2024, p. 120, § 2-38/HB 985, effective June 30, 2024.

Amendments.

The first 2019 amendment, effective July 1, 2019, in subsection (a), added “; or” at the end of paragraph (a)(22), deleted former paragraph (a)(23), which read: “Failed to enter into satisfactory repayment status and is a borrower in default

as defined by Code Section 20-3-295; it shall be incumbent upon the applicant, licensee, certificate holder, or permit holder to supply the notice of release to the board from the Georgia Higher Education Assistance Corporation indicating that the licensee, certificate holder, permit holder, or applicant has entered into satisfactory repayment status so that a license, certificate, or permit may be issued or granted if all other conditions for issuance of a license, certificate, or permit are met; or”, and redesignated former paragraph (a)(24) as present paragraph (a)(23); and, in subsection (b.1), rewrote the first sentence, which read: “The board shall suspend the license, certificate, or permit of a person licensed by the board who has been certified by a federal agency and reported to the board for nonpayment or default or breach of a repayment or service obligation under any federal education loan, loan repayment, or service conditional scholarship program.”, and deleted the second through fifth sentences, which read: “Prior to the suspension, the licensee, certificate holder, or permit holder shall be entitled to notice of the board’s intended action and opportunity to appear before the board according to procedures set forth in the board’s rules and regulations. A suspension of a license, certificate, or permit under this subsection is not a contested case under Chapter

13 of Title 50, ‘Georgia Administrative Procedure Act.’ A license, certificate, or permit suspended under this Code section shall not be reinstated or reissued until the person provides the board a written release issued by the reporting agency stating that the person is making payments on the loan or satisfying the service requirements in accordance with an agreement approved by the reporting agency. If the person has continued to meet all other requirements for issuance of a license, certificate, or permit during the period of suspension, reinstatement of the license, certificate, or permit shall be automatic upon receipt of the notice and payment of any reinstatement fee which the board may impose.”

The second 2019 amendment, effective July 1, 2019, in subsection (j), inserted “, excluding any low payment under a high/low agreement,” near the middle of the second sentence, and added the last sentence.

The third 2019 amendment, effective May 12, 2019, part of an Act to revise, modernize, and correct the Code, inserted “the” preceding “ ‘Georgia Administrative Procedure Act.’ ” in subsection (b.1). See Editor’s notes regarding the effect of the amendments.

The 2024 amendment, effective June 30, 2024, deleted “is a borrower in default who is not in satisfactory repayment status under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or who” following “she” in subsection (b.1).

Editor’s notes.

Pursuant to the terms of subsection (k), funds were not appropriated at the 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, or 2024 session of the General Assembly. Funds were appropriated at the 2025 session of the General Assembly.

43-34-15. Prohibition on certain therapies and procedures for treatment of gender dysphoria in minors; regulations; exceptions; accountability.

(a) Except as otherwise provided in subsection (b) of this Code section, the following irreversible procedures and therapies performed on a minor for the treatment of gender dysphoria are prohibited in this state:

- (1) Sex reassignment surgeries, or any other surgical procedures, that are performed for the purpose of altering primary or secondary sexual characteristics; and
- (2) Hormone replacement therapies.

(b) The board shall adopt rules and regulations regarding the prohibitions contained in subsection (a) of this Code section, which shall contain limited exceptions for:

- (1) Treatments for medical conditions other than gender dysphoria or for the purpose of sex reassignment where such treatments are deemed medically necessary;
- (2) Treatments for individuals born with a medically verifiable disorder of sex development, including individuals born with ambiguous genitalia or chromosomal abnormalities resulting in ambiguity regarding the individual’s biological sex;

(3) Treatments for individuals with partial androgen insensitivity syndrome; and

(4) Continued treatment of minors who are, prior to July 1, 2023, being treated with irreversible hormone replacement therapies.

(c) A licensed physician who violates this Code section shall be held administratively accountable to the board for such violation.

History.

Code 1981, § 43-34-15, enacted by Ga. L. 2023, p. 6, § 3/SB 140, effective July 1, 2023.

Effective date.

This Code section became effective July 1, 2023.

Cross references.

Treatment of minors for gender dysphoria, § 31-7-3.5.

Editor's notes.

Ga. L. 2023, p. 6, § 1/SB 140, not codified by the General Assembly, provides: "The General Assembly finds that:

"(1) There has been a massive unexplained rise in diagnoses of gender dysphoria among children over the past ten years, with most of those experiencing this phenomenon being girls;

"(2) Gender dysphoria is often comorbid with other mental health and developmental conditions, including autism spectrum disorder;

"(3) A significant portion of children with gender dysphoria do not persist in their gender dysphoric conditions past early adulthood;

"(4) Certain medical treatments for gender dysphoria, including hormone replacement therapies and surgeries, have permanent and irreversible effects on children;

"(5) No large-scale studies have tracked people who received gender-related medical care as children to determine how many remained satisfied with their treatment as they aged and how many eventually regretted transitioning; on the contrary, the General Assembly is aware of statistics showing a rising number of such individuals who, as adults, have regretted undergoing such treatment and the permanent physical harm it caused;

"(6) Under the principle of 'do no harm,' taking a wait-and-see approach to minors with gender dysphoria, providing counseling, and allowing the child time to mature and develop his or her own identity is preferable to causing the child permanent physical damage; and

"(7) The General Assembly has an obligation to protect children, whose brains and executive functioning are still developing, from undergoing unnecessary and irreversible medical treatment."

ARTICLE 2

MEDICAL PRACTICE

43-34-23. Delegation of authority to nurse or physician assistant.

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

(1) "Administer" means to give a unit dose of any drug or to perform any medical treatment or diagnostic study.

(2) "Controlled substance" means any controlled substance, as defined in Code Section 16-13-21, except any Schedule I controlled substance listed in Code Section 16-13-25.

(3) “Dangerous drug” means any dangerous drug, as defined in Code Section 16-13-71, but does not include any controlled substance or Schedule I controlled substance.

(3.1) “Dispense” means to issue one or more doses of any drug in a suitable container with appropriate labeling for subsequent administration to, or use by, a patient.

(4) “Dispensing procedure” means a written document signed by a licensed pharmacist and a licensed physician which document establishes the appropriate manner under which drugs may be dispensed pursuant to this Code section.

(5) “Drug” means any dangerous drug or controlled substance.

(5.1) “Job description” shall have the same meaning as in Code Section 43-34-102.

(6) “Nurse” means a person who is a registered professional nurse licensed as such under Article 1 of Chapter 26 of this title.

(7) “Nurse protocol” means a written document mutually agreed upon and signed by a nurse and a licensed physician, by which document the physician delegates to that nurse the authority to perform certain medical acts pursuant to subsection (b) of this Code section, and which acts shall include, without being limited to, the administering and ordering of any drug.

(8) “Order” means to select a drug, medical treatment, or diagnostic study through physician delegation in accordance with a nurse protocol or a physician assistant’s job description. Ordering under such delegation shall not be construed to be prescribing nor shall ordering of a drug be construed to authorize the issuance of a written prescription.

(9) “Physician assistant” means a person licensed as a physician assistant pursuant to Article 4 of this chapter, the “Physician Assistant Act.”

(b)(1)(A) A physician may delegate the authority contained in subparagraph (B) of this paragraph to:

(i) A physician assistant in accordance with a job description;
or

(ii) A nurse recognized by the Georgia Board of Nursing as a certified nurse midwife, certified registered nurse anesthetist, certified nurse practitioner, or clinical nurse specialist in psychiatric/mental health in accordance with a nurse protocol.

(B) A physician may delegate to those healthcare professionals identified in subparagraph (A) of this paragraph:

(i) The authority to order controlled substances selected from a formulary of such drugs established by the board and the authority to order dangerous drugs, medical treatments, and diagnostic studies;

(ii) The authority to request, receive, and sign for professional samples and to distribute professional samples to patients. The office or facility at which the healthcare professional identified in subparagraph (A) of this paragraph is working shall maintain a general list of the professional samples approved by the delegating physician for request, receipt, and distribution by the healthcare professional identified in subparagraph (A) of this paragraph as well as a complete list of the specific number and dosage of each professional sample and medication voucher received. Professional samples that are distributed by a healthcare professional identified in subparagraph (A) of this paragraph shall be so noted in the patient's medical record. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations; and

(iii) The authority to sign, certify, and endorse all documents relating to healthcare provided to a patient within his or her scope of authorized practice, including, but not limited to, documents relating to physical examination forms of all state agencies and verification and evaluation forms of the Department of Human Services, the State Board of Education, local boards of education, the Department of Community Health, and the Department of Corrections; provided, however, that a healthcare professional identified in subparagraph (A) of this paragraph shall not have the authority to assign a percentage of a disability rating.

Healthcare professionals identified in subparagraph (A) of this paragraph must complete biennial continuing education regarding the recognition and documentation of the causes of death and appropriate execution of death certificates, as approved by the board.

(2) A physician may delegate to a nurse or physician assistant the authority to order dangerous drugs, medical treatments, or diagnostic studies and a nurse or physician assistant is authorized to dispense dangerous drugs, in accordance with a dispensing procedure and under the authority of an order issued in conformity with a nurse protocol or job description, if that nurse or physician assistant orders or dispenses those dangerous drugs, medical treatments, or diagnostic studies:

(A) As an agent or employee of:

- (i) The Department of Public Health;
- (ii) Any county board of health; or
- (iii) Any organization:

(I) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, other than an organization which is a hospital, preferred provider organization, health maintenance organization, or similar organization; or

(II) Established under the authority of or receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act,

which organization provides that those medical services and dangerous drugs which are ordered or dispensed by its physician assistants and nurses will be provided at no cost to the patient or at a cost based solely upon the patient's ability to pay; and

(B) In conformity with subsection (b) of Code Section 26-4-130 and the rules and regulations established pursuant thereto by the State Board of Pharmacy.

(3) In addition, a physician may delegate to a nurse or physician assistant the authority to order dangerous drugs, medical treatments, or diagnostic studies and a nurse or physician assistant is authorized to dispense dangerous drugs, in accordance with a dispensing procedure and under the authority of an order issued in conformity with a nurse protocol or job description, if that nurse or physician assistant orders or dispenses such drugs, treatments, or studies to a patient of an outpatient clinic:

(A) Which is owned or operated by a licensed hospital;

(B) Which provides such drugs, treatments, or studies free or at a charge to the patient based solely upon the patient's ability to pay; provided, however, such charge shall not exceed the actual cost to the outpatient clinic; and

(C) Whose services are primarily provided to the medically disadvantaged

and that nurse or physician assistant orders or dispenses such drugs in conformity with subsection (b) of Code Section 26-4-130 and the rules and regulations established pursuant thereto by the State Board of Pharmacy.

(4) Delegation of authority to a physician assistant pursuant to this subsection shall be authorized only if that delegation is con-

tained in the job description approved for that physician assistant by the board.

(5) Delegation of authority to a nurse pursuant to this subsection shall be authorized only if that delegation is contained in a nurse protocol for that nurse.

(c) The board shall be empowered to promulgate rules and regulations governing physicians and physician assistants to carry out the intents and purposes of this Code section, including establishing criteria and standards governing physicians, physician assistants, job descriptions, and nurse protocols. The board shall be authorized to require that protocols not falling within such established criteria and standards be submitted to the board for review and approval or rejection.

(d) Notwithstanding any other provision of law to the contrary, a physician assistant or nurse may perform any act authorized to be performed by that person pursuant to and in conformity with this Code section without such act constituting the practice of medicine.

(e) Nothing in this Code section shall be construed to limit or repeal this article and Articles 4 and 6 of this chapter, relating to physicians, osteopathic physicians, physician assistants, and respiratory therapists, or Article 1 of Chapter 26 of this title, relating to registered nurses.

(f) Nothing in this Code section shall be construed to limit or repeal any existing authority of a licensed physician to delegate to a qualified person any acts, duties, or functions which are otherwise permitted by law or established by custom.

(g) Nothing in this Code section shall be construed to authorize or permit the issuance of a Drug Enforcement Administration license to a nurse who is not an advanced practice registered nurse.

(h) Nothing in this Code section shall be construed to limit or repeal the authority of any organization described in division (i) or (ii) of subparagraph (b)(2)(A) of this Code section or any organization established under the authority of or receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act to supervise its agents or employees or interfere with the employer and employee relationship of any such agents or employees.

(i) Notwithstanding any other provision of law to the contrary, a physician assistant or nurse may perform any act deemed necessary to provide treatment to a hospital or nursing home patient in a life-threatening situation when such act is authorized by standing procedures established by the medical staff of the hospital or nursing home.

History.

Code 1981, § 43-34-26.1, enacted by Ga. L. 1989, p. 261, § 3; Ga. L. 1990, p. 8, § 43; Ga. L. 1991, p. 94, § 43; Ga. L. 1993, p. 91, § 43; Ga. L. 1997, p. 935, § 2; Ga. L. 1999, p. 81, § 43; Ga. L. 2002, p. 415, § 43; Ga. L. 2006, p. 125, § 8/SB 480; Ga. L. 2009, p. 453, § 1-4/HB 228; Code 1981, § 43-34-23, as redesignated by Ga. L. 2009, p. 859, § 1/HB 509; Ga. L. 2011, p. 441, § 1/HB 303; Ga. L. 2011, p. 705, § 6-1/HB 214; Ga. L. 2022, p. 352, § 43/HB 1428; Ga. L. 2024, p. 337, § 1-2/HB 1046, effective July 1, 2024.

Amendments.

The 2022 amendment, effective May 2, 2022, part of an Act to revise, modern-

ize, and correct the Code, substituted “or clinical nurse specialist in psychiatric/mental health” for “or clinical nurse specialist, psychiatric/mental health” in division (b)(1)(A)(ii).

The 2024 amendment, effective July 1, 2024, in subparagraph (b)(1)(B), substituted “healthcare” for “health care” throughout; deleted “sign death certificates or” preceding “assign” in division (b)(1)(B)(iii); and added the undersigned text following division (b)(1)(B)(iii).

RESEARCH REFERENCES**ALR.**

Malpractice of nurse practitioners, 80 A.L.R.7th 3.

43-34-24. Drug therapy management; modification by pharmacist.**Law reviews.**

For article, “Off-Label Innovation,” see 56 Ga. L. Rev. 701 (2022).

43-34-25. Delegation of certain medical acts to advanced practice registered nurse; construction and limitations of such delegation; conditions of nurse protocol; issuance of prescription drug orders.

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

(1) “Advanced practice registered nurse” shall have the same meaning as provided in paragraph (1.1) of Code Section 43-26-3.

(2) “Birthing center” means a facility or building where human births occur on a regular or ongoing basis and which is classified by the Department of Community Health as a birthing center.

(3) “Controlled substance” means any controlled substance as defined in Code Section 16-13-21 but shall not include any Schedule I controlled substance included in Code Section 16-13-25 or any Schedule II controlled substance included in Code Section 16-13-26, except as authorized pursuant to subsection (d.1) of this Code section.

(4) “Dangerous drug” means any dangerous drug as defined in Code Section 16-13-71.

(5) “Delegating physician” means a physician who has entered into a nurse protocol agreement pursuant to this Code section.

(6) “Diagnostic study” means a laboratory test, X-ray, ultrasound, or procedure used to identify a characteristic or distinguishing feature of a particular disease or condition.

(7) “Drug” means any dangerous drug or controlled substance.

(8) “Free health clinic” shall have the same meaning as provided in Code Section 51-1-29.4.

(9) Reserved.

(10) “Nurse protocol agreement” means a written document mutually agreed upon and signed by an advanced practice registered nurse and a physician, by which document the physician delegates to that advanced practice registered nurse the authority to perform certain medical acts pursuant to this Code section, and which acts may include, without being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic studies, or radiographic imaging tests. Such agreements shall conform to the provisions set forth in subsection (c) of this Code section.

(11) “Order” means to prescribe pursuant to a nurse protocol agreement which drug, medical device, medical treatment, diagnostic study, or radiographic imaging test is appropriate for a patient and to communicate the same in writing, orally, via facsimile, or electronically.

(12) “Physician” means a person licensed to practice medicine under this article and:

(A) Whose principal place of practice is within this state; or

(B) Whose principal place of practice is outside this state but is within 50 miles from the location where the nurse protocol agreement is being utilized within this state.

(13) “Prescription drug order” means a written or oral order of an advanced practice registered nurse for a drug or medical device for a specific patient. Such term includes an electronic visual image prescription drug order and an electronic data prescription drug order.

(14) “Professional sample” means a complimentary dose of a drug, medication, medication voucher, or medical device provided by the manufacturer for use in patient care.

(15) “Radiographic imaging test” means a computed tomography, magnetic resonance imaging, positron emission tomography, or nuclear medicine.

(b) In addition to and without limiting the authority granted pursuant to Code Section 43-34-23, a physician may delegate to an advanced practice registered nurse in accordance with a nurse protocol agreement the authority to order drugs, medical devices, medical treatments, diagnostic studies, or radiographic imaging tests or to sign death certificates. A selection box shall be added to death certificates to be checked off by nonphysicians completing the form.

(c) A nurse protocol agreement between a physician and an advanced practice registered nurse pursuant to this Code section shall:

(1) Be between an advanced practice registered nurse who is in a comparable specialty area or field as that of the delegating physician;

(2) Contain a provision for immediate consultation between the advanced practice registered nurse and the delegating physician; if the delegating physician is not available, the delegating physician for purposes of consultation may designate another physician who concurs with the terms of the nurse protocol agreement;

(3) Identify the parameters under which delegated acts may be performed by the advanced practice registered nurse, including without limitation the number of refills which may be ordered, the kinds of diagnostic studies which may be ordered, the extent to which radiographic imaging tests may be ordered, and the circumstances under which a prescription drug order may be executed. In the event the delegating physician authorizes the advanced practice registered nurse to order an X-ray, ultrasound, or radiographic imaging test, the nurse protocol agreement shall contain provisions whereby such X-ray, ultrasound, or radiographic imaging test shall be read and interpreted by a physician who is trained in the reading and interpretation of such tests; a report of such X-ray, ultrasound, or radiographic imaging test may be reviewed by the advanced practice registered nurse; and a copy of such report shall be forwarded to the delegating physician, except that such provision for an ultrasound shall not be required for an advanced practice registered nurse acting within his or her scope of practice as authorized by Code Sections 43-26-3 and 43-26-5;

(4) Require documentation either in writing or by electronic means or other medium by the advanced practice registered nurse of those acts performed by the advanced practice registered nurse which are specific to the medical acts authorized by the delegating physician;

(5) Include a schedule for periodic review by the delegating physician of patient records. Such patient records review may be achieved with a sampling of such records as determined by the delegating physician;

(6) Provide for patient evaluation or follow-up examination by the

delegating physician or other physician designated by the delegating physician pursuant to paragraph (2) of this subsection, with the frequency of such evaluation or follow-up examination based on the nature, extent, and scope of the delegated act or acts as determined by the delegating physician in accordance with paragraph (3) of this subsection and accepted standards of medical practice as determined by the board;

(7) Be reviewed, revised, or updated annually by the delegating physician and the advanced practice registered nurse;

(8) Be available for review upon written request to the advanced practice registered nurse by the Georgia Board of Nursing or to the physician by the board; and

(9) Provide that a patient who receives a prescription drug order for any controlled substance pursuant to a nurse protocol agreement shall be evaluated or examined by the delegating physician or other physician designated by the delegating physician pursuant to paragraph (2) of this subsection on at least a quarterly basis or at a more frequent interval as determined by the board.

(d) A written prescription drug order issued pursuant to this Code section shall be signed by the advanced practice registered nurse and shall be on a form which shall include, without limitation, the names of the advanced practice registered nurse and delegating physician who are parties to the nurse protocol agreement, the patient's name and address, the drug or device ordered, directions with regard to the taking and dosage of the drug or use of the device, and the number of refills. A prescription drug order which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.

(d.1) An advanced practice registered nurse who has at least one year of post-licensure clinical experience and is in good standing with the board may be authorized under a nurse protocol agreement to issue prescription drug orders for hydrocodone, oxycodone, or compounds thereof in emergency situations pursuant to the following requirements:

(1) The authorization is specifically included in the nurse protocol agreement;

(2) The advanced practice registered nurse has directly evaluated the patient;

(3) The prescription drug order is limited to an initial prescription, not to exceed a five-day supply;

(4) The prescription drug order is for an individual 18 years of age or older; and

(5) The advanced practice registered nurse completes one hour of continuing education biennially in the appropriate ordering and use of hydrocodone, oxycodone, and compounds thereof.

(e) An advanced practice registered nurse may be authorized under a nurse protocol agreement to request, receive, and sign for professional samples and may distribute professional samples to patients. The office or facility at which the advanced practice registered nurse is working shall maintain a general list of the professional samples approved by the delegating physician for request, receipt, and distribution by the advanced practice registered nurse as well as a complete list of the specific number and dosage of each professional sample and medication voucher received. Professional samples that are distributed by an advanced practice registered nurse shall be so noted in the patient's medical record. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations.

(e.1) Except for assigning a percentage of a disability rating, an advanced practice registered nurse may be delegated the authority to sign, certify, and endorse all documents relating to healthcare provided to a patient within his or her scope of authorized practice, including, but not limited to, documents relating to physical examination forms of all state agencies and verification and evaluation forms of the Department of Human Services, the State Board of Education, local boards of education, the Department of Community Health, and the Department of Corrections.

(f) A managed care system, health plan, hospital, insurance company, or other similar entity shall not require a physician or advanced practice registered nurse to be a party to a nurse protocol agreement as a condition for participation in or reimbursement from such entity.

(g) Except as otherwise provided in subsection (g.1) or (g.2) of this Code section, a delegating physician may not enter into a nurse protocol agreement pursuant to this Code section or enter into a job description with a physician assistant pursuant to Code Section 43-34-103 with more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time, except this limitation shall not apply to an advanced practice registered nurse who is practicing:

- (1) In a hospital licensed under Title 31;
- (2) In any college or university as defined in Code Section 20-8-1;
- (3) In the Department of Public Health;
- (4) In any county board of health;
- (4.1) In any community service board;

(5) In any free health clinic;

(6) In a birthing center;

(7) In any entity:

(A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or indigent Medicaid and Medicare patients; or

(B) Which has been established under the authority of or is receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;

(8) In any local board of education which has a school nurse program;

(9) In a health maintenance organization that has an exclusive contract with a medical group practice and arranges for the provision of substantially all physician services to enrollees in health benefits of the health maintenance organization; or

(10) Notwithstanding the provisions of subsection (d.1) of this Code section, in any emergency medical services system operated by, or on behalf of, any county, municipality, or hospital authority with a full-time physician medical director who does not order drugs, except that he or she may order up to a 14 day supply of drugs as necessary in an emergency situation, excluding benzodiazepines and all Schedule II controlled substances except hydrocodone, oxycodone, or compounds thereof; provided, however, that an advanced practice registered nurse shall not order radiographic imaging, diagnostic studies, or medical devices pursuant to this paragraph; and provided, further, that a patient shall be referred to a physician, a dentist, or a federally qualified health center.

(g.1) A delegating physician may not enter into a nurse protocol agreement pursuant to this Code section or enter into a job description with a physician assistant pursuant to Code Section 43-34-103 with more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time, may not supervise more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time pursuant to nurse protocol agreements or job descriptions, and shall not be required to conduct any meetings, observations, or review of medical records except as otherwise provided in this subsection, if the advanced practice registered nurses practice at a location that:

(1) Maintains evidence based clinical practice guidelines;

(2) Is accredited by an accrediting body approved by the board,

such as the Joint Commission or a nationally recognized accrediting organization with comparable standards;

(3) Requires the delegating physician to document and maintain a record of review of at least 10 percent of the advanced practice registered nurses' medical records to monitor quality of care being provided to patients, which may be conducted electronically or on site;

(4) Requires the delegating physician and advanced practice registered nurse to participate in and maintain documentation of quarterly clinical collaboration meetings, either by telephone, in person, or on site, for purposes of monitoring care being provided to patients; and

(5) Requires the delegating physician's name, contact information, and record of the visit to be provided to the patient's primary care provider of choice with the patient's consent within 24 hours of the visit.

(g.2) A delegating physician may not enter into a nurse protocol agreement pursuant to this Code section or enter into a job description with a physician assistant pursuant to Code Section 43-34-103 with more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time or supervise more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time in any emergency medical services system operated by, or on behalf of, any county, municipality, or hospital authority with a full-time medical director.

(h) Nothing in this Code section shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26 who, in good faith, fills a prescription drug order of an advanced practice registered nurse issued pursuant to a nurse protocol agreement.

(i) Nothing in this Code section shall be construed to apply to the practice of a certified registered nurse anesthetist.

(j) Nothing in this Code section shall be construed to require an advanced practice registered nurse to be a party to a nurse protocol agreement in order to practice as a registered professional nurse or an advanced practice registered nurse as otherwise permitted by Article 1 of Chapter 26 of this title.

(k) Nothing in this Code section shall be construed to authorize an advanced practice registered nurse to issue a prescription drug order for a Schedule I or II controlled substance, except as otherwise authorized pursuant to subsection (d.1) of this Code section, or autho-

size refills of any drug for more than 12 months from the date of the original order except in the case of oral contraceptives, hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months.

(l) Nothing in this Code section shall be construed to allow an advanced practice registered nurse to perform an abortion or to administer, prescribe, or issue a drug order that is intended to cause an abortion to occur pharmacologically.

(m)(1) The board shall have the authority to promulgate rules and regulations governing a delegating physician in order to carry out the intents and purposes of this Code section.

(2)(A) Further, the board shall be authorized to:

(i) Require that a nurse protocol agreement shall be filed by the delegating physician with the board within a reasonable time from the date of execution;

(ii) Determine, after review of a filed nurse protocol agreement, if such nurse protocol agreement fails to meet accepted standards of medical practice as established by the board; and

(iii) Require the delegating physician to amend any such noncompliant nurse protocol agreement in order to meet such accepted standards.

(B) If a medical practice has an existing approved nurse protocol agreement and an alternate delegating physician or a change in the delegating physician within the same or similar specialty, such new nurse protocol agreement for the new alternate delegating physician or a change in the delegating physician, upon submission, shall be automatically deemed approved by the board.

(C) If a delegating physician submits a nurse protocol agreement for a new advanced practice registered nurse and such nurse protocol agreement has substantially the same terms and provisions as a nurse protocol agreement previously submitted by such delegating physician for another advanced practice registered nurse and approved by the board, the nurse protocol agreement for the new advanced practice registered nurse, upon submission, shall be automatically deemed approved by the board.

(n) Except for practice settings identified in paragraph (7) of subsection (g) of this Code section, it shall be unlawful for a physician to be an employee of an advanced practice registered nurse, alone or in combination with others, if the physician is required to supervise the employing advanced practice registered nurse. Such conduct shall be subject to sanctions by the Georgia Board of Nursing as to the advanced practice registered nurse and the board as to the physician.

(o) An advanced practice registered nurse shall be allowed to make a pronouncement of death pursuant to authority delegated by the supervising physician of the advanced practice registered nurse and to certify such pronouncement in the same manner as a physician.

History.

Code 1981, § 43-34-26.3, enacted by Ga. L. 2006, p. 125, § 9/SB 480; Ga. L. 2007, p. 47, § 43/SB 103; Ga. L. 2008, p. 12, § 2-35/SB 433; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2009, p. 453, § 1-4/HB 228; Code 1981, § 43-34-25, as redesignated by Ga. L. 2009, p. 859, § 1/HB 509; Ga. L. 2011, p. 441, § 2/HB 303; Ga. L. 2011, p. 705, § 5-27/HB 214; Ga. L. 2015, p. 1346, § 2A/HB 436; Ga. L. 2017, p. 772, § 1/SB 242; Ga. L. 2019, p. 219, § 6/SB 168; Ga. L. 2019, p. 1056, § 43/SB 52; Ga. L. 2020, p. 650, § 1/SB 321; Ga. L. 2021, p. 922, § 43/HB 497; Ga. L. 2024, p. 95, § 2/HB 557, effective July 1, 2024; Ga. L. 2024, p. 337, § 2-1/HB 1046, effective May 1, 2024; Ga. L. 2024, p. 337, § 1-3/HB 1046, effective July 1, 2024; Ga. L. 2025, p. 1029, § 43(12)/SB 153, effective July 1, 2025.

Amendments.

The first 2024 amendment, effective July 1, 2024, added “, except as authorized pursuant to subsection (d.1) of this Code section” at the end of paragraph (a)(3); added subsection (d.1); in paragraph (g)(10), substituted “Notwithstanding the provisions of subsection (d.1) of this Code section, in” for “In” and substituted “benzodiazepines and all Schedule II controlled substances except hydrocodone, oxycodone, or compounds thereof” for “Schedule II controlled substances and benzodiazepines”; inserted “, except as otherwise authorized pursuant to subsection (d.1) of this Code section,” in the middle of subsection (k); and rewrote subsection (m).

The second 2024 amendment, effective May 1, 2024, in the beginning of subsection (g), inserted “or enter into a job description with a physician assistant pursuant to Code Section 43-34-103”, substituted “the combined equivalent of eight” for “four”, and inserted “or physician assistants”; substituted “Medicare” for “medicare” in subparagraph (g)(7)(A); in the beginning of subsection (g.1), inserted “or enter into a job description with

a physician assistant pursuant to Code Section 43-34-103” and “the combined equivalent of”, substituted “the combined equivalent of eight” for “four”, and inserted “or physician assistants” and “or job descriptions”; and, in subsection (g.2), inserted “or enter into a job description with a physician assistant pursuant to Code Section 43-34-103” and “the combined equivalent of”, substituted “the combined equivalent of eight” for “four”, and inserted “or physician assistants” twice; and, effective July 1, 2024, added “or to sign death certificates. A selection box shall be added to death certificates to be checked off by nonphysicians completing the form” at the end of subsection (b) and, in subsection (e.1), deleted “death certificates and” preceding “assigning” near the beginning and substituted “healthcare” for “health care” near the middle.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “who” for “and who” in paragraph (g)(10); deleted a comma following “body” in paragraph (g.1)(2); and deleted “that” following “nurse protocol agreement” in subparagraph (m)(2)(C).

Editor’s notes.

Ga. L. 2024, p. 95, § 1/HB 557, not codified by the General Assembly, provides: “The General Assembly finds:

“(1) Governor Kemp created the Georgia Healthcare Workforce Commission in 2022;

“(2) The commission recognized that Georgia is now in the minority of states with restrictions on certain healthcare occupations, such as nurse practitioners and physician assistants, and that research also suggests that in appropriate circumstances, revising practice restrictions on certain healthcare occupations and granting increased practice authority has the potential to improve access to care without compromising quality or increasing costs;

“(3) The commission believes that exploring updating scope of practice limitations could potentially ease pressure on the healthcare workforce by allowing certain healthcare occupations to perform more advanced work in healthcare settings which could decrease work burden on other clinical providers;

“(4) Georgia is one of only three states that forbids physician assistants and nurse practitioners from prescribing any Schedule II medications; and

“(5) A more streamlined process at the Georgia Composite Medical Board will allow already licensed and certified practitioners to more quickly begin work.”

43-34-26.1. Vaccine protocol agreements.

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

(1) “Administer” means the provision of a unit dose of vaccine by a pharmacist or nurse pursuant to a vaccine order contained in a vaccine protocol agreement with a physician.

(2) “Adverse event” means an event that is a negative consequence of the administration of vaccine by a pharmacist or nurse that results in an unintended reaction, injury, or illness, which may or may not have been preventable.

(3) “Board” means the Georgia Composite Medical Board.

(4) “Georgia Registry of Immunization Transactions and Services” or “vaccination registry” means the vaccination registry established by Department of Public Health pursuant to Code Section 31-12-3.1.

(5) “Nurse” means a registered professional nurse as defined in paragraph (9) of Code Section 43-26-3. The term shall also mean a licensed practical nurse as defined in paragraph (5) of Code Section 43-26-32 who is regularly employed by a physician engaged in the active practice of medicine.

(6) “Pharmacist” means an individual licensed under Chapter 4 of Title 26 to engage in the practice of pharmacy in the State of Georgia.

(7) “Pharmacy intern” means a pharmacy intern as defined in paragraph (19) of Code Section 26-4-5.

(8) “Physician” means an individual licensed to practice medicine and surgery pursuant to this article and whose principal place of practice is located in this state.

(9) “Vaccine” means:

(A) A vaccine that is included on the adult immunization schedule recommended by the Advisory Committee on Immunization Practices (ACIP) of the federal Centers for Disease Control and Prevention administered to an individual 18 years of age or older;

(B) An influenza vaccine administered to an individual 13 years of age or older; and

(C) Any vaccine administered to an individual 13 years of age or older for an illness that has resulted in a public health emergency, as defined in Code Section 31-12-1.1.

(10) "Vaccine order" means a prescription drug order, contained in a vaccine protocol agreement, for a vaccine issued by a physician for a group of patients who meet certain criteria and to be administered by a pharmacist or a nurse. A vaccine order shall also mean a prescription drug order, contained in a vaccine protocol agreement, for epinephrine issued by a physician for a group of patients who meet certain criteria and to be administered by a pharmacist or a nurse only upon the occurrence of an actual or perceived anaphylactic adverse reaction to the administered vaccine provided that the vaccine protocol agreement sets forth the signs and symptoms that warrant the administration of epinephrine.

(11) "Vaccine protocol agreement" means a written document mutually agreed upon and signed by a physician and a pharmacist or by a physician and a nurse, by which document the physician prescribes a vaccine and epinephrine, if determined appropriate by the physician, by means of a vaccine order for administration by a pharmacist or a nurse.

(b) A physician engaged in the active practice of medicine may prescribe a vaccine for a group of patients via a vaccine order contained in a vaccine protocol agreement to be administered by a pharmacist, provided the physician resides in Georgia and is registered with the Georgia Registry of Immunization Transactions and Services; the pharmacist holds current certification in Basic Cardiac Life Support and has completed a course of training accredited by the Accreditation Council for Pharmacy Education or similar health authority or professional body approved by the Georgia State Board of Pharmacy; and the pharmacist completes a training program recognized by the federal Centers for Disease Control and Prevention in the basics of immunology which focuses on practice implementation and legal and regulatory issues, composed of: (1) at least 12 hours of self-study and an assessment exam; (2) at least eight hours of live seminar with a final exam; and (3) a hands-on assessment of intramuscular and subcutaneous injection technique. A physician who is a party to a vaccine protocol agreement may also prescribe epinephrine via a vaccine order contained in a vaccine protocol agreement for administration by a pharmacist upon the occurrence of an actual or perceived anaphylactic adverse reaction to the administered vaccine, provided that the vaccine protocol agreement sets forth the signs and symptoms that warrant the administration of epinephrine.

(c) A physician engaged in the active practice of medicine may prescribe a vaccine for a group of patients via a vaccine order contained

in a vaccine protocol agreement to be administered by a nurse, provided the physician is registered with the Georgia Registry of Immunization Transactions and Services, the nurse is located within the county of the physician's place of registration with the vaccination registry or a county contiguous thereto, and the nurse holds current certification in Basic Cardiac Life Support. A physician who is a party to a vaccine protocol agreement may also prescribe epinephrine via a vaccine order contained in a vaccine protocol agreement for administration by a nurse upon the occurrence of an actual or perceived anaphylactic adverse reaction to the administered vaccine, provided that the vaccine protocol agreement sets forth the signs and symptoms that warrant the administration of epinephrine.

(d) A vaccine protocol agreement between a physician and a pharmacist or a physician and a nurse pursuant to this Code section shall, without limitation:

(1) Contain the current names, addresses, telephone numbers, and professional license numbers of the physician and the pharmacist or nurse;

(2) Contain a provision for immediate consultation between the pharmacist or nurse and the physician. If the physician is not available, the physician for purposes of consultation may designate another physician who concurs with the terms of the vaccine protocol agreement;

(3) Require the pharmacist or nurse to take an appropriate case history and determine whether the patient has had a physical examination within the past year and shall not administer a vaccine to a patient with any condition for which such vaccine is contraindicated;

(4) Require the pharmacist or nurse to provide the vaccine recipient with the appropriate and current Vaccine Information Statement as provided by the federal Centers for Disease Control and Prevention;

(5) Require the pharmacist or nurse to provide written information to the vaccine recipient to be developed by the Department of Public Health on the importance of having and periodically seeing a primary care physician;

(6) Require the pharmacist or nurse or his or her employer to retain documentation of each dose of vaccine administered. Such documentation shall include, but not be limited to:

(A) The administering pharmacist's or nurse's name, address, telephone number, and professional license number;

(B) The name, dose, manufacturer, and lot number of the vaccine;

(C) The vaccine recipient's name, address, date of birth, and telephone number;

(D) The date of administration and injection site;

(E) A signed and dated consent form by which the vaccine recipient acknowledges receipt of the Vaccine Information Statement, consents to the administration of the vaccine, and authorizes the pharmacy or nurse to notify the vaccine recipient's primary care provider of the vaccine administered to the vaccine recipient; and

(F) Any adverse events or complications that occur;

(7) Require the pharmacist or nurse to make documented reasonable efforts to obtain the name of the vaccine recipient's primary care provider and to notify such primary care provider of the vaccine administered by the pharmacist or nurse within 72 hours of administration;

(8) Require the pharmacist or nurse to administer the vaccine to a patient in a private room, area with a privacy screen, or other interior area in which the patient's privacy can be maintained. In no event shall a pharmacist or nurse administer a vaccine to a patient in a manner that is designed so that the patient can be served while remaining in his or her personal vehicle. This paragraph shall not apply to mass immunizations in the event of a public health emergency, as defined in Code Section 31-12-1.1, or for purposes of training in which vaccinations are administered to large groups of people at one or more locations in a short interval of time;

(9) Require the pharmacist, nurse, or his or her designee to check the Georgia Registry of Immunization Transactions and Services prior to administration of the vaccine and to enter the patient's vaccine information in the Georgia Registry of Immunization Transactions and Services within the vaccination registry's designated time frame, or as designated by the Department of Public Health; provided, however, that a pharmacist, nurse, or his or her designee shall not be required to check the Georgia Registry of Immunization Transactions and Services during:

(A) A public health emergency, as defined in Code Section 31-12-1.1, for any vaccine administered to address the cause of the threat of an illness or health condition or the infectious agent or biological toxin which resulted in such public health emergency; or

(B) A vaccination event for influenza that is anticipated to serve 75 or more patients.

The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions in accordance with subsection (r) of this Code section on any person subject to the requirements of this paragraph who does not submit the information required by this paragraph and to notify the delegating physician and the applicable licensing board for such person of violations of this paragraph;

(10) Require, as a condition of administration of the vaccine, the vaccine recipient to remain under the observation of a pharmacist or nurse for a period of not less than 15 minutes immediately subsequent to the administration of the vaccine;

(11) Contain procedures to follow up on the occurrence of an adverse event or complication including, if prescribed via a vaccine order contained in a vaccine protocol agreement, the administration of epinephrine;

(12) Provide for prioritization of vaccine recipients in the event the supply of a vaccine is limited;

(13) Require the pharmacist or nurse to maintain individual liability insurance coverage or be individually covered by his or her employer's liability insurance coverage in an amount not less than \$250,000.00 to cover claims arising from administration of vaccines by the pharmacist or nurse pursuant to a vaccine protocol agreement and to provide proof of such coverage to the physician for submission to the board with the vaccine protocol agreement. The pharmacist or nurse shall also retain a copy of the proof of insurance coverage, including the name of the insurer and policy number, on site at his or her primary location for inspection by the Georgia Drugs and Narcotics Agency, upon request;

(14) Require the pharmacist or nurse to post proof of the vaccine protocol agreement, including a list of the vaccines authorized by such protocol, in a conspicuous location within the pharmacy or other setting in which the vaccine is being administered;

(15) Require the pharmacist or nurse to submit a signed and notarized affidavit to the physician attesting to the following:

(A) Compliance with paragraph (13) of this subsection regarding maintenance of liability insurance;

(B) Verification that the pharmacist or nurse holds current certification in Basic Cardiac Life Support as required by subsections (b) and (c) of this Code section and, for pharmacists, verification of completion of immunology training as required by subsection (b) of this Code section;

(C) The pharmacist or nurse has a copy of the vaccine protocol agreement and agrees to comply with its requirements; and

(D) Identification of the pharmacist's or nurse's location or locations in which he or she will be administering vaccinations pursuant to the vaccine protocol agreement.

The pharmacist or nurse shall keep a copy of the affidavit on site at his or her primary location for inspection by the Georgia Drugs and Narcotics Agency, upon request. The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions in accordance with subsection (r) of this Code section on any person subject to the requirements of this paragraph who does not submit the information required by this paragraph and to notify the delegating physician and the applicable licensing board for such person of violations of this paragraph; and

(16) Be renewed and, if necessary, revised or updated biennially by the physician and the pharmacist or nurse. A vaccine protocol agreement that is not renewed biennially shall expire.

(e)(1) A pharmacist who is a party to a vaccine protocol agreement pursuant to this Code section shall not delegate the administration of a vaccine to any individual other than:

(A) A pharmacy intern; or

(B) A qualified pharmacy technician in accordance with paragraph (2) of this subsection,

under the direct supervision of the pharmacist whether or not any such other individual is under the supervision, direct or otherwise, of the pharmacist.

(2) A pharmacist who is a party to a vaccine protocol agreement pursuant to this Code section may authorize one or more qualified pharmacy technicians to administer vaccines pursuant to Code Section 26-4-52 so long as:

(A) The physician with whom the vaccine protocol agreement is entered into has approved such authorization; and

(B) Such authorization is included in the vaccine protocol agreement between the physician and pharmacist.

(f) A nurse who is a party to a vaccine protocol agreement pursuant to this Code section shall not delegate the administration of a vaccine to any individual, whether or not any such individual is under the supervision, direct or otherwise, of the nurse; provided, however, that notwithstanding the requirement of employment by a physician in paragraph (5) of subsection (a) of this Code section, a registered professional nurse who is a party to a vaccine protocol agreement pursuant to this Code section may delegate the administration of a vaccine to a licensed practical nurse under the direct on-site supervision of the registered professional nurse.

(g) Notwithstanding any law to the contrary, a nurse acting pursuant to a vaccine protocol agreement as provided in this Code section may possess and transport such vaccine and epinephrine.

(h) A pharmacist or nurse administering vaccines pursuant to a vaccine protocol agreement authorized by this Code section shall maintain policies and procedures for the handling and disposal of used or contaminated equipment and supplies.

(i) Nothing in this Code section shall be construed to authorize a physician to prescribe any other vaccines or other drugs pursuant to a vaccine protocol agreement or vaccine order contained in a vaccine protocol agreement other than those vaccines and epinephrine specifically authorized in such vaccine protocol agreement or vaccine order.

(j) A delegating physician may not enter into a vaccine protocol agreement with more than ten pharmacists or nurses, or any combination thereof, at any one time; provided, however, and notwithstanding the geographic limitation provided in subsection (c) of this Code section, a delegating physician may enter into a vaccine protocol agreement with more than ten pharmacists or nurses, or any combination thereof, at any one time so long as the nurses are in the same public health district as established pursuant to Code Section 31-3-15 and the pharmacists and nurses are employees or agents of the same corporate entity.

(k) It shall be unlawful for a physician who is employed by a pharmacist or nurse to enter into a vaccine protocol agreement or otherwise delegate medical acts to such pharmacist or nurse. It shall be unlawful for a physician who is employed by a pharmacy to enter into a vaccine protocol agreement or otherwise delegate medical acts to a pharmacist or nurse who is also employed by such pharmacy.

(l) The board shall have the authority to promulgate rules and regulations governing a physician who is a party to a vaccine protocol agreement in order to carry out the intent and purposes of this Code section. Further, the board shall:

(1) Require that the vaccine protocol agreement, along with the affidavit by the pharmacist or nurse submitted pursuant to paragraph (15) of subsection (d) of this Code section and the proof of insurance required pursuant to paragraph (13) of subsection (d) of this Code section, be filed by the physician with the board and be made available by the board for public inspection; and

(2) Promulgate by rule an approved standard protocol template that may be utilized as a vaccine protocol agreement and make such template available on the board's website.

(m) Nothing in this Code section shall be construed to require a physician to enter into a vaccine protocol agreement. A public or private

managed care system, health plan, hospital, insurance company, or similar entity shall not require a physician, pharmacist, or nurse to enter into a vaccine protocol agreement as a condition for participation in or reimbursement from such entity.

(n) No physician who complies with the provisions of this Code section shall be subject to criminal or civil liability or discipline for unprofessional conduct for:

(1) Entering into a vaccine protocol agreement with a pharmacist or nurse;

(2) Issuing a vaccine order contained in a vaccine protocol agreement with a pharmacist or nurse; or

(3) The acts or omissions of a pharmacist or nurse pursuant to a vaccine protocol agreement including the administration of a vaccine or epinephrine.

Nothing in this subsection shall be interpreted as altering liability of an employer for acts of his or her employees.

(o)(1) This Code section shall not apply to any activities conducted by a hospital, physician's office, nursing home, or other health care facility designated by the Department of Public Health or conducted within any other facility or entity owned, operated, or leased by a hospital.

(2) Except as otherwise provided in paragraph (1) of this subsection, any activities conducted by a hospital or health system for the administration of the influenza vaccine shall not be subject to paragraphs (5) through (8), (14), or (15) of subsection (d) of this Code section as long as the following conditions are met:

(A) A signed and dated consent form by which the vaccine recipient consents to the administration of the vaccine is obtained;

(B) If the vaccine recipient is a patient within the hospital or health system, the administration of the influenza vaccine shall be noted in such patient's health record maintained by the hospital or health system, including, but not limited to, the administering pharmacist's or nurse's name, address, telephone number, and professional license number; the name, dose, manufacturer, and lot number of the vaccine; and the date of administration and injection site;

(C) If the vaccine recipient is not a patient within the hospital or health system, the pharmacist, nurse, or his or her designee shall be required to check the Georgia Registry of Immunization Transactions and Services prior to administration of the vaccine and to enter the patient's vaccine information in the Georgia Registry of

Immunization Transactions and Services within the vaccination registry's designated time frame, or as designated by the Department of Public Health; provided, however, that a pharmacist, nurse, or his or her designee shall not be required to check the Georgia Registry of Immunization Transactions and Services during:

(i) A public health emergency, as defined in Code Section 31-12-1.1, for any vaccine administered to address the cause of the threat of an illness or health condition or the infectious agent or biological toxin which resulted in such public health emergency; or

(ii) A vaccination event for influenza that is anticipated to serve 75 or more patients.

The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions in accordance with subsection (r) of this Code section on any person subject to the requirements of this paragraph who does not submit the information required by this paragraph and to notify the delegating physician and the applicable licensing board for such person of violations of this paragraph; and

(D) If requested by the patient, the influenza vaccine shall be administered in an area or location with portable screening, at a minimum.

As used in this paragraph, the term "health system" means (i) a parent corporation of one or more hospitals and any entity affiliated with such parent corporation through ownership, governance, membership, or other means; or (ii) a hospital and any entity affiliated with such hospital through ownership, governance, membership, or other means.

(p) This Code section shall not be interpreted as limiting the authority of any authorized person to dispense or administer vaccines or other medications.

(q) No live attenuated virus shall be administered pursuant to this Code section unless the patient has signed an informed consent that he or she does not have a contraindication to such vaccine. The informed consent form shall list the contraindications to the vaccine. Consent of the child's parent or legal guardian shall be a condition precedent to the administration of a vaccine to a child under the age of 18.

(r)(1) A pharmacist or nurse who knowingly does not comply with paragraph (13) of subsection (d) of this Code section may be assessed a fine of up to \$2,500.00 by the board.

(2) A pharmacist or nurse who knowingly administers a vaccine without a vaccine protocol agreement as required by this Code section

may be assessed a fine of up to \$2,500.00 and may be prohibited from administering vaccines pursuant to this Code section for up to one year as determined by the board.

(3) A pharmacist or nurse who knowingly does not comply with paragraph (5) of subsection (d) of this Code section may be subject to the following sanctions by the board:

(A) Upon the first violation, the issuance of a warning;

(B) Upon the second violation, a fine of up to \$500.00; and

(C) Upon a third or subsequent violation, prohibited from administering vaccines pursuant to this Code section for up to one year.

(4) A pharmacist or nurse who knowingly does not comply with paragraph (14) of subsection (d) of this Code section may be subject to the following sanctions by the board:

(A) Upon the first or second violation, the issuance of a warning; and

(B) Upon a third or subsequent violation, prohibited from administering vaccines pursuant to this Code section for up to six months.

(5) A pharmacist or nurse who knowingly does not comply with paragraph (9) or (15) of subsection (d) of this Code section may be subject to the following sanctions by the Georgia Drugs and Narcotics Agency:

(A) Upon the first violation, the issuance of a warning;

(B) Upon the second violation, a fine of up to \$5,000.00; and

(C) Upon a third or subsequent violation, prohibited from administering vaccines pursuant to this Code section.

(6) The sanctions contained in this subsection shall be supplemental to any other sanctions or penalties to which a pharmacist or nurse may otherwise be subject.

History.

Code 1981, § 43-34-26.1, enacted by Ga. L. 2009, p. 184, § 1/HB 217; Ga. L. 2010, p. 530, § 1/HB 1154; Ga. L. 2010, p. 878, § 43/HB 1387; Ga. L. 2011, p. 705, § 6-3/HB 214; Ga. L. 2011, p. 752, § 43/HB 142; Ga. L. 2015, p. 297, § 2/HB 504; Ga. L. 2016, p. 84, § 1/HB 1043; Ga. L. 2019, p. 515, § 3/SB 115; Ga. L. 2021, p. 782, § 10/SB 46; Ga. L. 2021, p. 922, § 43/HB

497; Ga. L. 2023, p. 392, § 2/HB 416, effective May 2, 2023.

Amendments.

The 2023 amendment, effective May 2, 2023, rewrote subsection (e), which read: "A pharmacist who is a party to a vaccine protocol agreement pursuant to this Code section shall not delegate the administration of a vaccine to any individual other than a pharmacy intern un-

der the direct supervision of the pharmacist whether or not any such other individual is under the supervision, direct or otherwise, of the pharmacist.”

Law reviews.

For annual survey on healthcare law, see 73 Mercer L. Rev. 1273 (2022).

43-34-37. Persons authorized to perform artificial insemination, in vitro fertilization, or other similar method of assisted reproduction; limited immunity from civil liability; criminal penalty for unauthorized persons.

(a) Physicians and surgeons licensed to practice medicine in accordance with and under this article shall be the only persons authorized to administer or perform artificial insemination, in vitro fertilization, or other similar method of assisted reproduction upon any female human being. Any other person or persons who shall attempt to administer or perform or who shall actually administer or perform artificial insemination, in vitro fertilization, or other similar method of assisted reproduction upon any female human being shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

(b) Any physician or surgeon who obtains written authorization signed by both the husband and the wife authorizing him or her to perform or administer artificial insemination, in vitro fertilization, or other similar method of assisted reproduction shall be relieved of civil liability to the husband and wife or to any child conceived by artificial insemination, in vitro fertilization, or other similar method of assisted reproduction for the result or results of said artificial insemination, in vitro fertilization, or other similar method of assisted reproduction, provided that the written authorization obtained shall not relieve any physician or surgeon from any civil liability arising from his or her own negligent administration or performance of artificial insemination, in vitro fertilization, or other similar method of assisted reproduction.

History.

Code 1933, § 74-101.1, enacted by Ga. L. 1964, p. 166, § 1; Code 1981, § 43-34-42; Code 1981, § 43-34-37, as redesignated by Ga. L. 2009, p. 859, § 1/HB 509; Ga. L. 2010, p. 878, § 43/HB 1387; Ga. L. 2025, p. 806, § 22/HB 327, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in subsection (a), inserted “, in

vitro fertilization, or other similar method of assisted reproduction” in the first and second sentences; and in subsection (b), inserted “, in vitro fertilization, or other similar method of assisted reproduction” in three places, inserted “in vitro fertilization, or other similar method of assisted reproduction,” and substituted “obtained” for “provided for in this Code section”.

ARTICLE 4
PHYSICIAN ASSISTANTS

43-34-100. Short title.

JUDICIAL DECISIONS

No vicarious liability on supervising physicians. — Language of Physician Assistant Act (PAA), O.C.G.A. § 43-34-100 et seq., did not expressly impose vicarious liability on supervising physicians for negligent acts of their PAs;

and, Georgia Court of Appeals refused to read into PAA language that General Assembly did not include. *Zeh v. Maso*, 366 Ga. App. 890, 884 S.E.2d 563, 2023 Ga. App. LEXIS 97 (2023).

43-34-101. Legislative purpose.

JUDICIAL DECISIONS

No vicarious liability on supervising physicians. — Language of Physician Assistant Act (PAA), O.C.G.A. § 43-34-100 et seq., did not expressly impose vicarious liability on supervising physicians for negligent acts of their PAs;

and, Georgia Court of Appeals refused to read into PAA language that General Assembly did not include. *Zeh v. Maso*, 366 Ga. App. 890, 884 S.E.2d 563, 2023 Ga. App. LEXIS 97 (2023).

43-34-102. Definitions.

JUDICIAL DECISIONS

No vicarious liability on supervising physicians. — Language of Physician Assistant Act (PAA), O.C.G.A. § 43-34-100 et seq., did not expressly impose vicarious liability on supervising physicians for negligent acts of their PAs;

and, Georgia Court of Appeals refused to read into PAA language that General Assembly did not include. *Zeh v. Maso*, 366 Ga. App. 890, 884 S.E.2d 563, 2023 Ga. App. LEXIS 97 (2023).

43-34-103. Application for licensure as a physician assistant; authorized delegated authority; prohibited acts.

(a)(1) In order to obtain licensure as a physician assistant, an applicant shall submit an application to the board. Such application shall include:

(A) Evidence submitted by the applicant of his or her good moral character; and

(B) Evidence of his or her competency in a health care area related to the job description which, as a minimum, shall include:

(i) Evidence of satisfactory completion of a training program approved by the board. If the applicant is not a graduate of an

accredited school approved by the board, he or she shall be required to receive board approved refresher training and testing; and

(ii) Evidence that the applicant has passed the Physician Assistant National Certification Examination (PANCE) administered by the National Commission for the Certification of Physician Assistants (NCCPA), or its successor, or the National Association for the Certification of Anesthesia Assistants, (NACAA) or its successor.

The board may issue a temporary permit to any applicant for licensure who has satisfied the provisions of division (i) of this subparagraph and who is an applicant for the next available board approved or administered examination or who has completed this examination and is awaiting the results of such examination. The temporary permit shall expire upon notification of the applicant's failure to achieve a satisfactory score on the board approved or administered examination. A physician assistant licensed pursuant to this paragraph shall not be authorized to perform any medical acts of any sort except as approved for utilization by a physician in a job description pursuant to paragraph (2) of this subsection. The board may grant an inactive licensure status to a physician assistant who is licensed pursuant to this article but who is not practicing with the supervision of a board approved primary supervising physician.

(2) In order to obtain approval for the utilization of a physician assistant, whether the utilization is in a private practice or through a public or private health care institution or organization, the licensed physician who will be responsible for the performance of such physician assistant shall submit an application to the board which shall include:

(A) Evidence that the physician assistant is licensed pursuant to paragraph (1) of this subsection;

(B) A job description meeting the requirements of paragraph (4) of Code Section 43-34-102; and

(C) A fee, established by the board; provided, however, that no fee will be required if the physician assistant is an employee of the state or a county government.

(b)(1) No primary supervising physician shall enter into a job description with a physician assistant pursuant to this Code section or a nurse protocol agreement with an advanced practice registered nurse pursuant to Code Section 43-34-25 with more than the combined equivalent of eight physician assistants or advanced practice registered nurses or supervise more than the combined

equivalent of eight physician assistants or advanced practice registered nurses at a time except as provided in paragraph (3) or (4) of this subsection.

(2) A primary supervising physician shall designate in writing to the board such other physicians who may serve as an alternate supervising physician for each physician assistant with which such primary supervising physician has entered into a job description. The board shall have authority to approve or deny such designations in whole or in part; provided, however, that a physician may be listed as an alternate supervising physician for any number of physician assistants so long as he or she only supervises as many physician assistants at any one time as allowed by paragraphs (1) and (3) of this subsection.

(3) No primary supervising physician shall have more than eight physician assistants who have completed a board approved anesthesiologist assistant program licensed to him or her at a time or supervise more than four physician assistants who have completed a board approved anesthesiologist assistant program at any one time.

(4) Except for physician assistants who have completed a board approved anesthesiologist assistant program, the limitation in paragraph (1) of this subsection shall not apply to a physician assistant who is practicing:

(A) In a hospital licensed under Title 31;

(B) In any college or university as defined in Code Section 20-8-1;

(C) In the Department of Public Health;

(D) In any county board of health;

(E) In any community service board;

(F) In any free health clinic;

(G) In a birthing center;

(H) In any entity:

(i) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or indigent Medicaid and Medicare patients; or

(ii) Which has been established under the authority of or is receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act; or

(I) In a health maintenance organization that has an exclusive contract with a medical group practice and arranges for the

provision of substantially all physician services to enrollees in health benefits of the health maintenance organization.

(c)(1) At all times while providing patient services, a physician assistant shall have a signed job description submitted by his or her primary supervising physician and approved by the board.

(2) Nothing in this article shall prevent a primary supervising physician from submitting to the board a new or amended physician assistant job description.

(3) If a medical practice has an existing approved job description and an alternate supervising physician or a change in the supervising physician within the same or similar specialty, such new job description for the new alternate supervising physician or a change in the supervising physician, upon submission, shall be automatically deemed approved by the board.

(4) If a primary supervising physician submits a job description for a new physician assistant and such job description has substantially the same terms and provisions as a job description previously submitted by such primary supervising physician for another physician assistant and approved by the board, the job description for the new physician assistant, upon submission, shall be automatically deemed approved by the board.

(d) Nothing in this article shall prohibit the rendering of services to a patient by a physician assistant who is not in the physical presence of the supervising physician or preclude a physician assistant from making house calls, performing hospital duties, serving as an ambulance attendant, or performing any functions authorized by the supervising physician which the physician assistant is qualified to perform.

(e) A physician assistant may not be utilized to perform the duties of a pharmacist licensed under Chapter 4 of Title 26, relating to pharmacists.

(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section 43-34-23, a physician may delegate to a physician assistant, in accordance with a job description, the authority to issue a prescription drug order or orders for any device as defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code Section 16-13-71, hydrocodone, oxycodone, or compounds thereof in accordance with subparagraph (B) of this paragraph, or any Schedule III, IV, or V controlled substance as defined in Code Section 16-13-21 on a prescription drug order or prescription device order form as specified in paragraph (3) of this subsection. Delegation of such authority shall be contained in the job description required by this Code section. The delegating physician

shall remain responsible for the medical acts of the physician assistant performing such delegated acts and shall adequately supervise the physician assistant. If an existing job description for a physician assistant does not contain such authority to order a prescription drug or device order as provided by this subsection, that physician assistant may not issue any such prescription drug or device order until a new job description delegating such authority is submitted to and approved by the board. Nothing in this Code section shall be construed to authorize the written prescription drug order of a Schedule I or II controlled substance, except as authorized pursuant to subparagraph (B) of this paragraph.

(B) A physician may delegate to a physician assistant who has at least one year of post-licensure clinical experience and is in good standing with the board the authority to issue prescription drug orders for hydrocodone, oxycodone, or compounds thereof in emergency situations pursuant to the following requirements:

- (i) The authorization is specifically included in the job description;
- (ii) The physician assistant has directly evaluated the patient;
- (iii) The drug order is limited to an initial prescription not to exceed a five-day supply; and
- (iv) The prescription drug order is for an individual 18 years of age or older.

(2) Nothing in this subsection shall be construed to create a presumption of 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 drug or device order presented by a patient pursuant to this subsection. The pharmacist shall presume that the prescription drug or device order was issued by a physician assistant duly licensed under this article who has qualified under this Code section to prescribe pharmaceutical agents. The pharmacist shall also presume that the pharmaceutical agent prescribed by the physician assistant is an approved pharmaceutical agent, unless the pharmacist has actual or constructive knowledge to the contrary.

(3) The physician assistant shall only be authorized to exercise the rights granted under this subsection using a prescription drug or device order form which includes the name, address, and telephone number of the prescribing supervising or alternate supervising physician, the patient's name and address, the drug or device prescribed, the number of refills, and directions to the patient with regard to the taking and dosage of the drug. A prescription drug order

which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively. Any form containing less information than that described in this paragraph shall not be offered to or accepted by any pharmacist who is duly licensed under Title 26.

(4) Nothing in this Code section shall be construed to authorize a physician assistant to authorize refills of any drug for more than 12 months from the date of the original prescription drug or device order.

(5) A supervising physician or alternate supervising physician shall evaluate or examine, at least every three months, any patient receiving controlled substances.

(6) In addition to the copy of the prescription drug or device order delivered to the patient, a record of such prescription shall be maintained in the patient's medical record in the following manner:

(A) The physician assistant carrying out a prescription drug or device order shall document such order either in writing or by electronic means; and

(B) The supervising physician shall periodically review patient records. Such review may be achieved with a sampling of such records as determined by the supervising physician.

(7) A physician assistant is not permitted to prescribe drugs or devices except as authorized in the physician assistant's job description and in accordance with this article.

(8) The board shall adopt rules establishing procedures to evaluate an application for a job description containing the authority to order a prescription drug or device and any other rules the board deems necessary or appropriate to regulate the practice of physician assistants, to carry out the intent and purpose of this article, or to protect the public welfare.

(9) A physician assistant authorized by a primary supervising physician to order controlled substances pursuant to this Code section is authorized to register with the United States Drug Enforcement Administration.

(10)(A) A physician assistant delegated the authority by the primary supervising physician to issue a prescription drug or device order shall be required to complete a minimum of three hours of continuing education biennially in practice specific pharmaceuticals in which the physician assistant has prescriptive order privileges.

(B) A physician assistant delegated the authority by the primary supervising physician to issue a prescription drug or device order

for hydrocodone, oxycodone, or compounds thereof shall be required to complete one additional hour of continuing education biennially in the appropriate ordering and use of hydrocodone, oxycodone, or compounds thereof.

(11) A managed care system, health plan, hospital, insurance company, or other similar entity shall not require a physician to be a party to a job description as a condition for participation in or reimbursement from such entity.

(e.2) A physician assistant may be delegated the authority to request, receive, and sign for professional samples and may distribute professional samples to patients so long as delegation of such authority is contained in a job description and the professional samples are within the specialty of the supervising physician. The office or facility at which the physician assistant is working must maintain a general list of professional samples approved by the supervising physician for request, receipt, and distribution by the physician assistant as well as a complete list of the specific number and dosage of each professional sample received. Professional samples that are distributed by a physician assistant shall be so noted in the patient's medical record. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal law and regulations. As used in this subsection, the term "professional samples" means complimentary doses of a drug, medication vouchers, or medical devices provided by the manufacturer for use in patient care.

(f) A physician employed by the Department of Public Health or by any institution thereof or by a local health department whose duties are administrative in nature and who does not normally provide health care to patients as such employee shall not be authorized to apply for or utilize the services of any physician assistant employed by the Department of Public Health or by any institution thereof or by a local health department.

(g) Nothing in this article shall be construed to prohibit a physician assistant from performing those acts the performance of which have been delegated to that physician assistant pursuant to and in conformity with Code Section 43-34-23.

(h) A physician and a physician assistant may enter into a temporary practice agreement exempt from any filing fees with the board by which agreement the physician supervises the services provided by the physician assistant to patients at a specific facility or program that provides medical services only to indigent patients in medically underserved or critical need population areas of the state, as determined by the board, or pursuant to Article 8 of Chapter 8 of Title 31, provided that:

(1) Such services are provided primarily to financially disadvantaged patients;

(2) Such services are free or at a charge to the patient based solely on the patient's ability to pay and provided, further, that such charges do not exceed the actual cost to the facility or program;

(3) The supervising physician and the physician assistant voluntarily and gratuitously donate their services;

(4) Prior to providing any patient services, a copy of the temporary practice agreement, signed by both the supervising physician and the physician assistant, is on file at the facility or program and is sent to the board;

(5) The temporary practice agreement is for a specified period of time, limits the services of the physician assistant to those within the usual scope of practice of the supervising physician, and is signed by both the supervising physician and the physician assistant prior to the physician assistant providing patient services; and

(6) The facility or program has notified the board of its intent to provide patient services and utilize licensed physicians and physician assistants under the conditions set out in this subsection.

(i)(1) Notwithstanding any provision of this article to the contrary, a physician assistant licensed pursuant to this article or licensed, certified, or otherwise authorized to practice in any other state or federal jurisdiction and whose license, certification, or authorization is in good standing who responds to a need for medical care created by conditions which characterize those of a state of emergency or public health emergency may render such care that the physician assistant is able to provide with such supervision as is available at the immediate scene or at the local site where such need for medical care exists or at a relief site established as part of a state or local safety plan established pursuant to Chapter 3 of Title 38. Such services shall be provided by a physician assistant in response to the request of an appropriate state or local official implementing a state or local emergency management plan or program, and in accordance with applicable guidelines established by such officials or plans. The authority granted by this Code section shall last no longer than 48 hours or such time as the board may establish under guidelines for supervision of the physician assistant rendering medical care.

(2) For the purposes of this subsection, the term "public health emergency" has the same meaning as in paragraph (6) of Code Section 38-3-3, and the term "state of emergency" has the same meaning as in paragraph (7) of Code Section 38-3-3.

(j) A physician assistant shall be allowed to make a pronouncement of death pursuant to authority delegated by the supervising physician

of the physician assistant and to certify such pronouncement in the same manner as a physician, including by signing death certificates. A selection box shall be added to death certificates to be checked off by nonphysicians completing the form.

(k) It shall be unlawful for a physician to be an employee of a physician assistant, alone or in combination with others, if the physician is required to supervise the physician assistant; provided, however, that this shall not apply to arrangements of this nature which were approved by the board on or before July 1, 2009. Arrangements approved prior to such date are nontransferable. Such conduct shall be subject to sanctions by the board as to the physician and the physician assistant.

(l) Except for assigning a percentage of a disability rating, a physician assistant may be delegated the authority to sign, certify, and endorse all documents relating to health care provided to a patient within his or her scope of authorized practice, including, but not limited to, documents relating to physical examination forms of all state agencies and verification and evaluation forms of the Department of Human Services, the State Board of Education, local boards of education, the Department of Community Health, and the Department of Corrections.

History.

Ga. L. 1972, p. 676, § 4; Ga. L. 1982, p. 1148, § 2; Ga. L. 1984, p. 22, § 43; Ga. L. 1984, p. 611, § 1; Ga. L. 1989, p. 261, § 4; Ga. L. 1995, p. 827, § 2; Ga. L. 1997, p. 935, § 3; Ga. L. 1999, p. 81, § 43; Ga. L. 2001, p. 788, § 1; Ga. L. 2002, p. 1043, § 2; Ga. L. 2004, p. 581, § 2; Ga. L. 2005, p. 1232, § 1/SB 173; Ga. L. 2006, p. 475, § 1/HB 873; Ga. L. 2006, p. 476, § 1/HB 832; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2009, p. 859, § 1/HB 509; Ga. L. 2010, p. 878, § 43/HB 1387; Ga. L. 2011, p. 441, § 3/HB 303; Ga. L. 2011, p. 705, § 5-26/HB 214; Ga. L. 2018, p. 243, § 1/SB 364; Ga. L. 2020, p. 650, § 2/SB 321; Ga. L. 2021, p. 922, § 43/HB 497; Ga. L. 2024, p. 95, § 3/HB 557, effective July 1, 2024; Ga. L. 2024, p. 337, § 2-2/HB 1046, effective May 1, 2024; Ga. L. 2024, p. 337, § 1-4/HB 1046, effective July 1, 2024; Ga. L. 2025, p. 1029, § 43(13)/SB 153, effective July 1, 2025.

Amendments.

The first 2024 amendment, effective July 1, 2024, added paragraphs (c)(3) and (c)(4); rewrote paragraph (e.1)(1); substi-

tuted “United States” for “federal” near the end of paragraph (e.1)(9); redesignated the existing provisions of paragraph (e.1)(10) as subparagraph (e.1)(10)(A); and added subparagraph (e.1)(10)(B).

The second 2024 amendment, effective May 1, 2024, in paragraph (b)(1), inserted “a physician assistant pursuant to this Code section or a nurse protocol agreement with an advanced practice registered nurse pursuant to Code Section 43-34-25 with more than the combined equivalent of eight physician assistants or advanced practice registered nurses”, substituted “the combined equivalent of eight” for “four”, and inserted “or advanced practice registered nurses”; and, effective July 1, 2024, added “, including by signing death certificates. A selection box shall be added to death certificates to be checked off by nonphysicians completing the form” at the end of subsection (j) and deleted “death certificates and” preceding “assigning” near the beginning of subsection (l).

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modern-

ize, and correct the Code, deleted “that” following “job description” in paragraph (c)(4).

Editor’s notes.

Ga. L. 2024, p. 95, § 1/HB 557, not codified by the General Assembly, provides: “The General Assembly finds:

“(1) Governor Kemp created the Georgia Healthcare Workforce Commission in 2022;

“(2) The commission recognized that Georgia is now in the minority of states with restrictions on certain healthcare occupations, such as nurse practitioners and physician assistants, and that research also suggests that in appropriate circumstances, revising practice restrictions on certain healthcare occupations and granting increased practice authority have the

potential to improve access to care without compromising quality or increasing costs;

“(3) The commission believes that exploring updating scope of practice limitations could potentially ease pressure on the healthcare workforce by allowing certain healthcare occupations to perform more advanced work in healthcare settings which could decrease work burden on other clinical providers;

“(4) Georgia is one of only three states that forbids physician assistants and nurse practitioners from prescribing any Schedule II medications; and

“(5) A more streamlined process at the Georgia Composite Medical Board will allow already licensed and certified practitioners to more quickly begin work.”

JUDICIAL DECISIONS

No vicarious liability on supervising physicians. — Language of Physician Assistant Act (PAA), O.C.G.A. § 43-34-100 et seq., did not expressly impose vicarious liability on supervising physicians for negligent acts of their PAs;

and the Georgia Court of Appeals refused to read into the PAA any language that the General Assembly did not include. *Zeh v. Maso*, 366 Ga. App. 890, 884 S.E.2d 563, 2023 Ga. App. LEXIS 97 (2023).

43-34-105. Performance of tasks in accordance with job description.

JUDICIAL DECISIONS

No vicarious liability on supervising physicians. — Language of Physician Assistant Act (PAA), O.C.G.A. § 43-34-100 et seq., did not expressly impose vicarious liability on supervising physicians for negligent acts of their PAs;

and the Georgia Court of Appeals refused to read into the PAA any language that the General Assembly did not include. *Zeh v. Maso*, 366 Ga. App. 890, 884 S.E.2d 563, 2023 Ga. App. LEXIS 97 (2023).

ARTICLE 6

RESPIRATORY CARE

Editor’s notes.

Funds were appropriated in the 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025 sessions of the General Assembly for the continued funding of the “Respiratory Care Practices Act” (1986) for the purpose of licensing qualified applicants as physicians, physician

assistants, respiratory care professionals, perfusionists, acupuncturists, orthotists, prosthetists, and auricular (ear) detoxification specialists, as well as to investigate complaints and discipline those who violate the Medical Practice Act or other laws governing the professional behavior of the Board licenses.

ARTICLE 9
COSMETIC LASER SERVICES

43-34-242. Definitions.

As used in this article, the term:

(1) “Board” means the Georgia Composite Medical Board created by Code Section 43-34-2.

(2) “Consulting physician” means a person licensed to practice medicine under Article 2 of this chapter and:

(A) Whose principal place of practice is within this state; or

(B) Whose principal place of practice is outside this state but is within 50 miles from the facility with whom he or she has an agreement to provide services in accordance with Code Section 43-34-248.

(3) “Consumer” means a person on whom cosmetic laser services are or are to be performed.

(4) “Cosmetic laser practitioner” means a person licensed under this article to provide cosmetic laser services as defined in this article and whose license is in good standing.

(5) “Cosmetic laser services” means nonablative elective cosmetic light based skin care, photo rejuvenation, or hair removal using lasers or pulsed light devices approved by the United States Food and Drug Administration for noninvasive procedures and includes energy based medical procedures using an ultrasound, cryolipolysis, microwave, or radio frequency device that is not expected or intended to remove, burn, or vaporize the live epidermal surface of the skin, but may damage underlying tissue if used inappropriately.

(6) “Facility” means any location, place, area, structure, office, institution, or business or a part thereof in which is performed or provided cosmetic laser services regardless of whether a fee is charged for such services.

(7) “License” means a valid and current certificate of registration issued by the board which shall give the person to whom it is issued authority to engage in the practice prescribed thereon.

(8) “Licensee” means any person holding a license under this article.

(9) “Medical practitioner” means a registered professional nurse, nurse practitioner, physician assistant, or physician.

(10) “Nurse” means a registered professional nurse or nurse practitioner.

(11) “Person” means a natural person.

History.

Code 1981, § 43-34-242, enacted by Ga. L. 2007, p. 626, § 1/HB 528; Ga. L. 2009, p. 859, § 1/HB 509; Ga. L. 2009, p. 989, § 1/SB 104; Ga. L. 2024, p. 93, § 1/HB 502, effective April 22, 2024.

Amendments.

The 2024 amendment, effective April 22, 2024, in paragraph (5), added “and includes energy based medical procedures

using an ultrasound, cryolipolysis, microwave, or radio frequency device that is not expected or intended to remove, burn, or vaporize the live epidermal surface of the skin, but may damage underlying tissue if used inappropriately” at the end of the first sentence, and deleted the former second sentence, which read: “Such services and the provision thereof shall not be considered to be the practice of medicine.”

43-34-244. Two levels of license; application.

(a) There shall be two levels of a license for a cosmetic laser practitioner: assistant laser practitioner and senior laser practitioner.

(b) Any person desiring to obtain a license as a cosmetic laser practitioner under the terms of this article shall make application to the board as follows:

(1) An applicant for an “assistant laser practitioner” license shall present proof that he or she:

(A) Holds a current valid license or certificate of registration as a physician assistant, licensed practical nurse, nurse, esthetician, or master cosmetologist, or has previously held a license or certificate of registration as a medical practitioner; and

(B) Has received at least three laser certificates from attending laser/intense pulsed light (IPL) courses as approved by the board, directly taught by a licensed physician or certified continuing medical education or continuing education educator.

If, after review of the application, it is determined that the applicant is at least 21 years of age; has met the minimum educational requirements; is of good moral character; and is possessed of the requisite skill to perform properly cosmetic laser services, a license shall be issued to the applicant entitling the applicant to practice the occupation of cosmetic laser practitioner at the assistant laser practitioner level.

(2) An applicant for a “senior laser practitioner” license shall present proof that he or she:

(A) Holds a current valid license or certificate of registration as a physician assistant or nurse or has previously held a license or certificate of registration as a medical practitioner;

(B) Has at least three years of clinical or technological medical experience, or both;

(C) Has been or was licensed or nationally board certified as a medical practitioner for at least three years; and

(D) Has received at least two laser certificates from attending laser/intense pulsed light (IPL) continuing medical education courses as approved by the board, directly taught by a licensed physician or certified continuing medical education or continuing education educator.

If, after review of the application, it is determined that the applicant is at least 21 years of age; has met the minimum educational and clinical training requirements to perform cosmetic laser services with indirect supervision; is of good moral character; and is possessed of the requisite skill to perform properly these services, a license shall be issued to the applicant entitling the applicant to practice the occupation of cosmetic laser practitioner at the senior laser practitioner level pursuant to the protocols of a consulting physician.

(c) Any person desiring to obtain a license as an “assistant laser practitioner” who does not meet the requirements of paragraph (1) of subsection (b) of this Code section shall also be eligible for a license as an “assistant laser practitioner” if he or she makes application to the board within nine months of the effective date of this article and presents proof that he or she:

(1) Prior to the effective date of this article, obtained a minimum of 2,000 hours of experience in administering cosmetic laser service; and

(2) Has received at least two laser certificates from attending laser/intense pulsed light (IPL) courses, directly taught by a licensed physician or certified continuing medical education or continuing education educator.

(d) Should an applicant have a current cosmetic laser practitioner license or certificate of registration in force from another state, country, territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and have paid a fee and have submitted an application, the applicant may be issued a license at the appropriate level entitling him or her to practice the occupation of a cosmetic laser practitioner at that level, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this article.

History.

Code 1981, § 43-34-244, enacted by Ga. L. 2007, p. 626, § 1/HB 528; Ga. L. 2009, p. 859, § 1/HB 509; Ga. L. 2009, p. 989, § 2/SB 104; Ga. L. 2010, p. 878, § 43/HB

1387; Ga. L. 2024, p. 93, § 2/HB 502, effective April 22, 2024.

Amendments.

The 2024 amendment, effective April 22, 2024, deleted “under the on-site super-

vision of a senior laser practitioner” from the end of the second paragraph of paragraph (b)(1).

ARTICLE 10

PAIN MANAGEMENT CLINIC

43-34-290. Confidentiality of records.

Law enforcement officers, medical examiners, the Georgia Drugs and Narcotics Agency, and the Georgia Bureau of Investigation Medical Examiner’s Office, when investigating deaths which may be the result of medication administered or prescribed or a procedure conducted at a pain management clinic as defined by paragraph (7) of Code Section 43-34-282 either by an individual licensed under this chapter or by an individual under the supervision or delegated authority of such person, are authorized to send pertinent records on such deaths to the board. Such records shall be confidential, not subject to Article 4 of Chapter 18 of Title 50, relating to open records, and shall not be disclosed without the approval of the board.

History.
Code 1981, § 43-34-290, enacted by Ga. L. 2013, p. 515, § 2/HB 178; Ga. L. 2025, p. 1029, § 43(14)/SB 153, effective July 1, 2025.
Amendments.
The 2025 amendment, effective July 1, 2025, part of an Act to revise, modern-

ize, and correct the Code, substituted “this chapter” for “Chapter 34 of Title 43” in the first sentence.

CHAPTER 38

OPERATORS OF PRIVATE DETECTIVE BUSINESSES
AND PRIVATE SECURITY BUSINESSES

Sec. 43-38-7.	Licensing of armed employees; qualifications; continuing education; fingerprints; license card; suspension.	Sec. 43-38-14.	Exceptions to operation of chapter; local regulation.
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Law reviews.
For article, “HB 479: Repeal of Georgia’s

Citizen’s Arrest Law,” see 38 Ga. St. U.L. Rev. 25 (2021).

43-38-1. Short title.**Cross references.**

Liability of security contractors for negligent security, § 51-3-57.

43-38-7. Licensing of armed employees; qualifications; continuing education; fingerprints; license card; suspension.

(a) Any employer may employ as many agents, guards, watchmen, or patrolmen as he or she deems necessary for the conduct of his or her business, provided that such employees meet the requirements and qualifications for licensure under this chapter.

(b)(1) Except as provided in paragraph (2) of this subsection, within 180 days of completing board mandated prelicensure training, potential licensees shall make application to be licensed with the board.

(2) Any guard, watchman, or patrolman who will be unarmed and who will be employed in the private security business shall not be required to be licensed by the board but shall be governed by Code Section 43-38-7.1.

(c)(1) Except as otherwise provided in paragraph (2) of subsection (b) of this Code section, upon being satisfied of the applicant's character, competency, and eligibility for licensure, the board may license such applicant if he or she:

(A) Is at least 18 years of age;

(B) Is a citizen of the United States or a registered resident alien;

(C) Is of good moral character;

(D) Has not been convicted of a felony or any crime involving the illegal use, carrying, or possession of a dangerous weapon or any crime involving moral turpitude; provided, however, that, if the applicant has been convicted of such crime, or has entered a plea of nolo contendere to such crime, or has entered a plea pursuant to Article 3 of Chapter 8 of Title 42 or otherwise been granted first offender treatment, the board may inquire into the nature of the crime, the date of conviction or plea, and other underlying facts and circumstances surrounding such criminal proceedings and, in its discretion, may allow the applicant to be licensed;

(E) Has not committed an act constituting dishonesty or fraud; and

(F) Meets such other qualifications as the board may prescribe by rule.

(2) The board shall be authorized to require continuing education as a condition of renewal for all persons required to be licensed or registered with the board under this chapter. The board shall be authorized to promulgate rules and regulations addressing the requirement for continuing education and circumstances for which a waiver of this requirement may be granted.

(d) The license application shall be made under oath and on a form to be furnished by the division director. The application shall state the applicant's full name, age, and date and place of birth; residences and employment within the past five years; experience in the position applied for or held; the date and place of conviction or arrest for any crime, including the entry of a plea of *nolo contendere* or the entry of a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such other information as the board may require. The license application shall be accompanied by two sets of fingerprints and one photograph of the applicant, two inches wide by three inches high, full face, and taken within six months prior to the application. The board shall have discretion to deny a license to any individual when the information and supporting documentation required by this subsection are not provided.

(e) Upon granting a license pursuant to this Code section, the board shall so notify the licensee. An employer shall notify the board within 30 days of the hiring or termination of employment of any employee licensed under this Code section.

(f) Upon receipt of a license card issued by the board pursuant to this chapter, the licensee shall maintain said card on his or her person at all times while on his or her post or at his or her place of employment and at all times when the licensee wears a uniform in the course of his or her employment in the private detective or private security business.

(g) Notwithstanding any other provisions of this Code section, any person who is to be licensed under this Code section shall agree that if such person makes a false statement in the application or if such person is found to have been convicted of a felony and has not had all his or her civil rights restored pursuant to law, then the board shall be authorized to suspend any license granted to such person without a prior hearing as required in Code Section 43-38-11. Upon request, any such person shall be entitled to a hearing on such matter subsequent to the suspension.

History.

Ga. L. 1973, p. 40, § 8; Ga. L. 1981, p. 1828, § 6; Ga. L. 1987, p. 1400, § 6; Ga. L. 1988, p. 13, § 43; Ga. L. 2000, p. 1161,

§ 4; Ga. L. 2000, p. 1706, § 19; Ga. L. 2005, p. 787, § 1/HB 17; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2010, p. 266, § 40/SB 195; Ga. L. 2010, p. 391, § 2/SB

162; Ga. L. 2011, p. 752, § 43/HB 142; Ga. L. 2021, p. 239, § 1/HB 364; Ga. L. 2022, p. 111, § 1/HB 1441.

Amendments.

The 2022 amendment, effective July 1, 2022, in paragraph (b)(2), deleted the former subparagraph (b)(2)(A) designation and deleted former subparagraph (b)(2)(B), which read: “Any potential licensee currently certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course training required by Chapter 8 of Title 35, the ‘Georgia Peace Officer Standards and Training Act,’ shall be authorized to serve as a guard, watchman, or patrolman, provided that an application to be licensed by the board pursuant to this Code section is submitted no later than 60 days from the start of employment.”; substituted “paragraph (2) of subsection (b)” for “subparagraph (b)(2)(A)” in paragraph (c)(1); deleted the former first sentence of paragraph (c)(2), which read: “The board shall accept certification by the Georgia Peace Officer Standards and Training Council as having successfully completed the course training required by

Chapter 8 of Title 35, the ‘Georgia Peace Officer Standards and Training Act,’ as evidence that subparagraph (B) of paragraph (1) of this subsection has been satisfied.”; redesignated former paragraph (c)(3) as present paragraph (c)(2); deleted “of the applicant, except for those applicants who are currently certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course training required by Chapter 8 of Title 35, the ‘Georgia Peace Officer Standards and Training Act,’” following “fingerprints” in the third sentence in subsection (d); deleted the former first sentence in subsection (e), which read: “Any applicant currently certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course training required by Chapter 8 of Title 35, the ‘Georgia Peace Officer Standards and Training Act,’ shall be authorized to serve as a guard, watchman, or patrolman during any period of time awaiting a decision of the board to grant or deny a license pursuant to this Code section.”; and substituted “his or her” for “his” four times in subsection (f).

43-38-12. Applicability of the “Georgia Administrative Procedure Act.”

Law reviews.

For article, “HB 479: Repeal of Georgia’s

Citizen’s Arrest Law,” see 38 Ga. St. U.L. Rev. 25 (2021).

43-38-13. [Reserved] Arrest powers of licensees and registrants.

Law reviews.

For article, “HB 479: Repeal of Georgia’s

Citizen’s Arrest Law,” see 38 Ga. St. U.L. Rev. 25 (2021).

43-38-14. Exceptions to operation of chapter; local regulation.

- (a) This chapter shall not apply to:
 - (1) An officer or employee of the United States of America or of this state or a political subdivision thereof while the employee or officer is engaged in the performance of official duties;
 - (2) A person engaged in the business of furnishing information in connection with credit or marketing and a person or firm engaged as a consumer reporting agency, as defined by the federal Fair Credit Reporting Act;

(3) An attorney at law or a bona fide legal assistant in performing his or her duties;

(4) Admitted insurers, agents, and insurance brokers licensed by the state while performing duties in connection with insurance transacted by them;

(5) A firm engaged in the business of independent insurance claims adjusting whose employees hold a valid Georgia adjuster's license;

(6) The employees of a firm identified in paragraph (5) of this subsection; or

(7) Any person with a valid peace officer certification issued pursuant to Chapter 8 of Title 35, the "Georgia Peace Officer Standards and Training Act," who is employed by or works as an independent contractor for a licensed private security business or private detective business.

(b) This chapter shall not prevent the local authorities of any municipality or county, by ordinance and within the exercise of the police power of such municipality or county, from imposing local regulations upon any street patrol, special officer, or person furnishing street patrol service, including regulations requiring registration with an agency to be designated by such municipality or county.

(c) This chapter shall not apply to a person or corporation which employs persons who do private security work in connection with the affairs of such employer only and who have an employer-employee relationship with such employer. Neither such persons or corporations nor their employees shall be required to register or be licensed under this chapter, although such persons or corporations or their employees may elect to be licensed under this chapter.

History.

Ga. L. 1973, p. 40, § 15; Ga. L. 1975, p. 785, § 1; Ga. L. 1978, p. 1515, § 2; Ga. L. 1981, p. 1828, § 12; Ga. L. 1982, p. 3, § 43; Ga. L. 1991, p. 1027, § 3; Ga. L. 2000, p. 1161, § 7; Ga. L. 2011, p. 415, § 1/HB 53; Ga. L. 2022, p. 111, § 2/HB 1441.

Amendments.

The 2022 amendment, effective July 1, 2022, deleted "or" from the end of paragraph (a)(5), substituted "; or" for a period at the end of paragraph (a)(6); redesignated the former introductory language of subsection (b) as paragraph (a)(7), and substituted "licensed private security business or private detective business." for "licensed." at the end; deleted former

paragraphs (b)(1) and (b)(2), which read:

"(1) Private security business shall be exempt from any training provisions required by this chapter for such business and shall be deemed to have satisfied all board rules and regulations relative to training; and

"(2) Private detective business or private security business shall be exempt from further licensure under this chapter and shall be permitted to carry a firearm without obtaining any weapons permit from the board; provided, however, that such licensed private detective business or private security business shall be required to register such employee or independent contractor with the board."; and redesignated former subsections (c) and

(d) as present subsections (b) and (c), respectively.

CHAPTER 39

PSYCHOLOGISTS

Cross references.
Interstate Compact for School Psychologists, § 20-6-25 et seq.

ARTICLE 2

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

43-39-22. Compact terms.

History.
Code 1981, § 43-39-22, enacted by Ga. L. 2019, p. 101, § 4/HB 26; 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 amended is not set out in the supplement owing to the delayed effective date. After the contingency is met, subparagraph (B)(1)(a) of Article IV will read as follows: “Regionally accredited by an accrediting body recognized by the U.S.

Department of Education, or its successor, to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR” and subparagraph (B)(1)(a) of Article V will read as follows: “Regionally accredited by an accrediting body recognized by the U.S. Department of Education, or its successor, to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR”.

Amendments.
The 2025 amendment inserted “, or its successor,” following “U.S. Department of Education” in subparagraph (B)(1)(a) of Article IV and subparagraph (B)(1)(a) of Article V. For effective date of this amendment, see the delayed effective date note.

CHAPTER 39A

REAL ESTATE APPRAISERS

Sec.		
43-39A-14.	Required conduct of applicants; grounds for refusal of classification, imposition of	sanctions, and suspension or revocation of classification.

43-39A-14. Required conduct of applicants; grounds for refusal of classification, imposition of sanctions, and suspension or revocation of classification.

(a) Appraiser classifications shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact real estate appraisal activity in such manner as to safeguard the interests of the public and only after satisfactory proof of such qualifications has been presented to the board.

(b)(1) As used in this subsection, the term:

(A) "Conviction" means a finding or verdict of guilty or a plea of guilty to a charge of a felony or any crime involving moral turpitude, regardless of whether an appeal of the conviction has been brought; a sentencing to first offender treatment without an adjudication of guilt pursuant to a charge of a felony or any crime involving moral turpitude; or a plea of nolo contendere to a charge of a felony or any crime involving moral turpitude.

(B) "Felony" means any offense committed:

(i) Within this state and deemed a felony under the laws of this state or under the laws of the United States; or

(ii) In another state and deemed a felony under the laws of that state or the laws of the United States.

(1.1) No person who has a conviction shall be eligible to become an applicant for a license or an approval authorized by this chapter unless such person has successfully completed all terms and conditions of any sentence imposed for such conviction, provided that if such individual has multiple convictions, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided, further, that if such individual has a single conviction, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval.

(1.2) A person who has a conviction in a court of competent jurisdiction of this state or any other state shall be eligible to become an applicant for a licensure or an approval authorized by this chapter only if:

(A) Such person has satisfied all terms and conditions of any conviction such person may have had before making application for licensure or approval, provided that if such individual has multiple convictions, at least five years shall have passed since the indi-

vidual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided, further, that if such individual has been convicted of a single felony or of a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval;

(B) No criminal charges for forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, a felony, a sexual offense, a probation violation, or a crime involving moral turpitude are pending against the person; and

(C) Such person presents to the commission satisfactory proof that the person now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(2) Where an applicant for any classification or approval authorized by this chapter has been convicted in a court of competent jurisdiction of this state or any other state of the offense of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, or conspiracy to defraud or other like offense or offenses or has been convicted of a felony, a sexual offense, a probation violation, or a crime involving moral turpitude, such conviction in itself may be a sufficient ground for refusal of a classification or approval. An applicant for any classification or approval authorized by this chapter who has been convicted of any offense enumerated in this paragraph may be issued a classification or approval by the board only if:

(A) The time periods identified in paragraph (1.1) of this subsection have passed since the applicant was convicted, sentenced, or released from any incarceration, whichever is later;

(B) No criminal charges are pending against the applicant; and

(C) The applicant presents to the board satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact real estate appraisal activity in such a manner as to safeguard the interest of the public.

(c) Where an applicant or an appraiser has been found guilty of a violation of the federal fair housing law or Article 4 of Chapter 3 of Title 8 by an administrative law judge or a court of competent jurisdiction and after any appeal of such conviction is concluded, such conviction may in itself be a sufficient ground for refusal of an appraiser classification or the imposition of any sanction permitted by this chapter.

(d) Where an applicant or an appraiser has made a false statement of material fact on an application or caused to be submitted or been a

party to preparing or submitting any falsified application to the board, such action may, in itself, be a sufficient ground for the refusal, suspension, or revocation of the appraiser classification.

(e) Grounds for suspension or revocation of an appraiser classification, as provided for by this chapter, shall also be grounds for refusal to grant an appraiser classification.

(f) The conduct provided for in subsections (a) through (d) and subsection (h) of this Code section which relates to the denial of an appraiser classification to an applicant shall also be grounds for the imposition of any sanction permitted by this chapter when the conduct is that of an appraiser.

(g) Whenever the board initiates an investigation as provided in Code Section 43-39A-22 to determine whether an appraiser has violated any provision of this chapter or the rules and regulations adopted pursuant to this chapter and such appraiser:

(1) Surrendered or surrenders an appraiser classification to the board;

(2) Allowed or allows an appraiser classification to lapse due to failure to meet education requirements provided by law; or

(3) Allowed or allows an appraiser classification to lapse due to failure to pay any required fees,

the board may issue an order revoking such appraiser's classification. The order shall be effective ten days after the order is served on the appraiser unless the appraiser makes a written request for a hearing before the board, in which event, the board shall file a notice of hearing in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Service shall be accomplished as provided for in Code Section 43-39A-21.

(h) Whenever any occupational licensing body of this state or any other state has disciplined any license or classification of an applicant for any appraiser classification or whenever such an applicant has allowed a license or classification to lapse or has surrendered a license or classification to any occupational licensing body of this state or any other state after that occupational licensing body has initiated an investigation or a disciplinary process regarding such applicant's licensure or classification, such discipline, lapsing, or surrender in itself may be a sufficient ground for refusal of an appraiser classification. Whenever any occupational licensing body of this state or any other state has revoked the license or classification of an applicant for a classification or whenever such an applicant has allowed a license or classification to lapse or has surrendered a license or classification to any occupational licensing body of this state or any other state after that body has

initiated an investigation or a disciplinary process regarding such applicant's license or classification, the board may issue an appraiser classification only if:

(1) At least five years have passed since the date that the applicant's occupational registration, license, or certification was revoked or surrendered;

(2) No criminal charges are pending against the applicant at the time of application; and

(3) The applicant presents to the board satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact real estate appraisal activity in such a manner as to safeguard the interests of the public.

(i) Whenever any appraiser is convicted of any offense enumerated in subsection (b) of this Code section, such appraiser shall notify the board of that conviction within ten days from the date of the conviction. Such appraiser's appraiser classification may be revoked by the board 60 days after the conviction unless the appraiser has made a written request to the board for a hearing during that 60 day period. Following any such hearing, the board in its discretion may impose upon such appraiser any disciplinary action or sanction permitted by this chapter or impose no disciplinary action or sanction. If an appraiser fails to make a written request for a hearing during the 60 day period after the conviction, then the board, upon discovery of the conviction, shall have the option of revoking the appraiser's appraiser classification without the appraiser being entitled to a hearing or the board in its discretion may impose upon such appraiser any other disciplinary action or sanction permitted by this chapter or impose no disciplinary action or sanction.

(j) Where an applicant or licensee has been found not in compliance with an order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3, such action shall be sufficient grounds for refusal of a license or suspension of a license. For purposes of this subsection, the hearing and appeal procedures provided for in such Code sections shall be the only such procedures required under this article.

(k) Where an applicant or licensee 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, such finding shall not be grounds for refusal of a license or suspension of a license.

(l) Where the board has previously sanctioned any applicant for a classification under Chapter 13 of Title 50, the "Georgia Administrative

Procedure Act,” such sanction may in itself be a sufficient ground for refusing the classification.

History.

Code 1981, § 43-39A-14, enacted by Ga. L. 1990, p. 1701, § 1; Ga. L. 1991, p. 94, § 43; Ga. L. 1992, p. 1402, § 1; Ga. L. 1994, p. 881, § 4; Ga. L. 1995, p. 1216, § 2; Ga. L. 1996, p. 453, § 14; Ga. L. 1998, p. 1094, § 11; Ga. L. 2000, p. 1527, § 7; Ga. L. 2003, p. 370, § 3; Ga. L. 2007, p. 483, § 4/SB 114; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2011, p. 752, § 43/HB 142; Ga. L. 2012, p. 1099, § 4/SB 365; Ga. L. 2017, p. 125, § 1/HB 39; Ga. L. 2019, p.

462, § 1-17/SB 214; Ga. L. 2024, p. 120, § 2-39/HB 985, effective June 30, 2024.

Amendments.

The 2024 amendment, effective June 30, 2024, deleted “has been found to be a borrower in default who is not in satisfactory repayment status under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or who” following “licensee” near the beginning of subsection (k).

CHAPTER 40

REAL ESTATE BROKERS AND SALESPERSONS

Sec.

43-40-15. Grant of licenses; grounds for suspension or revocation of license; other sanctions; surrender or lapse; conviction.

Sec.

43-40-29. Exceptions to operation of chapter.

43-40-15. Grant of licenses; grounds for suspension or revocation of license; other sanctions; surrender or lapse; conviction.

(a) Licenses shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commission. The commission may deny a license to a corporation, limited liability company, or partnership if a stockholder, member, or partner or any combination thereof which owns more than a 20 percent interest therein does not bear a good reputation for honesty, trustworthiness, and integrity; has been convicted of any of the crimes enumerated in subsection (b) of this Code section; or has been disciplined by any legally constituted regulatory agency for violating a law regulating the sale of real estate.

(b)(1) As used in this Code section, the term:

(A) “Conviction” means a finding or verdict of guilty or a plea of guilty to a charge of a felony or any crime involving moral turpitude, regardless of whether an appeal of the conviction has

been brought; a sentencing to first offender treatment without an adjudication of guilt pursuant to a charge of a felony or any crime involving moral turpitude; or a plea of nolo contendere to a charge of a felony or any crime involving moral turpitude.

(B) “Felony” means any offense committed:

(i) Within this state and deemed a felony under the laws of this state or under the laws of the United States; or

(ii) In another state and deemed a felony under the laws of that state or the laws of the United States.

(1.1) No person who has a conviction shall be eligible to become an applicant for a license or an approval authorized by this chapter unless such person has successfully completed all terms and conditions of any sentence imposed for such conviction, provided that if such individual has multiple convictions, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided, further, that if such individual has a single conviction, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval.

(1.2) A person who has a conviction in a court of competent jurisdiction of this state or any other state shall be eligible to become an applicant for a licensure or an approval authorized by this chapter only if:

(A) Such person has satisfied all terms and conditions of any conviction such person may have had before making application for licensure or approval, provided that if such individual has multiple convictions, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided, further, that if such individual has been convicted of a single felony or of a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval;

(B) No criminal charges for forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, a felony, a sexual offense, a probation violation, or a crime involving moral turpitude are pending against the person; and

(C) Such person presents to the commission satisfactory proof that the person now bears a good reputation for honesty, trustwor-

thiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(2) Where an applicant for any license or approval authorized by this chapter has been convicted of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, or other like offense or offenses or has been convicted of a felony, a sexual offense, a probation violation, or a crime involving moral turpitude and has been convicted thereof in a court of competent jurisdiction of this state or any other state such conviction in itself may be sufficient ground for refusal of a license or approval authorized by this chapter. An applicant for licensure as an associate broker or a broker who has been convicted of any offense enumerated in this paragraph may be licensed by the commission as an associate broker or a broker only if:

(A) At least ten years have passed since the applicant was convicted, sentenced, or released from any incarceration, whichever is later;

(B) No criminal charges are pending against the applicant; and

(C) The applicant presents to the commission satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(c) Where an applicant or licensee has been found guilty of a violation of the federal fair housing law or Article 4 of Chapter 3 of Title 8 by an administrative law judge or a court of competent jurisdiction and after any appeal of such conviction is concluded, such conviction may in itself be a sufficient ground for refusal of a license or the imposition of any sanction permitted by this chapter.

(d) Where an applicant or licensee has made a false statement of material fact on his or her application or caused to be submitted or been a party to preparing or submitting any falsified application to the commission, such action may, in itself, be a sufficient ground for the refusal, suspension, or revocation of the license.

(e) Grounds for suspension or revocation of a license, as provided for by this chapter, shall also be grounds for refusal to grant a license.

(f) The conduct provided for in subsections (a), (b), (c), (d), and (h) of this Code section which relates to the denial of a real estate license to an applicant shall also be grounds for imposition of any sanction permitted by this chapter when the conduct is that of a licensee.

(g) Whenever the commission initiates an investigation as permitted by Code Section 43-40-27 to determine whether a licensee has violated

any provision of this chapter or its rules and regulations and such licensee has:

- (1) Surrendered or voluntarily surrenders the license to the commission;
- (2) Allowed or allows the license to lapse due to failure to meet educational requirements provided by law; or
- (3) Allowed or allows the license to lapse due to failure to pay any required fees,

the commission may issue an order revoking such licensee's license. The order shall be effective ten days after the order is served on the licensee unless the licensee makes a written request for a hearing before the commission, in which event, the commission shall file a notice of hearing in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Service shall be accomplished as provided for in Code Section 43-40-26.

(h) Whenever any occupational licensing body of this state or any other state has disciplined the license of an applicant for any license authorized by this chapter or whenever such an applicant has allowed a license to lapse or has surrendered a license to any occupational licensing body of this state or any other state after that body has initiated an investigation or a disciplinary process regarding such applicant's license, such discipline, lapsing, or surrender in itself may be a sufficient ground for refusal of a license. Whenever any occupational licensing body of this state or any other state has revoked the license of an applicant for any license authorized by this chapter or whenever such an applicant has allowed a license to lapse or has surrendered a license to any occupational licensing body of this state or any other state after that body has initiated an investigation or a disciplinary process regarding such applicant's license, the commission may issue an associate broker's or a broker's license only if:

- (1) At least ten years have passed since the date that the applicant's occupational license was revoked or surrendered;
- (2) No criminal charges are pending against the applicant at the time of application; and
- (3) The applicant presents to the commission satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(i) Whenever any licensee is convicted of any offense enumerated in subsection (b) of this Code section, such licensee shall notify the commission of that conviction within ten days from the date of the

conviction. Such licensee's license may be revoked by the commission 60 days after the licensee's conviction unless the licensee has made a written request to the commission for a hearing during that 60 day period. Following any such hearing, the commission in its discretion may impose upon such licensee any disciplinary action or sanction permitted by this chapter or impose no disciplinary action or sanction. If a licensee fails to make a written request for a hearing during the 60 day period after the conviction, then the commission, upon discovery of the conviction, shall have the option of revoking the licensee's license without the licensee being entitled to a hearing or the commission in its discretion may impose upon such licensee any other disciplinary action or sanction permitted by this chapter or impose no disciplinary action or sanction.

(j) Whenever the commission revokes or suspends the license of a community association manager, a salesperson, an associate broker, or a broker, then any school or instructor approval which such licensee holds shall also be revoked or suspended. Whenever a licensee surrenders a real estate license as provided for in subsection (g) of this Code section, any school or instructor approval which such licensee holds shall also be subject to the provisions of subsection (g) of this Code section.

(k) Where an applicant or licensee has been found not in compliance with an order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3, such action shall be sufficient grounds for refusal of a license or suspension of a license. In such actions, the hearing and appeal procedures provided for in those Code sections shall be the only such procedures required under this chapter.

(l) Where an applicant or licensee 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, such finding shall not be grounds for refusal of a license or suspension of a license.

(m) Where the commission has previously sanctioned any applicant for a license under Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," such sanction may in itself be a sufficient ground for refusing the license.

History.

Ga. L. 1925, p. 325, § 1; Ga. L. 1931, p. 231, § 1; Code 1933, § 84-1409; Ga. L. 1943, p. 572, § 1; Ga. L. 1949, p. 943, § 3; Ga. L. 1950, p. 278, § 2; Ga. L. 1965, p. 629, § 5; Ga. L. 1968, p. 277, § 2; Code 1933, § 84-1410, enacted by Ga. L. 1973,

p. 100, § 1; Ga. L. 1978, p. 231, § 2; Ga. L. 1981, p. 1311, § 3; Ga. L. 1983, p. 1411, § 2; Ga. L. 1984, p. 844, § 5; Ga. L. 1986, p. 364, §§ 4, 5, 6; Ga. L. 1989, p. 1619, § 5; Ga. L. 1990, p. 8, § 43; Ga. L. 1990, p. 650, § 4; Ga. L. 1991, p. 94, § 43; Ga. L. 1991, p. 642, §§ 4, 5; Ga. L. 1993, p. 123,

§ 54; Ga. L. 1994, p. 1168, § 2; Ga. L. 1995, p. 1216, § 6; Ga. L. 1996, p. 6, § 43; Ga. L. 1996, p. 194, § 8; Ga. L. 1996, p. 453, § 15; Ga. L. 1998, p. 1094, § 12; Ga. L. 2000, p. 1527, § 16; Ga. L. 2003, p. 370, § 11; Ga. L. 2007, p. 483, § 7/SB 114; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2012, p. 1099, § 9/SB 365; Ga. L. 2017, p. 125, § 2/HB 39; Ga. L. 2019, p. 462, § 1-18/SB 214; Ga. L. 2024, p. 120, § 2-40/HB 985, effective June 30, 2024.

Amendments.

The 2024 amendment, effective June 30, 2024, deleted “has been found to be a borrower in default who is not in satisfactory repayment status under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or who” following “licensee” near the beginning of subsection (1).

43-40-29. Exceptions to operation of chapter.

(a) Except as otherwise provided, this chapter shall not apply to:

(1) Any person who, as owner, as the spouse of an owner, as the family member of an owner, as that term is defined in rules promulgated by the Commission, as general partner of a limited partnership as an officer of a limited liability company, as lessor, or as prospective purchaser or their regular employees, performs any act with reference to property owned, leased, or to be acquired by such owner, limited partnership, lessor, or prospective purchaser where such acts are performed in the regular course of, or as incident to, the management of such property and the investment therein or any person who manages residential apartment complexes under a contract approved by any federal agency for an organization which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, provided that such person was engaged in managing such property under such type contract prior to January 1, 1989;

(2) An attorney in fact under a duly executed power of attorney to convey real estate from the owner or lessor;

(3) A licensed practicing attorney acting solely as an incident to the practice of law;

(4) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or guardian or acting under a court order or under the authority of a will or of a trust instrument;

(5) Any officer or employee of a government agency in the conduct of official duties;

(6) Any person employed by a public or private utility who performs any act with reference to property owned, leased, or to be acquired by the utility employing that person, where such acts are performed in the regular course of, or as incident to, the management of such property and the investment therein;

(7) Any person who, as owner, provides property management

services or community association management services, buys, sells, leases, manages, auctions, or otherwise deals with property owned by such person;

(8) Any person employed on a full-time basis by a community association for the purpose of providing community association management services;

(9) Any person acting as a referral agent who is not involved in the actual negotiations, execution of documents, collection of rent, management of property, or other related activity which involves more than the mere referral of one person to another and who:

(A) Does not receive a fee for such referral from the party being referred;

(B) Does not charge an advance fee; and

(C) Does not act as a referral agent in more than three transactions per year;

(10) Any individual employed by a broker to assist in property management services on property on which the broker has a written management agreement that the broker procured from and negotiated with the owner, provided that such individual's activities are explicitly authorized by the broker in a written agreement between the broker and the employee and provided that such activities are limited to one or more of the following:

(A) Delivering a lease application, a lease, or any amendment thereto to any person;

(B) Receiving a lease application, a lease, or any amendment thereto, a security deposit, rental payment, or any related payment for delivery to and made payable to the broker or the owner;

(C) Showing a rental unit to any person, provided that the employee is acting under the direct instructions of the broker, and executing leases or rental agreements;

(D) Providing information authorized by the broker about a rental unit, a lease application, or a lease;

(E) Providing information to a tenant about the status of such tenant's security deposit or rent payments or to an owner about the owner's financial accounts and payments from the owner's tenants; and

(F) Performing any ministerial acts that are explicitly authorized by the broker in a written agreement between the broker and the employee.

Any broker utilizing the services of such an employee shall be held responsible under this chapter for the activities of that individual;

(11) Any person who provides property management services on properties available for less than 90 days' occupancy by guests or occupants and meets all of the following conditions:

(A) The property manager enters into a written agreement with the owner specifying all terms and conditions under which the property is to be managed, the reporting of income and expenses, and the remitting of income to the owner;

(B) The management agreement between the property manager and the owner does not allow the property manager to rent or lease the property and any agreement between the property manager and the guest or occupant is not a lease or rental agreement;

(C) Any applicable zoning laws do not prohibit short-term occupancy uses of the property;

(D) The guest's or occupant's occupancy is for less than 90 days;

(E) No deposit exceeds the cost of the rental required for the minimum rental period;

(F) The guest or occupant pays any required state or local sales taxes or excise taxes on rooms, lodgings, and accommodations and the property manager has any required state or local business licenses or permits;

(G) The property manager has the authority to specify rooms or units that the guest or occupant will occupy;

(H) No extra charge is made for basic utilities;

(I) Notice is not required for a guest or occupant to terminate occupancy of the room or unit, except as provided under the provisions of Article 1 of Chapter 21 of this title; and

(J) The room or unit is not the permanent residence of the guest or occupant;

(12) Any person who is a member of a community association and who provides community association management services only to one community association of which such person is a member;

(13) Any person who performs only physical maintenance on a property; or

(14) A licensed certified public accountant acting solely as an incident to the practice of public accounting.

(b) The exceptions provided by subsection (a) of this Code section shall not apply to any person, other than an owner or individuals who

are full-time employees of the owner, who performs the acts of a broker on property required to be registered under Article 1, 2, or 5 of Chapter 3 of Title 44.

(c) The exceptions provided by subsection (a) of this Code section shall not apply to any person who holds a real estate license.

(d) The exceptions in subsection (a) of this Code section are not applicable to a person who uses or attempts to use them for the purpose of evading licensure required by this chapter.

History.

Ga. L. 1925, p. 325, § 2; Code 1933, § 84-1403; Ga. L. 1965, p. 629, § 3; Ga. L. 1973, p. 100, § 1; Ga. L. 1980, p. 1398, § 2; Ga. L. 1982, p. 3, § 43; Ga. L. 1985, p. 360, § 18; Ga. L. 1986, p. 364, §§ 14, 15; Ga. L. 1989, p. 1619, § 9; Ga. L. 1995, p. 1216, § 9; Ga. L. 1996, p. 194, § 13; Ga. L. 2003, p. 370, § 18; Ga. L. 2005, p. 1030, § 12/SB 55; Ga. L. 2025, p. 882, § 3/HB 399, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in paragraph (a)(1), inserted “as

the family member of an owner, as that term is defined in rules promulgated by the Commission,” and “as an officer of a limited liability company”; deleted “or through another person engaged by such owner on a full-time basis or as owner of a management company whose principals hold a controlling ownership of such property” following “owner” in paragraph (a)(7); deleted former paragraph (a)(8) and redesignated former paragraph (a)(8.1) as present paragraph (a)(8).

CHAPTER 41

RESIDENTIAL AND COMMERCIAL GENERAL CONTRACTORS

Sec.		Sec.	
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43-41-2.	Definitions.		
43-41-3.	Creation of State Licensing Board for Residential and Commercial General Contractors; membership; divisions; vacancies; qualifications; terms; meetings.	43-41-6.	Application and appropriate fee; eligibility for licensure as residential-basic contractor, residential-light commercial contractor, or commercial general contractor; examination of qualified applicants; renewal of licenses; continuing education requirements.
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Sec.		Sec.	
43-41-9.	Licensing; joint ventures treated uniquely; notification to division of changes; separation of sole qualifying agent; disciplinary actions; payment of fees; joint responsibility for work product.		penalty for noncompliance with chapter; posting of requirements.
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43-41-11.	Effect of licensure.	43-41-17.	Effective date of licensing and sanctioning provisions; unenforceable contracts; compliance with county or municipal requirements; exemption for DOT contractors; other exceptions.
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43-41-14.	Role of building inspectors;		

Editor’s notes.

Ga. L. 2024, p. 705, § 1/SB 503, purported to delete reserved Code Section 43-41-19; however, the reservation of this

Code section had been previously deleted by Ga. L. 2021, p. 922, § 43(8)/HB 497, effective May 10, 2021.

43-41-1. Legislative findings.

It is the intent of the General Assembly, in the interest of public health, safety, and welfare, to safeguard homeowners, other property owners, tenants, and the general public against faulty, inadequate, inefficient, and unsafe residential and commercial general contractors. The practice of residential and commercial general contracting is declared to be a business or profession affecting the public interest and this chapter shall be liberally construed so as to accomplish the intent and purposes stated in this Code section.

History.

Code 1981, § 43-41-1, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “commercial” in the first and second sentences of this Code section.

43-41-2. Definitions.

As used in this chapter, the term:

(1) “Board” means the State Licensing Board for Residential and Commercial General Contractors.

(2) “Business organization” means any partnership, corporation, limited liability entity, business trust, joint venture, or other legal entity, other than an individual person, doing business or seeking, offering, or contracting to do business as a contractor or otherwise performing or acting as a contractor as defined in this Code section.

(3) “Commercial general contractor” means a contractor whose services are unlimited as to the type of work which he or she may do, subject to the financial limitations as may be imposed by a subclassification created pursuant to paragraph (8) of subsection (b) of Code Section 43-41-5, and who may contract for, undertake to perform, submit a bid or a proposal or otherwise offer to perform, and perform any activity or work as a contractor requiring licensure under this chapter including within its scope any work requiring licensure under Chapter 14 of this title; provided, however, that any work contractually undertaken by a commercial general contractor in the nature of electrical contracting, plumbing, conditioned air contracting, low voltage contracting, or utility contracting which falls within the licensing requirements of Chapter 14 of this title may not be performed by the commercial general contractor but shall only be performed by a person who is duly licensed to perform such work under Chapter 14 of this title. The construction of all private, commercial, institutional, industrial, public, and other buildings and structures under contract with or engagement directly by an owner shall be undertaken by a commercial general contractor, except as otherwise expressly set forth in or excluded from operation of this chapter.

(4) “Contracting” means performing or causing to be performed any of the activities set forth in paragraphs (3), (5), (9), (10), and (11) of this Code section which define the types of contractors. The offering of contracting services and the negotiation of or bid or proposal for engagement or a contract requiring performance of these services also constitutes contracting.

(5) “Contractor,” except as specifically exempted by this chapter, means a person who is qualified, or required to be qualified, under this chapter and who contracts to, offers to undertake or undertakes to, submits a bid or a proposal to, or personally or by others performs the construction or the management of the construction for an owner of any building, bridge, or other structure, including a person who installs industrialized buildings as defined in paragraphs (3) and (4) of Code Section 8-2-111, for the construction or improvement of, addition to, or the repair, alteration, or remodeling of any such building, bridge, or structure for use by the owner or by others or for

resale to others. The term “contractor” for purposes of this chapter shall include a person who contracts to, undertakes to, or submits a bid or proposal to perform, or otherwise does himself or herself perform, for an owner:

(A) Construction management services relative to the performance by others of such construction activities where the person performing such construction management services is at risk contractually to the owner for the performance and cost of the construction; and

(B) Services of a contractor as part of performance of design-build services, whether as a prime contractor, joint venture partner, or as a subcontractor to a design professional acting as prime contractor as part of a design-build entity or combination.

Both residential and commercial general contractors, in addition to contractors licensed under Chapter 14 of this title to perform such work or any component thereof, shall be permitted to construct storm-water management systems comprising any storm-water conveyance or storm-water detention facility that moves storm or surface water from a specific point on a wholly contained construction project site to another specific point on the same project site and which are wholly contained within the project site and are not part of or connected to any public or private water treatment system, wastewater treatment system, or storm-water system.

(6) An “owner” of real property means a person or entity that has a majority ownership interest in the real property to be improved and for whom an improvement is made or who contracts with or engages, directly or through an agent, the contractor to perform the construction work or services.

(7) “Qualifying agent” means a person who possesses the requisite skill, knowledge, and experience and has the responsibility to supervise, direct, manage, and control all of the contracting activities within the State of Georgia of a contractor doing business in the form of a business organization, with which he or she is affiliated by employment or ownership; who has the responsibility to supervise, direct, manage, and control construction activities on any project for which he or she has obtained the building permit pursuant to Code Section 43-41-14; and whose technical and personal qualifications have been determined by investigation and examination as provided in this chapter, except as exempted under Code Section 43-41-8, as attested by the division.

(8) “Real property” means the real estate, or an interest therein, that is improved, including leaseholds, tenements, and easements, and improvements constructed or placed thereon.

(9) “Residential contractor” means any contractor who may contract for, undertake to perform, submit a bid or a proposal or otherwise offer to perform, and perform any activity or work as a contractor requiring licensure under this chapter for a fixed price, commission, fee, wage, or other compensation or who undertakes any activity or work on his or her own behalf or for any person or business organization that is not licensed as a licensed residential contractor pursuant to this chapter where such activity or work falls into the category of residential-basic contractor or residential-light commercial contractor as defined in this Code section and where the total value of the work or activity or of the compensation to be received by the contractor for such activity or work, whichever is the higher, exceeds \$2,500.00. The term “residential contractor” shall include both a residential-basic contractor and a residential-light commercial contractor, except where otherwise expressly stated. The work or activity performed by a residential contractor may include within its scope any work requiring licensure under Chapter 14 of this title; provided, however, that any work contractually undertaken by a residential contractor in the nature of electrical contracting, plumbing, conditioned air contracting, low voltage contracting, or utility contracting which falls within the licensing requirements of Chapter 14 of this title may not be performed by the residential contractor but shall only be performed by a person who is duly licensed to perform such work under Chapter 14 of this title.

(10) “Residential-basic contractor” means and encompasses a person who performs contractor work or activity relative to detached one-family and two-family residences and one-family townhouses not over three stories in height and their accessory buildings and structures.

(11) “Residential-light commercial contractor” means and encompasses a person who performs any contractor work or activity performed by a residential-basic contractor and, additionally, shall include such contractor work or activity related to multifamily and multiuse light commercial buildings and structures, and their related accessory buildings and structures, which are less than four stories in height; less than 25,000 square feet in aggregate interior floor space, except as otherwise provided in this chapter; and are constructed of wood or light gauge metal frame, brick veneer, prefabricated, or manufactured type of construction; or are preengineered steel buildings not exceeding 50,000 square feet of interior floor space; provided that such buildings or structures are not of the type of building or structure that would constitute a special hazard to property or to life and safety of persons as defined in subparagraphs (A), (C), (D), (E), (F), (G), (G.1), (H), (I), and (J) and subparagraph (B), as it applies to a building of four or more stories, of paragraph (1) of subsection (b) of Code Section 25-2-13.

(12) “Specialty contractor” means a contractor whose scope of work and responsibility is of limited scope dealing with only a specific trade and directly related and ancillary work and whose performance is limited to such specialty construction work requiring special skill and requiring specialized building trades or crafts, including, but not limited to, such activities, work, or services requiring licensure under Chapter 14 of this title.

History.

Code 1981, § 43-41-2, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2007, p. 569, § 1/SB 115; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024; Ga. L. 2025, p. 359, § 3-4(1)/SB 125, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “Commercial” in paragraph (1); added paragraph (3); redesignated former paragraphs (3) and (4) as present paragraphs (4) and (5); substituted “(3)” for “(4)” in the first sentence in paragraph (4); deleted “, for compensation,” preceding “contracts to” in the first sentence in the beginning of paragraph (5); inserted “commercial” in the undesignated paragraph following subparagraph (5)(B); and deleted former paragraph (5), which read: “General contractor” means a contractor whose services are unlimited as to the type of work which he or she may do, subject to the financial limitations as may be imposed by a subclassification created pursuant to paragraph (8) of subsection (b) of Code Section 43-41-5, and who may contract for, undertake to perform, submit a bid or a proposal or otherwise offer to perform, and perform any

activity or work as a contractor requiring licensure under this chapter including within its scope any work requiring licensure under Chapter 14 of this title; provided, however, that any work contractually undertaken by a general contractor in the nature of electrical contracting, plumbing, conditioned air contracting, low voltage contracting, or utility contracting which falls within the licensing requirements of Chapter 14 of this title may not be performed by the general contractor but shall only be performed by a person who is duly licensed to perform such work under Chapter 14 of this title. The construction of all private, commercial, institutional, industrial, public, and other buildings and structures under contract with or engagement directly by an owner shall be undertaken by a general contractor, except as otherwise expressly set forth in or excluded from operation of this chapter.”.

The 2025 amendment, effective July 1, 2025, substituted “low voltage” for “low-voltage” in the first sentence of paragraph (3).

Law reviews.

For article with annual survey on construction law, see 73 Mercer L. Rev. 59 (2021).

43-41-3. Creation of State Licensing Board for Residential and Commercial General Contractors; membership; divisions; vacancies; qualifications; terms; meetings.

(a) There is created the State Licensing Board for Residential and Commercial General Contractors consisting of 15 members appointed by the Governor for five-year terms. 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 and shall operate in accordance with and pursuant to the provisions of Chapter 1 of this title, as applicable. The board shall be composed of two divisions: the residential contractor division, having jurisdiction of and authority over

the two subcategories of residential contracting, residential-basic contractors and residential-light commercial contractors, and the commercial general contractor division. Eight members shall be appointed and serve as members of the residential contractor division of the board and seven members shall be appointed and serve as members of the commercial general contractor division of the board. Members shall serve until the expiration of their respective terms and until their successors are appointed and qualified. Vacancies occurring during a term shall be filled by appointment of the Governor for the remainder of the unexpired term and such replacement shall meet the requirements and criteria of selection of the person previously holding the vacant position. To be eligible to serve on the respective divisions of the board, each contractor member shall be licensed in the category to which the member is appointed and shall remain actively involved in the construction contracting business and shall have been so engaged for a period of not less than five consecutive years before the date of appointment in the particular contracting business, as a residential contractor or commercial general contractor, corresponding to the division for which such person is appointed. The position of any appointed member of the board who, during his or her term of appointment, shall cease to meet the qualifications for original appointment shall be immediately vacated.

(b) The residential contractor division shall consist of eight members and, except as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the practice of the two subcategories of residential contracting, residential-basic contractors and residential-light commercial contractors. Six members shall be residential contractors licensed under this chapter. At least two of the residential contractor members shall be licensed as residential-light commercial contractors; at least two shall be licensed as residential-basic contractors; one shall be a licensed residential contractor whose business predominantly involves remodeling projects; one shall be a licensed residential contractor who constructs at least an average of 20 residences per year; and all shall be geographically diverse. One member shall have experience as a public building official and one member shall be a public member. The public member shall have no ties with the residential construction industry and shall represent the interests of the public at large. The member terms on the residential contractor division shall be staggered so that all terms do not expire simultaneously. The residential contractor division shall meet at least once every two months for the purpose of transacting such business as may properly come before it.

(c) The commercial general contractor division shall consist of seven members and, except as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the practice of commercial

general contracting. Five members shall be commercial general contractors licensed under this chapter. At least two of the commercial general contractor members shall be small-volume builders with an annual contracting volume of less than \$10 million and all of whom shall be geographically diverse. One member shall be a currently licensed or registered architect or engineer and one member shall have experience as a public building official. The initial member terms on the commercial general contractor division shall be staggered so that all terms do not expire simultaneously. The commercial general contractor division shall meet at least once every two months for the purpose of transacting such business as may properly come before it.

History.

Code 1981, § 43-41-3, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2005, p. 1179, § 1/SB 124; Ga. L. 2007, p. 569, § 2/SB 115; Ga. L. 2007, p. 623, § 1/HB 224; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024; Ga. L. 2025, p. 324, § 1/HB 635, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, rewrote this Code section.

The 2025 amendment, effective July 1, 2025, deleted the last sentence in sub-

section (a), which read: “No member of the board shall be appointed to serve more than two full terms.”; in subsection (b), substituted “all shall” for “all must” near the end of the third sentence and substituted “member shall have experience as” for “member shall be” in the fourth sentence; and, in subsection (c), substituted “whom shall” for “whom must” in the third sentence and substituted “member shall have experience as” for “member shall be” in the fourth sentence.

43-41-4. Chairperson and vice chairperson; meetings and quorums; assistance from professional licensing boards division.

(a) The members of the board shall elect a chairperson and a vice chairperson, each to serve for a one-year term commencing on the first day of July each year.

(b) The office of chairperson of the board shall be rotated between the two divisions enumerated in this chapter, with the office of vice chairperson to be held by a member of the division other than that in which the chairperson serves, 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 person selected to fill the vacancy shall be a member of the same division as the chairperson whose departure has created the vacancy.

(c) The board shall meet at the call of the chairperson or upon the recommendation of a majority of its members. Eight members of the board, including at least three members from each of its divisions, shall constitute a quorum for transaction of business by the board.

(d) Each division within the board shall also elect from its membership a chairperson and a vice chairperson who shall each serve for a

term of two years. Any vacancy in the office of either the chairperson or vice chairperson shall be filled by one of the members of the respective division for the unexpired term.

(e) Any member elected chairperson of a division may not serve more than two consecutive full terms of office.

(f) Each division shall carry out its powers and duties as provided for in this chapter with the assistance of the division director and staff of the professional licensing boards division of the Secretary of State's office and the officers and staff of the board. Each division of the board shall operate and transact its business independently of the other division and of the board at large, except as required by this chapter and to the extent of common interests and functions, including staffing and administration. Each division of the board shall have delegated from the board the power and authority to take all appropriate actions in the organization and administration of each respective division and the effectuation and implementation of the licensing and enforcement processes required under this chapter, subject to ultimate oversight and review by the board.

(g) The divisions of the board shall meet at the call of the chairperson of the division.

(h) The board shall not take action on any matter specifically delegated to and under the authority and control of the one of its divisions unless a majority of its members from the affected division are present and participating in such action or decision.

(i) The division director, or his or her designee, shall keep a record of the proceedings of the board and its respective divisions.

History.

Code 1981, § 43-41-4, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2005, p. 1179, § 2/SB 124; Ga. L. 2007, p. 623, § 2/HB 224; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024; Ga. L. 2025, p. 324, § 2/HB 635, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, rewrote subsection (a), which read: "The initial members of the board shall be appointed no later than July 1,

2005. The fifteenth member of the board shall be appointed not later than July 1, 2007. The board shall meet within 30 days after its appointment at a time and place to be designated by the Governor and organize by electing a chairperson and a vice chairperson, each to serve for a one-year term."

The 2025 amendment, effective July 1, 2025, substituted "unless a majority" for "unless at least four" in subsection (h).

43-41-5. Board meetings; power of board and its divisions; investigations; immunity from liability; failure to appear at hearing; voluntary surrender of license; application; subpoenas.

(a) The board shall meet at least twice each year for the purpose of

transacting such business as may properly come before it and of overseeing the operation of its divisions.

(b) The board and its divisions shall have the power to:

(1) Request from the various departments, agencies, and authorities of the state and its political subdivisions and their agencies and authorities such available information as they may require in their work; and all such departments, agencies, and authorities shall furnish such requested available information to the board and its divisions within a reasonable time;

(2) Provide by regulation for reciprocity with other states or territories of the United States in the licensing of residential and commercial general contractors, provided that such other states have requirements substantially equal to the requirements in force in this state for registration, licensure, or certification and that any such contractor holding a current and valid license, certificate, or registration from another state or territory seeking licensure by way of reciprocity shall demonstrate that such applicant meets, in the discretion of the respective division, the qualifications, requirements, and criteria set forth in Code Section 43-41-6, and that such applicant is otherwise in compliance with all requirements of the State of Georgia for transaction of such business within this state; provided, further, that a similar privilege is offered to residents of this state by the other state or territory;

(3) Establish and adjust fees as necessary within the limits set forth in Chapter 1 of this title;

(4) Adopt official seals for their use and change them at pleasure;

(5) Establish the policies and procedures for regulating the businesses of residential contracting and commercial general contracting and provide interpretation and guidance regarding the implementation and application of such policies and procedures;

(6) Determine qualifications for licensure or certification, including such experience requirements as the board deems necessary;

(7) Promulgate and adopt rules and regulations necessary to carry out this chapter;

(8) Establish and define appropriate categories of commercial general contractor licensure based upon financial criteria; and

(9) Allow for inactive status pursuant to Code Section 43-1-22.

(c) Regarding the powers and authorities conferred by this Code section relative to the residential-light commercial contractor subcategory of the residential contractor classification under this chapter, due

to the characteristics of such subcategory, such powers and authorities shall be delegated to and conferred upon, in the first instance, a combined and overlapping subdivision comprising four members of both of the divisions, two of whom shall be the residential-light commercial qualified members of the residential contractor division and two of whom shall be the small volume qualified members of the commercial general contractor division, with neither division having sole oversight and control of such powers and authorities. The chairperson of such combined subdivision shall be rotated annually between the chairperson of the residential contractor division and the chairperson of the commercial general contractor division, with the residential contractor chairperson initially serving as chairperson. The combined subdivision shall meet at the call of such chairperson. However, regarding the actual issuance of licenses under this chapter for residential-light commercial contracting and any powers and authorities relative to administration, oversight, control, or disciplinary action of persons issued such licenses, pursuant to Code Sections 43-41-10, 43-41-11, 43-41-13, 43-41-15, and 43-41-16, the residential contractor division shall have full power and authority. Any determinations made or actions taken by this subdivision shall be subject to the ultimate review, oversight, control, power, and authority of the board.

(d)(1) The division director is authorized to make, or cause to be made through employees or contract agents of the board, such investigations as he or she or the board may deem necessary or proper for the enforcement of the provisions of this chapter. Any person properly conducting an investigation on behalf of the board shall have access to and may examine any writing, document, or other material relating to the fitness of any licensee or applicant. The division director or his or her appointed representative may issue subpoenas to compel such access upon a determination that reasonable grounds exist for the belief that a violation of this chapter or any other law relating to the practice of residential or commercial general contracting may have taken place.

(2) The results of all investigations initiated by the board shall be reported solely to the board, and the records of such investigations shall be kept for the board by the division director, with the board retaining the right to have access at any time to such records. No part of any such records shall be released, except to the board, for any purpose other than a hearing before the board, nor shall such records be subject to subpoena; provided, however, that the board shall be authorized to release such records to another enforcement agency or lawful licensing authority.

(3) The board shall have the authority to exclude all persons during its deliberations on disciplinary proceedings and to discuss

any disciplinary matter in private with a licensee or applicant and the legal counsel of that licensee or applicant.

(e) A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of this chapter or any other provision of law relating to a licensee's or applicant's fitness to practice as a licensed residential or commercial general contractor 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.

(f) The denial of a license on grounds other than those enumerated in this chapter, the issuance of a private reprimand, the denial of a license by reciprocity, the denial of a request for reinstatement of a revoked license, or the refusal to issue a previously denied license shall not 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 or licensee shall be allowed to appear before the appropriate division if he or she so requests.

(g) If any licensee or applicant fails to appear at any hearing after reasonable notice, the board may proceed to hear the evidence against such licensee or applicant and take action as if such licensee or applicant had been present. A notice of hearing, initial or recommended decision, or final decision of the board in a disciplinary proceeding shall be served upon the licensee or applicant by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the board. If such material is returned marked "unclaimed" or "refused" or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort, be located, the division director shall be deemed to be the agent for service for such licensee or applicant for purposes of this Code section, and service upon the division director shall be deemed to be service upon the licensee or applicant.

(h) The voluntary surrender of a license shall have the same effect as a revocation of the license, subject to reinstatement in the discretion of the board.

(i) This Code section shall apply equally to all licensees or applicants whether individuals, partners, or members of any other incorporated or unincorporated associations, corporations, business organizations, or other associations of any kind whatsoever.

(j) All subpoenas issued pursuant to the authority granted in this chapter shall be subject to the general rules of law with respect to distance, tender of fees and expenses, and protective orders; and any motion made with respect thereto shall be made to and passed on by a

judge of the superior court of the county of residence of the person to whom the subpoena is directed.

History.

Code 1981, § 43-41-5, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2007, p. 569, § 3/SB 115; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “commercial” preceding

“general” throughout this Code section and deleted “other than the requirement to take and pass an examination as set forth in subsection (d) of Code Section 43-41-6,” following “Code Section 43-41-6,” in paragraph (b)(2).

43-41-6. Application and appropriate fee; eligibility for licensure as residential-basic contractor, residential-light commercial contractor, or commercial general contractor; examination of qualified applicants; renewal of licenses; continuing education requirements.

(a) Anyone seeking to be licensed as a residential contractor or as a commercial general contractor in this state shall file an application on a form provided by the residential contractor or commercial general contractor division, respectively, accompanied by an application fee as provided by the board. Such an application may be submitted either by:

(1) An individual person seeking issuance of a license in his or her own name for purposes of engaging in the profession of residential or commercial general contracting in his or her own name or doing business as an individual in a trade name as a sole proprietorship; or

(2) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of residential or commercial general contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9.

Additionally, all applicants shall successfully pass an examination approved by the appropriate division, except where an applicant is otherwise qualified for licensure and has satisfied the appropriate division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the appropriate division, either as an individual doing business in his or her own name or doing business as an individual in a trade name as a sole proprietor or as a qualifying agent for another business organization.

(b) A person shall be eligible for licensure as a residential-basic contractor by the residential contractor division if the person:

(1) Is at least 21 years of age;

(2) Is of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility; and

(3) Has at least two years of verifiable experience under the direct employment of a licensed residential contractor, with a primary focus on the residential-basic category, or other verifiable experience that the division deems to be substantially similar in scope and nature, including, but not limited to, experience performing activities, work, or services requiring licensure under Chapter 14 of this title. Such experience shall be verified through an affidavit, executed by the applicant's employer or such other person with knowledge of such experience, attesting under oath that the applicant has such experience.

(c) A person shall be eligible for licensure as a residential-light commercial contractor by the residential-light commercial subdivision if the person:

(1) Is at least 21 years of age;

(2) Is of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility; and

(3) Meets eligibility requirements according to one of the following criteria:

(A) Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division;

(B) Has a combination, equaling at least four years in the aggregate, of academic credits from any accredited college-level courses in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and verifiable practical experience working as or in the employment of a residential contractor, commercial general contractor, or other verifiable experience that the division deems to be substantially similar in nature and in scope, including, but not limited to, performing activities, work, or services requiring licensure under Chapter 14 of this title. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses and any experience shall be verified through an affidavit, executed by the applicant's employer or such other person with knowledge of such experience, attesting under oath that the applicant has such experience; or

(C) Has a total of at least four years of verifiable active experi-

ence working in a construction industry related field, at least two of which shall have been as or in the employment of a residential contractor, or other verifiable experience deemed acceptable by the division. Such experience shall be verified through an affidavit, executed by the applicant's employer or such other person with knowledge of such experience, attesting under oath that the applicant has such experience.

(d) A person shall be eligible for licensure as a commercial general contractor by the commercial general contractor division if the person:

- (1) Is at least 21 years of age;
- (2) Is of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility; and
- (3) Meets eligibility requirements according to one of the following criteria:

(A) Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division;

(B) Has a combination, equaling at least four years in the aggregate, of academic credits from any accredited college-level courses in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and verifiable practical experience working as or in the employment of a commercial general contractor or other verifiable experience that the division deems to be substantially similar in nature and in scope, including, but not limited to, performing activities, work, or services requiring licensure under Chapter 14 of this title. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses and any experience shall be verified through an affidavit, executed by the applicant's employer or such other person with knowledge of such experience, attesting under oath that the applicant has such experience; or

(C) Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a commercial general contractor, or other proven experience deemed acceptable by the division and at least one of which shall have been in or relating to administration, marketing, accounting, estimating, drafting, engineering, supervision, or project management, or functions deemed substantially similar by the division. Such experience shall be verified through an affidavit, executed by the

applicant's employer or such other person with knowledge of such experience, attesting under oath that the applicant has such experience.

(e)(1) Before qualifying for issuance of a license, an applicant shall show to the satisfaction of the residential contractor division or commercial general contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, and integrity. The application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential contractor or commercial general contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. All applicants shall also provide their social security numbers, if applying as an individual, or the federal taxpayer identification numbers of any business organization for which the applicant is seeking licensure as a qualifying agent. Applicants for a commercial general contractor's license shall also provide suitable verification of tax payments in a form and manner and for the duration prescribed by the commercial general contractor division; provided, however, that, where the application is seeking license as a qualifying agent of a business organization, such tax verification and information shall relate and pertain to that business organization.

(2) Before qualifying for issuance of a license an applicant shall show to the satisfaction of the appropriate division that the applicant is qualified as to financial responsibility. Applicants for a commercial general contractor license shall provide proof of a minimum net worth in an amount specified by the commercial general contractor division. All applicants shall provide proof of general liability insurance in an amount specified by the appropriate division and proof of workers' compensation insurance as required by the laws of this state. If the applicant is submitted as a person seeking to act as a qualifying agent of a business organization, then such proof shall pertain to that business organization rather than the individual applicant, subject to the limitations set forth in Code Section 43-41-9. A certificate by the insurer or other appropriate evidence of insurance coverages shall be maintained with the appropriate division and shall be a condition of renewal.

(3) The decision of the appropriate division as to the qualifications of applicants shall, in the absence of fraud or willful or wanton misconduct, be conclusive.

(4) A licensee, on his or her own behalf or where acting as a qualifying agent on behalf of the business organization so qualified, shall notify the appropriate division in writing within 30 days of any

changes in the information required to be on file with such division, including, but not limited to, the licensee's and, if the licensee is acting as a qualifying agent for any business organization, such business organization's current mailing address, insurance coverages, and affiliated entities.

(f)(1) The residential contractor division and the commercial general contractor division shall each approve an appropriate examination of which all applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8, shall pass in order to be eligible for licensure under this chapter.

(2) The residential contractor division shall approve separate examinations for applicants for residential-basic and residential-light commercial licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential contracting in the particular subcategory for which a license is sought; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential contracting business; his or her knowledge as to the responsibilities of a residential contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-basic and residential-light commercial contractors, construction, workers' compensation, insurance, and liens.

(3) The commercial general contractor division shall approve an examination to ascertain the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the commercial general contracting business; his or her knowledge as to the responsibilities of a commercial general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to commercial general contractors, construction, workers' compensation, insurance, surety bonding, and liens.

(4) If the results of the applicant's examination are satisfactory to the appropriate division, or he or she is exempted from the examination requirement pursuant to Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the appropriate division shall issue to the applicant a license to

- engage in business as a residential or commercial general contractor in this state, as provided in such license, in his or her own name as a sole proprietor or as a qualifying agent for the affiliated business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. A residential contracting license shall indicate for which of the two subcategories, residential-basic or residential-light commercial, the licensee is qualified.
- (g) Any otherwise qualified applicant failing any examination required under this Code section may be reexamined at any regularly scheduled examination without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete.
- (h) A residential contractor license, indicating whether relating to the residential-basic or residential-light commercial category, or commercial general contractor license shall be issued to an applicant who successfully completes the respective requirements therefor upon the payment of fees prescribed by the board.
- (i) Such licenses shall be renewable biennially. Licenses may be renewed subsequent to their expiration within six months of the date of expiration by submitting a renewal as prescribed by the board and paying a late renewal fee as determined by the board. After six months have elapsed from the date of expiration, such license may be reinstated in accordance with the rules and regulations of the board.
- (j) The division director shall give advance notice to each person holding a license under this chapter of the date of the expiration of the certificate of registration and the amount of the fee required for renewal at least one month prior to the expiration date, but the failure to receive such notice shall not avoid the expiration of any license not renewed in accordance with this Code section.
- (k) As a condition of renewal, the appropriate division may require licensees to complete division approved continuing education of not more than three hours annually for a residential-basic contractor license, six hours annually for a residential-light commercial contractor license, and eight hours annually for a commercial general contractor license.

History.

Code 1981, § 43-41-6, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2007, p. 569, § 4/SB 115; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024; Ga. L. 2025, p. 324, § 3/HB 635, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “commercial” preceding “general” throughout this Code section; substituted “integrity, and financial responsibility” for “and integrity” at the end

of paragraphs (b)(2) and (c)(2); rewrote subsection (e); substituted “residential-light” for “residential light-” near the end of paragraph (f)(2); and, in the second sentence in subsection (g), substituted

“fourth” for “third” and “date of original application” for “taking of the last examination”.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

43-41-7. Written warranties required.

History.

Code 1981, § 43-41-7, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2011, p. 752, § 43/HB 142; reenacted without change, Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Editor’s notes.

Ga. L. 2024, p. 705, § 1/SB 503, reenacted this Code section without change. Refer to bound volume for text of this Code section.

43-41-8. Eligibility for licensure without examination; reciprocity; burden upon applicant.

(a) Notwithstanding any other provision of this chapter to the contrary, the following persons desiring to qualify for a residential contractor license or a commercial general contractor license under the provisions of this chapter, either individually or as a qualifying agent, shall be eligible for issuance of such a license by the appropriate division without examination, provided that such person submits a proper application and proofs, pays or has paid the required fees, otherwise meets the requirements of Code Section 43-41-6 for licensure, and is not otherwise in violation of this chapter:

(1) Any person who holds a current and valid license to practice a comparable category of residential or commercial general contracting issued by another state or territory of the United States, where either such state or territory has entered into a reciprocal agreement with the board and divisions for the recognition of contractor licenses issued in that state or territory, or such application is pursuant to and in accordance with the regulations and requirements for reciprocity promulgated by the divisions in accordance with subsection (b) of Code Section 43-41-5. Additionally, such application shall meet the following requirements:

(A) The criteria for issuance of such license or certification by such other state or territory, including the requirement to successfully complete an examination, were substantially equivalent to Georgia’s current license criteria;

(B) The application requirements and application form submitted to the other state or territory upon which such license was issued are available for review by the appropriate division and the examination results are made available to the appropriate division;

(C) The applicant shall demonstrate that he or she meets the

qualifications, requirements, and criteria set forth in subsections (a)through (e) of Code Section 43-41-6; and

(D) The applicant is otherwise in compliance with all requirements of this state for transaction of such business within this state; and

(2) Any person who holds a current and valid license issued under this chapter to engage in the comparable category of residential or commercial general contracting which license was issued to him or her in his or her capacity either as an individual licensee or as a qualifying agent for a business organization.

(b) Any applicant for issuance of a residential contractor or commercial general contractor license under this title who shall seek exemption from the examination requirement under this Code section, on any basis set forth above, shall have the burden of establishing to the satisfaction and within the discretion of the appropriate division that the requirements for such exemption have been satisfied. The decision of such division as to the satisfaction of the requirements for such exemption from taking the examination shall, in the absence of fraud, be conclusive.

(c) Any business organization that had an applicant submit a complete and satisfactory application pursuant to this Code section, but was not issued a license due to the death of the qualifying agent applicant prior to the issuance of the license, shall remain eligible for consideration under this Code section with the submission of a new qualifying agent applicant for such business entity.

History.

Code 1981, § 43-41-8, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2006, p. 272, § 1/HB 1542; Ga. L. 2007, p. 569, § 5/SB 115; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2010, p. 3, § 1/HB 579; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024; Ga. L. 2025, p. 1029, § 43(15)/SB 153, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, rewrote subsection (a) and in-

serted "commercial" preceding "general" in the first sentence of subsection (b).

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "his or her capacity" for "their capacity" in paragraph (a)(2).

43-41-9. Licensing; joint ventures treated uniquely; notification to division of changes; separation of sole qualifying agent; disciplinary actions; payment of fees; joint responsibility for work product.

(a) If an individual applicant proposes to engage in residential or commercial general contracting in the individual’s own name or a trade name where the individual is doing business as a sole proprietorship,

the license shall be issued only to that individual. Where an applicant under this chapter is seeking issuance of a residential or commercial general contractor license on behalf and for the benefit of a business organization seeking to engage in residential or commercial general contracting as a business organization, the application for a license under this chapter must be submitted by and through an individual qualifying agent for such business organization or entity and expressly on behalf of such business organization or entity. In such case, the license shall be issued to the individual qualifying agent and to the affiliated business organization or entity on whose behalf the application was made. It shall be unlawful for any person, firm, corporation, or association to operate a business organization or entity engaged in the business of residential or commercial general contracting without first obtaining a license from the appropriate division. The appropriate division shall not issue a license to any business organization or entity to engage in residential or commercial general contracting unless such business organization or entity employs at least one currently licensed individual residential or commercial general contractor serving as its qualifying agent who is actually engaged by ownership or employment in the practice of residential or commercial general contracting for such business organization or entity and provides adequate supervision and is responsible for the projects of such business organization or entity. A business organization may allow more than one person to act as a qualifying agent for such organization, subject to each such individual qualifying agent having successfully satisfied the requirements for issuance of a license under this chapter and having obtained issuance of such a license by the appropriate division. Each such business organization shall have at least one qualifying agent in order to be considered authorized to engage in such contracting business.

(b) The application for a license by a qualifying agent must include an affidavit on a form provided by the board attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity within the State of Georgia and that the individual applicant has final approval authority on all construction matters, including contracts and contract performance and financial affairs related to such construction matters, for each construction job for which his or her license was used to obtain the building permit.

(c) A joint venture is considered a separate and distinct organization for licensing purposes under this chapter and must be qualified and licensed in accordance with the appropriate division's rules and regulations either:

- (1) In its own name as a separate business organization; or
- (2) By each of the members of the joint venture doing business as a residential contractor or commercial general contractor holding, as

an individual or as a business organization acting through its qualifying agent, a valid and current residential or commercial general contractor's license issued by the appropriate division. Each such licensed individual or qualifying agent shall be considered a qualifying agent of such joint venture.

(d) If, during the period encompassed by a license issued to a qualifying agent acting for and on behalf of an affiliated business organization, there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, furnish the correct information to the appropriate division.

(e)(1) At least one qualifying agent shall be licensed under this chapter in order for the business organization to obtain a license as a residential or commercial general contractor. If any qualifying agent ceases to be affiliated with such business organization, for any reason, he or she shall so inform the division having jurisdiction. In addition, if such qualifying agent is the only qualifying agent licensed hereunder affiliated with the business organization, the business organization shall promptly notify the appropriate division of the termination of the relationship with that qualifying agent and shall have 180 days from the termination of the qualifying agent's affiliation with the business organization to employ another qualifying agent and submit an application for licensure under the new qualifying agent. The submission of such application shall serve to maintain the licensed status of the business organization pending and subject to approval of such application by the appropriate division; provided that, should such application be denied by that division, then, after the later of the passage of the 180 day period or the denial of the application, the business organization shall cease to be considered licensed as a residential or a commercial general contractor unless and until a new application is submitted and approved by the appropriate division. In such circumstance, the affected business organization may not thereafter engage in residential or commercial general contracting until a new qualifying agent is employed; provided, however, that, the appropriate division shall grant a temporary nonrenewable license to the financially responsible officer, the president or chief executive officer, a partner, or, in the case of a limited partnership, the general partner, who thereafter shall assume all responsibilities of a qualifying agent for the business organization or entity. This temporary license shall only allow the entity to proceed with incomplete contracts already in progress. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization prior to the cessation of the business organization being considered licensed as a residential or a commercial general contractor or one on

which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the business organization ceasing to be considered licensed as a residential or a commercial general contractor.

(2) A person licensed under this chapter either as an individual doing business in his or her name or doing business in a trade name as a sole proprietor may serve as a qualifying agent for a business organization upon application and demonstration of satisfaction by such business organization of all financial and insurance requirements pursuant to Code Section 43-41-6. A qualifying agent may serve in such capacity for more than one business organization, provided that he or she shall satisfy the criteria for serving in such capacity with regard to each such business organization. A qualifying agent shall inform the division having jurisdiction in writing when he or she proposes to engage in contracting in his or her own name or in affiliation as a qualifying agent with another business organization, and he or she or such new business organization shall supply the same information to the division as required of applicants under this chapter. Such person shall be deemed to be a licensed residential or commercial general contractor for the original term of his or her license for the purpose of engaging in contracting as an individual in his or her own name, provided that he or she qualified for such license based on his or her own personal qualifications as to financial responsibility and insurance. Otherwise, such individual shall be required to submit a new application demonstrating satisfaction of such financial and insurance requirements in order to engage in the business of contracting under this chapter as an individual in his or her own name or doing business as an individual in a trade name as a sole proprietor or by the business organization he or she desires to qualify in order to obtain a license for such other business organization, but such person shall be entitled to continue engaging in the business of residential or commercial general contracting in accordance with and under his or her previously issued license unless and until the appropriate division determines that the person seeking issuance of the license no longer meets these requirements.

(3) Upon a favorable determination by the division having jurisdiction, after investigation of the financial responsibility, if applicable, and insurance of the applicant, the division shall notify the applicant, whether the applicant was previously approved as an individual or a qualifying agent, that the applicant is approved, without an examination, for a new license.

(f) Disciplinary action and other sanctions provided in this chapter may be administered against a business organization operating under

a license issued through its licensed qualifying agent or agents in the same manner and on the same grounds as disciplinary actions or sanctions against an individual or license holder acting as its qualifying agent under this chapter. The divisions or the board may deny the license to a qualifying agent for any business organization if the qualifying agent or business organization has been involved in past disciplinary actions or on any grounds for which individual licenses can be denied.

(g) Each qualifying agent shall pay the appropriate division an amount equal to the original fee for a license applied for on behalf of a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the division shall require him or her to present evidence of the financial responsibility, if applicable, and insurance of each such organization.

(h) All qualifying agents for a business organization are jointly and equally responsible for supervision of all construction related operations of the business organization, for all field work at all sites, and for financial matters within the State of Georgia for each construction job for which his or her license was used to obtain the building permit.

(i) Any change in the status of a qualifying agent is prospective only. A qualifying agent shall for purposes of application of this chapter and the enforcement and disciplinary mechanisms thereunder be and remain responsible for his or her actions or omissions as well as those of the business organization for which such person had acted as a qualifying agent occurring during his or her period of service as such qualifying agent as and to the extent set forth in this chapter. A qualifying agent is not responsible for his or her predecessor's actions, but is responsible, even after a change in status, for matters for which he or she was responsible while in a particular status. Further, nothing in this chapter shall be interpreted as a basis for imposition of civil liability against an individual qualifying agent by any owner or other third party claimant beyond the liability that would otherwise exist legally or contractually apart from and independent of the individual's status as a qualifying agent.

History.

Code 1981, § 43-41-9, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2007, p. 569, § 6/SB 115; Ga. L. 2010, p. 266, §§ 42, 43/SB 195; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “commercial” preceding “general” throughout this Code section; deleted “after the effective date of the licensing requirements as specified in sub-

section (a) of Code Section 43-41-17” from the end of the fourth sentence in subsection (a); and, in paragraph (e)(1), substituted “180 days” for “120 days” in the third sentence, substituted “the later of the passage of the 180 day period or the denial of the application” for “passage of the 120 day period” in the fourth sentence, substituted “employed; provided, however, that, the appropriate division shall grant” for “employed, unless the appropriate division has granted” in the fifth sen-

tence, and, in the last sentence, substituted “the business organization being considered licensed as a residential or a commercial general contractor” for “affiliation of the qualifying agent with the business organization” near the middle and substituted “business organization ceasing to be considered licensed as a

residential or a commercial general contractor” for “qualifying agent ceasing to be affiliated with the business organization” at the end.

Law reviews.

For article with annual survey on construction law, see 73 Mercer L. Rev. 59 (2021).

43-41-10. Reprimand, revocation, or other corrective actions authorized; issuance of stop-work orders; adoption of rules and regulations; lifting of suspension.

(a) In addition to the powers and authorities conferred upon the board and its divisions pursuant to Chapter 1 of this title, the residential contractor division and the commercial general contractor division shall have the power, respectively, to reprimand any person or licensee, or to suspend, revoke, or refuse to grant, renew, or restore a license to any person or licensee if such person or licensee is found by the appropriate division to have engaged in any fraud or deceit in obtaining a license or otherwise to have engaged in gross negligence, repeated or persistent incompetence, intentional misconduct in the practice of his or her profession, or willful violation of any provisions of this chapter.

(b) For purposes of this Code section, a person or business organization operating on an expired, revoked, lapsed, or suspended license shall be considered unlicensed.

(c) The separate divisions may issue a stop-work order for all unlicensed work falling within their respective jurisdictions upon finding probable cause to believe that construction work which requires a license under this chapter is being performed by a person without such a current, valid license. Such an order may be enforced by injunctive relief, cease and desist orders, or other related actions within the power and authority of the board and its respective divisions.

(d) The division having jurisdiction shall investigate and sanction any license holder found to have engaged in fraud, deceit, gross negligence, repeated or persistent incompetence, or intentional misconduct in the practice of residential or commercial general contracting; and sanctions shall be assessed against any such residential or commercial general contractor licensed under this chapter either individually or as a business organization acting through a qualifying agent. Such charges, unless dismissed without hearing by the division as unfounded, shall be heard and determined by that division in accordance with the provisions of Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.”

(e) The divisions shall each adopt and publish in print or electronic

cally rules and regulations, consistent with the provisions of this chapter, governing the suspension and revocation of licenses.

(f) Each division may reissue a license to any person whose license has been revoked or lift a suspension of a license to such person provided that four or more members of the division vote in favor of such reissuance or lifting for reasons that division deems sufficient.

History.

Code 1981, § 43-41-10, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2010, p. 838, § 10/SB 388; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “commercial” preceding “general” throughout this Code section.

43-41-11. Effect of licensure.

The issuance of a license by the residential contractor or the commercial general contractor division shall be evidence that the person named therein, including both the individual licensee and any business organization for whom such licensee is a qualifying agent, is entitled to all the rights and privileges of a licensed residential or commercial general contractor while such license remains unrevoked or unexpired.

History.

Code 1981, § 43-41-11, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “commercial” preceding “general” twice in this Code section.

43-41-12. Penalty for violating provisions; architect or engineer utilizing nonlicensed personnel.

(a) Any person, whether an individual or a business organization, who:

- (1) Contracts for or bids upon or engages in the construction of any of the projects or works enumerated in the definitions of residential contractor or commercial general contractor in Code Section 43-41-2 without having first complied with the appropriate provisions of this chapter or who shall attempt to practice residential contracting or commercial general contracting in this state except as provided for in this chapter;
- (2) Falsely represents, advertises, or holds himself or herself or an affiliated business organization out as a residential contractor or commercial general contractor licensee duly authorized to perform work under such classification of licensure pursuant to this chapter;
- (3) Represents or attempts to use or presents as his or her own the license of another person or, in the case of a business organization, a person other than its qualifying agent;

(4) Gives false or forged evidence of any kind to the board or its divisions or to any member of the board in maintaining a license;

(5) Uses an expired, suspended, or revoked license to continue engaging in residential contracting or commercial general contracting;

(6) Operates a business organization engaged in contracting after 180 days following the termination of its only qualifying agent without designating another primary qualifying agent, except as provided in Code Section 43-41-9; or

(7) Intentionally and repeatedly misrepresents or manipulates the value or percentage of work at the time of contract under subsections (e) and (f) of Code Section 43-41-17 to avoid the licensing requirements of this chapter,

shall be guilty of a misdemeanor and shall, upon conviction, be punished for each such offense by a fine of not less than \$1,000.00 or imprisonment of three months, or both fine and imprisonment in the discretion of the court.

(b) Any architect or engineer who recommends to any project owner the award of a contract to anyone known by such architect or engineer not to be properly licensed under this chapter shall be subject to such penalties as provided in subsection (a) of this Code section and also to any appropriate disciplinary action by the appropriate division.

(c) Except as otherwise provided in this Code section, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

History.

Code 1981, § 43-41-12, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2007, p. 569, § 7/SB 115; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “commercial” preceding

“general” throughout this Code section, substituted “180 days” for “120 days” in paragraph (a)(6), and substituted “\$1,000.00” for “\$500.00” in the undesignated paragraph following paragraph (a)(7).

43-41-13. Issuance of restraining order and injunction to restrain against further violations.**History.**

Code 1981, § 43-41-13, enacted by Ga. L. 2004, p. 786, § 1; reenacted without change, Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Editor’s notes.

Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024, reenacted this Code section without change. Refer to bound volume for text of this Code section.

43-41-14. Role of building inspectors; penalty for noncompliance with chapter; posting of requirements.

(a)(1) Any individual or business organization acting through a qualifying agent, intending to perform work as a residential or commercial general contractor, upon making application to the building inspector or such other authority of any incorporated municipality or county in this state charged with the duty of issuing building or other permits for contemplated construction work requiring performance by either a licensed residential contractor or a licensed commercial general contractor shall, before being entitled to the issuance of such permit, furnish to such inspector or authority, personally or through his or her authorized agent specifically designated to act on his or her behalf in a sworn written document submitted contemporaneously or previously submitted and maintained by such inspector or authority, his or her residential contractor or commercial general contractor license number and the identity of any business organization for which such applicant is serving as qualifying agent that is undertaking or contracting as a residential contractor or a commercial general contractor to construct or manage the construction. It shall be unlawful for any such building inspector or other authority to issue or allow the issuance of such building permit unless the applicant has furnished his or her residential contractor or commercial general contractor license number and the identity of any such business organization relative to performance of the work for which a permit has been applied. A building inspector or other authority shall issue such building permit under the terms of this Code section to any person, including an individual licensee acting on his or her own behalf or a licensee acting as a qualifying agent for a business organization and such business organization, upon evidence reasonably establishing that such person is duly licensed as a residential or commercial general contractor under this chapter, either individually or as a business organization acting under a duly licensed qualifying agent. Any building inspector or other such authority that issues such a building permit to a person known by such building inspector or authority not to be properly licensed under this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000.00.

(2) Any business organization acting under paragraph (1) of subsection (e) of Code Section 43-41-9 after the termination of its qualifying agent's affiliation with the business organization, upon applying to the building inspector or such other authority of any incorporated municipality or county in this state charged with the duty of issuing permits for contemplated construction work requiring performance by a licensed residential or commercial general

contractor shall, before being entitled to the issuance of such permit, furnish to such inspector or authority a sworn written document by the financially responsible officer, the president or chief executive officer, the partner, or, in the case of a limited partnership, the general partner, who has assumed all responsibilities of a qualifying agent for the business organization, attesting that the permit application is made within 180 days after the termination of its qualifying agent's affiliation with the business organization, or is made after submission of an application for licensure under a new qualifying agent that is pending before the appropriate division of the board, or is made under a temporary nonrenewable license granted by the appropriate division of the board. It shall be unlawful for any such building inspector or other authority to issue or allow the issuance of such building permit unless the applicant has furnished this sworn written document. A building inspector or other authority shall issue such building permit under the terms of this Code section to any business organization upon evidence reasonably establishing that such business organization is acting as authorized under paragraph (1) of subsection (e) of Code Section 43-41-9 after the termination of its qualifying agent's affiliation with the business organization. Any building inspector or other such authority that issues such a building permit to a person known by such building inspector or authority not to be acting as authorized under paragraph (1) of subsection (e) of Code Section 43-41-9 shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000.00.

(b) The licensing requirements imposed by this chapter and the effective dates of such licensing requirements must be posted by any county or municipality in this state charged with the duty of issuing building or other permits for construction work requiring performance by either a licensed residential contractor or a licensed commercial general contractor in the same location in which such building or other permits are issued.

History.

Code 1981, § 43-41-14, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2007, p. 569, § 8/SB 115; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted "commercial" preceding "general" throughout this Code section;

designated the existing provisions of subsection (a) as paragraph (a)(1); in paragraph (a)(1), substituted "Any individual or business" for "Any person, whether an individual or a business" at the beginning of the first sentence and, in the last sentence, inserted "such" following "issues" and substituted "\$1,000.00" for "\$500.00" at the end; and added paragraph (a)(2).

43-41-15. Death of contractor; notifications; completion of work.

If an incomplete contract exists at the time of death of a residential or commercial general contractor, where the licensed contractor perform-

ing the work under such contract is an individual person and not a business organization acting through a qualifying agent for such organization, the contract may be completed by any person affiliated with the contractor as a co-owner, partner, employee, relative, heir, successor, or assign, even though not licensed under this chapter, subject to the terms of this Code section. Such person shall notify the appropriate division of the board within 30 days after the death of such contractor of such death and of his or her name and address, knowledge of the contract, and ability technically and financially to complete it. Such person may continue with performance of the contract pending approval by the division. If the division approves, he or she may proceed with the contract to completion. If the division does not approve completion by such person, due to a determination that he or she does not have sufficient knowledge, expertise, or financial or other required resources, the division shall give prompt written notice to the person, including the reasons for such rejection, and such person shall promptly upon receipt of such notice cease further performance of the contract. If the owner engages another person under a new contract to complete the remaining work under the original contract, such other party must be a contractor duly licensed under this chapter to perform such work. For purposes of this Code section, an incomplete contract is one which has been awarded to or entered into by the contractor before his or her death or on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor’s death. If an incomplete contract exists at the time of death of a sole qualifying agent of a residential contractor or a commercial general contractor, where the contractor is a business organization licensed only under such individual as its qualifying agent, then the contractor shall proceed as provided under paragraph (1) of subsection (e) of Code Section 43-41-9.

History.

Code 1981, § 43-41-15, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “commercial” preceding “general” in the first and last sentences.

43-41-16. Grounds for revocation of license; authorized action by division in event of wrongdoing; interest and penalties; continuing education as requirement for resumption of standing.

(a) The board shall have the authority to refuse to grant a license to an applicant or to revoke the license of a person licensed by the board or to discipline a person licensed by the board upon a finding by a majority of the board that the applicant or licensee has committed any of the following acts:

- (1) Obtaining a license by fraud or misrepresentation or otherwise knowingly giving false or forged evidence to the board or its divisions;
- (2) Being convicted or found guilty of or entering a plea of guilty or nolo contendere to a criminal act constituting a felony in any jurisdiction which directly relates to the practice of residential or commercial general contracting or the ability to practice contracting;
- (3) Performing any act which assists a person or entity in the prohibited unlicensed practice of contracting if the licensee knows or has reasonable grounds to know that the person or entity is unlicensed;
- (4) Knowingly combining or conspiring with an unlicensed person by allowing his or her license to be used with the intent to evade the provisions of this chapter. When an individual license holder allows his or her license to be used to qualify one or more business organizations, including where such qualifying agent for a person engaged in general contracting does not actually possess and exercise the power and authority required of a qualifying agent under Code Sections 43-41-2 and 43-41-9, such act constitutes prima-facie evidence of an intent to evade the provisions of this chapter;
- (5) Failing in any material respect to comply with the provisions of this chapter or violating a rule, regulation, or lawful order of the board or its divisions;
- (6) Abandoning a construction project in which the contractor who is the individual license holder or a business organization for whom the license holder is a qualifying agent is engaged or under contract as a residential or commercial general contractor. A project may be presumed abandoned after 90 days if the contractor has ceased work on or terminated performance on the project without just cause and without proper notification to the owner, including the reason for the termination, cessation, or abandonment;
- (7) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; knowingly and falsely indicating by written statement issued to the owner that payment has been made for all subcontracted work, labor, and materials and for all materials furnished and installed which statement is reasonably relied upon and actually results in a financial loss to the owner; or falsely indicating that workers' compensation and general liability insurance are provided;
- (8) Committing fraud or deceit in the practice of contracting, including falsely advertising, representing, or holding himself or herself or an affiliated business organization out as having a valid and current license under this chapter;

(9) Committing gross negligence, repeated or persistent negligence, or negligence resulting in a significant danger to life or property;

(10) Proceeding on any job without obtaining applicable local building permits and inspections;

(11) Using or attempting to use a license that has expired or has been suspended or revoked;

(12) Knowingly or intentionally engaging any subcontractor to perform work within the scope of the general or residential construction contract which requires a license under Chapter 14 of this title who does not possess a current and valid license for such work;

(13) Failing to satisfy within a reasonable time the terms of a final civil judgment obtained against the licensee or the business organization qualified by the licensee relating to the practice of the licensee's profession; or

(14) Knowingly entering into a contractual arrangement, whether oral or written, for or otherwise permitting the use of his or her license issued under this chapter by an individual who is not licensed in accordance with this chapter or by a business entity that has not been authorized under the provisions of this chapter to lawfully engage in contracting or perform the functions of a contractor.

(b) The appropriate division may take any one or more of the following actions against any license holder found by the division to have committed any one or more of the acts listed in subsection (a) of this Code section:

(1) Place the license holder on probation or reprimand the license holder;

(2) Revoke a license, including the license of a person as an individual as well as that of a qualifying agent of a business organization together with the interest of the business organization qualified thereby in such license; suspend such a license for a stated period of time not exceeding one year; or deny the issuance or renewal of the license;

(3) Require financial restitution to a consumer for financial harm directly related to a violation of a provision of this chapter;

(4) Impose an administrative fine not to exceed \$5,000.00 for each violation;

(5) Require continuing education; or

(6) Assess costs associated with the investigation and prosecution.

(c) In determining penalties in any final order of the board or a division, the board or division shall follow the penalty guidelines established by the board's or division's rules and regulations.

(d) The board or a division may assess interest or penalties on all fines imposed under this chapter against any person or business organization which has not paid the imposed fine by the due date established by rule, regulation, or final order.

(e) If the board or a division finds any contractor has violated the provisions of this chapter, the board or division may as a part of its disciplinary action require such contractor to obtain continuing education in the areas of contracting affected by such violation.

History.

Code 1981, § 43-41-16, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024; Ga. L. 2025, p. 324, § 4/HB 635, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted "commercial" preceding "general" in paragraphs (a)(2) and (a)(6).

The 2025 amendment, effective July 1, 2025, substituted "agent under Code Sections 43-41-2 and 43-41-9" for "agent under paragraph (7) of Code Section 43-41-2 and Code Section 43-41-9" in paragraph (a)(4); deleted "or" at the end of paragraph (a)(12); substituted "; or" for a period at the end of paragraph (a)(13); and added paragraph (a)(14).

43-41-17. Effective date of licensing and sanctioning provisions; unenforceable contracts; compliance with county or municipal requirements; exemption for DOT contractors; other exceptions.

(a) No person, whether an individual or a business organization, shall have the right to engage in the business of residential contracting or commercial general contracting without a current, valid residential contractor license or commercial general contractor license, respectively, issued by the division under this chapter or, in the case of a business organization, unless such business organization shall have a qualifying agent as provided in this chapter holding such a current, valid residential contractor or commercial general contractor license on behalf of such organization issued to such qualifying agent as provided in this chapter.

(b) As a matter of public policy, any contract entered into on or after July 1, 2008, for the performance of work for which a residential contractor or commercial general contractor license is required by this chapter and not otherwise exempted under this chapter and which is between an owner and a contractor who does not have a valid and current license required for such work in accordance with this chapter shall be unenforceable in law or in equity by the unlicensed contractor. For purposes of this subsection, a contractor shall be considered unlicensed only if the contractor was unlicensed on the effective date of

the original contract for the work, if stated therein, or, if not stated, the date the last party to the contract executed such contract, if stated therein. If the contract does not establish such a date, the contractor shall be considered unlicensed only if the contractor was unlicensed on the first date upon which the contractor provided labor, services, or materials under the contract. Notwithstanding any other provision of law to the contrary, if a contract is rendered unenforceable under this subsection, no lien or bond claim shall exist in favor of the unlicensed contractor for any labor, services, or materials provided under the contract or any amendment thereto. This subsection shall not affect the rights of parties other than the unlicensed contractor to enforce contract, lien, or bond remedies. This subsection shall not affect the obligations of a surety that has provided a bond on behalf of an unlicensed contractor. It shall not be a defense to any claim on a bond or indemnity agreement that the principal or indemnitor is unlicensed for purposes of this subsection.

(c) Any person who holds a license issued under this chapter may engage in the business of residential or commercial general contracting, but only as prescribed by the license, throughout the state and no municipality or county may require any such person licensed under this chapter to comply with any additional licensing requirements imposed by such municipality or county relative to the performance of construction work subject to the licensing requirements under this chapter. However, nothing in this chapter shall preclude the implementation and enforcement by any municipality or county of a local rule, regulation, ordinance, order, or other requirement in effect and operation as of July 1, 2004, that requires a person to obtain a locally issued license, registration, or certification in order to:

(1) Engage in the construction of improvements to real property to the extent such activities are not encompassed by this chapter or by Chapter 14 of this title; or

(2) Engage in residential or commercial general contracting within such jurisdiction; provided, however, that:

(A) The requirements and criteria for issuance of such local license, registration, or certification shall have been at least as strict and stringent, in the sole judgment of the board, as those for the issuance of a corresponding state-wide license issued under this chapter;

(B) Such local license, registration, or certification shall only apply to activities performed within the geographical limits of such municipality or county; and

(C) Such requirement shall not prevent or foreclose any contractor not holding such local license, registration, or certification but

holding a valid and current state-wide license issued under this chapter or Chapter 14 of this title from the transaction of contracting business in such local jurisdiction within the scope of his or her state-wide license.

(d) Any person qualified by the Department of Transportation to perform construction work on roads, streets, bridges, highways, sidewalks, or other grading, paving, or repaving projects; airport runways or taxiways; or railroads, and services incidental thereto, for the department shall not be required to be licensed under this chapter in order to perform any such work for the department or for any other owner requiring similar work to be performed. The commercial general contractor division of the board, in agreement with the Department of Transportation, shall, by rule, define “services incidental thereto” for the purposes of this subsection only and shall likewise define any other necessary terms as to the scope of the exemption provided by this subsection.

(e) Nothing in this chapter shall prevent any person holding a valid license issued by the State Construction Industry Licensing Board, or any division thereof, pursuant to Chapter 14 of this title from performing any work defined in the Code sections under which the license held by said person was issued. Furthermore, nothing in this chapter shall preclude a person licensed under Chapter 14 of this title to perform plumbing, conditioned air contracting, utility contracting, electrical contracting, or low voltage contracting from offering to perform, performing, engaging in, or contracting to engage in the performance of construction work or services directly with an owner, which work would otherwise require a license under this chapter, where the total scope of the work to be performed is predominantly of the type for which such contractor is duly licensed to perform under Chapter 14 of this title such that any other work involved is incidental to and an integral part of the work performed within the scope of such license under said chapter and does not exceed the greater of \$10,000.00 or 25 percent of the total value at the time of contracting of the work to be performed; provided, however, that such contractor may not delegate or assign the responsibility to directly supervise and manage the performance of such other work to a person unless such person is licensed under this chapter and the work being performed by such person is within the scope of that person’s license.

(f) Nothing in this chapter shall preclude a specialty contractor from offering or contracting to perform or undertaking or performing for an owner limited, specialty, or specific trade contractor work. However, nothing in this chapter shall permit a specialty contractor to perform work falling within the licensing requirements of Chapter 14 of this title where such specialty contractor is not duly licensed under such

chapter to perform such work. The board shall, by rule or policy, identify specialty contractors or other criteria to determine eligibility under the exemption of this subsection. The specialty contractor otherwise exempted from license requirements under this chapter may perform work for an owner that would otherwise require a license under this chapter where the total scope of the work to be performed is predominantly of the type for which such specialty contractor is duly recognized as exempt under this subsection by the board, provided that such other work involved is incidental to and an integral part of the exempt work performed by the specialty contractor and does not exceed the greater of \$10,000.00 or 25 percent of the total value at the time of contracting of the work to be performed.

(g) Nothing in this chapter shall preclude a person from offering or contracting to perform or undertaking or performing for an owner repair work, provided that the person performing the repair work discloses to the owner that such person does not hold a license under this chapter and provided, further, that such work does not affect the structural integrity of the real property. The board shall by rule or regulation further define the term “repair” as used in this subsection and any other necessary terms as to the scope of this exemption.

(h) Nothing in this chapter shall preclude any person from constructing a building or structure on real property owned by such person which is intended upon completion for use or occupancy solely by that person and his or her family, firm, or corporation and its employees, and not for use by the general public and not offered for sale or lease. In so doing, such person may act as his or her own contractor personally providing direct supervision and management of all work not performed by licensed contractors. However, if, under this subsection, the person or his or her family, firm, or corporation has previously sold or transferred a building or structure which had been constructed by such person acting without a licensed residential or commercial general contractor within the prior 24 month period, starting from the date on which a certificate of occupancy was issued for such building or structure, then such person may not, under this subsection, construct another separate building or structure without having first obtained on his or her own behalf an appropriate residential or commercial general contractor license or having engaged such a duly licensed contractor to perform such work to the extent required under this chapter, or it shall be presumed that the person, firm, or corporation did not intend such building solely for occupancy by that person and his or her family, firm, or corporation. Further, such person may not delegate the responsibility to directly supervise and manage all or any part of the work relating thereto to any other person unless that person is licensed under this chapter and the work being performed is within the scope of that person’s license. In any event, however, all such work must be done in

conformity with all other applicable provisions of this title, the rules and regulations of the board and division involved, and any applicable county or municipal resolutions, ordinances, codes, permitting, or inspection requirements.

(i) Nothing in this chapter shall preclude an architect licensed pursuant to Chapter 4 of this title, an interior designer registered pursuant to Chapter 4 of this title, or an engineer registered pursuant to Chapter 15 of this title from performing work or providing services within the scope of his or her registration for the practice of architecture or interior design or license for practicing engineering.

(j) Nothing in this chapter shall preclude an architect licensed pursuant to Chapter 4 of this title, an interior designer registered pursuant to Chapter 4 of this title, or an engineer registered pursuant to Chapter 15 of this title from offering to perform or offering or rendering design-build services to an owner; provided, however, that such offer or contract shall clearly indicate at the time of such offer or contract that all services of a commercial general contractor incident to the design-build performance shall be performed by a duly licensed commercial general contractor in compliance with other provisions of this chapter and that all services so offered or provided falling within the scope of the licensing requirements of this chapter are offered and rendered by a licensed commercial general contractor in accordance with this chapter.

(k) Nothing in this chapter shall apply to the construction, alteration, or repair of buildings classified as an agricultural occupancy or that are used for agricultural storage or agricultural purposes.

(l) A contractor licensed under this chapter shall not be required to list on the face of a bid or proposal envelope the license number of any contractor licensed under Chapter 14 of this title that may or will be engaged to perform any work within the licensing requirements of Chapter 14 of this title which comprises part of the work for which such bid or proposal is submitted.

(m) Dams, including both earth dams and concrete dams, designed for electrical generation, water storage, or any other purpose may be constructed by either a commercial general contractor licensed under this chapter or by a utility contractor licensed pursuant to Chapter 14 of this title.

(n) Nothing in this chapter shall apply to the construction or installation of manufactured homes as defined in paragraph (4) of Code Section 8-2-131.

History.

Code 1981, § 43-41-17, enacted by Ga. L. 2004, p. 786, § 1; Ga. L. 2005, p. 1179, § 3/SB 124; Ga. L. 2006, p. 272, § 2/HB

1542; Ga. L. 2007, p. 569, § 9/SB 115; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024; Ga. L. 2025, p. 359, § 3-4(2)/SB 125, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, rewrote this Code section.

The 2025 amendment, effective July 1, 2025, substituted “low voltage” for “low-voltage” in the second sentence of subsection (e).

Law reviews.

For article with annual survey on construction law, see 73 Mercer L. Rev. 59 (2021).

JUDICIAL DECISIONS

Unlicensed contractor could not recover against homeowner. — Because appellant did not have the required contractor license, appellant was barred by bringing the action against appellees for breach of contract for failure to pay for

repair work appellant performed, and therefore the trial court did not err by granting appellees’ motion for judgment notwithstanding the verdict. *Bennett v. Cashin*, 370 Ga. App. 335, 897 S.E.2d 483, 2024 Ga. App. LEXIS 15 (2024).

RESEARCH REFERENCES

ALR. License and Implications Thereof, 82 Misrepresenting Status of Contractor’s A.L.R.7th 7.

43-41-18. Certain military specialties or 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 licensing board representing the profession of residential-light commercial contracting shall determine the military specialties or certifications the training, experience, and testing for which substantially meet or exceed the requirements to obtain a residential-light commercial contractor’s license. The Governor shall designate a chairperson from among the membership of the committee.
- (c) Any current or former member of the military may apply to the licensing board for the immediate 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 residential-light commercial contractor’s

license. In order to qualify under this subsection, an applicant shall make application not later than 180 days after his or her discharge. 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 license, and such 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, § 43-41-18, enacted by Ga. L. 2013, p. 26, § 2/HB 188; Ga. L. 2014, p. 866, § 43/SB 340; Ga. L. 2024, p. 705, § 1/SB 503, effective July 1, 2024; Ga. L. 2025, p. 1029, § 43(16)/SB 153, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, substituted “residential light-commercial” for “residential-light com-

mercial” twice in the first sentence in subsection (b) and in the first sentence in subsection (c).

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “residential-light commercial” for “residential light-commercial” twice in the first sentence of subsection (b) and in the first sentence of subsection (c).

CHAPTER 42

REGISTERED PROFESSIONAL SANITARIANS

43-42-1 through 43-42-14. [Reserved].

Editor’s notes.

Ga. L. 2025, p. 1029, § 43(17)/SB 153, part of an Act to revise, modernize, and

correct the Code, reserved the designation of this chapter, effective July 1, 2025.

CHAPTER 44

SPEECH-LANGUAGE PATHOLOGISTS AND
AUDIOLOGISTS

Article 1

Article 2

State Speech-Language Pathology
and Audiology Licensing

Audiology and Speech-Language
Pathology Interstate Compact

Sec.
43-44-7. License required; exemp-
tions; posting license.

Sec.
43-44-31. (For effective date, see
note.) Text of compact.

ARTICLE 1

STATE SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
LICENSING

43-44-7. License required; exemptions; posting license.

(a) No person shall practice or hold himself or herself out as being able to practice speech-language pathology or audiology in this state unless that person is licensed in accordance with this article. Nothing in this article, however, shall be construed so as to prevent a person licensed under any other law of this state from operating within the scope of that person’s license.

(b)(1) Licensure is not required of a speech-language pathologist certified by the Department of Education or Professional Standards Commission or successor agency while that person is working as an employee of a public educational institution, serving any grade or grades from pre-kindergarten through grade 12, provided that no fees are charged for the services either directly or through a third party, except for Medicaid.

(2) Registration as a speech-language pathology aide is not required of a public education communication aide while that person is working as an employee of an educational institution, provided that no fees are charged for the services either directly or through a third party.

(c) Nothing in this article shall be construed to prevent participation by a student, intern, or fellow in supervised clinical services which are directly related to meeting the qualifications for licensure as stipulated by this article.

(d) Licensees shall conspicuously post their speech-language pathology or audiology license at all times in their principal office or place of business.

(e) Nothing in this article shall be construed to entitle any person licensed under this article to engage in the practice of selling and dispensing hearing aids unless such person is licensed as an audiologist under this article.

(f) Nothing in this article shall be construed to limit in any way the rights of hearing aid dealers or dispensers licensed under the laws of this state.

(g) Nothing in this article shall be construed to restrict hearing testing or any other act by a physician licensed under Chapter 34 of this title operating within the scope of his or her license or the performing of hearing testing by persons acting under the supervision of a licensed physician, provided that the physician shall be on the premises while such acts are being performed.

(h) A person who is not licensed as an audiologist may perform nondiagnostic electro-physiologic screening of the auditory system, using otoacoustic emissions or auditory brainstem response technology, as part of a planned and organized screening effort for the initial identification of communication disorders in persons from birth through 22 years of age, provided that:

(1) The person not licensed as an audiologist has completed a procedure specific training program directed by an audiologist licensed under this article;

(2) The screening equipment and protocol used are fully automated and the protocol is not accessible for alteration or adjustment by the person not licensed as an audiologist;

(3) The results of the screening are determined automatically by the programmed test equipment, without discretionary judgment by the person not licensed as an audiologist, and are only reported as “pass or fail” or “pass or refer”;

(4) An audiologist licensed under this article is responsible for the training of the person not licensed as an audiologist, the selection of the screening program protocol, the determination of administration guidelines, the periodic monitoring of the performance of the person not licensed as an audiologist, and the screening program results; and

(5) The participation of the person not licensed as an audiologist in such an automated screening program is limited to the recording of demographic information of the individual being screened; the application of earphones, electrodes, and other necessary devices; the initiation of the test; the recording of the results; and the arrangement of the referral for those who do not pass the screening to an audiologist licensed under this article for follow-up evaluation.

(i)(1) Any person in this state or physically located in another state or foreign country who, using telecommunications and information technologies through which speech-language pathology information and auditory-vestibular system information or data is transmitted, performs an act that is part of a patient care service located in this state, including but not limited to any measures of speech-language pathology or auditory-vestibular system function or hearing instrument selection, fitting, or dispensing that would affect the diagnosis or treatment of the patient is engaged in the practice of speech-language pathology or audiology in this state. Any person who performs such acts through such means shall be required to have a license to practice speech-language pathology or audiology in this state and shall be subject to regulation by the board. No such out-of-state or foreign practitioner shall have ultimate authority over the speech-language or auditory-vestibular system health care of a patient who is located in this state. Any such practitioner in this state, another state, or a foreign country shall abide by the rules of the board.

(2) This subsection shall not apply to:

(A) The acts of a speech-language pathologist or an audiologist located in another state or foreign country who provides consultation services at the request of a speech-language pathologist or an audiologist licensed in this state;

(B) The acts of a speech-language pathologist or an audiologist licensed in another state or foreign country who:

(i) Provides consultation services without compensation, remuneration, or other expectation thereof and without altering, adjusting, or manipulating hearing aid device controls; or

(ii) Provides consultation services to a graduate school located in this state and approved by the board; or

(C) The acts of a speech-language pathologist or an audiologist located in another state or foreign country when invited as a guest of any graduate school or institution of higher learning approved by the board, state, or national accrediting body or component thereof, for the sole purpose of engaging in professional education through lectures, clinics, or demonstrations.

(j) This Code section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting or in a manner not otherwise authorized by the laws of this state.

(k) All persons subject to the provisions of this Code section shall be required to comply with all applicable requirements of the laws of this

state relating to the maintenance of patient records and the confidentiality of patient information, regardless of where such speech-language pathologist or audiologist may be located and regardless of where or how the records of any patient located in this state are maintained.

(l) All persons subject to the provisions of this Code section shall be required to comply with notifiable disease reporting requirements promulgated by the Department of Public Health pursuant to Code Section 31-12-2.

History.

Ga. L. 1974, p. 1009, § 7; Ga. L. 1978, p. 1474, § 3; Ga. L. 1987, p. 1072, § 1; Ga. L. 1992, p. 1494, § 3; Ga. L. 1992, p. 3316, § 4; Ga. L. 1993, p. 1510, § 2; Ga. L. 1997, p. 1387, § 4; Ga. L. 1999, p. 266, § 1.2; Ga. L. 1999, p. 387, § 3; Ga. L. 2006, p. 1077, § 1/HB 1112; Ga. L. 2017, p. 774, § 43/HB 323; Ga. L. 2021, p. 690, § 4/HB 34; Ga. L. 2022, p. 648, § 1/HB 1186.

Amendments.

The 2022 amendment, effective July 1, 2022, substituted “in persons from birth

through 22 years of age” for “in infants under the age of three months” in the beginning of subsection (h); substituted “demographic information of the individual being screened” for “patient demographic information” in paragraph (h)(5); and added subsection (l).

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2022, “article” was substituted for “chapter” in paragraphs (h)(1), (h)(4), and (h)(5).

ARTICLE 2

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

43-44-31. (For effective date, see note.) Text of compact.

The Audiology and Speech-Language Pathology Interstate 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:

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

SECTION 1.

PURPOSE

(a) The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This Compact is designed to achieve the following objectives:

(1) Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;

(2) Enhance the states' ability to protect the public's health and safety;

(3) Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;

(4) Support spouses of relocating active duty military personnel;

(5) Enhance the exchange of licensure, investigative and disciplinary information between member states;

(6) 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

(7) Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

SECTION 2.

DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

(1) "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.

(2) "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 audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

(3) "Alternative program" means a non-disciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

(4) "Audiologist" means an individual who is licensed by a state to practice audiology.

(5) "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

(6) "Audiology and Speech-Language Pathology Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

(7) “Audiology and speech-language pathology licensing board,” “audiology licensing board,” “speech-language pathology licensing board,” or “licensing board” means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists.

(8) “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient, client, or student is located at the time of the patient, client, or student encounter.

(9) “Current significant investigative information” means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist 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.

(10) “Data system” means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action.

(11) “Encumbered license” means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

(12) “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.

(13) “Home state” means the member state that is the licensee’s primary state of residence.

(14) Impaired practitioner’ means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

(15) “Licensee” means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

(16) “Member state” means a state that has enacted the Compact.

(17) “Privilege to practice” means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

(18) “Remote state” means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(19) “Rule” means a regulation, principle or directive promulgated by the Commission that has the force of law.

(20) “Single-state license” means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

(21) “Speech-language pathologist” means an individual who is licensed by a state to practice speech-language pathology.

(22) “Speech-language pathology” means the care and services provided by a licensed speech-language pathologist as set forth in the member state’s statutes and rules.

(23) “State” means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

(24) “State practice laws” means a member state’s laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

(25) “Telehealth” means the application of telecommunication, audio-visual or other technologies that meets the applicable standard of care to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.

SECTION 3.

STATE PARTICIPATION IN THE COMPACT

(a) Upon the grant of the compact privilege, a license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in the member state where the licensee obtains such privilege.

(b) A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. 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

(1) A member state must fully implement a criminal background

check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.

(2) 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.

(c) Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, whether any adverse action has been taken against any license or privilege to practice held by the applicant.

(d) Each member state shall 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 state laws.

(e) For an audiologist:

(1) Must meet one of the following educational requirements:

(A) On or before, Dec. 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board;

(B) On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

(C) Has graduated from an audiology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the

degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

(2) Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the Commission;

(3) Has successfully passed a national examination approved by the Commission;

(4) Holds an active, unencumbered license;

(5) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law; and

(6) Has a valid United States Social Security or National Practitioner Identification number.

(f) For a speech-language pathologist:

(1) Must meet one of the following educational requirements:

(A) Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

(B) Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

(2) Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;

(3) Has completed a supervised postgraduate professional experience as required by the Commission;

(4) Has successfully passed a national examination approved by the Commission;

(5) Holds an active, unencumbered license;

(6) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-

language pathology, under applicable state or federal criminal law; and

(7) Has a valid United States Social Security or National Practitioner Identification number.

(g) The privilege to practice is derived from the home state license.

(h) An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.

(i) 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 privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

(j) Member states may charge a fee for granting a compact privilege.

(k) Member states must comply with the bylaws and rules and regulations of the Commission.

SECTION 4. COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:

(1) Hold an active license in the home state;

(2) Have no encumbrance on any state license;

(3) Be eligible for a compact privilege in any member state in accordance with Section 3;

(4) Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application;

(5) Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

(6) Pay any applicable fees, including any state fee, for the compact privilege; and

(7) Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

(b) For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.

(c) Except as provided in Section 6, if an audiologist or speech-language pathologist changes primary state of residence by moving between two-member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.

(d) The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

(e) A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

(f) If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a non-member state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state and the privilege to practice in any member state is deactivated in accordance with the rules promulgated by the Commission.

(g) 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.

(h) A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(i) A licensee providing audiology or speech-language pathology services 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.

(j) 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 of the adverse action.

(k) 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.

(l) Once the requirements of Section 4J have been met, the licensee must meet the requirements in Section 4A to obtain a compact privilege in a remote state.

SECTION 5.

COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

(a) Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission.

(b) A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the state where the patient/client is located.

SECTION 6.

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, 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.

SECTION 7.

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 an audiologist's or speech-language pathologist's privilege to practice 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.

(b) Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

(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 audiologist or speech-language pathologist who changes primary state of residence 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 coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(e) If otherwise permitted by state law, recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

(f) The home state may take adverse action based on the factual findings of the remote state, provided that the home state follows its own procedures for taking such action.

(g) Joint Investigations

(1) In addition to the authority granted to a member state by its respective audiology or speech-language pathology 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.

(h) If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice 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 audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(i) If a member state takes adverse action against a licensee, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and any remote states in which the licensee has a privilege to practice, of any adverse actions by the home state or 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 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

(a) The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology 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 two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

(2) An additional five (5) delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at Large.

(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 on 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.

(6) A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The Commission shall have the following powers and duties:

(1) Establish the fiscal year of the Commission;

(2) Establish bylaws;

(3) Establish a Code of Ethics;

(4) Maintain its financial records in accordance with the bylaws;

(5) Meet and take 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 to the extent and in the manner provided for in the Compact;

(7) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology 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 individuals appropriate authority to carry out the purposes of the Compact, and to 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 to 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 to 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, and 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 other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

(d) The Commission shall have no authority to change or modify the laws of the member states which define the practice of audiology and speech-language pathology in the respective states.

(e) The Executive Committee

The Executive Committee shall have the power to act on behalf of the Commission, within the powers of the Commission, according to the terms of this Compact:

(1) The Executive Committee shall be composed of ten (10) members:

(A) Seven (7) voting members who are elected by the Commission from the current membership of the Commission;

(B) Two (2) ex-officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association; and

(C) One (1) ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

(f) The ex-officio members shall be selected by their respective organizations.

(1) The Commission may remove any member of the Executive Committee as provided in bylaws.

(2) The Executive Committee shall meet at least annually.

(3) 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) Other duties as provided in rules or bylaws.

(4) Meetings of the Commission or the Executive Committee

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.

(5) 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 disclo-

sure 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.

(6) 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.

(7) 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 minutes. All minutes and documents of meetings other than closed meetings shall be made available to members of the public upon request. 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.

(8) Financing of the Commission

(A) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(B) The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(C) 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 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.

(9) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Com-

mission pledge the credit of any of the member states, except by and with the authority of the member state.

(10) 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 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 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) 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 or compact privilege;

(4) Non-confidential information related to alternative program participation;

(5) Any denial of application for licensure, and the reason(s) for denial; and

(6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

(c) Investigative information pertaining to a licensee in any member state shall 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 shall 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) 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, the rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

(d) 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 shall 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 audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The Notice of Proposed Rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule shall 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.

(f) Prior to the 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.

(g) 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 having at least twenty-five (25) members.

(h) 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 shall be recorded. A copy of the recording shall be made available to any person upon request and at the requesting person's expense.

(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.

(i) 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.

(j) 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.

(k) 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.

(l) 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; or

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(m) 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 shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11.
DISPUTE RESOLUTION AND ENFORCEMENT

(a) 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.

(b) 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 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
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY 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 10th 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 audiology or speech-language pathology 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 audiology or speech-language pathology 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) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

(b) All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

(c) All lawful actions of the Commission, including all rules and

bylaws promulgated by the Commission, are binding upon the member states.

(d) All agreements between the Commission and the member states are binding in accordance with their terms.

(e) 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, § 43-44-31, enacted by Ga. L. 2021, p. 690, § 4/HB 34; Ga. L. 2025, p. 745, § 1/SB 154, see notes for effective date; Ga. L. 2025, p. 1029, § 43(18)/SB 153, effective July 1, 2025.

Delayed effective date.

Ga. L. 2025, p. 745, § 4/SB 154, provides that the first 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, subparagraphs (e)(1)(A), (e)(1)(B), and (f)(1)(A) of Section 3 will read as follows: “(e)(1)(A) On or before, Dec. 31, 2007, has graduated with a master’s degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education, or its successor, and operated by a college or university accredited by a regional or national accrediting organization recognized by the board;”

“(e)(1)(B) On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audi-

ology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education, or its successor, and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or” and

“(f)(1)(A) Has graduated with a master’s degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education, or its successor, and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or”.

Amendments.

The first 2025 amendment, inserted “, or its successor,” following “United States Department of Education” in subparagraphs (e)(1)(A), (e)(1)(B), and (f)(1)(A) of Section 3. For effective date of this amendment, see the delayed effective date note.

The second 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. Section 1209 and 1211” in paragraph (1) of Section 2.

CHAPTER 47

USED MOTOR VEHICLE AND USED MOTOR VEHICLE
PARTS DEALERS

Sec.		Sec.	
43-47-2.	(Effective until January 1, 2026.) Definitions.	43-47-9.	Contents of licenses; display of licenses; change of business location on licenses.
43-47-2.	(Effective January 1, 2026.) Definitions.	43-47-10.	Investigation of licensees by board; suspension or revocation of license; other sanctions.
43-47-3.	Creation of board; composition; terms of office; vacancies; election of chairperson.	43-47-12.	Maintenance of records by licensees; possession of vehicle or parts as evidence of purchase for resale.
43-47-4.	Division director as secretary of board.	43-47-14.	Fines for violation of chapter.
43-47-5.	Reimbursement of board members.	43-47-17.	Consent to inspection as condition of licensure.
43-47-6.	General powers and duties of board.	43-47-21.	Civil penalty; civil actions; right of private action; persons already licensed to make changes at time of renewal of license.
43-47-7.	Required license; records.		
43-47-8.	Application for used motor vehicle or used motor vehicle parts dealer licenses; bonding and insurance requirements; supplemental licenses; renewal.		
43-47-8.2.	Place of business; temporary sites; penalties.		

43-47-2. (Effective until January 1, 2026.) Definitions.

As used in this chapter, the term:

(1) “Board” means the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

(2) “Dismantler” means any person, partnership, limited liability company, firm, or corporation engaged in the business of acquiring wrecked, abandoned, or reparable motor vehicles and selling either the usable parts, the motor vehicle as a unit, or the hulk of the motor vehicle after the usable parts have been removed. Without limiting any of the foregoing, for the purposes of this chapter, a person, partnership, limited liability company, firm, or corporation shall be presumed to be engaged in the business of auto dismantling if he, she, or it possesses ten or more inoperative motor vehicles for more than 45 days unless such vehicles are scrap vehicles being held by a scrap metal processor for recycling scrap metal, vehicles awaiting repairs being held by a repair business, or vehicles being held for other reasons as may be prescribed by the board.

(2.1) “Division director” shall have the same meaning as set forth in Code Section 43-1-1.

(3) “Established place of business” means a salesroom or sales office in a building or on an open lot of a retail used car dealership or at which a permanent business of bartering, trading, offering, displaying, selling, buying, dismantling, or rebuilding wrecked or used motor vehicles or parts is carried on, or the place at which the books, records, and files necessary to conduct such business are kept. Each such place of business shall be furnished with a working telephone listed in the name of the licensee for use in conducting the business, be marked by an appropriate permanent sign as prescribed by the board, and meet or exceed any size requirements and standards prescribed by the board.

(4) “Financial institution” means a finance company or a banking institution or any subsidiary of a finance company or banking institution which engages solely in the financing or leasing of motor vehicles. Such term shall not mean a pawnbroker as such term is defined in Code Section 44-12-130.

(5) “Licensee” means any person who is required to be licensed or who is actually licensed under this chapter.

(6) “Major component part” means one of the subassemblies of a motor vehicle as defined in paragraph (9) of Code Section 40-3-2.

(7) “Motor vehicle” or “car” means every vehicle which is self-propelled and required to be registered under the laws of this state, except trackless trolleys (which are classified as streetcars), airplanes, motorboats, motorcycles, motor driven cycles, or go-carts.

(8) “Motor vehicle broker” means a person who, for a commission or with the intent to make a profit or gain of money or other thing of value, negotiates or attempts to negotiate the sale of a motor vehicle on behalf of another. Such term shall not mean any person engaged in the solicitation, negotiation, or advertising of the sale of used motor vehicles or any owner of real property who allows the display of used motor vehicles on such property if the sale of such vehicles is made by a used car dealer or a financial institution.

(9) “Part” means any used motor vehicle part that has been installed as standard or optional equipment on a motor vehicle, has been removed from the motor vehicle on which it was originally attached or affixed, and is the subject of sale or resale as a part and not as scrap.

(10) “Person” means any individual, partnership, limited liability company, firm, association, corporation, or combination of individuals of whatever form or character.

(11) “Rebuilder” means any person, partnership, limited liability company, firm, or corporation engaged in the business of buying more

than two salvage or wrecked motor vehicles per year for the purpose of restoring or rebuilding them with used or new motor vehicle parts, or both, to be sold as motor vehicles.

(12) "Salvage dealer" means any person, firm, or corporation who purchases a salvage vehicle or parts of a salvage vehicle for purposes of resale as parts only or as salvage.

(13) Reserved.

(14) "Salvage vehicle" means any vehicle which:

(A) Has been damaged, crushed, or otherwise reduced to such a state that its restoration would require the replacement of two or more major component parts;

(B) Has been acquired by an insurance company as a result of the vehicle's being damaged to the extent that its restoration to an operable condition would require the replacement of two or more major component parts or for which the insurance company has paid a total loss claim, excluding recovered total theft vehicles which do not require the replacement of two or more major component parts for restoration; or

(C) Is an imported vehicle which has been damaged in shipment and disclaimed by the manufacturer as a result of the damage, has never been the subject of a retail sale to a consumer, and has never been issued a certificate of title.

(15) "Scrap vehicle" means any vehicle which has been wrecked, destroyed, or damaged to the extent that it cannot be economically repaired, rebuilt, or made operable or roadworthy.

(15.1) "Temporary site" means a location at which used motor vehicles are sold or offered for sale for which a temporary site permit has been issued by the board in accordance with Code Section 43-47-8.2 and which location is:

(A) Used for a period not to exceed 96 hours in any 30 day period of time;

(B) Located in the county in which the established place of business of the used motor vehicle dealer using the temporary site is located or an adjoining county; and

(C) Used not more than three times in any calendar year.

(16) "Used motor vehicle" or "used car" means any motor vehicle or car other than a motor vehicle which has never been the subject of a retail sale by a new motor vehicle dealer or a used motor vehicle dealer and which is the subject of a retail sale to a consumer for his or her own use or of a resale to another licensed dealer.

(17)(A) “Used motor vehicle dealer” or “used car dealer” means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of an interest in used motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person. A motor vehicle wholesaler and a motor vehicle broker shall be deemed to be a used motor vehicle dealer or a used car dealer for the purposes of this chapter. Any independent motor vehicle leasing agency which sells or offers for sale used motor vehicles shall be deemed to be a used motor vehicle dealer or a used car dealer for the purposes of this chapter. Any motor vehicle auction company selling or offering for sale used motor vehicles to independent motor vehicle dealers or to individual consumers shall be deemed to be a used motor vehicle dealer or used car dealer for the purposes of this chapter except as otherwise provided in division (x) of subparagraph (B) of this paragraph. Without limiting any of the foregoing, the sale of five or more used motor vehicles in any one calendar year shall be prima-facie evidence that a person is engaged in the business of selling used motor vehicles. A pawnbroker who disposes of all repossessed motor vehicles by selling or exchanging his or her interest in such motor vehicles only to licensees under this chapter shall not be considered a used motor vehicle dealer under this chapter as long as such pawnbroker does not otherwise engage in activities which would bring him or her under the licensing requirements of this chapter.

(B) Used motor vehicle dealer or used car dealer does not include:

(i) Franchised motor vehicle dealers and their wholly owned and controlled subsidiaries operating in the county in which their franchise is located or operating as a direct dealer of a manufacturer;

(ii) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court;

(iii) Public officers while performing their official duties;

(iv) Persons disposing of motor vehicles acquired for their own use when the same shall have been acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter. Evidence of good faith, as provided in this division, shall consist of the fact that the vehicle is properly titled and registered in the name of the transferor;

(v) Financial institutions when the financial institution sells its repossessed or leased motor vehicles. Finance companies, for purposes of this chapter, shall not include a pawnbroker as defined in Code Section 44-12-130;

(vi) Insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance;

(vii) Persons, firms, or corporations who act as agents for insurance companies for the purpose of soliciting insurance for motor vehicles;

(viii) Persons, firms, or corporations engaged in a business other than as a used car dealer, as defined in divisions (i) through (vii) of this subparagraph, who sell motor vehicles traded in as a part of the purchase price of an article other than a motor vehicle and which have not been acquired by direct purchase for cash, and which business is not for the purpose of violating this chapter;

(ix) Persons, firms, or corporations which sell only vehicles which will not be used primarily for transportation purposes, including, but not limited to, antique automobiles, classic automobiles, and automobiles sold solely as speculative investments. In determining whether a vehicle or vehicles will not be used primarily for transportation purposes, the board may rely on the representations, written or oral, made regarding the vehicles, but may also look at any other relevant evidence; or

(x) Persons licensed or companies registered under Chapter 6 of this title, relating to auctioneers, when auctioning used motor vehicles which are being disposed of under administration of an estate or when auctioning used motor vehicles and real property at the same sale when such vehicles and property are owned by a common owner.

(18) “Used motor vehicle parts dealer” or “used parts dealer” means any person, partnership, limited liability company, firm, or corporation buying, selling, or using motor vehicle parts, either as a used motor vehicle parts dealer, a motor vehicle dismantler, a motor vehicle rebuilder, a salvage pool dealer, or a salvage dealer.

(19) “Wholesaler” means a person who sells or distributes used motor vehicles to motor vehicle dealers in this state, has a sales representative in this state, or controls any person who offers for sale, sells, or distributes any used motor vehicles to motor vehicle dealers in this state.

History.

Ga. L. 1958, p. 55, § 2; Ga. L. 1968, p. 23, §§ 1, 2; Ga. L. 1980, p. 1286, § 1; Ga. L. 1983, p. 550, § 1; Ga. L. 1988, p. 1504, § 1; Ga. L. 1989, p. 154, § 1; Ga. L. 1990, p. 1032, § 1; Ga. L. 1991, p. 983, §§ 1, 2; Ga. L. 1993, p. 123, § 59; Ga. L. 1994, p. 1060, § 1; Ga. L. 1995, p. 441, § 1; Ga. L. 1997, p. 530, § 1; Ga. L. 1998, p. 128, § 43; Ga. L. 1998, p. 1662, §§ 1, 2; Ga. L. 2004, p. 452, § 4; Ga. L. 2005, p. 321, § 5/HB 455; Ga. L. 2006, p. 465, § 3/HB 1052; Ga. L. 2008, p. 835, § 8/SB 437; Ga. L. 2011, p. 752, § 43/HB 142; Ga. L. 2025, p. 313, § 1/HB 630, effective July 1, 2025.

Delayed effective date.

Code Section 43-47-2, 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 2025 amendment, effective July 1, 2025, added paragraph (2.1), substituted “business, be marked by an appropriate permanent sign as prescribed by the board, and meet or exceed any size requirements and standards prescribed by the board” for “business and shall be marked by an appropriate permanent sign as prescribed by the appropriate division under this chapter” at the end of paragraph (3), and substituted “Used motor vehicle dealer’ or ‘used car dealer” for “Used motor vehicle dealer,’ ‘used car dealer,’ or ‘licensee” in subparagraph (17)(A).

43-47-2. (Effective January 1, 2026.) Definitions.

As used in this chapter, the term:

(1) “Board” means the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

(2) “Dismantler” means any person, partnership, limited liability company, firm, or corporation engaged in the business of acquiring wrecked, abandoned, or reparable motor vehicles and selling either the usable parts, the motor vehicle as a unit, or the hulk of the motor vehicle after the usable parts have been removed. Without limiting any of the foregoing, for the purposes of this chapter, a person, partnership, limited liability company, firm, or corporation shall be presumed to be engaged in the business of auto dismantling if he, she, or it possesses ten or more inoperative motor vehicles for more than 45 days unless such vehicles are scrap vehicles being held by a scrap metal processor for recycling scrap metal, vehicles awaiting repairs being held by a repair business, or vehicles being held for other reasons as may be prescribed by the board.

(2.1) “Division director” shall have the same meaning as set forth in Code Section 43-1-1.

(3) “Established place of business” means a salesroom or sales office in a building or on an open lot of a retail used car dealership or at which a permanent business of bartering, trading, offering, displaying, selling, buying, dismantling, or rebuilding wrecked or used motor vehicles or parts is carried on, or the place at which the books, records, and files necessary to conduct such business are kept. Each such place of business shall be furnished with a working telephone listed in the name of the licensee for use in conducting the business, be marked by an appropriate permanent sign as prescribed by board,

and meet or exceed any size requirements and standards prescribed by the board. Except when at least 500 motor vehicle sales are conducted annually at such location, each such place of business shall be at least 250 square feet.

(4) “Financial institution” means a finance company or a banking institution or any subsidiary of a finance company or banking institution which engages solely in the financing or leasing of motor vehicles. Such term shall not mean a pawnbroker as such term is defined in Code Section 44-12-130.

(5) “Licensee” means any person who is required to be licensed or who is actually licensed under this chapter.

(6) “Major component part” means one of the subassemblies of a motor vehicle as defined in paragraph (9) of Code Section 40-3-2.

(7) “Motor vehicle” or “car” means every vehicle which is self-propelled and required to be registered under the laws of this state, except trackless trolleys (which are classified as streetcars), airplanes, motorboats, motorcycles, motor driven cycles, or go-carts.

(8) “Motor vehicle broker” means a person who, for a commission or with the intent to make a profit or gain of money or other thing of value, negotiates or attempts to negotiate the sale of a motor vehicle on behalf of another. Such term shall not mean any person engaged in the solicitation, negotiation, or advertising of the sale of used motor vehicles or any owner of real property who allows the display of used motor vehicles on such property if the sale of such vehicles is made by a used car dealer or a financial institution.

(9) “Part” means any used motor vehicle part that has been installed as standard or optional equipment on a motor vehicle, has been removed from the motor vehicle on which it was originally attached or affixed, and is the subject of sale or resale as a part and not as scrap.

(10) “Person” means any individual, partnership, limited liability company, firm, association, corporation, or combination of individuals of whatever form or character.

(11) “Rebuilder” means any person, partnership, limited liability company, firm, or corporation engaged in the business of buying more than two salvage or wrecked motor vehicles per year for the purpose of restoring or rebuilding them with used or new motor vehicle parts, or both, to be sold as motor vehicles.

(12) “Salvage dealer” means any person, firm, or corporation who purchases a salvage vehicle or parts of a salvage vehicle for purposes of resale as parts only or as salvage.

(13) Reserved.

(14) “Salvage vehicle” means any vehicle which:

(A) Has been damaged, crushed, or otherwise reduced to such a state that its restoration would require the replacement of two or more major component parts;

(B) Has been acquired by an insurance company as a result of the vehicle’s being damaged to the extent that its restoration to an operable condition would require the replacement of two or more major component parts or for which the insurance company has paid a total loss claim, excluding recovered total theft vehicles which do not require the replacement of two or more major component parts for restoration; or

(C) Is an imported vehicle which has been damaged in shipment and disclaimed by the manufacturer as a result of the damage, has never been the subject of a retail sale to a consumer, and has never been issued a certificate of title.

(15) “Scrap vehicle” means any vehicle which has been wrecked, destroyed, or damaged to the extent that it cannot be economically repaired, rebuilt, or made operable or roadworthy.

(15.1) “Temporary site” means a location at which used motor vehicles are sold or offered for sale for which a temporary site permit has been issued by the board in accordance with Code Section 43-47-8.2 and which location is:

(A) Used for a period not to exceed 96 hours in any 30 day period of time;

(B) Located in the county in which the established place of business of the used motor vehicle dealer using the temporary site is located or an adjoining county; and

(C) Used not more than three times in any calendar year.

(16) “Used motor vehicle” or “used car” means any motor vehicle or car other than a motor vehicle which has never been the subject of a retail sale by a new motor vehicle dealer or a used motor vehicle dealer and which is the subject of a retail sale to a consumer for his or her own use or of a resale to another licensed dealer.

(17)(A) “Used motor vehicle dealer” or “used car dealer” means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of an interest in used motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not

such motor vehicles are owned by such person. A motor vehicle wholesaler and a motor vehicle broker shall be deemed to be a used motor vehicle dealer or a used car dealer for the purposes of this chapter. Any independent motor vehicle leasing agency which sells or offers for sale used motor vehicles shall be deemed to be a used motor vehicle dealer or a used car dealer for the purposes of this chapter. Any motor vehicle auction company selling or offering for sale used motor vehicles to independent motor vehicle dealers or to individual consumers shall be deemed to be a used motor vehicle dealer or used car dealer for the purposes of this chapter except as otherwise provided in division (x) of subparagraph (B) of this paragraph. Without limiting any of the foregoing, the sale of five or more used motor vehicles in any one calendar year shall be prima-facie evidence that a person is engaged in the business of selling used motor vehicles. A pawnbroker who disposes of all repossessed motor vehicles by selling or exchanging his or her interest in such motor vehicles only to licensees under this chapter shall not be considered a used motor vehicle dealer under this chapter as long as such pawnbroker does not otherwise engage in activities which would bring him or her under the licensing requirements of this chapter.

(B) Used motor vehicle dealer or used car dealer does not include:

- (i) Franchised motor vehicle dealers and their wholly owned and controlled subsidiaries operating in the county in which their franchise is located or operating as a direct dealer of a manufacturer;
- (ii) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court;
- (iii) Public officers while performing their official duties;
- (iv) Persons disposing of motor vehicles acquired for their own use when the same shall have been acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter. Evidence of good faith, as provided in this division, shall consist of the fact that the vehicle is properly titled and registered in the name of the transferor;
- (v) Financial institutions when the financial institution sells its repossessed or leased motor vehicles. Finance companies, for purposes of this chapter, shall not include a pawnbroker as defined in Code Section 44-12-130;
- (vi) Insurance companies who sell motor vehicles to which

they have taken title as an incident of payments made under policies of insurance;

(vii) Persons, firms, or corporations who act as agents for insurance companies for the purpose of soliciting insurance for motor vehicles;

(viii) Persons, firms, or corporations engaged in a business other than as a used car dealer, as defined in divisions (i) through (vii) of this subparagraph, who sell motor vehicles traded in as a part of the purchase price of an article other than a motor vehicle and which have not been acquired by direct purchase for cash, and which business is not for the purpose of violating this chapter;

(ix) Persons, firms, or corporations which sell only vehicles which will not be used primarily for transportation purposes, including, but not limited to, antique automobiles, classic automobiles, and automobiles sold solely as speculative investments. In determining whether a vehicle or vehicles will not be used primarily for transportation purposes, the board may rely on the representations, written or oral, made regarding the vehicles, but may also look at any other relevant evidence; or

(x) Persons licensed or companies registered under Chapter 6 of this title, relating to auctioneers, when auctioning used motor vehicles which are being disposed of under administration of an estate or when auctioning used motor vehicles and real property at the same sale when such vehicles and property are owned by a common owner.

(18) “Used motor vehicle parts dealer” or “used parts dealer” means any person, partnership, limited liability company, firm, or corporation buying, selling, or using motor vehicle parts, either as a used motor vehicle parts dealer, a motor vehicle dismantler, a motor vehicle rebuilder, a salvage pool dealer, or a salvage dealer.

(19) “Wholesaler” means a person who sells or distributes used motor vehicles to motor vehicle dealers in this state, has a sales representative in this state, or controls any person who offers for sale, sells, or distributes any used motor vehicles to motor vehicle dealers in this state.

History.

Ga. L. 1958, p. 55, § 2; Ga. L. 1968, p. 23, §§ 1, 2; Ga. L. 1980, p. 1286, § 1; Ga. L. 1983, p. 550, § 1; Ga. L. 1988, p. 1504, § 1; Ga. L. 1989, p. 154, § 1; Ga. L. 1990, p. 1032, § 1; Ga. L. 1991, p. 983, §§ 1, 2; Ga. L. 1993, p. 123, § 59; Ga. L. 1994, p.

1060, § 1; Ga. L. 1995, p. 441, § 1; Ga. L. 1997, p. 530, § 1; Ga. L. 1998, p. 128, § 43; Ga. L. 1998, p. 1662, §§ 1, 2; Ga. L. 2004, p. 452, § 4; Ga. L. 2005, p. 321, § 5/HB 455; Ga. L. 2006, p. 465, § 3/HB 1052; Ga. L. 2008, p. 835, § 8/SB 437; Ga. L. 2011, p. 752, § 43/HB 142; Ga. L. 2025,

p. 313, § 1/HB 630, effective July 1, 2025; Ga. L. 2025, p. 672, § 8/HB 551, effective January 1, 2026.

Delayed effective date.

Code Section 43-47-2, 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 first 2025 amendment, effective July 1, 2025, added paragraph (2.1), substituted “business, be marked by an appropriate permanent sign as prescribed by

the board, and meet or exceed any size requirements and standards prescribed by the board” for “business and shall be marked by an appropriate permanent sign as prescribed by the appropriate division under this chapter” at the end of paragraph (3), and substituted ““Used motor vehicle dealer’ or ‘used car dealer’” for “Used motor vehicle dealer,’ ‘used car dealer,’ or ‘licensee’” in subparagraph (17)(A).

The second 2025 amendment, effective January 1, 2026, added the last sentence of paragraph (3).

43-47-3. Creation of board; composition; terms of office; vacancies; election of chairperson.

(a) There is created a State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers. The board shall be composed of ten members:

(1) Three members shall be independent used car dealers, at least one of whom shall be an independent used car dealer that sells at least 100 used motor vehicles in the State of Georgia each calendar year and that primarily or exclusively sells motor vehicles online;

(2) One member shall be appointed from the public at large and shall have no connection whatsoever with the sale of used cars or parts;

(3) The state revenue commissioner, or a designated agent, shall be a permanent ex officio member and shall be authorized to vote on all matters before the board;

(4) One member shall be a representative of the automobile auction industry;

(5) Three members shall be used motor vehicle parts dealers; and

(6) One member shall be a representative of the automobile insurance industry.

(b) The members of the board shall be appointed by the Governor and shall serve terms of four years. All members shall be residents of this state. The term of the ex officio member shall be coextensive with his or her term of office.

(b.1) Notwithstanding the provisions of subsection (a) of this Code section, all members serving on the board as of June 30, 2025, shall continue to serve as members of the board for the remainder of their terms of office but shall only be reappointed in accordance with the provisions of this Code section.

(c) Any vacancies on the board shall be filled by the Governor for the remainder of the unexpired term. The members of the board shall annually elect one of their number to serve as chairperson for a term of two years. In the event a chairperson of the board is unable to complete his or her term, a successor for the remainder of the term shall be elected from the members of the board.

History.
Ga. L. 1980, p. 1286, § 1; Ga. L. 1988, p. 1504, § 2; Ga. L. 1989, p. 154, § 2; Ga. L. 1990, p. 1903, § 9; Ga. L. 1990, p. 2423, § 1; Ga. L. 1994, p. 1060, § 2; Ga. L. 1995, p. 441, § 1; Ga. L. 1996, p. 6, § 43; Ga. L. 2002, p. 415, § 43; Ga. L. 2005, p. 334,

§ 25-4/HB 501; Ga. L. 2015, p. 1088, § 32/SB 148; Ga. L. 2025, p. 313, § 2/HB 630, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, rewrote this Code section.

43-47-4. Division director as secretary of board.

The division director shall be the secretary of the board. He or she shall issue licenses and certificates and perform such other duties as the board may direct to carry out this chapter or as provided in Chapter 1 of this title.

History.
Ga. L. 1958, p. 55, § 5; Ga. L. 1995, p. 441, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2025, p. 313, § 3/HB 630, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, deleted “and of the divisions” at

the end of the first sentence, deleted “or the divisions” following “as the board”, and added “or as provided in Chapter 1 of this title” at the end.

43-47-5. Reimbursement of board members.

The members of the board shall be reimbursed for their duties as board members as provided for in subsection (f) of Code Section 43-1-2.

History.
Ga. L. 1958, p. 55, § 6; Ga. L. 1981, p. 767, § 1; Ga. L. 1995, p. 441, § 1; Ga. L. 2025, p. 313, § 4/HB 630, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, deleted “and as division members” following “board members”.

43-47-6. General powers and duties of board.

The board shall have the following powers and duties:

- (1) To receive applications for registration of licensees;
- (2) To make such rules and regulations as may be necessary to effectuate the administration and enforcement of this chapter and to protect the health, safety, and financial well-being of the public;
- (3) To arrange for all new applicants to have a criminal back-

ground check, which background check shall be mandatory. The applicant's fingerprints shall be forwarded to the Georgia Crime Information Center which shall run a criminal background check on the applicant and provide the results of the background check to the board. Additionally, the applicant's fingerprints will be forwarded to the Federal Bureau of Investigation for a national criminal history record check;

(4) To publish in print or electronically on or before September 1 of each year an alphabetical listing of all licensees pursuant to this chapter and to distribute copies of the same, if requested, to the Department of Public Safety, the Department of Revenue, and the Georgia Bureau of Investigation, to all sheriffs in this state, and to all county and municipal police departments in this state;

(5) To establish a fee for a license for each principal place of business and a fee for a supplemental license for each place of business not immediately adjacent to the principal place of business. The board may establish separate schedules of fees for such licenses depending on whether the applicant begins to do business as a licensee prior to or after the issuance of any such license;

(6) To do all other things necessary and proper to carry out the powers and duties listed in this Code section; and

(7) To set the minimum size requirements and standards of an established place of business.

History.

Ga. L. 1958, p. 55, § 7; Ga. L. 1968, p. 23, § 5; Ga. L. 1981, p. 767, § 2; Ga. L. 1987, p. 369, § 1; Ga. L. 1995, p. 441, § 1; Ga. L. 2010, p. 838, § 10/SB 388; Ga. L. 2025, p. 313, § 5/HB 630, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted the first sentence of the

introductory paragraph, deleted "and to forward them to the appropriate division" at the end of paragraph (1); added "and to protect the health, safety, and financial well-being of the public" at the end of paragraph (2); deleted "and" at the end of paragraph (5); substituted "; and" for a period at the end of paragraph (6); and added paragraph (7).

43-47-7. Required license; records.

(a) It shall be unlawful for any person to operate as a used motor vehicle dealer in this state without first registering and obtaining a license from the board as provided in this chapter.

(b) It shall be unlawful for any person to operate as a used motor vehicle parts dealer in this state without first registering and obtaining a license from the board as provided in this chapter.

(c) It shall be unlawful for any used car dealer or any used parts

dealer willfully to fail to keep the records required to be kept by this chapter.

History.

Ga. L. 1958, p. 55, § 3; Ga. L. 1968, p. 23, § 3; Ga. L. 1983, p. 550, § 2; Ga. L. 1988, p. 1504, § 3; Ga. L. 1989, p. 14, § 43; Ga. L. 1989, p. 154, § 3; Ga. L. 1995, p. 441, § 1; Ga. L. 2025, p. 313, § 6/HB 630, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “board” for “used car division” in subsection (a) and substituted “board” for “used parts division” in subsection (b).

43-47-8. Application for used motor vehicle or used motor vehicle parts dealer licenses; bonding and insurance requirements; supplemental licenses; renewal.

(a) Any person desiring a license to be a used motor vehicle dealer or a used motor vehicle parts dealer in this state shall submit an application on a form and in such manner as may be prescribed by the board, which shall be accompanied by any applicable fees and evidence satisfactory to the board that the applicant:

(1) Maintains an established place of business;

(2) Has, within the preceding 12 months, attended a board approved training and information seminar, which shall not exceed one day in length, or passed a board approved examination, either of which shall relate to the requirements of licensees provided in this chapter, including books and records to be kept, requirements of the Department of Revenue applicable to licensees, and such other topics as in the opinion of the board promote good business practices of licensees;

(3) Has applied for or obtained a certificate of registration, Department of Revenue Form ST-2;

(4) Has posted or has made provision for the posting of the bond required under subsection (d) of this Code section; and

(5) Maintains any liability and property damage insurance required under subsection (e) of this Code section.

(b) Applications for a used motor vehicle dealer license or a used motor vehicle parts dealer license shall be made under oath and shall state the applicant’s full name; date and place of birth; date and place of any conviction or arrest for any crime, including the plea of nolo contendere or a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such additional information as the board may require to investigate the qualifications, character, competence, and integrity of the applicant. Each applicant shall submit with his or her application photographs or other renderings of his or her

established place of business that show the complete facility, appropriate sign, and entire display area of the established place of business.

(c) Each applicant for a used motor vehicle dealer license or a used motor vehicle parts dealer license shall furnish to the board a full set of fingerprints to enable a criminal background investigation to be conducted on the applicant so as to determine the applicant's suitability to be licensed under this chapter. The board shall submit the applicant's fingerprints to the Georgia Crime Information Center. If no criminal record is identified at the state level, the Georgia Crime Information Center is authorized to submit the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Georgia Crime Information Center shall notify the board in writing of the results of such criminal background investigation, which shall be used by the board for the exclusive purpose of carrying out its responsibilities under this chapter, shall not be a public record, shall be privileged, and shall not be disclosed to any other person or agency. The applicant shall be responsible for all fees associated with the performance of such background investigation.

(d)(1) Licensees shall be required, for each license or supplemental license issued in connection with an established place of business, to post a bond that is executed with a surety company duly authorized to do business in this state. Such bond shall be payable to the Governor for the use and benefit of any purchaser and vendees or successors in title of any used motor vehicle and shall be conditioned to pay all losses, damages, and expenses that may be sustained by such purchaser, his or her vendees, or successors in title that may be occasioned by reason of any misrepresentation, deceptive practice, or unfair practice or by reason of any breach of warranty as to such used vehicle. Such bond shall be in the amount of \$35,000.00 for used car dealers and \$10,000.00 for used parts dealers and shall be filed, prior to or immediately upon the granting of a license under this chapter, with the division director by the licensee and shall be approved by the division director as to form and as to the solvency of the surety.

(2) No licensee shall cancel, or cause to be canceled, a bond issued pursuant to this subsection unless the board is informed in writing by a certified letter at least 30 days prior to the proposed cancellation.

(3) If a surety or licensee cancels a bond issued pursuant to this subsection and the licensee fails to submit, within ten days of the effective date of the cancellation, a new bond, the board may revoke his or her license.

(e)(1) Except for any person licensed under Chapter 6 of this title, who shall be exempt from the requirements of this subsection, licensees shall maintain, for each license or supplemental license

issued in connection with an established place of business, public liability and property damage insurance with liability limits of not less than \$50,000.00 per person and \$100,000.00 per accident, personal insurance liability coverage, and \$25,000.00 property damage liability coverage.

(2) No licensee shall cancel or cause to be canceled an insurance policy issued pursuant to this subsection unless the board is so informed in writing by certified mail at least 30 days prior to the proposed cancellation.

(3) If an insurance company or licensee cancels an insurance policy required under this subsection and the licensee fails to submit, within ten days of the effective date of such cancellation, a new insurance policy, the board may revoke his or her license.

(f)(1) Each license issued pursuant to this chapter shall be in connection with a single established place of business, and licensees shall be required to obtain a supplemental license for each additional established place of business that is operated or proposed to be operated by the licensee that is not contiguous to an established place of business for which a license or supplemental license has been issued; provided, however, that a supplemental license shall not be required for any temporary site of a licensee.

(2) A licensee applying for a supplemental license shall submit an application on a form and in such a manner as may be prescribed by the board accompanied by any applicable fees. Such application shall include:

(A) The licensee's license number;

(B) Photographs or other renderings of the licensee's additional established place of business for which a supplemental license is sought that shows the complete facility, appropriate sign, and entire display area of the additional established place of business;

(C) Evidence that the licensee has posted, or has made provision for the posting, of the bond required under subsection (d) of this Code section for such additional established place of business; and

(D) Evidence that the licensee maintains any liability and property damage insurance required under subsection (e) of this Code section for such additional established place of business.

(g) All licenses issued under this chapter shall be renewable biennially. The board may establish continuing education requirements for license renewals.

History. 2025, p. 313, § 7/HB 630, effective July 1,
Code 1981, § 43-47-8, enacted by Ga. L. 2025.

Effective date.

This Code section became effective July 1, 2025.

Editor's notes.

Former Code Section 43-47-8, relating to licensing requirements and regulations for used motor vehicle dealers and used parts dealer, was based on Ga. L. 1958, p. 55, § 8; Ga. L. 1960, p. 801, § 1; Ga. L. 1960, p. 980, § 1; Ga. L. 1968, p. 23, § 8; Ga. L. 1974, p. 1240, § 1; Ga. L. 1983, p.

550, §§ 3, 4; Ga. L. 1984, p. 22, § 43; Ga. L. 1985, p. 975, § 1; Ga. L. 1987, p. 369, § 2; Ga. L. 1988, p. 1504, § 4; Ga. L. 1991, p. 983, § 3; Ga. L. 1992, p. 2450, §§ 2, 3; Ga. L. 1995, p. 441, § 1; Ga. L. 1996, p. 6, § 43; Ga. L. 2000, p. 1706, § 19; Ga. L. 2002, p. 415, § 43; Ga. L. 2005, p. 334, § 25-5/HB 501; Ga. L. 2006, p. 688, § 1/HB 1075; Ga. L. 2010, p. 266, § 44/SB 195, and repealed by Ga. L. 2025, p. 313, § 7/HB 630, effective July 1, 2025.

43-47-8.2. Place of business; temporary sites; penalties.

(a) A used motor vehicle dealer shall not engage in any activity as a used motor vehicle dealer except at such dealer's established place of business which has been registered under Code Section 40-2-38, at temporary sites not more than three times in any one calendar year, or at a licensed auto auction or any licensed facility. This subsection shall not be construed to prohibit a used motor vehicle dealer from delivering a vehicle off site, provided that the transaction is initiated from an established place of business under this chapter.

(b)(1) At least 60 days prior to opening a sale at a temporary site, a used motor vehicle dealer must make application to the board for a temporary site permit. A separate application must be submitted for every temporary site sale.

(2) To be eligible for a temporary site permit, a used motor vehicle dealer must be registered as required by Code Section 40-2-38. In order to obtain a temporary site permit, a used motor vehicle dealer must provide, on a form promulgated by the board:

(A) The address, including county, of the used motor vehicle dealer's established place of business;

(B) The address, including county, of the proposed temporary site location;

(C) The dates and hours of the temporary site sale;

(D) The number of temporary site sales already conducted by the used motor vehicle dealer during the calendar year in which the requested temporary site sale is to occur; and

(E) The name, address, and contact person of any sponsors, promoters, and lending institutions involved in or to be represented at the temporary site sale.

(3) As part of the application, a used motor vehicle dealer must submit written documentation demonstrating that the used motor vehicle dealer has complied with any licensing requirements appli-

cable in the local jurisdiction in which the temporary site sale will occur and a copy of a written agreement with the owner of the real property where this sale will occur.

(4) A temporary site permit issued pursuant to this subsection shall be valid only for the dates and hours of the sale as indicated on the application submitted to the board and must be prominently displayed at the temporary site at all times during the site sale. No used motor vehicle dealer may purchase more than three temporary site permits within a calendar year. A temporary site permit is not transferable to any other dealer or location.

(5) The fee for each application for a temporary site permit shall be established by the board.

(c) As an alternative to criminal or other civil enforcement of this Code section or any orders, rules, and regulations promulgated pursuant hereto, the board may issue an administrative fine not to exceed \$1,000.00 for each violation whenever the board, after a hearing, determines that any person has violated any provisions of this Code section or any orders, rules, and regulations promulgated pursuant hereto. If, after a hearing, the board determines that any person has violated this provision more than once, the board may suspend his or her license for a period not to exceed ten days. Any hearing and any administrative review held pursuant to this Code section shall be conducted in accordance with the procedure for contested cases under Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any person who has exhausted all administrative remedies available and who is aggrieved or adversely affected by a final order or action of the board shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50. All fines recovered under this Code section shall be paid into the state treasury. The board may file, in the superior court:

(1) In the county wherein the person under order resides;

(2) If such person is a corporation, in the county wherein the corporation maintains its established place of business; or

(3) In the county wherein the violation occurred,

a certified copy of a final order of the board, whether unappealed from or affirmed upon appeal, whereupon the superior court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and proceedings in relation thereto shall thereafter be the same as though the judgment had been rendered in an action duly heard and determined by the superior court. The penalty prescribed in this Code section shall be concurrent, alternative, and cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or avail-

able to the board with respect to any violation of this Code section or any order, rule, or regulation promulgated pursuant hereto. For purposes of this Code section, the sale of each motor vehicle while not in compliance with temporary site permit requirements shall constitute a separate violation.

(d) Any person who violates any provision of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed \$1,000.00 or imprisonment for a period not to exceed 12 months, or both.

History.

Code 1981, § 43-47-8.2, enacted by Ga. L. 1998, p. 1662, § 3; Ga. L. 2005, p. 321, § 6/HB 455; Ga. L. 2025, p. 313, § 8/HB 630, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “shall be established by the board” for “shall be \$100” in paragraph (b)(5).

43-47-9. Contents of licenses; display of licenses; change of business location on licenses.

(a) The licenses issued pursuant to this chapter shall specify the location of each place of business or branch or other location occupied or to be occupied by the licensee in conducting his or her business; and the license or supplemental license issued therefor shall be conspicuously displayed on each of such premises.

(b) If such location, as provided in subsection (a) of this Code section, of a licensee is changed, the licensee shall, at least 30 days prior to relocating to a new location, submit a change of location application, together with any additional fees as established by the board, to the division director. Such application shall be submitted in a form and manner as prescribed by the division director and shall include the licensee’s license number and photographs of the new location in accordance with subsection (b) of Code Section 43-47-8. If the division director determines that the new location meets the requirements of this chapter and of the rules and regulations of the board, the division director shall approve the application and issue a new license that specifies the new location.

History.

Ga. L. 1958, p. 55, § 10; Ga. L. 1995, p. 441, § 1; Ga. L. 2025, p. 313, § 9/HB 630, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, designated the existing provi-

sions of this Code section as subsection (a); deleted the last sentence in subsection (a), and added subsection (b).

43-47-10. Investigation of licensees by board; suspension or revocation of license; other sanctions.

The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any licensee or anyone who shall assume to act in such capacity. The board shall have power, in addition to the other powers authorized by this chapter, to revoke or to suspend a license for a specified time, to be determined in its discretion, or to invoke such other lesser sanctions, including but not limited to the imposition of fines and penalty fees, which the board is hereby authorized to create by rule, where:

(1) The licensee is found by a majority of the members of the board to have committed any one or more of the following:

(A) Material misstatement in an application for a license;

(B) Willful and intentional failure to comply with any provisions of this chapter or any lawful rule or regulation issued by the board under this chapter;

(C) Making any substantial misrepresentation;

(D) Making any false promises of a character likely to influence, persuade, or induce;

(E) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;

(F) Failure to account for or to remit any moneys coming into his or her possession which belong to others;

(G) Having demonstrated unworthiness or incompetency to act as a licensee in such manner as to safeguard the interest of the public;

(H) Fraud or fraudulent practice, unfair and deceptive acts or practices, misleading acts or practices, or untrustworthiness or incompetency to act as a licensee, including, but not limited to, the failure to provide the appropriate odometer disclosure forms required by law or knowingly selling or offering for sale any used car on which the odometer has been tampered with to reflect lower than the actual mileage the car has been driven;

(I) The intentional use of any false, fraudulent, or forged statement or document or the use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any of the licensing requirements as provided for in this chapter;

(J) The commission of any crime involving violence, a used motor vehicle, illegal drugs, tax evasion, failure to pay taxes, or any

crime involving the illegal use, carrying, or possession of a dangerous weapon; the conviction of, plea of guilty to, or plea of nolo contendere to a crime involving violence, a used motor vehicle, illegal drugs, tax evasion, failure to pay taxes, or any crime involving the illegal use, carrying, or possession of a dangerous weapon shall be conclusive evidence of the commission of such crime;

(K) Use of untruthful or improbable statements or flamboyant or extravagant claims concerning such licensee's excellence or abilities;

(L) The performance of any dishonorable or unethical conduct likely to deceive, defraud, mislead, unfairly treat, or harm the public;

(M) The use of any false or fraudulent statement in any document in connection with the business as a licensee;

(N) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any of the provisions of this chapter, including but not limited to (i) the failure to maintain the certificate of registration required by Code Section 43-47-8 and (ii) the failure to keep records required by this chapter;

(O) Any other conduct, whether of the same or a different character than heretofore specified, which constitutes dishonest dealing;

(P)(i) Any of the following activities by an automobile auction:

(I) Allowing a motor vehicle to be sold through an auction where the seller's name does not appear on the face of the title;

(II) Failing to refund all of the purchase price to the buyer when the title and tag receipt are not assigned to and processed for the buyer within 21 days of the purchase;

(III) Failing to make available to the board, for investigative purposes, auction records of a seller, for the purpose of determining if a seller sold more than five motor vehicles in a calendar year; provided, however, that the board shall give the auction reasonable notice during normal working hours;

(IV) Failing to disclose in a conspicuous manner on the bill of sale that a buyer is entitled to a refund of all of the purchase price when the title and tag receipt are not assigned and processed within 21 days of the purchase;

(V) Failing to include on the bill of sale any warranty disclaimer; or

(VI) Accepting or delivering a certificate of title signed in blank.

(ii) The provisions of this subparagraph shall not apply where:

(I) The sale of the motor vehicle is not open to the general public;

(II) Either the seller or purchaser of the vehicle is a licensed used car dealer;

(III) The motor vehicle is sold as a repossessed or abandoned vehicle; or

(IV) The motor vehicle is sold on behalf of any government agency or by court order.

(iii) A violation of this subparagraph shall also be grounds for suspension or censure of a license under Code Section 43-6-18, and any auction violating this subparagraph may be required by the board to surrender its master tag;

(Q) Acting to obtain or holding a license on behalf of another person who was previously denied a license or had a license suspended or revoked under this chapter; in making determinations under this subparagraph, the board may look at any competent evidence, including, but not limited to, who actually directs the activities at the business and who actually receives the proceeds from the business;

(R) Having purchased, concealed, possessed, or otherwise acquired or disposed of a vehicle, knowing the same to be stolen;

(S) Having failed to meet and maintain the requirements for issuance of a license as provided for in this chapter;

(T) Having failed to pay within 30 days after written demand from the board any fees or penalties due on vehicles acquired for dismantling or rebuilding;

(U) Having willfully failed to keep or maintain the records required to be kept by this chapter; or

(V) Having vacated the location of its place of business for thirty days or more without having submitted a change of location application pursuant to Code Section 43-47-9; or

(2) A majority of the members of the board find that the licensee failed to establish, maintain, or monitor procedural safeguards to ensure that the following activities do not occur at the business, regardless of whether the licensee had actual knowledge of any such activity or activities or regardless of whether there was an intent on the part of any person to engage in any such activity or activities:

(A) Unfair and deceptive acts or practices as defined in Part 2 of Article 15 of Chapter 1 of Title 10, the “Fair Business Practices Act of 1975”;

(B) Any of those activities described in paragraphs (1) through (6) of Code Section 40-3-90; or

(C) Failure to obtain a certificate of title for a purchaser.

History.

Ga. L. 1958, p. 55, § 11; Ga. L. 1960, p. 801, § 3; Ga. L. 1968, p. 23, § 6; Ga. L. 1983, p. 550, § 5; Ga. L. 1988, p. 1504, § 5; Ga. L. 1991, p. 983, § 4; Ga. L. 1995, p. 441, § 1; Ga. L. 1996, p. 1289, § 1; Ga. L. 2011, p. 355, § 20.1/HB 269; Ga. L. 2025, p. 313, § 10/HB 630, effective July 1, 2025.

ing “board” at the beginning of this Code section and substituted “The board” for “Each division” at the beginning of the second sentence; substituted “board” for “division” in subparagraph (1)(Q); deleted “or” at the end of subparagraph (1)(T); added subparagraph (1)(V); and substituted “board” for “division” in paragraph (2).

Amendments.

The 2025 amendment, effective July 1, 2025, deleted “or each division” follow-

43-47-12. Maintenance of records by licensees; possession of vehicle or parts as evidence of purchase for resale.

(a) Every licensee shall maintain for three years a record of:

(1) Every vehicle, vehicle body, chassis, or major component part of or for a vehicle received or acquired by him or her; its description and any identifying numbers; the date of its receipt or acquisition; and the full name, address, and driver’s license number or social security number of the person from whom received or acquired; provided, however, that, in the event such purchase or acquisition is from a used car dealer or from a used motor vehicle parts dealer, the name and address of the corporation or company shall be sufficient if the seller is registered under this chapter;

(2) Every vehicle, vehicle body, chassis, or major component part disposed of by him or her; its description and any identifying numbers; the date of its receipt or acquisition; and the full name, address, and driver’s license number or social security number of the person to whom disposed; provided, however, that, in the event such disposal is to a used car dealer or to a used motor vehicle parts dealer, the name and address of the corporation or company shall be sufficient if the purchaser or acquirer is registered under this chapter;

(3) Every vehicle wrecked, dismantled, or crushed by him or her and the date of its wrecking or dismantling; and

(4) Any other records which the board may reasonably require to

protect the public, as relating to the licensee’s method of operation and personnel employed.

(b) The possession of motor vehicles or parts covered by this chapter shall be prima-facie evidence that they were purchased for the purpose of resale.

History.

Code 1981, § 43-47-12, enacted by Ga. L. 1995, p. 441, § 1; Ga. L. 2025, p. 313, § 11/HB 630, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “board” for “appropriate division” in paragraph (a)(4).

43-47-14. Fines for violation of chapter.

The board may impose a fine not to exceed \$500.00 for each violation of any provision of this chapter. Such fines shall be listed in a schedule contained in the rules and regulations of the board. The licensee shall pay the fine within 30 days after receiving written notification from either the board or a representative of the board unless the licensee requests in writing a hearing before the board. Such request for a hearing must be received by the board within 30 days after receipt of the written notification from the board. Failure either to pay the fine or request a hearing shall result in immediate suspension of the license pending a hearing by the board to determine whether revocation or other disciplinary action should be imposed on the licensee.

History.

Code 1981, § 43-47-14, enacted by Ga. L. 1995, p. 441, § 1; Ga. L. 2025, p. 313, § 12/HB 630, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “The board” for “Each division or the board” at the beginning, substituted “either the board or a repre-

sentative of the board unless the licensee requests in writing a hearing before the board” for “either the appropriate division or a representative of the division unless the licensee requests in writing a hearing before the division” in the third sentence, and substituted “board” for “division” twice in the fourth sentence.

43-47-17. Consent to inspection as condition of licensure.

Every person required to be licensed under this chapter shall, as a condition of licensure, be deemed to have granted authority and permission to the board or to any peace officer to inspect any record or document and any motor vehicle or motor vehicle part or accessory at or on the premises of his or her principal place of business, or any additional place of business, at any reasonable time during the day or night during reasonable business hours.

History.

Code 1981, § 43-47-17, enacted by Ga. L. 1995, p. 441, § 1; Ga. L. 2025, p. 313, § 13/HB 630, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted “, to either division,” following “permission to the board”.

43-47-21. Civil penalty; civil actions; right of private action; persons already licensed to make changes at time of renewal of license.

(a) Any person, regardless of whether that person is a licensee or not, who commits or causes to be done any act that violates this chapter or fails to do any act or causes to be omitted any act that is required by this chapter shall be subject to a civil penalty not to exceed \$3,000.00 for each violation. A violation of this chapter shall, for the purposes of this Code section, constitute a separate offense as to any motor vehicle or motor vehicle part; and each day during which any person offers for sale, sells, trades, transfers, or disposes of used motor vehicles or used motor vehicle parts without being licensed pursuant to this chapter shall constitute a separate offense.

(b) The penalty provided in subsection (a) of this Code section and any restitution due to specifically named consumers for violations of this chapter shall be recoverable by a civil action brought by the board, the Attorney General, or any district attorney, solicitor-general, or municipal or county attorney in any superior or state court having proper jurisdiction. The proceeds of any civil penalty shall be remitted to the board by the clerk of the court in which such case is filed; provided, however, that in an action brought on behalf of a county or municipality one-half of the proceeds of such civil penalty shall be paid into the treasury of such county or municipality. The court shall order any restitution recovered on behalf of any consumer to be paid over directly to the consumer by the defendant.

(c) Any person damaged by a violation of this chapter may bring an action against the person committing the violation, regardless of whether that person is a licensee, in any superior court of competent jurisdiction to recover actual, consequential, and punitive damages, attorneys' fees, and court costs.

(d) Any person who is already licensed under this chapter or its predecessor or under former Chapter 48 of this title who will be required as a result of this chapter to make changes in his or her business operations will not be required to make such changes until such time as he or she is required to renew his or her license. Any such changes shall have been completed prior to the granting of any renewal license.

History.

Code 1981, § 43-47-21, enacted by Ga. L. 1995, p. 441, § 1; Ga. L. 1996, p. 748, § 24; Ga. L. 2025, p. 313, § 14/HB 630, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted "the division," following "brought by" in the first sentence in subsection (b).

CHAPTER 48

USED MOTOR VEHICLE PARTS DEALERS,
DISMANTLERS, AND REBUILDERS AND SALVAGE
DEALERS

43-48-1 through 43-48-21. [Reserved].

Editor’s notes.
Ga. L. 2025, p. 1029, § 43(17)/SB 153,
part of an Act to revise, modernize, and

correct the Code, reserved the designation
of this chapter, effective July 1, 2025.

CHAPTER 50

VETERINARIANS AND VETERINARY TECHNICIANS

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ARTICLE 1
GENERAL PROVISIONS

43-50-3. Definitions.

As used in this chapter, the term:

(1) “Accredited college or school of veterinary medicine” means any veterinary college or school or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association Council on Education or its successor organization.

(2) “Accredited program in veterinary technology” means any postsecondary educational program of two or more academic years that has fulfilled the essential criteria established by the Committee on Veterinary Technician Education and Activities and approved by the American Veterinary Medical Association or its successor organization.

(3) “Animal” means any animal other than human and includes fowl, birds, fish, and reptiles, wild or domestic, living or dead.

(4) “Animal patient” means an animal or group of animals examined or treated by a licensed veterinarian.

(5) “Animal shelter” means a public or private humane society, animal shelter, society for the prevention of cruelty to animals, animal protection or control agency, rescue group, or other similar organization, that provides shelter and care for homeless animals.

(6) “Approved program of continuing education” means an educational program approved by the board or offered by an approved provider of continuing education.

(7) “Approved provider of continuing education” means any individual, university, or college, or other entity that has met the requirements of the board to provide educational courses that are designed to assure continued competence in the practice of veterinary medicine or veterinary technology.

(8) “Board” means the State Board of Veterinary Medicine.

(9) “Client” means a person who has engaged the service of a licensed veterinarian for the care of an animal within their scope of control as an owner or caretaker of such animal.

(10) “Complementary, alternative, and integrative therapies” means a heterogeneous group of preventive, diagnostic, and therapeutic philosophies and practices that include, but are not limited to,

veterinary acupuncture, acutheraPy, and acupressure; veterinary homeopathy; veterinary manual or manipulative therapy; veterinary nutraceutical therapy; and veterinary phytotherapy.

(11) “Consultation” means the act of a licensed veterinarian receiving advice in person, telephonically, electronically, or by any other method of communication from a veterinarian licensed in this or any other state or other person whose expertise, in the opinion of the licensed veterinarian, may benefit an animal patient.

(12) “Continuing education” means training which is designed to assure continued competence in the practice of veterinary medicine or veterinary technology.

(13) “Direct supervision” means oversight by a licensed veterinarian located on the same premises where an animal is being treated, who is quickly and easily available.

(14) “ECFVG certificate or its substantial equivalent” means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates or its successor organization indicating the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

(15) “Extralabel use” means the actual use or intended use of a drug in an animal in a manner that is not in accordance with the approved labeling. This includes, but is not limited to, use in species not listed in the labeling; use for indications, disease, or other conditions not listed in the labeling; use at dosage levels, frequencies, or routes of administration other than those stated in the labeling; and deviation from the labeled withdrawal time based on such different uses.

(16) “Food animal” means any animal that is raised for the production of an edible product intended for consumption by humans or is itself intended for consumption. Such term shall include, but is not limited to, eggs, cattle, beef or dairy, swine, sheep, goats, poultry, nonornamental fish, and any other animal designated by the veterinarian as a food animal.

(17) “Immediate supervision” means oversight by a licensed veterinarian located in the immediate area and within audible and visual range of the animal patient and the person treating the animal patient.

(18) “Indirect supervision” means oversight by a licensed veterinarian not required to be on the premises but when such licensed veterinarian has given either written or oral instructions for the treatment of the animal patient and is readily available by telephone or other forms of immediate communication.

(19) “Informed consent” means the veterinarian has presented treatment options, and made reasonable efforts to inform the client, verbally or in writing, of the diagnostic and treatment options, risk assessment, and prognosis, which are appropriate and probable for the case in the veterinarian’s judgment following the standard of care, which the veterinarian agrees to provide and the client consents to have performed.

(20) “Licensed veterinarian” means a person who is validly and currently licensed to practice veterinary medicine in this state.

(21) “Livestock” means farm animals, animals that produce tangible personal property for sale, or animals that are processed, manufactured, or converted into articles of tangible personal property for sale or consumption. The term does not include living animals that are commonly regarded as domestic pets or companion animals.

(22) “Mobile veterinary clinic” means a mobile unit in which veterinary services are provided to an animal that is treated inside the mobile unit. The term does not include the use of a motor vehicle by a veterinarian to travel to treat the client’s animal or the use of a motor vehicle for animal ambulatory practice.

(23) “PAVE certificate or its substantial equivalent” means a certificate issued by the American Association of Veterinary State Boards or its successor organization indicating the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

(24) “Person” means any individual, firm, partnership, limited liability company, association, joint venture, cooperative, and corporation or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, member, director, officer, or any other representative of such person.

(25) “Practice veterinary medicine” or “practice of veterinary medicine” means:

(A) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescribing, administration, or dispensing of any prescription drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique on, for, or to any animal, including, but not limited to, the use of complementary, alternative, and integrative therapies, animal dentistry, manual or mechanical adjustment procedures,

physical therapy, rehabilitation, surgery, diagnostic veterinary pathology, any manual, mechanical, biological, or chemical procedure used for pregnancy testing or for correcting sterility or infertility, or to render advice or recommendations with regard to any of the above; but not including such administration or dispensing pursuant to prescription or direction of a licensed veterinarian;

(B)(i) To apply or use any instrument or device on any portion of an animal's tooth, gum, or any related tissue for the prevention, cure, or relief of any wound, fracture, injury, disease, or other condition of an animal's tooth, gum, or related tissue.

(ii) To engage in preventive dental procedures on animals, including, but not limited to, the removal of calculus, soft deposits, plaque, or stains or the smoothing, filing, or polishing of tooth surfaces.

(iii) Nothing in this subparagraph shall prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes, or similar items to clean an animal's teeth;

(C) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subparagraphs (A) and (B) of this paragraph;

(D) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is legally authorized or qualified to perform an act included in this paragraph. Such use shall be evidence of the intention to represent oneself as engaged in the practice of veterinary medicine;

(E) To apply principles of environmental sanitation, food inspection, environmental pollution control, zoonotic disease control, and disaster medicine in the promotion and protection of public health as it specifically relates to animals. This subparagraph shall apply only to licensed veterinarians and not to other qualified persons;

(F) To collect blood or other samples for the purpose of diagnosing diseases or related conditions. This subparagraph shall not apply to unlicensed professionals employed by or under contract with the United States Department of Agriculture or the Georgia Department of Agriculture who are engaged in their official duties; or

(G) To administer a rabies vaccination to any animal that the state requires to be vaccinated.

(26) "Practice veterinary technology" means:

(A) To perform animal patient care or other services that require a technical understanding of veterinary medicine by a licensed

veterinary technician on the basis of written or oral instruction of a licensed veterinarian, excluding diagnosing, prognosing, performing surgery, prescribing, or dispensing;

(B) To represent, directly or indirectly, publicly or privately, an ability and willingness to engage in any act described in subparagraph (A) of this paragraph; or

(C) To use any title, words, abbreviation, or letters, while engaged in the practice of licensed veterinary technology, in a manner or under circumstances that induce the belief that the person using them is qualified to engage in an act included in subparagraph (A) of this paragraph.

(27) “Prescription drug” includes any medicine, medication, or pharmaceutical or biological product whose manufacturer’s label must, pursuant to federal or state law, have the following statement printed on its packaging: “Federal law restricts this drug to use by or on the order of a licensed veterinarian”; or any over-the-counter product that is used in a manner different from the label directions and that by definition requires a valid veterinarian-client-patient relationship for prescribing or dispensing.

(28) “Veterinarian” means a person who has received a doctorate degree in veterinary medicine from a college or school of veterinary medicine.

(29) “Veterinarian-client-patient relationship” means:

(A)(i) A licensed veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment, and the client has given informed consent for services provided by the licensed veterinarian;

(ii) There is sufficient knowledge of the animal by the licensed veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the licensed veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept or by medically appropriate and timely visits by the licensed veterinarian to premises within an operation or production system where the animal or groups of animals are kept;

(iii) The licensed veterinarian is readily available for follow up care or consultation or has arranged for:

(I) Veterinary emergency coverage; and

(II) Continuing care and treatment by another licensed veterinarian, including providing a copy of associated records during normal business hours; and

(iv) The licensed veterinarian develops and maintains appropriate medical records; or

(B) All licensed veterinarians employed at the same veterinary facility as any licensed veterinarian for which a veterinarian-client-patient relationship has been established pursuant to subparagraph (A) of this paragraph.

(30) “Veterinary assistant” means a person who has been delegated by a licensed veterinarian to engage in certain aspects of the practice of veterinary technology but is not licensed by the board for such purpose.

(31) “Veterinary facility” means any premises owned or operated by a veterinarian or his or her employer where the practice of veterinary medicine occurs, including but not limited to veterinary hospitals, clinics, or mobile clinics; provided, however, that such term does not include a client’s private property where a licensed veterinarian treats the client’s animals.

(32)(A) “Veterinary feed directive” means a written statement issued by a licensed veterinarian in the course of the veterinarian’s professional practice that orders the use of a VFD drug or combination VFD drug in or on animal feed. This written statement authorizes the client to obtain and use animal feed bearing or containing a VFD drug or combination VFD drug to treat such animals only in accordance with the conditions for use approved, conditionally approved, or indexed by the United States Food and Drug Administration.

(B) As used in this paragraph, the term:

(i) “Combination VFD” means a combination new animal drug, as defined in Section 514.4(c)(1)(i) of the Federal Food, Drug, and Cosmetic Act, intended for use in or on animal feed which is limited by an approved application filed under Section 512(b) of the Federal Food, Drug, and Cosmetic Act, a conditionally approved application filed under Section 571 of the Federal Food, Drug, and Cosmetic Act, or an index listing under Section 572 of the Federal Food, Drug, and Cosmetic Act to use under the professional supervision of a licensed veterinarian, and at least one of the new animal drugs in the combination is a VFD drug. Use of animal feed bearing or containing a combination VFD drug must be authorized by a lawful veterinary feed directive.

(ii) “VFD drug” means a drug intended for use in or on animal feed which is limited by an approved application filed pursuant

to Section 512(b) of the Federal Food, Drug, and Cosmetic Act, a conditionally approved application filed pursuant to Section 571 of the Federal Food, Drug, and Cosmetic Act, or an index listing under Section 572 of the Federal Food, Drug, and Cosmetic Act, to use under the professional supervision of a licensed veterinarian. Use of animal feed bearing or containing a VFD drug must be authorized by a lawful veterinary feed directive.

(33) “Veterinary technician” means a licensed person who engages in the practice of veterinary technology and on the basis of his or her qualifications is validly and currently licensed by the board for such purpose.

(34) “Veterinary technology” means the science and art of providing certain aspects of professional medical care and treatment for animals and the practice of veterinary medicine as may be delegated and supervised by a licensed veterinarian and performed by a person who is not a licensed veterinarian.

(35) “Veterinary teleadvice” means the use of synchronous or asynchronous telecommunications technology to provide general advice to a client that is not specific to a particular animal, diagnosis, or treatment.

(36) “Veterinary telemedicine” or “practice of veterinary telemedicine” means the use of synchronous or asynchronous telecommunications technology to facilitate the practice of veterinary medicine.

(37) “Veterinary teletriage” means the use of synchronous or asynchronous telecommunications technology to assess and manage an animal, including determining whether immediate referral to a licensed veterinarian is necessary, under conditions of reasonable urgency or uncertainty. Such phrase shall not include diagnosis, prognosis, surgery, or the prescribing, administering, or dispensing of any prescription drug or any other medication or treatment specified by the board.

History.

Ga. L. 1908, p. 88, § 6; Civil Code 1910, § 2062; Code 1933, § 84-1501; Ga. L. 1962, p. 543, § 1; Code 1933, § 84-1502, enacted by Ga. L. 1965, p. 92, § 1; Ga. L. 1991, p. 375, § 1; Ga. L. 1992, p. 6, § 43; Ga. L. 1993, p. 123, § 63; Ga. L. 2003, p. 615, § 1-1; Ga. L. 2006, p. 30, § 1/HB 999; Ga. L. 2016, p. 384, § 1/HB 800; Ga. L. 2018, p. 770, § 3/HB 956; Ga. L. 2025, p. 569, § 1/SB 105, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted “or ‘veterinary technol-

ogy” following “veterinary technology” in paragraph (26); deleted “that” following “means” in paragraph (29); added the division (29)(A)(i) designation; substituted “A licensed veterinarian” for “The licensed veterinarian” in division (29)(A)(i); redesignated former subparagraphs (29)(B), (29)(C) and (29)(D) as divisions (29)(A)(ii), (29)(A)(iii) and (29)(A)(iv); deleted “the” following “animal by” in the second sentence of division (29)(A)(ii); substituted “The licensed” for “A licensed” in division (29)(A)(iii); redesignated former division (29)(C)(i) and (29)(C)(ii) as subdivision

(29)(A)(iii)(I) and (29)(A)(iii)(II); inserted “or” at the end of division (29)(A)(iv); and added subparagraph (29)(B); and added paragraphs (35), (36), and (37).

ARTICLE 2

STATE BOARD OF VETERINARY MEDICINE

43-50-20. (For effective date, see note.) Creation of board; members; qualifications; vacancies; expenses; meetings; officers.

Delayed effective date.

Ga. L. 2003, p. 615, § 3-1, provides that the 2003 amendment by § 2-1 of that Act becomes effective only upon the effective date of an appropriation of funds for the specific purposes of Part II of that Act as expressed in a line item making specific reference to full funding of the Act in an Appropriations Act enacted by the Gen-

eral Assembly. Funds were not appropriated at the 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, or 2025 session of the General Assembly. This Code section, as set out in the bound volume, does not reflect the amendment by § 2-1 of that Act, owing to the delayed effective date.

43-50-21. General powers of board; liberal construction of powers.

(a) The board shall have the power to:

(1) Examine and determine the qualifications and fitness of applicants for licenses to practice veterinary medicine, veterinary telemedicine, veterinary teletriage, veterinary teleadvice, and veterinary technology in this state;

(2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice veterinary medicine, veterinary telemedicine, veterinary teletriage, veterinary teleadvice, or veterinary technology in this state or otherwise discipline licensed veterinarians and licensed veterinary technicians; and to issue, renew, deny, suspend, or revoke veterinary faculty licenses, consistent with this chapter and the rules and regulations adopted under this chapter;

(3) Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining persons licensed under this chapter;

(4) Inspect veterinary premises and equipment, including mobile veterinary clinics, at any time in accordance with protocols established by rule of the board;

(5) Hold hearings on all matters properly brought before the board; and, in connection 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 to serve as its hearing officer;

(6) Appoint from its own membership one member to act as a representative of the board at any meeting within or outside the state where such representative is deemed desirable;

(7) Bring proceedings in the courts for the enforcement of this chapter or any regulations made pursuant to this chapter;

(8) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry this chapter into effect, including without limitation the establishment and print or electronic publication of standards of professional conduct for the practice of veterinary medicine, veterinary telemedicine, veterinary teletriage, veterinary teleadvice, and veterinary technology; and

(9) Establish and publish annually a schedule of fees for licensing.

(b) The powers enumerated in subsection (a) of this Code section are granted for the purpose of enabling the board to supervise effectively the practice of veterinary medicine, veterinary telemedicine, veterinary teletriage, veterinary teleadvice, and veterinary technology and are to be construed liberally to accomplish these objectives.

History.

Ga. L. 1908, p. 88, § 2; Code 1933, §§ 84-1503, 84-1504; Code 1933, § 84-1504, enacted by Ga. L. 1965, p. 92, § 1; Ga. L. 1973, p. 260, § 2; Ga. L. 1974, p. 1441, § 2; Ga. L. 1982, p. 1065, § 3; Ga. L. 1994, p. 97, § 43; Ga. L. 2003, p. 615, § 1-1; Ga. L. 2010, p. 838, § 11/SB 388; Ga. L. 2018, p. 770, § 3/HB 956; Ga. L.

2025, p. 569, § 2/SB 105, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted “, veterinary telemedicine, veterinary teletriage, veterinary teleadvice,” in paragraphs (a)(1), (a)(2), (a)(8), and subsection (b).

ARTICLE 3

LICENSING

PART 1

VETERINARIANS

43-50-30. License requirement for practice of veterinary medicine, veterinary telemedicine, veterinary teletriage, or veterinary teleadvice; practice by business employee.

(a) No person may practice veterinary medicine, veterinary telemedicine, or veterinary teletriage in this state who is not a licensed veterinarian or the holder of a valid temporary license issued by the division director pursuant to this article.

(b) No person may practice veterinary teleadvice in this state who is

not a licensed veterinarian or veterinary technician or the holder of a valid temporary license issued by the division director pursuant to this article.

(c) A licensed veterinarian may practice veterinary medicine, veterinary telemedicine, veterinary teletriage, or veterinary teleadvice as an employee of a corporation, partnership, or other business organization, provided that the licensed veterinarian is not subject to the direction of anyone not licensed to practice veterinary medicine in Georgia in making veterinary medical decisions or judgments.

History.

Code 1933, § 84-1503, enacted by Ga. L. 1965, p. 92, § 1; Ga. L. 1973, p. 260, § 1; Code 1981, § 43-50-22; Ga. L. 2000, p. 1706, § 19; Code 1981, § 43-50-30, as redesignated by Ga. L. 2003, p. 615, § 1-1; Ga. L. 2018, p. 770, § 3/HB 956; Ga. L. 2025, p. 569, § 3/SB 105, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted “, veterinary telemedicine, or veterinary teletriage” in subsection (a); added subsection (b); redesignated former subsection (b) as subsection (c); and inserted “, veterinary telemedicine, veterinary teletriage, or veterinary teleadvice” in subsection (c).

43-50-31. Application for license; qualifications; recordation of license.

(a) Any person desiring a license to practice veterinary medicine in this state shall make application to the board. The application shall include evidence, satisfactory to the board, that:

- (1) The applicant has attained the age of 18;
- (2) The applicant is of good moral character;
- (3)(A) The applicant:

- (i) Is a graduate of an accredited college or a school of veterinary medicine accredited by the American Veterinary Medical Association Council on Education or possesses an ECFVG or PAVE certificate or substantial equivalent; and

- (ii) Has passed a board approved examination; provided, however, that the board may provide by rule or regulation for a waiver of any part of such examination for veterinarians who are licensed as such by another state and who are in good standing therewith; or

- (B) The applicant:

- (i) Is a graduate of a foreign college or school of veterinary medicine and has submitted a transcript certifying completion of his or her education in veterinary medicine. In support of such certification of completion, such graduate may submit:

- (I) An ECFVG certificate or its substantial equivalent;

(II) A PAVE certificate or its substantial equivalent; or

(III) Any other document as authorized by the board; and

(ii) Has completed a residency program or similar training duration program of two or more years and has received board certification from a veterinary medicine specialty organization recognized by the American Veterinary Medical Association, the American Board of Veterinary Specialties, or other American Veterinary Medical Association board approved organization; provided, however, that such applicant upon licensure shall only be authorized to practice veterinary medicine in the area of his or her certified veterinary medicine specialty; and provided, further, that any other practice of veterinary medicine shall be deemed a violation of subsection (a) of Code Section 43-50-30 and subsection (a) of Code Section 43-50-45; and

(4) The applicant meets such other qualifications or provides such other information as the board may require by rule.

(b) The application shall be accompanied by a fee in the amount established by the board.

(c) The division director shall record the new licenses and issue such licenses to the new licensees.

(d) If an applicant is found not qualified for licensure, the board shall notify the applicant in writing of such finding and the grounds therefor. Such applicant may request a hearing before the board on the questions of his or her qualifications.

History.

Ga. L. 1908, p. 88, §§ 3, 4; Civil Code 1910, §§ 2059, 2060; Code 1933, §§ 84-1504, 84-1505; Ga. L. 1950, p. 254, § 1; Ga. L. 1962, p. 543, §§ 2, 3; Code 1933, § 84-1506, enacted by Ga. L. 1965, p. 92, § 1; Code 1981, § 43-50-23; Ga. L. 1982, p. 1065, § 4; Ga. L. 1988, p. 1589, § 2; Code 1981, § 43-50-31 as redesignated by Ga. L. 2003, p. 615, § 1-1; Ga. L. 2010, p. 266, § 45/SB 195; Ga. L. 2012, p. 678, § 1/HB 409; Ga. L. 2018, p. 770, § 3/HB 956; Ga. L. 2025, p. 569, § 4/SB 105, effective May 13, 2025.

Amendments.

The 2025 amendment, effective May 13, 2025, added the subparagraph (a)(3)(A) designation; added the division (a)(3)(B)(i) designation and redesignated the former paragraph (a)(4) as division (a)(3)(A)(ii); inserted “and” at the end of division (a)(3)(A)(i); in division (a)(3)(A)(ii), substituted “Has” for “The applicant” at the beginning and inserted “or” at the end; added subparagraph (a)(3)(B); redesignated former paragraph (a)(5) as paragraph (a)(4); and inserted “such licenses” in subsection (c).

PART 2

LICENSING GENERALLY

43-50-40. (For effective date, see note.) Renewal of licenses; reinstatement; waiver of fee; continuing education; inactive status.

Delayed effective date.

Ga. L. 2003, p. 615, § 3-1, provides that the 2003 amendment by § 2-2 of that Act becomes effective only upon the effective date of an appropriation of funds for purposes of Part II of that Act as expressed in a line item making specific reference to full funding of that Act in an Appropriations Act enacted by the General Assem-

bly. This Code section, as set out in the bound volume, does not reflect the amendment by § 2-2 of that Act, owing to the delayed effective date. Funds were not appropriated at the 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, or 2025 session of the General Assembly.

43-50-42.1. Temporary license for holder of veterinary or veterinary technician license issued by another state.

- (a) As used in this Code section, the term:
- (1) “Shelter medicine” means veterinary practices used to manage the health of populations of animals handled by municipal animal shelters and private animal welfare or adoption agencies.
 - (2) “Sterilization services” means procedures that meet or exceed veterinary medical standards of care in providing sterilization of dogs, cats, and pet rabbits.
- (b)(1) No later than December 31, 2024, the board shall adopt rules and regulations implementing a process by which the holder of an active veterinary license or veterinary technician license from another state, in good standing in such state, may qualify for a one-time, six-month temporary license, license by endorsement, or a combination thereof, for practice in government or nonprofit shelter medicine, nonprofit sterilization clinics, or nonprofit mobile sterilization programs registered with this state. Such process shall include the issuance of a license to an applicant based upon such applicant:
- (A) Holding a license from another state for which the training, experience, and testing substantially meet or exceed the requirements of this state to obtain a license; and
 - (B) Obtaining a specialty, certification, training, or other experience while employed in another state which substantially meets or exceeds the requirement to obtain a license in this state.
- (2) The board shall conduct periodic reviews of its rules and regulations adopted pursuant to paragraph (1) of this subsection.

(c) The holder of an active veterinary license or veterinary technician license from another state who is employed by a nonprofit or for-profit entity not registered in this state, and who provides mobile sterilization services in Georgia under such entity, is ineligible for a temporary license provided for in subsection (b) of this Code section.

History.

Code 1981, § 43-50-42.1, enacted by Ga. L. 2024, p. 331, § 1/SB 410, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

43-50-44. Exemptions from article.

This article shall not be construed to prohibit:

(1)(A) An employee of the federal, state, or local government or any contractual partner thereof from performing his or her duties relating to animals owned by, on loan to, or under the control of such employer or the control of stray animals; or

(B) Any employee of a public or private college or university from performing his or her duties relating to animals owned by or on loan to such employer;

(2)(A) A person who is a regular student in a veterinary school or school of veterinary technology performing duties or actions assigned by his or her instructors or working under the supervision of a licensed veterinarian;

(B) A member of the faculty, a resident, an intern, or a graduate student of an accredited college or school of veterinary medicine or school of veterinary technology performing his or her regular clinical or nonclinical functions or a person lecturing or giving instructions or demonstrations at an accredited college or school of veterinary medicine or school of veterinary technology in connection with a continuing education course or seminar;

(B.1) A person licensed pursuant to subparagraph (a)(3)(B) of Code Section 43-50-31 from lecturing or giving instructions or demonstrations in an area within such person's certified veterinary medicine specialty at an accredited college or school of veterinary medicine or school of veterinary technology and in connection with a continuing education course or seminar; or

(C) A graduate of a foreign college or school of veterinary medicine who is in the process of obtaining the ECFVG or PAVE certificate or substantial equivalent performing duties or actions under the direct supervision of a licensed veterinarian;

(3) Any person, compensated or otherwise, from performing current acceptable livestock and food animal management practices,

including, but not limited to, castration of food animals, dehorning without the use of prescription drugs or surgical closure of wounds, hoof trimming or shoeing, docking, ear notching, removing needle teeth, testing for pregnancy, implantation of over-the-counter growth implants, implantation of over-the-counter identification devices, artificial insemination, the use of federally approved over-the-counter products, veterinary approved products, branding, collecting of fluids for genetic identification and classification, semen and embryo collection and storage, and the use of ultrasound for collection of production data and similar nondiagnostic purposes;

(4) Any person assisting with a nonsurgical fetal delivery in a food animal, provided that no fee is charged;

(5) The actions of a veterinarian who is currently licensed in another state, province of Canada, or a United States territory in consulting with a licensed veterinarian but who:

(A) Does not open a veterinary office or appoint a place to do veterinary business within this state;

(B) Does not print or use letterhead or business cards reflecting in-state addresses;

(C) Does not establish answering services or advertise the existence of a veterinary practice address within this state;

(D) Does not practice veterinary medicine as a consultant rendering services directly to the public without the direction of a licensed veterinarian more than two days per calendar year;

(E) Is providing services for an organization conducting a public event lasting less than ten days that utilizes animals in need of veterinary examinations, treatments, or oversight to promote the safety and health of the public, the event, and the animal participants; provided, however, that a veterinarian licensed in another state who practices veterinary medicine on animals belonging to residents of this state by communicating directly with such owners and independent of the attending veterinary licensee is not exempt from this state's licensing requirements; and

(F) Does not offer through electronic means remote services within this state, except for consulting, as otherwise permitted in this chapter;

(6)(A) Any merchant or manufacturer selling, at his or her regular place of business, medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases. This shall not be construed to authorize the sale of medication requiring a prescription from a veterinarian, but shall only include the right to

sell those medications which are classified as proprietary and which are commonly known as over-the-counter medicines; and

(B) Subparagraph (A) of this paragraph shall not be construed to authorize the sale of antimicrobial feed additives without an order from a veterinarian under the guidance of the veterinary feed directive in compliance with 21 C.F.R. 558.6;

(7)(A) The owner of an animal or the owner's bona fide employees caring for and treating the animal belonging to such owner;

(B) The owner's friend or relative caring for or treating the animal belonging to such owner, provided that no fee is charged and the friend or relative does not solicit, advertise, or regularly engage in providing such care or treatment or administer or dispense prescription drugs without a valid prescription; or

(C) The owner of an animal and any of the owner's bona fide employees caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for purposes of circumventing the provisions of this article. Persons shall comply with all laws, rules, and regulations relative to the use of medicines and biologics; provided, however, that such owner and any of such owner's bona fide employees caring for and treating such animal shall not practice veterinary medicine except as otherwise permitted under this Code section;

(8)(A) The owner, operator, or employee of a licensed kennel, animal rescue organization, animal shelter, or stable or of a pet-sitting service providing food, shelter, or supervision of an animal or administering prescription drugs pursuant to prescription of a licensed veterinarian or over-the-counter medicine to an animal;

(B) Any person acting under the direct or indirect supervision of a licensed veterinarian to provide care to animals that are the property of an animal shelter when the following conditions are met:

(i) The person is an employee of an animal shelter or a local government who has control over the governance of the animal shelter;

(ii) The person is performing these tasks in compliance with a written protocol developed in consultation with a licensed veterinarian; and

(iii) The person has received proper training; provided, however, that such persons shall not diagnose, prescribe, dispense, or perform surgery;

(9) Any person selling or applying any pesticide, insecticide, or herbicide, as permitted by law;

(10) Any person engaging in scientific research involving animals conducted in accordance with federal, state, and local laws and regulations;

(11) Any licensed veterinary technician, veterinary technologist, or other employee of a licensed veterinarian from performing lawful duties under the direction and supervision of such veterinarian who shall be responsible for the performance of the employee;

(12) The owner of an animal, the owner's employee, or a member of a nationally recognized organization that acknowledges persons performing embryo transfer or artificial breeding and that is approved by the board from:

(A) The nonsurgical removal of an embryo from an animal for the purpose of transplanting such embryo into another female animal, cryopreserving such embryo, or implanting such embryo in an animal, provided that the use of prescription medications in such animals is maintained under the direction of a licensed veterinarian with a valid veterinarian-client-patient relationship; or

(B) The testing and evaluation of semen;

(13) Any other licensed or registered healthcare provider utilizing his or her special skills, or any person whose expertise, in the opinion of the licensed veterinarian, would benefit the animal, so long as the treatment of the animal is under the direction of a licensed veterinarian with a valid veterinarian-client-patient relationship;

(14) A person performing soft tissue animal massage or other forms of soft tissue animal manipulation;

(15) A person performing aquaculture or raniculture management practices;

(16) A person implanting electronic identification devices in small companion animals;

(17) An employee or contractual partner of a zoological park or aquarium accredited by the Association of Zoos and Aquariums or other substantially equivalent nationally recognized accrediting agency as determined by the board from performing his or her duties that are approved by a licensed veterinarian and relate to animals owned by or on loan to such zoological park or aquarium;

(18) Any person lawfully engaged in the art or profession of farriery for the care of hooves and feet of equines and livestock;

(19) Any veterinarian licensed by a state and serving as a volunteer health practitioner as such term is defined in Code Section 38-3-161 from providing service after a state of emergency has been declared pursuant to Code Section 38-3-51 or other applicable law or laws; or

(20) Any veterinarian licensed by a state from practicing veterinary medicine in a temporary capacity at one of this state's institutions of higher learning. Such veterinarian shall be paid for his or her services solely from state, federal, or institutional funds. Such veterinarian shall practice solely at the institution of higher learning, or in an educational or research program outside the institution associated with the institution, for no more than six months in order to qualify for practice under this Code section. Any violation of state or federal laws, rules, or regulations by such veterinarian shall be reported to the applicable licensing board by the institution of higher learning.

History.

Code 1933, § 84-1503, enacted by Ga. L. 1965, p. 92, § 1; Ga. L. 1973, p. 260, § 1; Code 1981, § 43-50-32; Ga. L. 1993, p. 700, § 1; Code 1981, § 43-50-44, as redesignated by Ga. L. 2003, p. 615, § 1-1; Ga. L. 2006, p. 30, § 2/HB 999; Ga. L. 2012, p. 616, § 1/SB 324; Ga. L. 2018, p. 770, § 3/HB 956; Ga. L. 2019, p. 1056, § 43/SB 52; Ga. L. 2024, p. 331, § 2/SB 410, effective July 1, 2024; Ga. L. 2025, p. 569, § 5/SB 105, effective May 13, 2025; Ga. L. 2025, p. 1029, § 43(19)/SB 153, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, added “or” at the end of subparagraph (2)(B); in subparagraph (5)(A), substituted “a veterinary office” for “an office” and inserted “veterinary” preceding “business”; in subparagraph (5)(C), inserted “veterinary” preceding “practice”; substituted “; and” for the period at the end of subparagraph (6)(A); in subparagraph (7)(C), substituted “article” for “chapter”

at the end of the first sentence and substituted “shall comply” for “must comply” near the beginning of the second sentence; substituted “the following conditions” for “at least the following three conditions” in the beginning of subparagraph (8)(B); in paragraph (13), substituted “healthcare” for “health care” and “licensed veterinarian” for “veterinarian licensed in this state”; substituted “Association of Zoos and Aquariums” for “American Zoo and Aquarium Association” in paragraph (17); and deleted “or” from the end of paragraph (19).

The first 2025 amendment, effective May 13, 2025, added subparagraph (2)(B.1).

The second 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, added “or” at the end of paragraph (19).

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2025, “subparagraph (a)(3)(B)” was substituted for “subparagraph (a)(2)(B)” in subparagraph (2)(B.1).

ARTICLE 5

FACILITIES AND EQUIPMENT

Delayed effective date.

Ga. L. 2003, p. 615, § 3-1, provides that this article becomes effective only upon the effective date of an appropriation of

funds for purposes of this article as expressed in a line item making specific reference to full funding of Ga. L. 2003, p. 615, in an Appropriations Act enacted by

the General Assembly. Funds were not appropriated at the 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, or 2025 session of the General Assembly.

ARTICLE 7
TELEMEDICINE

Effective date.

This article became effective July 1, 2025.

43-50-120. Qualifications to practice telemedicine; prescription, administration, or dispensing of prescription drugs.

(a) A licensed veterinarian may practice veterinary telemedicine in this state if:

(1) Such individual is in good standing and primarily practices veterinary medicine in this state through in-person visits with clients and animal patients;

(2) Such individual has notified the board of his or her intent to practice veterinary telemedicine and satisfied any additional requirements set forth by the board;

(3) Such individual has an existing veterinarian-client-patient relationship with any client and animal patient;

(4) The animal patient resides within this state at the time the individual practices veterinary telemedicine;

(5) Such individual practices veterinary telemedicine in a manner consistent with his or her scope of practice, all federal and state laws, and prevailing professional standards of practice for a veterinarian who provides in-person veterinary services in this state and employs sound, professional judgment to determine whether using veterinary telemedicine is an appropriate method for delivering medical advice or treatment to the animal patient;

(6) Such individual takes appropriate precautions to preserve the confidentiality of any client or animal patient’s records; and

(7) Such individual informs the client, in writing, of his or her full name, location, license number, licensure status, and limitations involved in accessing veterinary telemedicine and obtains a signed and dated statement from the client indicating receipt of such required information.

(b) Any prescription, administration, or dispensing of prescription drugs pursuant to this Code section shall be in accordance with all federal and state laws.

(c) Nothing in this article shall be construed to authorize any licensed veterinarian to prescribe, administer, or otherwise dispense any prescription drug or any other medication or treatment specified by the board, unless such licensed veterinarian or another licensed veterinarian employed at the same veterinary facility has recently seen and is personally acquainted with the keeping and care of the animal by virtue of a physical examination of the animal at the veterinary facility or during a medically appropriate and timely visit to the premises where the animal is located.

History.

Code 1981, § 43-50-120, enacted by Ga.

L. 2025, p. 569, § 6/SB 105, effective July 1, 2025.

43-50-121. Practice of veterinary teletriage and veterinary telemedicine regardless of whether a veterinarian-client-patient relationship exists.

(a) Notwithstanding anything to the contrary in this chapter, a licensed veterinarian or a veterinary technician supervised by a licensed veterinarian may practice veterinary teletriage, regardless of whether a veterinarian-client-patient relationship exists, if the following conditions are met:

(1) No licensed veterinarian or veterinary technician is available within a 50 mile radius of the animal's location to perform a physical examination at a veterinary facility or the premises where the animal is located within 24 hours of the client's request for services;

(2) The licensed veterinarian or veterinary technician requests that, as soon as reasonably practical, the client present the animal patient for a physical examination at the veterinary facility or at the premises where such animal is located; and

(3) The licensed veterinarian or veterinary technician informs the client, in writing, of the veterinarian or supervising veterinarian's full name, location, license number, licensure status, and limitations involved in accessing veterinary teletriage, and obtains a signed and dated statement from the client indicating receipt of such required information.

(b) Notwithstanding anything to the contrary in this chapter, a licensed veterinarian may practice veterinary telemedicine, regardless of whether a veterinarian-client-patient relationship exists, if the licensed veterinarian satisfies the conditions set forth in paragraphs (1) and (2) of subsection (a) of this Code section and paragraphs (1) and (2) and paragraphs (4) through (7) of subsection (a) of Code Section 43-50-120.

(c) Nothing in this Code section shall be construed to require or impose a duty upon any licensed veterinarian or veterinary technician

to identify or refer any client to a licensed veterinarian located within the radius imposed under paragraph (1) of subsection (a) of this Code section before practicing veterinary teletriage or veterinary telemedicine.

History. L. 2025, p. 569, § 6/SB 105, effective July
Code 1981, § 43-50-121, enacted by Ga. 1, 2025.

43-50-122. Providing veterinary teleadvice regardless of whether a veterinarian-client-patient relationship exists.

Nothing in this chapter shall be construed to prohibit a licensed veterinarian or a veterinary technician supervised by a licensed veterinarian from providing veterinary teleadvice, regardless of whether a veterinary-client-patient relationship exists.

History. L. 2025, p. 569, § 6/SB 105, effective July
Code 1981, § 43-50-122, enacted by Ga. 1, 2025.