

Senate Bill 275

By: Senators Anderson of the 43rd, Davenport of the 17th, Jones II of the 22nd, Jackson of the 41st, Merritt of the 9th and others

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 barbers and cosmetologists, so as to remove the State Board of Cosmetology and Barbers
3 from the jurisdiction of the Secretary of State; to make such board a division of the
4 Department of Public Health; to provide for the independence of the board from the
5 department; to provide for an executive director of the board; to provide for the duties of the
6 executive director; to provide for meetings of the board; to provide for venue; to provide for
7 point credit to veterans; to provide for additional powers and duties of the board; to provide
8 for the payment of expenses of members of the board; to make conforming changes; to revise
9 and provide for definitions; to provide for related matters; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to barbers and
14 cosmetologists, is amended in Code Section 43-10-1, relating to definitions, by revising
15 paragraph (9.1) and adding a new paragraph to read as follows:

S. B. 275

- 1 -

16 "(8.1) 'Executive director' means the executive director appointed by the board pursuant
 17 to Code Section 43-10-2.1."

18 "(9.1) 'License' means a certificate of registration or other document issued by the board
 19 or by the ~~division~~ executive director on behalf of the board pursuant to the provisions of
 20 this chapter permitting an individual to practice in an occupation or operate a school."

21 **SECTION 2.**

22 Said chapter is further amended in Code Section 43-10-2, relating to State Board of
 23 Cosmetology and Barbers and members, meetings, officers, and powers, by revising
 24 subsections (f) and (h) as follows:

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

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

34 **SECTION 3.**

35 Said chapter is further amended by adding two new Code sections to read as follows:

36 "43-10-2.1.

37 (a) On and after July 1, 2025, the board shall not be under the jurisdiction of the Secretary
 38 of State but shall be a division of the Department of Public Health; provided, however, that,
 39 except as otherwise specifically provided, the board shall be autonomous from the
 40 Department of Public Health and the commissioner of public health and shall exercise its

41 quasi-judicial, rule-making, licensing, or policy-making functions independently of such
42 department and without approval or control of such department and prepare its budget and
43 submit its budgetary requests, if any, through such department. Such transfer shall in no
44 way affect any existing obligations, liabilities, or rights of the board, as such existed on
45 June 30, 2025. The board shall have with respect to all matters within the jurisdiction of
46 the board as provided under this chapter the powers, duties, and functions of professional
47 licensing boards as provided in Chapter 1 of this title.

48 (b) The board shall appoint and fix the compensation of an executive director of such
49 board who shall serve at the pleasure of the board. The executive director shall have those
50 duties and powers prescribed by the board and any power, duty, and functions granted to
51 the division director with respect to professional licensing boards under Chapter 1 of this
52 title but shall not be subject to any approval or other powers exercised by the Secretary of
53 State.

54 (c) Meetings and hearings of the board shall be held at the site of the office of the board
55 or at such other site as may be specified by the chairperson of the board. A majority of the
56 members of the board shall constitute a quorum for the transaction of business of the board.

57 (d) The board, through the executive director, may hire investigators for the purpose of
58 conducting investigations. Any person so employed, if certified by the Georgia Peace
59 Officer Standards and Training Council under Chapter 8 of Title 35, the 'Georgia Peace
60 Officer Standards and Training Act,' shall be considered to be a peace officer and shall
61 have all powers, duties, and status of a peace officer of this state; provided, however, that
62 such investigators shall only be authorized, upon written approval of the executive director,
63 notwithstanding Code Sections 16-11-126 and 16-11-129, to carry firearms in the
64 performance of their duties and exercise the powers of arrest in the performance of their
65 duties.

66 (e) The venue of any action involving members of the board shall be the county in which
67 is found the primary office of the governmental entity of which the defendant is an officer.

68 The executive director of the board shall not be considered a member of the board in
69 determining the venue of any such action and no court shall have jurisdiction of any such
70 action solely by virtue of the executive director residing or maintaining a residence within
71 its jurisdiction.

72 (f) The board shall give point credit to veterans in the same manner as required under Code
73 Sections 43-1-9 through 43-1-13.

74 (g) Initial judicial review of a final decision of the board shall be held solely in the
75 superior court of the county of domicile of the board.

76 (h) The executive director shall prepare and maintain a roster containing the names and
77 addresses of all persons holding a current license issued under this chapter. A copy of this
78 roster shall be available to any person upon request at a fee prescribed by the executive
79 director sufficient to cover the cost of printing and distribution.

80 (i) The executive director, with the approval of the board, notwithstanding any other
81 provisions of law to the contrary, shall enter into such contracts as are deemed necessary
82 to carry out this chapter to provide for all services required of the board.

83 43-10-2.2.

84 In addition to all other powers of the board as provided in this chapter, the board shall have
85 the following powers and duties:

86 (1) To adopt, amend, and repeal rules and regulations to carry out the performance of its
87 duties as set forth in this chapter;

88 (2) To examine all applicants for licenses under this chapter and to issue licenses in
89 accordance with this chapter;

90 (3) To make all necessary bylaws and rules for the governance of the board and the
91 performance of its duties;

92 (4) To have and use a common seal bearing the name 'State Board of Cosmetology and
93 Barbers' by which the board shall authenticate the acts of the board;

- 94 (5) To revoke, suspend, issue terms and conditions for, place on probation, limit the
95 practice of, fine, require additional training for, or otherwise sanction licensees or others
96 over whom the board has jurisdiction under this chapter;
97 (6) To employ an executive director and such other staff as the board may deem
98 necessary and appropriate to implement this chapter and provide support;
99 (7) To keep a docket of public proceedings, actions, and filings;
100 (8) To set its office hours;
101 (9) To set and charge reasonable fees, including, but not limited to, an application fee,
102 license fee, license renewal fee, or similar fee, that are sufficient to cover its costs of
103 operations;
104 (10) To initiate investigations for purposes of discovering violations of this chapter;
105 (11) To administer oaths, subpoena witnesses and documentary evidence, and take
106 testimony in all matters relating to its duties;
107 (12) To conduct hearings, reviews, and other proceedings in accordance with Chapter
108 13 of Title 50, the 'Georgia Administrative Procedure Act';
109 (13) To conduct investigative interviews;
110 (14) To issue cease and desist orders to stop unlicensed persons from engaging in
111 activity requiring a license under this chapter;
112 (15) To refer cases for criminal prosecution or injunctive relief to appropriate
113 prosecuting attorneys or other law enforcement authorities of this state, another state, or
114 the United States;
115 (16) To release investigative or applicant files to another enforcement agency or lawful
116 licensing authority in another state;
117 (17) To sue and be sued in a court of competent jurisdiction;
118 (18) To enter into contracts;
119 (19) To accept donations, contributions, grants, or bequests of funds or property; and
120 (20) To do all things necessary for carrying out the provisions of this chapter."

121 **SECTION 4.**

122 Said chapter is further amended by revising Code Section 43-10-3, relating to reimbursement
123 of board members, as follows:

124 "43-10-3.

125 Each member of the board shall ~~be reimbursed as provided for in subsection (f) of Code~~
126 ~~Section 43-1-2~~ receive the expense allowance as provided by subsection (b) of Code
127 Section 45-7-21 and the same mileage allowance for the use of a personal car as that
128 received by other state officials and employees or a travel allowance of actual
129 transportation costs if traveling by public carrier within this state. Each board member
130 shall also be reimbursed for any conference or meeting registration fee incurred in the
131 performance of his or her duties as a board member. For each day's service outside of this
132 state as a board member, such member shall receive actual expenses as an expense
133 allowance as well as the mileage allowance for the use of a personal car equal to that
134 received by other state officials and employees or a travel allowance of actual
135 transportation costs if traveling by public carrier or by rental motor vehicle. Expense
136 vouchers submitted by board members are subject to approval of the chairperson of the
137 board and the executive director. Out-of-state travel by board members must be approved
138 by the chairperson of the board and the executive director."

139 **SECTION 5.**

140 Said chapter is further amended by revising Code Section 43-10-5, relating to records of
141 board generally, as follows:

142 "43-10-5.

143 The ~~division~~ executive director shall keep a record of all proceedings of the board. Such
144 records shall be prima-facie evidence of all matters required to be kept therein, and
145 certified copies of the same or parts thereof shall be primary evidence of their contents.
146 All such copies, other documents, or certificates lawfully issued upon the authority of the

147 board shall, when authenticated under the seal of the board, be admitted in any
148 investigation in any court or elsewhere without further proof."

149 **SECTION 6.**

150 Said chapter is further amended by revising Code Section 43-10-7, relating to issuance of
151 certificates of registration, as follows:

152 "43-10-7.

153 It shall be the duty of the board to issue through the ~~division~~ executive director those
154 certificates of registration for which provision is made in this chapter."

155 **SECTION 7.**

156 Said chapter is further amended in Code Section 43-10-8, relating to certificate of registration
157 required, by revising subsection (h) as follows:

158 "(h) It shall also be unlawful for any person or persons to operate a beauty shop, beauty
159 salon, barber shop, school of cosmetology, school of hair design, school of esthetics, school
160 of nail care, or school of barbering without first having obtained a certificate of registration
161 for such shop, salon, or school as provided in this chapter. Any beauty shop, beauty salon,
162 barber shop, school of cosmetology, school of hair design, school of esthetics, school of
163 nail care, or school of barbering shall register with the ~~division~~ executive director ~~of the~~
164 ~~professional licensing boards~~ prior to opening."

165 **SECTION 8.**

166 Said chapter is further amended in Code Section 43-10-9, relating to application for
167 certificate of registration, by replacing "division director" with "executive director" each time
168 such term occurs.

169

SECTION 9.

170 Said chapter is further amended in Code Section 43-10-10, relating to display of certificate
171 of registration, renewal, reinstatement, continuing education requirements, and exemptions,
172 by revising subsection (a) as follows:

173 "(a) The holder of any certificate of registration issued under Code Section 43-10-9 shall
174 display the same in a conspicuous place in his or her beauty shop, beauty salon, or barber
175 shop. Certificates of registration issued under Code Section 43-10-9 shall be renewable for
176 a period of up to four years as approved by the ~~division~~ executive director. The holder
177 shall pay to the ~~division~~ executive director a renewal fee in such amount as shall be set by
178 the board by regulation. Upon failure to renew such certificate of registration, it shall stand
179 automatically revoked. The holder shall be disqualified from practicing any occupation
180 under this chapter until all fees to date of application for reinstatement shall be paid, an
181 application for reinstatement shall be submitted along with a reinstatement fee in such
182 amount as shall be set by the board by regulation, and documentation shall be submitted
183 of completion of all required continuing education hours since the date the registration was
184 automatically revoked. If the board is satisfied that the applicant for reinstatement meets
185 all the qualifications set forth in this Code section and Code Section 43-10-9, the applicant
186 shall be issued a new certificate of registration."

187

SECTION 10.

188 Said chapter is further amended by revising Code Section 43-10-11, relating to registration
189 of shops, salons, and schools, as follows:

190 "43-10-11.

191 All beauty shops, beauty salons, barber shops, schools of cosmetology, schools of hair
192 design, schools of esthetics, schools of nail care, and schools of barbering shall be
193 registered with the ~~division~~ executive director by the owner or manager. Such registration
194 shall be made by the filing of an application on forms furnished by the ~~division~~ executive

195 director; shall include the name and location of the shop, salon, or school, the name and
196 address of the owner, and the names and addresses of all instructors of the shop, salon, or
197 school at the time of registration; and shall be accompanied by a registration fee in such
198 amount as shall be set by the board by regulation. The board may require salon, shop, or
199 school owners to complete a board approved course covering health, sanitation, and safety,
200 or rules and regulations of the board and applicable laws, or a combination thereof prior
201 to issuing a registration to the owner. The board is authorized and directed to issue a
202 certificate of registration to each shop, salon, or school so registering and paying such fee,
203 which certificate shall be displayed in a conspicuous place in the registered shop, salon, or
204 school."

205

SECTION 11.

206 Said chapter is further amended in Code Section 43-10-12, relating to regulation and licenses
207 for schools, teachers and instructors, registration of apprentices, and certification as teacher
208 by Department of Education, by revising paragraph (3) of subsection (a) and paragraphs (1)
209 and (7) of subsection (e) as follows:

210 "(3) All master cosmetologists, hair designers, estheticians, nail care technicians, master
211 barbers, and barbers II who take an apprentice pursuant to Code Section 43-10-14 shall
212 file immediately with the board through the ~~division~~ executive director the name and age
213 of such apprentice; and the board shall cause such information to be entered on a register
214 kept by the ~~division~~ executive director for that purpose."

215 "(e)(1) All teachers or instructors shall devote their entire time to instruction of students.
216 Any individual desiring to teach or instruct in any school of cosmetology, school of
217 esthetics, school of hair design, school of nail care, or school of barbering shall first file
218 his or her application with the ~~division~~ executive director for a license, shall pay a fee in
219 such amount as shall be set by the board by rules and regulations, and shall successfully
220 pass both a written and a practical examination to become an instructor."

221 "(7) Any teacher or instructor shall renew his or her certificate of registration to teach in
222 accordance with the rules and regulations of the ~~division-director~~ board governing
223 expiration dates of certificates of registration by remitting with his or her application a
224 renewal fee in such amount as shall be set by the board by regulation; provided, however,
225 that any teacher or instructor who fails to renew his or her certificate of registration to
226 practice as a cosmetologist, esthetician, or nail technician on or before the date
227 established by the board by regulation shall automatically have his or her certificate of
228 registration to teach or instruct suspended. A person failing to renew his or her certificate
229 of registration of a teacher or instructor at the end of the late renewal period following the
230 expiration date shall be required to pay a reinstatement fee."

231

SECTION 12.

232 Said chapter is further amended in Code Section 43-10-14, relating to study by individuals
233 16 years of age and older, registration of apprentices, registration certificate, and waiver of
234 education requirements, by revising subsection (b) as follows:

235 "(b) Every beauty shop, beauty salon, and barber shop owner shall have the responsibility
236 for registering apprentices with the ~~division~~ executive director. The shop or salon owner
237 shall file a statement in writing, showing the apprentice's name and the address of the shop.
238 The board shall have the authority to require the shop or salon owner or master
239 cosmetologist, hair designer, esthetician, nail technician, or master barber who is
240 supervising the apprentice to furnish to the board the number of hours completed by the
241 apprentice. The shop or salon owner shall remit to the ~~division~~ executive director a fee in
242 such amount as shall be set by the board by regulation for the registration of the apprentice.
243 The apprentice shall receive a certificate of registration showing the capacity in which he
244 or she is permitted to practice barbering or the occupation of a cosmetologist. The
245 certificate of registration shall be effective for a period of four years. A certificate of
246 registration authorizing a person to learn barbering or the occupation of a cosmetologist

247 under a cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, or
248 master barber shall not be renewed; and, upon the expiration of certificate of registration
249 issued, such person shall not be permitted to practice in any capacity."

250

SECTION 13.

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