

The House Committee on Rules offers the following substitute to SB 354:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to
2 cosmetologists and barbers, so as to exempt from licensure persons performing certain
3 limited responsibilities; to provide for definitions; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists
8 and barbers, is amended by revising Code Section 43-10-1, relating to definitions, as follows:
9 "43-10-1.

10 As used in this chapter, the term:

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

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

15 (A) Shaving or trimming the beard;

16 (B) Cutting or dressing the hair;

17 (C) Giving facial or scalp massages; or

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

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

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

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

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

32 (5.1) 'Blow-dry styling' means the practice of only shampooing, conditioning, drying,
33 arranging, curling, straightening, or styling hair using only mechanical devices, hair
34 sprays, and topical agents, such as balms, oils, and serums; provided, however, that such
35 mechanical devices shall not include any flat irons or curling irons. Such term includes
36 the use and styling of hair extensions, hair pieces, and wigs and excludes cutting hair or
37 the application of dyes, bleach, reactive chemicals, keratin treatments, or other
38 preparations to color or alter the structure of hair. Such practices are distinct from those
39 performed by a barber II, hair designer, master barber, or master cosmetologist.

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

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

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

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

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

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

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

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

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

61 (i) The application of cosmetics which are marketed to individuals and are readily
 62 commercially available to consumers;

63 (ii) Shampooing; and

64 (iii) Blow-dry styling.

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

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

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

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

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

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

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

82 (A) Cuts or dresses the hair; or

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

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

88 (9.1) 'License' means a certificate of registration or other document issued by the board
89 or by the division director on behalf of the board pursuant to the provisions of this chapter
90 permitting an individual to practice in an occupation or operate a school.

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

93 (A) Shaving or trimming the beard;

94 (B) Cutting or dressing the hair;

95 (C) Giving facial or scalp massages;

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

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

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

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

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

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

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

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

123 (16) 'School of esthetics' means any establishment that receives compensation for
124 training more than one individual in the occupation of an esthetician. Technical colleges

125 whose programs have been approved by the Technical College System of Georgia or the
126 Department of Education are not 'schools of esthetics' within the meaning of this chapter;
127 provided, however, that all such colleges and their programs shall be considered to be
128 'board approved.'

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

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

141 SECTION 2.

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

145 "43-10-17.

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

148 (1) ~~wash, shampoo, comb, and brush hair, and such persons~~ Washing, shampooing,
149 combing, brushing, and blow-dry styling; and

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

155 **SECTION 3.**

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