House Bill 212

By: Representatives Jenkins of the 136th, Camp of the 135th, and Mathiak of the 74th

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to barbers and cosmetologists, so as to allow individuals and facilities to provide blow-dry styling, braiding, threading, and the application of cosmetics without being licensed by the State Board of Cosmetology and Barbers; to provide for definitions; to provide for a short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Niche-Beauty Services Opportunity Act."

SECTION 2.

Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to barbers and cosmetologists, is amended by revising Code Section 43-10-1, relating to definitions relative to barbers and cosmetologists, as follows:

"43-10-1.

As used in this chapter, the term:

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

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

(A) Shaving or trimming the beard;

(B) Cutting or dressing the hair;

(C) Giving facial or scalp massages; or

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

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

(3) 'Barbering' means the occupation of shaving or trimming the beard, cutting or dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances, singeing and shampooing the hair, coloring or dyeing the hair, or permanently waving, relaxing, or straightening the hair of an individual for compensation. Such term shall not apply to the occupation of blow-dry styling or braiding if no other activities requiring a license under this chapter are performed.

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

(5) 'Beauty shop' or 'beauty salon' or 'barber shop' means any premises where one or more individuals engage in barbering or in the occupation of a cosmetologist.

(5.1)(A) 'Blow-dry styling' means the practice of only:

(i) Shampooing, conditioning, drying, arranging, or braiding hair;

(ii) Curling, straightening, or styling hair using only:

(I) Mechanical devices, including, but not limited to, driers, flat irons, and curling irons; or

(II) Topical agents, including, but not limited to, hair sprays, balms, oils, and serums; or

(iii) Using and styling of natural or synthetic fiber for hair extensions, hair pieces, and wigs.

Such term is distinct from the practice of barbering, barber II, or hair designer or of a cosmetologist.

(B) Such term does not include cutting hair; the application of dyes, bleach, reactive chemicals, keratin treatments, or other preparations to color or alter the structure of hair; or shampooing or conditioning hair to which dyes, bleach, reactive chemicals, keratin treatments, or other preparations to color or alter the structure of hair have been applied on the same day.

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

(6.1) 'Braiding' means hairweaving; interlocking; twisting; plaiting; wrapping by hand, chemical, or mechanical devices; or using any natural or synthetic fiber for extensions to the hair.

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

~~(A)~~(i) Cuts or dresses the hair;

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

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

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

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

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

(B) Such term shall not apply to an individual whose activities are limited to the following practices if such individual performs no other services requiring a license under this chapter:

(i) Blow-dry styling;

(ii) Braiding;

(iii) Threading; and

(iv) The application of cosmetics ~~which are marketed to individuals and are readily commercially available to consumers~~.

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

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

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

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

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

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

~~cosmetics in a retail environment in which cosmetics are marketed to individuals and are readily commercially available to consumers~~ or threading.

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

(A) Cuts or dresses the hair; or

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

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

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

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

(A) Shaving or trimming the beard;

(B) Cutting or dressing the hair;

(C) Giving facial or scalp massages;

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

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

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

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

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

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

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

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

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

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

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

(19) 'Threading' means removing hairs from the eyebrows, upper lip, or other body parts by using a cotton thread to pull hair from follicles. Such term includes the use of tweezers, scissors, and over-the-counter astringents, gels, or powders incidental to such method of hair removal.″

SECTION 3.

Said chapter is further amended by revising subsection (c) of Code Section 43-10-12, relating to regulation and licenses for schools, teachers and instructors, registration of apprentices, and certification as teacher by Department of Education, as follows:

″(c) The board shall have the authority to pass upon the qualifications, appointments, courses of study, and hours of study in the school of cosmetology, school of hair design, school of esthetics, school of nail care, or school of barbering, provided that:

(1) All schools of cosmetology shall be required to teach the following courses: theory, permanent and cold hair waving, hair coloring, hair bleaching, hair relaxing, hair straightening, hair and scalp treatments, massaging the face, neck, and scalp, hair and

scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb out, waxing, ~~threading,~~ tweezing, reception, desk work, facials, makeup and arching, skin care, nail care, state law, board rules and regulations, and any other subjects related to cosmetology and sanitation;

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

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

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

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

SECTION 4.

Said chapter is further amended by revising Code Section 43-10-17, relating to employment of persons to wash, shampoo, comb, and brush hair in beauty shops, beauty salons, and barber shops, as follows:

"43-10-17.

(a) Notwithstanding any other provision of this chapter, an individual who performs blow-dry styling, braiding, threading, or the application of cosmetics shall not be required to be licensed by the board.

(b) Notwithstanding any other provision of this chapter, a beauty shop, beauty salon, and barber shop shall be authorized to employ persons to ~~wash, shampoo, comb, and brush hair~~ engage in blow-dry styling, braiding, threading, or the application of cosmetics, and such persons shall not be required to be ~~registered~~ licensed by the board.

(c) A facility in which an individual performs only blow-dry styling, braiding, threading, the application of cosmetics, or a combination thereof but in which no individual performs any other service or practice requiring a license under this chapter shall be exempt from all of the facility licensing requirements under this chapter."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

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