

House Bill 314 (COMMITTEE SUBSTITUTE)

By: Representatives Tankersley of the 160th and Rynders of the 152nd

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
 2 businesses, so as to combine the State Board of Barbers and State Board of Cosmetology; so
 3 as to repeal and reserve Chapter 7 of said title, relating to barbers; to provide for and change
 4 certain definitions; to create the State Board of Cosmetology and Barbers; to provide for
 5 members, meetings officers, and powers of the board; to change certain provisions relating
 6 to rules and regulations of the board as to sanitary requirements; inspections, and other
 7 matters; to change certain provisions relating to the issuance of certificates of registration;
 8 to provide for the issuance of certificates of registration relating to barbering; to change
 9 certain provisions relating to requirements of certificates of registrations; to change certain
 10 provisions relating to the application for certificates of registration, examinations, work
 11 permits, reciprocity, and study at technical college or public school; to provide for certificate
 12 of registration by endorsement; to change certain provisions relating to the display, renewal,
 13 and reinstatement of certificates of registration; to change and provide for continuing
 14 education requirements and exemptions thereto; to change certain provisions relating to the
 15 registration of certain shops, salons, and schools; to change certain provisions relating to the
 16 regulation and permits for schools; to change certain provisions relating to teachers and
 17 instructors; to change certain provisions relating to the registration of apprentices; to change
 18 certain provisions relating to the board setting the course of study for students and to
 19 applications for examination; to change certain provisions relating to the study by persons
 20 16 years of age and older, registration certificates, and waiver of education requirements; to
 21 change certain provisions relating to the suspension, revocation, cancellation, or restoration
 22 of certificates of registration, reprimands, and fines; to amend other provisions for purposes
 23 of conformity; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 26 is amended by repealing and reserving Chapter 7, relating to barbers.

H. B. 314 (SUB)

27 **SECTION 2.**

28 Said title is further amended by revising Chapter 10, relating to cosmetologists, as follows:

29 **"CHAPTER 10**

30

31 43-10-1.

32 As used in this chapter, the term:

33 (1) 'Barber apprentice' means an individual who practices barbering under the constant
34 and direct supervision of a licensed master barber.35 (2) 'Barber II' means an individual who performs any one or more of the following
36 services for compensation:37 (A) Shaving or trimming the beard;38 (B) Cutting or dressing the hair;39 (C) Giving facial or scalp massages; or40 (D) Giving facial or scalp treatment with oils or cream or other preparations made for
41 this purpose, either by hand or by means of mechanical appliances.42 (3) 'Barbering' means the occupation of shaving or trimming the beard, cutting or
43 dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with
44 oils or cream or other preparations made for this purpose, either by hand or by means of
45 mechanical appliances, singeing and shampooing the hair, coloring or dyeing the hair, or
46 permanently waving or straightening the hair of an individual for compensation.47 ~~(1)~~(4) 'Beautician' means 'cosmetologist' as such term is defined in this Code section.48 ~~(2)~~(5) 'Beauty shop' or 'beauty salon' or 'barber shop' means any premises where one or
49 more persons engage in barbering or in the occupation of cosmetology a cosmetologist.50 ~~(3)~~(6) 'Board' means the State Board of Cosmetology and Barbers.51 ~~(4)~~(7) 'Cosmetologist' means any person individual who performs any one or more of the
52 following services for compensation:53 (A) Cuts or dresses the hair;54 (B) Gives facial or scalp massage or facial and scalp treatment with oils or creams and
55 other preparations made for this purpose, either by hand or mechanical appliance;56 (C) Singes and shampoos the hair, colors or dyes the hair, or does permanent waving
57 of the hair;58 (D) Performs nail care, pedicure, or manicuring services as defined in paragraph (9)
59 of this Code section; or60 (E) Performs the services of an esthetician as defined in paragraph (5) of this Code
61 section.

62 Such ~~person~~ individual shall be considered as practicing the occupation of a
 63 cosmetologist within the meaning of this Code section; provided, however, that such term
 64 shall not mean ~~a person~~ an individual who only braids the hair by hairweaving;
 65 interlocking; twisting; plaiting; wrapping by hand, chemical, or mechanical devices; or
 66 using any natural or synthetic fiber for extensions to the hair, and no such ~~person~~
 67 individual shall be subject to the provisions of this chapter. Such term shall not apply to
 68 ~~a person~~ an individual whose activities are limited to the application of cosmetics which
 69 are marketed to individuals and are readily commercially available to consumers.

70 ~~(5)~~(8) 'Esthetician' or 'esthetics operator' means ~~a person~~ an individual who, for
 71 compensation, engages in any one or a combination of the following practices, esthetics,
 72 or cosmetic skin care:

- 73 (A) Massaging the face, ~~or neck, décolletage, or arms~~ of a person;
- 74 (B) Trimming, tweezing, shaping, or threading eyebrows;
- 75 (C) Dyeing eyelashes or eyebrows or applying eyelash extensions; or
- 76 (D) Waxing, threading, stimulating, cleansing, or beautifying the face, neck, arms,
 77 shoulders, back, chest, or legs of a person by any method with the aid of the hands or
 78 any mechanical or electrical apparatus or by the use of a cosmetic preparation.

79 Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any
 80 dermatological condition or the use of lasers. Such term shall not apply to ~~a person~~ an
 81 individual whose activities are limited to the application of cosmetics which are marketed
 82 to individuals and are readily commercially available to consumers.

83 ~~(7)~~(9) 'Hair designer' means ~~any person~~ an individual who performs any one or more of
 84 the following services for compensation:

- 85 (A) Cuts or dresses the hair; or
- 86 (B) Singes and shampoos the hair, applies a permanent or relaxer to hair, or colors or
 87 dyes the hair.

88 ~~(6)~~(10) ~~Reserved~~ 'Master barber' means an individual who performs any one or more of
 89 the following services for compensation:

- 90 (A) Shaving or trimming the beard;
- 91 (B) Cutting or dressing the hair;
- 92 (C) Giving facial or scalp massages;
- 93 (D) Giving facial or scalp treatment with oils or cream or other preparations made for
 94 this purpose, either by hand or by means of mechanical appliances; or
- 95 (E) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently
 96 waving or straightening the hair.

97 ~~(8)~~(11) 'Master cosmetologist' means a cosmetologist who is possessed of the requisite
 98 skill and knowledge to perform properly all the services ~~mentioned~~ set forth in
 99 paragraph ~~(4)~~ (7) of this Code section for compensation.

100 ~~(9)~~(12) 'Nail technician' means ~~a person~~ an individual who, for compensation, performs
 101 manicures or pedicures, or trims, files, shapes, decorates, applies sculptured or otherwise
 102 artificial ~~nails~~ nail extensions, or in any way cares for the nails of another person.

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

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

111 ~~(10)~~(15) 'School of cosmetology' means any establishment that receives compensation
 112 for training more than one ~~person~~ individual in the occupation of ~~cosmetology as defined~~
 113 ~~in paragraph (4) of this Code section~~ a cosmetologist. Technical colleges whose
 114 programs have been approved by the Technical College System of Georgia or the
 115 Department of Education are not 'schools of cosmetology' within the meaning of this
 116 chapter; provided, however, that all such colleges and their programs shall be considered
 117 to be 'board approved.'

118 ~~(11)~~(16) 'School of esthetics' means any establishment that receives compensation for
 119 training more than one ~~person~~ individual in the occupation of ~~esthetics as defined in~~
 120 ~~paragraph (5) of this Code section~~ an esthetician. Technical colleges whose programs
 121 have been approved by the Technical College System of Georgia or the Department of
 122 Education are not 'schools of esthetics' within the meaning of this chapter; provided,
 123 however, that all such colleges and their programs shall be considered to be 'board
 124 approved.'

125 ~~(12) Reserved.~~

126 ~~(13)~~(17) 'School of hair design' means any establishment that receives compensation for
 127 training more than one ~~person~~ individual in the occupation of ~~hair design as defined in~~
 128 ~~paragraph (7) of this Code section~~ a hair designer. Technical colleges whose programs
 129 have been approved by the Technical College System of Georgia or the Department of
 130 Education are not schools of hair design within the meaning of this chapter; provided,
 131 however, that all such colleges and their programs shall be considered to be 'board
 132 approved.'

133 ~~(14)~~(18) 'School of nail care' means any establishment that receives compensation for
 134 training more than one person in the occupation of ~~nail care or manicuring as defined in~~
 135 ~~paragraph (9) of this Code section~~ nail technician. Technical colleges whose programs
 136 have been approved by the Technical College System of Georgia or the Department of
 137 Education are not 'schools of nail care' within the meaning of this chapter; provided,
 138 however, that all such colleges and their programs shall be considered to be 'board
 139 approved.'

140 43-10-2.

141 (a) There is created the State Board of Cosmetology and Barbers. The board shall consist
 142 of nine members who shall be residents of this state. The board shall have the duty of
 143 carrying out and enforcing this chapter.

144 (b) Members of the board shall be at least 25 years of age and have obtained a high school
 145 diploma, a general educational development (GED) diploma, or a postsecondary education
 146 or college degree; ~~and five~~ Two of such members must have had at least five years of
 147 practical experience ~~in the practice of cosmetology as a cosmetologist~~ at the master level,
 148 a portion of which must have been as a beauty shop or beauty salon owner or manager.
 149 One member of the board must have had at least five years of practical experience ~~in the~~
 150 ~~practice of cosmetology as a cosmetologist~~ at the esthetician level. One member of the
 151 board must have had at least five years of practical experience as a manicurist nail
 152 technician. Two members of the board must have had at least five years of practical
 153 experience as a master barber. One member must be an instructor at a school of barbering.
 154 One member must be an instructor at school of cosmetology. One member shall not have
 155 any connection with barbering or the practice of a cosmetologist or any business related
 156 thereto whatsoever but shall have a recognized interest in consumer affairs and in consumer
 157 protection concerns.

158 (c) The board shall meet as necessary each year for the purpose of adopting rules and
 159 regulations and handling other matters pertaining to duties of the board. Board members
 160 may attend and observe all written and practical examinations held for certificates of
 161 registration pursuant to this chapter.

162 ~~(d) No member of the board shall be affiliated with any school of cosmetology. Two~~
 163 ~~members shall not have any connection with the practice or business of cosmetology~~
 164 ~~whatsoever but shall have a recognized interest in consumer affairs and in consumer~~
 165 ~~protection concerns. No member of the board shall be affiliated or connected in any~~
 166 ~~manner with any manufacturer or wholesale or jobbing house dealing with supplies sold~~
 167 ~~to practitioners of cosmetology while in office~~ Beginning on July 1, 2015, the Georgia
 168 State Board of Cosmetology and Barbers shall regulate barbering and the practice of

169 cosmetologists in this state. The board shall operate under the rules and regulations of the
 170 Georgia State Board of Barbers and Georgia State Board of Cosmetology as they existed
 171 on June 30, 2015, until the board shall promulgate one set of rules and regulations
 172 governing both barbering and the practice of cosmetologists; such rules and regulations
 173 shall be adopted on or before July 1, 2016.

174 (e) Any person who holds a certificate of registration issued under this chapter or Chapter
 175 7 of this title as they existed on June 30, 2015, shall not be required to undergo
 176 recertification under this chapter but shall otherwise be subject to all applicable provisions
 177 of this chapter. Such certificates of registration issued on or before June 30, 2015, shall be
 178 considered certificates of registration issued under and subject to this chapter for all
 179 purposes.

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

186 ~~(f)~~(g) Each year the members shall elect a chairman from among themselves. In the event
 187 the members cannot agree as to who shall be chairman, the Governor shall appoint one of
 188 such members as chairman. ~~The chairman so elected or appointed shall be eligible to~~
 189 ~~succeed himself or herself.~~ The members of the board shall be considered public officers
 190 and shall take the oath required thereof.

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

194 (i) All investigative and disciplinary authority of the Georgia State Board of Cosmetology
 195 and Georgia State Board of Barbers as such boards existed on June 30, 2015, shall carry
 196 over to the board. This authority shall include, but shall not be limited to, the ability to:

- 197 (1) Enforce all fines issued by these boards or representatives thereof;
 198 (2) Enforce all orders entered by these boards; and
 199 (3) Access and keep all complaints, investigative records, and records of disciplinary
 200 deliberations of these boards.

201 43-10-3.

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

204 43-10-4.

205 Reserved.

206 43-10-5.

207 The division director shall keep a record of all proceedings of the board. Such records shall
208 be prima-facie evidence of all matters required to be kept therein, and certified copies of
209 the same or parts thereof shall be primary evidence of their contents. All such copies, other
210 documents, or certificates lawfully issued upon the authority of the board shall, when
211 authenticated under the seal of the board, be admitted in any investigation in any court or
212 elsewhere without further proof.

213 43-10-6.

214 (a) The board is authorized to adopt reasonable rules and regulations prescribing the
215 sanitary requirements of beauty shops, beauty salons, barber shops, schools of
216 cosmetology, schools of esthetics, schools of hair design, ~~and~~ schools of nail care, and
217 schools of barbering subject to the approval of the Department of Public Health, and to
218 cause the rules and regulations or any subsequent revisions to be in suitable form. The
219 board shall make the rules and regulations available to the proprietor of each beauty shop,
220 beauty salon, barber shop, school of cosmetology, school of esthetics, school of hair
221 design, ~~or~~ school of nail care, and school of barbering. It shall be the duty of every
222 proprietor or person operating a beauty shop, beauty salon, barber shop, school of
223 cosmetology, school of esthetics, school of hair design, ~~and~~ school of nail care, and school
224 of barbering in this state to keep a copy of such rules and regulations posted in a
225 conspicuous place in ~~his or her~~ such business, so as to be easily read by ~~his or her~~
226 customers thereof. Posting such rules and regulations by electronic means shall be
227 allowed.

228 (b) The board is authorized to adopt reasonable rules and regulations requiring that ~~persons~~
229 licensed individuals issued certificates of registration under this chapter undergo instruction
230 on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

231 (c) Any inspector employed by the Secretary of State shall have the power to enter and
232 make reasonable examination of any beauty shop, beauty salon, barber shop, or school of
233 cosmetology, school of hair design, school of esthetics, school of nail care, and school of
234 barbering in the state during business hours for the purpose of enforcing the rules and
235 regulations of the board and for the purpose of ascertaining the sanitary conditions thereof.

236 (d) Any beauty shop, beauty salon, barber shop or school of cosmetology, school of hair
237 design, school of esthetics, school of nail care, and school of barbering in which tools,

238 appliances, and furnishings used therein are kept in an unclean and unsanitary condition
 239 so as to endanger health is declared to be a public nuisance.

240 43-10-7.

241 It shall be the duty of the board to issue through the division director those certificates of
 242 registration for which provision is made in this chapter.

243 43-10-8.

244 (a) It shall be unlawful for any ~~person~~ individual to pursue barbering or the occupation of
 245 cosmetology in this state unless he or she has first completed the required hours for and
 246 obtained the appropriate certificate of registration as provided in this chapter.

247 (b) It shall be unlawful for any ~~person~~ individual to hold himself or herself out as a master
 248 cosmetologist ~~or hair designer~~ without having first obtained ~~the a~~ a certificate of registration
 249 ~~for such. Such person as a master cosmetologist which certifies that the holder thereof~~
 250 shall be authorized to perform all the services mentioned in paragraph ~~(4)~~ (11) of Code
 251 Section 43-10-1. Nothing in this chapter shall prohibit any ~~person~~ individual who ~~holds~~
 252 held a valid master cosmetologist license in this state on March 29, 1983, from practicing
 253 ~~at the as a master cosmetologist level as defined in paragraph (8) of Code Section 43-10-1.~~

254 (c) ~~Reserved~~ It shall be unlawful for any individual to hold himself or herself out as a
 255 master barber, barber II, barber instructor, or barber apprentice without having first
 256 obtained the certificate of registration for such.

257 (d) Notwithstanding any other provisions of this chapter, any ~~person~~ individual desiring
 258 to perform solely hair design services shall be allowed to obtain a certificate of registration
 259 ~~at the as a hair design level~~ designer upon completing the required hours therefor, which
 260 certifies that the holder thereof shall be authorized to perform some or all of the services
 261 mentioned in paragraph ~~(7)~~ (9) of Code Section 43-10-1.

262 (e) Notwithstanding any other provisions of this chapter, any ~~person~~ individual desiring
 263 to perform solely cosmetic skin care services shall be allowed to obtain a certificate of
 264 registration ~~at the as an~~ an esthetician level upon completing the required hours therefor,
 265 which certifies that the holder thereof shall be authorized to perform some or all of the
 266 services mentioned in paragraph ~~(5)~~ (8) of Code Section 43-10-1.

267 (f)~~(1)~~ Notwithstanding any other provisions of this chapter, any ~~person~~ individual desiring
 268 to perform solely cosmetic nail care services shall be allowed to obtain a certificate of
 269 registration ~~at the as a~~ as a nail technician level upon completing the required hours therefor,
 270 which certifies that the holder thereof shall be authorized to perform some or all of the
 271 services mentioned in paragraph ~~(9)~~ (12) of Code Section 43-10-1.

272 ~~(2) Notwithstanding any other provisions of this chapter, any person who has actively~~
 273 ~~engaged in the practice of cosmetology, hair design, esthetics, or nail care on a military~~
 274 ~~installation in Georgia for three years prior to July 1, 1985, shall be eligible to receive a~~
 275 ~~certificate of registration at the cosmetology, hair design, esthetics, or nail care level upon~~
 276 ~~proper proof of experience, application, and appropriate fee being submitted to the board~~
 277 ~~on or before September 1, 1985.~~

278 (g)(1) Notwithstanding any other provisions of this chapter, any current or discharged
 279 member of the military or any spouse of a current or discharged member of the military
 280 may apply to the board for the immediate issuance of a certificate of registration issued
 281 pursuant to this chapter, provided that such individual holds a license or certification from
 282 another state for which the training, experience, and testing substantially meet or exceed
 283 the requirements in this state to obtain the certificate of registration for which such
 284 individual is applying.

285 (2) As used in this paragraph, the term:

286 (A) 'Discharge' means an honorable discharge or a general discharge from active
 287 military service. The term 'discharge' shall not mean a discharge under other than
 288 honorable conditions, a bad conduct discharge, or a dishonorable discharge.

289 (B) 'Military' means any regular or reserve component of the United States armed
 290 forces, the Georgia Army National Guard, or the Georgia Air National Guard.

291 ~~(g)(h)~~ It shall also be unlawful for any person or persons to operate a beauty shop, beauty
 292 salon, barber shop, hair design salon, school of cosmetology, school of hair design, school
 293 of esthetics, or school of nail care, or school of barbering without first having obtained a
 294 certificate of registration for such shop, salon, or school as provided in this chapter. Any
 295 beauty shop, salon, or school beauty salon, barber shop, school of cosmetology, school of
 296 hair design, school of esthetics, school of nail care, or school of barbering shall register
 297 with the division director of the professional licensing boards prior to opening.

298 ~~(h)(i)~~ This chapter shall have uniform application throughout the state so that no master
 299 cosmetologist, cosmetologist, hair designer, nail technician, esthetician, master barber,
 300 barber II, beauty shop, beauty salon, barber shop, school of cosmetology, school of hair
 301 design, school of esthetics, or school of nail care, or school of barbering shall be exempt
 302 from regulation.

303 43-10-9.

304 (a)(1) Any person individual desiring to obtain a certificate of registration to enable him
 305 or her to engage in the occupation of cosmetology a cosmetologist shall make application
 306 through the division director to the board and shall present proof that he or she has
 307 obtained a high school diploma, a general educational development (GED) diploma, or

308 a postsecondary education or college degree. If, after review of the application, it is
 309 determined that the applicant is at least 17 years of age; has met the minimum educational
 310 requirements; is of good moral character; has completed a 1,500 credit hour study course
 311 with at least nine months at a board approved school or has served as an apprentice in a
 312 beauty shop, ~~or beauty salon, or barber shop~~ for a period of at least 3,000 credit hours;
 313 has practiced or studied the occupation of ~~cosmetology~~ a cosmetologist; is possessed of
 314 the requisite skill in such occupation to perform properly all the duties of the occupation,
 315 including his or her ability in the preparation of tools, in performing the services
 316 mentioned in paragraph ~~(4)~~ (7) of Code Section 43-10-1, and in all the duties and services
 317 incident thereto; and has passed both a written and a practical examination approved by
 318 the board, a certificate of registration shall be issued to him or her entitling him or her to
 319 practice ~~the occupation of~~ as a master cosmetologist. ~~Notwithstanding any other~~
 320 ~~provisions of this subsection, the board shall be authorized to waive any education~~
 321 ~~requirements under this subsection in cases of hardship, disability, or illness or under~~
 322 ~~such other circumstances as the board deems appropriate with respect to any applicant~~
 323 ~~who was enrolled in a board approved school or had completed a board approved study~~
 324 ~~course as of June 30, 2000.~~

325 ~~(b) Should an applicant under this Code section fail to pass the written or the practical~~
 326 ~~examination, the board shall furnish the applicant a statement in writing, stating wherein~~
 327 ~~the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants~~
 328 ~~from making subsequent applications to qualify under this Code section, provided they~~
 329 ~~again pay the required examination fee.~~

330 (2) Notwithstanding any other provisions of this subsection, the board shall allow
 331 endorsement to an applicant who submits a complete application, along with a fee, and
 332 verification that he or she holds an active license or certificate of registration as a
 333 cosmetologist or an instructor or teacher of the occupation of a cosmetologist at that level
 334 in another state or territory of the United States. The board may establish requirements
 335 for endorsement by rules and regulations.

336 ~~(f)(1)~~ (b)(1) Any person individual desiring to obtain a certificate of registration to
 337 enable him or her to engage in the occupation of a hair design designer shall make
 338 application through the division director and shall present proof that he or she has
 339 obtained a high school diploma, a general educational development (GED) diploma, or
 340 a postsecondary education or college degree. If, after review of the application, it is
 341 determined that the applicant is at least 17 years of age; has met the minimum educational
 342 requirements; is of good moral character; has completed a 1,325 credit hour study course
 343 with at least seven months at a board approved school or has served as an apprentice in
 344 a beauty shop, beauty salon, ~~or hair design salon~~ barber shop for a period of at least 2,650

345 credit hours; has practiced or studied the occupation of a hair design designer; is
346 possessed of the requisite skill in such occupation to perform properly all the duties of
347 the occupation, including his or her ability in the preparation of tools, in performing the
348 services mentioned in paragraph ~~(7)~~ (9) of Code Section 43-10-1, and in all the duties and
349 services incident thereto; and has passed both a written and a practical examination
350 approved by the board, a certificate of registration shall be issued to him or her entitling
351 him or her to practice the occupation of a hair design designer. ~~Notwithstanding any~~
352 ~~other provisions of this subsection, the board shall be authorized to waive any education~~
353 ~~requirements under this subsection in cases of hardship, disability, or illness or under~~
354 ~~such other circumstances as the board deems appropriate with respect to any applicant~~
355 ~~who was enrolled in a board approved school or had completed a board approved study~~
356 ~~course as of June 30, 2006.~~

357 ~~(2) Should an applicant under this subsection fail to pass the written or the practical~~
358 ~~examination, the board shall furnish the applicant a statement in writing, stating in what~~
359 ~~manner the applicant was deficient. Nothing in this chapter shall be construed to prevent~~
360 ~~applicants from making subsequent applications to qualify under this subsection,~~
361 ~~provided they again pay the required examination fee.~~

362 ~~(3) An approved applicant for examination under this subsection may be issued a work~~
363 ~~permit authorizing said applicant to practice such occupation until the release of the~~
364 ~~results of the written and the practical examination for which the applicant is scheduled.~~
365 ~~If the applicant fails to appear for the examination or fails any portion of the examination,~~
366 ~~the work permit shall be revoked unless the applicant provides just cause to the board as~~
367 ~~to why the applicant was unable to appear for the examination.~~

368 ~~(4) Should an applicant have a current hair design license in force from another state,~~
369 ~~country, territory of the United States, or the District of Columbia, where similar~~
370 ~~reciprocity is extended to this state and licensure requirements are substantially equal to~~
371 ~~those in this state, and have paid a fee and have submitted an application, the applicant~~
372 ~~may be issued, without examination, a certificate of registration at the appropriate level~~
373 ~~entitling him or her to practice the occupation of hair design or the teaching of hair design~~
374 ~~at that level, unless the board, in its discretion, sees fit to require a written or a practical~~
375 ~~examination subject to the terms and provisions of this chapter. Notwithstanding any~~
376 ~~other provisions of this subsection, the board shall be authorized to waive any education~~
377 ~~or experience requirements applicable to any person who holds a current license or~~
378 ~~certificate to practice hair design outside of this state and who desires to obtain a license~~
379 ~~or certificate at a level authorized under this subsection to practice at such level in this~~
380 ~~state in cases of hardship, disability, or illness or under such other circumstances as the~~
381 ~~board deems appropriate.~~

382 (2) Notwithstanding any other provisions of this subsection, the board shall allow
 383 endorsement to an applicant who submits a complete application, along with a fee, and
 384 verification that he or she holds an active license or certificate of registration as a hair
 385 designer or an instructor or teacher of the occupation of a hair designer in another state
 386 or territory of the United States. The board may establish requirements for endorsement
 387 by rules or regulations.

388 ~~(c) An approved applicant for examination under this Code section may be issued a work~~
 389 ~~permit authorizing said applicant to practice such occupation until the release of the results~~
 390 ~~of the written and the practical examination for which the applicant is scheduled. If the~~
 391 ~~applicant fails to appear for the examination or fails any portion of the examination, the~~
 392 ~~work permit shall be revoked unless the applicant provides just cause to the board as to~~
 393 ~~why the applicant was unable to appear for the examination.~~

394 ~~(g)(c)(1) Any person individual desiring to obtain a certificate of registration at the~~
 395 ~~esthetician level under the terms of this chapter to enable him or her to engage in the~~
 396 ~~occupation of an esthetician shall make application through the division director to the~~
 397 ~~board and shall present proof that he or she has obtained a high school diploma, a general~~
 398 ~~educational development (GED) diploma, or a postsecondary education or college degree.~~
 399 ~~If, after review of the application, it is determined that the applicant is at least 17 years~~
 400 ~~of age; has met the minimum educational requirements; is of good moral character; has~~
 401 ~~completed a 1,000 credit hour study course of at least nine months at a board approved~~
 402 ~~school or has served as an apprentice in a beauty shop, or beauty salon, or barber shop~~
 403 ~~for a period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as~~
 404 ~~defined in paragraph ~~(5)~~ (8) of Code Section 43-10-1; is possessed of the requisite skill~~
 405 ~~to perform properly these services; and has passed a written and a practical examination~~
 406 ~~approved by the board, a certificate of registration shall be issued to the applicant~~
 407 ~~entitling the applicant to practice the occupation of cosmetology at the esthetician level~~
 408 ~~an esthetician. Notwithstanding any other provisions of this subsection, the board shall~~
 409 ~~be authorized to waive any education requirements under this subsection in cases of~~
 410 ~~hardship, disability, or illness or under such other circumstances as the board deems~~
 411 ~~appropriate with respect to any applicant who was enrolled in a board approved school~~
 412 ~~or had completed a board approved study course as of June 30, 2000.~~

413 ~~(2) Should an applicant have a current esthetician license in force from another state,~~
 414 ~~country, territory of the United States, or the District of Columbia, where similar~~
 415 ~~reciprocity is extended to this state and licensure requirements are substantially equal to~~
 416 ~~those in this state, and have paid a fee and have submitted an application, the applicant~~
 417 ~~may be issued, without examination, a certificate of registration at the appropriate level~~
 418 ~~entitling him or her to practice the occupation of esthetician or the teaching of esthetics~~

419 ~~at that level, unless the board, in its discretion, sees fit to require a written or a practical~~
 420 ~~examination subject to the terms and provisions of this chapter. Notwithstanding any~~
 421 ~~other provisions of this subsection, the board shall be authorized to waive any education~~
 422 ~~or experience requirements applicable to any person who holds a current license or~~
 423 ~~certificate to practice esthetics outside of this state and who desires to obtain a license or~~
 424 ~~certificate at a level authorized under this subsection to practice at such level in this state~~
 425 ~~in cases of hardship, disability, or illness or under such other circumstances as the board~~
 426 ~~deems appropriate. Notwithstanding any other provisions of this subsection, the board~~
 427 ~~shall allow endorsement to an applicant who submits a complete application, along with~~
 428 ~~a fee, and verification that he or she holds an active license or certificate of registration~~
 429 ~~as an esthetician or an instructor or teacher of the occupation of an esthetician in another~~
 430 ~~state or territory of the United States. The board may establish requirements for~~
 431 ~~endorsement by rules or regulations.~~

432 ~~(d) Should an applicant have a current cosmetology license in force from another state or~~
 433 ~~country, or territory of the United States, or the District of Columbia, where similar~~
 434 ~~reciprocity is extended to this state and licensure requirements are substantially equal to~~
 435 ~~those in this state, and pays a fee and submits an application, the applicant may be issued,~~
 436 ~~without examination, a certificate of registration at the appropriate level, entitling the~~
 437 ~~applicant to practice the occupation of cosmetology or the teaching of cosmetology at that~~
 438 ~~level, unless the board, in its discretion, sees fit to require a written or a practical~~
 439 ~~examination subject to the terms and provisions of this chapter. Notwithstanding any other~~
 440 ~~provisions of this subsection, the board shall be authorized to waive any education or~~
 441 ~~experience requirements applicable to any person who holds a current license or certificate~~
 442 ~~to practice cosmetology outside of this state and who desires to obtain a license or~~
 443 ~~certificate at a level authorized under this Code section to practice at such level in this state~~
 444 ~~in cases of hardship, disability, or illness or under such other circumstances as the board~~
 445 ~~deems appropriate.~~

446 ~~(h)(d)(1) Any person individual desiring to obtain a certificate of registration at the nail~~
 447 ~~technician level under the terms of this chapter to enable him or her to engage in the~~
 448 ~~occupation of a nail technician shall make application through the division director to the~~
 449 ~~board and shall present proof that he or she has obtained a high school diploma, a general~~
 450 ~~educational development (GED) diploma, or a postsecondary education or college degree.~~
 451 ~~If, after review of the application, it is determined that the applicant is at least 17 years~~
 452 ~~of age; has met the minimum educational requirements; is of good moral character; has~~
 453 ~~completed a 525 credit hour study course of at least four months at a board approved~~
 454 ~~school or has served as an apprentice in a beauty shop, or beauty salon, or barber shop~~
 455 ~~for a period of at least 1,050 credit hours; has practiced or studied nail care as defined in~~

456 paragraph (12) of Code Section 43-10-1; is possessed of the requisite skill to perform
 457 properly these services; and has passed both a written and a practical examination
 458 approved by the board, a certificate of registration shall be issued to the applicant
 459 entitling the applicant to practice the occupation of ~~cosmetology at the nail technician~~
 460 ~~level. Notwithstanding any other provisions of this subsection, the board shall be~~
 461 ~~authorized to waive any education requirements under this subsection in cases of~~
 462 ~~hardship, disability, or illness or under such other circumstances as the board deems~~
 463 ~~appropriate with respect to any applicant who was enrolled in a board approved school~~
 464 ~~or had completed a board approved study course as of June 30, 2000.~~

465 (2) ~~Should an applicant have a current nail technician license in force from another state,~~
 466 ~~country, territory of the United States, or the District of Columbia, where similar~~
 467 ~~reciprocity is extended to this state and licensure requirements are substantially equal to~~
 468 ~~those in this state, and have paid a fee and have submitted an application, the applicant~~
 469 ~~may be issued, without examination, a certificate of registration at the appropriate level~~
 470 ~~entitling him or her to practice the occupation of nail technician or the teaching of nail~~
 471 ~~care at that level, unless the board, in its discretion, sees fit to require a written or a~~
 472 ~~practical examination subject to the terms and provisions of this chapter.~~
 473 ~~Notwithstanding any other provisions of this subsection, the board shall be authorized to~~
 474 ~~waive any education or experience requirements applicable to any person who holds a~~
 475 ~~current license or certificate to practice nail care outside of this state and who desires to~~
 476 ~~obtain a license or certificate at a level authorized under this subsection to practice at~~
 477 ~~such level in this state in cases of hardship, disability, or illness or under such other~~
 478 ~~circumstances as the board deems appropriate. Notwithstanding any other provisions of~~
 479 ~~this subsection, the board shall allow endorsement to an applicant who submits a~~
 480 ~~complete application, along with a fee, and verification that he or she holds an active~~
 481 ~~license or certificate of registration as a nail technician or an instructor or teacher of the~~
 482 ~~occupation of a nail technician in another state or territory of the United States. The~~
 483 ~~board may pass requirements for endorsement by rule.~~

484 (e)(1) Any person desiring to obtain a certificate of registration to enable him or her to
 485 engage in the occupation of a master barber shall make application through the division
 486 director to the board and shall present proof that he or she has obtained a high school
 487 diploma, a general educational development (GED) diploma, or a postsecondary
 488 education or college degree. If, after review of the application, it is determined that the
 489 applicant is at least 16 years of age; has met the minimum educational requirements; is
 490 of good moral character; has completed a 1,500 credit hour study course of at least nine
 491 months at a board approved school or has served as an apprentice in a beauty shop,
 492 beauty salon, or barbershop for a period of at least 3,000 credit hours; has practiced or

493 studied barbering; is possessed of the requisite skill to perform properly these services;
 494 and has passed both a written and a practical examination approved by the board, a
 495 certificate of registration shall be issued to the applicant entitling the applicant to practice
 496 barbering as a master barber.

497 (2) Any person desiring to obtain a certificate of registration to enable him or her to
 498 engage in the occupation of a barber II shall make application through the division
 499 director to the board and shall present proof that he or she has obtained a high school
 500 diploma, a general educational development (GED) diploma, or a postsecondary
 501 education or college degree. If, after review of the application, it is determined that the
 502 applicant is at least 16 years of age; has met the minimum educational requirements; is
 503 of good moral character; has completed a 1,140 credit hour study course of at least seven
 504 months at a board approved school or has served as an apprentice in a beauty shop,
 505 beauty salon, or barbershop for a period of at least 2,280 credit hours; has practiced or
 506 studied barbering; is possessed of the requisite skill to perform properly these services;
 507 and has passed both a written and a practical examination approved by the board, a
 508 certificate of registration shall be issued to the applicant entitling the applicant to practice
 509 the occupation of barbering at the barber II level.

510 (3) Notwithstanding any other provisions of this subsection, the board shall allow
 511 endorsement to an applicant who submits a complete application, along with a fee, and
 512 verification that he or she holds an active license or certificate of registration as a master
 513 barber or barber II or an instructor or teacher of barbering in another state or territory of
 514 the United States. The board may establish requirements for endorsement by rules and
 515 regulations.

516 ~~(i)(f)~~ Nothing in this Code section shall be construed as preventing a person an individual
 517 from obtaining a certificate of registration for the occupation of cosmetology a
 518 cosmetologist at the master level, the hair design level, the esthetician level, or the nail
 519 technician level or a certificate of registration for barbering at the master level or barber
 520 II level, if such person obtains his or her credit hour study at a State Board of Education
 521 approved school or a technical college under the jurisdiction of the Technical College
 522 System of Georgia or the Department of Education rather than at a board approved school.

523 (g)(1) An individual issued a certificate of registration as a master cosmetologist in this
 524 state shall be eligible to take the master barber examination provided for in this Code
 525 section if that person completes a board approved 300 hour prescribed course in an
 526 approved cosmetology school, submits a completed application, and pays the proper fees
 527 established by the board.

528 ~~(j)(2) A person licensed to practice barbering under Chapter 7 of this title~~ An individual
 529 issued a certificate of registration as a master barber in this state shall be eligible to take

530 the master cosmetologist examination provided for in this Code section if that person
 531 completes a board approved ~~250~~ 300 hour prescribed course in an approved cosmetology
 532 school, submits a completed application, and pays the proper fees established by the
 533 board.

534 ~~(k)(h) Board members may attend and observe all written and practical examinations held~~
 535 ~~for certificates of registration pursuant to this Code section~~ On and after July 1, 2015, any
 536 applicant applying for a certificate of registration pursuant to this Code section shall pass
 537 both a board approved written and the practical examination within a 24 month period after
 538 having obtained the required credit hours or shall be required to repeat all of such required
 539 credit hours before retaking the examination. Should an applicant fail to pass the written
 540 or the practical examination, the board or the board's designee shall furnish the applicant
 541 a statement in writing, stating in what manner the applicant was deficient.

542 (i) On and after July 1, 2015, any applicant applying for a certificate of registration
 543 pursuant to this Code section who has graduated from an educational program which
 544 prepares cosmetologists in another country shall submit to the board a credentials
 545 evaluation from a board approved credentials evaluation provider along with his or her
 546 application. Upon the board's acceptance of the credentials evaluation, application, and
 547 appropriate fee, the applicant shall be approved to sit for the board approved examination,
 548 and upon passing the examination, he or she may be approved for a certificate of
 549 registration.

550 43-10-10.

551 (a) The holder of any certificate of registration issued under Code Section 43-10-9 shall
 552 display the same in a conspicuous place in his or her beauty shop, beauty salon, or barber
 553 shop or place of business. Certificates of registration issued under Code Section 43-10-9
 554 shall be renewable ~~biennially~~ for a period of up to four years as approved by the division
 555 director. The holder shall pay to the division director a renewal fee in such amount as shall
 556 be set by the board by regulation. Upon failure to renew such certificate of registration, it
 557 shall stand automatically revoked. The holder shall be disqualified from practicing ~~the any~~
 558 occupation of cosmetology under this chapter until all fees to date of application for
 559 reinstatement shall be paid, an application for reinstatement shall be submitted along with
 560 a reinstatement fee in such amount as shall be set by the board by regulation, and
 561 documentation shall be submitted of completion of all required continuing education hours
 562 since the date the registration was automatically revoked. If the board is satisfied that the
 563 applicant for reinstatement meets all the qualifications set forth in this Code section and
 564 Code Section 43-10-9, the applicant shall be issued a new certificate of registration.

565 (b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any
 566 cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, master
 567 barber, or barber II certificate of registration issued under Code Section 43-10-9, the holder
 568 of such certificate shall ~~provide~~ maintain proof, in a form approved by the board, of
 569 completion of five hours of continuing education ~~in compliance with this Code section~~
 570 ~~since the date of issuance of the latest renewal certificate~~ biennially to be determined by
 571 the board. A licensee shall provide proof of completion of continuing education if audited
 572 by the board. A holder who is renewing a certificate of registration for the first time shall
 573 not be required to meet the continuing education requirement until the time of the second
 574 renewal. Further, the requirement for continuing education for ~~the holder of any certificate~~
 575 ~~of registration issued under this chapter shall become effective on January 1, 2003,~~
 576 ~~provided that the board has adopted rules and regulations implementing this Code section~~
 577 ~~pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~ a master
 578 barber and barber II will become effective beginning January 1, 2018.

579 (c) ~~Three hours~~ The board may require by rules or regulations that either three or four
 580 hours of continuing education shall be satisfied by a health and safety course or a review
 581 course of the board rules or regulations and applicable laws using a curriculum developed
 582 by the ~~Technical College System of Georgia~~ board or by a board approved provider. Such
 583 curriculum or course may be revised by the ~~Technical College System of Georgia~~ board
 584 or by a board approved provider as necessary to incorporate new developments. The
 585 ~~Technical College System of Georgia~~ board shall make the curriculum or course available
 586 to ~~other~~ board approved providers of continuing education. The board may charge a fee
 587 to providers for registration as a board approved provider.

588 (d) ~~The remaining two hours of~~ The board may require by rules and regulations that the
 589 remaining one to two hours of continuing education may be satisfied by:

- 590 (1) Attendance at an industry or trade show registered with the board; or
 591 (2) A course or courses of study registered with the board in one or more of the
 592 following subjects: health and safety, industry trends, computer skills, business
 593 management, or the holder's area of practice.

594 (e) To request registration of an industry or trade show for continuing education credit, a
 595 person or entity shall submit to the board the date and location of the industry or trade
 596 show. To request registration of a course of study for continuing education credit, the
 597 person or entity offering the course of study shall submit to the board an outline of the
 598 subject matter, a list of the persons teaching the course with a summary of their
 599 qualifications, the number of hours for each course, and the date and location where the
 600 course of study will be presented or has been presented, if applicable. Any certificate
 601 holder may request board approval of an unregistered industry or trade show or an

602 unregistered course of study. A person or entity conducting an industry or trade show or
 603 a course of study shall provide written proof of attendance at the industry or trade show or
 604 completion of a course of study to all participants.

605 (f) The board shall register and allow credit as continuing education for courses conducted
 606 via the Internet or other electronic means or home study courses.

607 (g) Courses in cosmetology, hair design, nail technology, esthetics, computers, business,
 608 or health and safety issues offered by schools under the jurisdiction of the Board of Regents
 609 of the University System of Georgia, the Technical College System of Georgia, the
 610 Department of Education, or any accredited postsecondary institution shall satisfy the
 611 continuing education requirement without a request to the board for approval or
 612 registration.

613 (h) In no event shall the testing of knowledge or skills be required as proof of the
 614 successful completion of a continuing education course.

615 ~~(i) For the first renewal period during which the continuing education requirement will be~~
 616 ~~enforced, the board shall allow credit for continuing education hours which were board~~
 617 ~~approved or which did not require prior approval by the board received between March 31,~~
 618 ~~2000, and January 1, 2002, for master cosmetologists and between August 31, 1999, and~~
 619 ~~January 1, 2002, for nail technicians and estheticians. Thereafter, no excess hours from~~
 620 ~~one renewal period shall be authorized to be credited toward the continuing education~~
 621 ~~requirement for another renewal period.~~

622 (j) The continuing education requirement shall not apply to certificate holders who:

- 623 (1) Have held a certificate for 25 or more years; or
 624 (2) Demonstrate a hardship based on a disability, age, illness, or such other circumstance
 625 as the board may identify by rule and determine on a case-by-case basis.

626 Certificate holders who claim an exemption from the continuing education requirement on
 627 the basis of paragraph (2) of this subsection shall provide a sworn statement setting out the
 628 facts supporting such exemption.

629 43-10-11.

630 All beauty shops, beauty salons, barber shops, schools of cosmetology, schools of hair
 631 design, schools of esthetics, ~~and~~ schools of nail care, and schools of barbering shall be
 632 registered with the division director by the owner or manager. Such registration shall be
 633 made by the filing of an application on forms furnished by the division director; shall
 634 include the name and location of the ~~beauty~~ shop, salon, or school, the name and address
 635 of the owner, and the names and addresses of all instructors of the shop, salon, or school
 636 at the time of registration; and shall be accompanied by a registration fee in such amount
 637 as shall be set by the board by regulation. The board may require salon, shop, or school

638 owners to complete a board approved course covering health, sanitation, and safety, or
 639 rules and regulations of the board and applicable laws, or a combination thereof prior to
 640 issuing a registration to the owner. The board is authorized and directed to issue a
 641 certificate of registration to each shop, salon, or school so registering and paying such fee,
 642 which certificate shall be displayed in a conspicuous place in the registered shop, salon, or
 643 school.

644 43-10-12.

645 (a)(1) All schools of barbering, schools of cosmetology, schools of esthetics, schools of
 646 hair design, or schools of nail care shall:

647 (A) Cause to be registered with the board, at the time of opening, 15 bona fide
 648 students;

649 (B) Have not less than one instructor for every 20 students or a fraction thereof; ~~and~~

650 (C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of
 651 Hair Design,' 'School of Esthetics,' ~~or~~ 'School of Nail Care,' or 'School of Barbering' as
 652 the case may be; and all such signs shall also display the words 'Service by Students
 653 Only.' Where service is rendered by a student, no commissions or premiums shall be
 654 paid to such student for work done in the schools; nor shall any person be employed by
 655 the schools to render professional service to the public; and

656 (D) Provide transcripts to students upon graduation or withdrawal from the school
 657 provided all tuition and fees due to the school have been satisfied. Student records shall
 658 be maintained by the schools for a minimum of five years. If a school closes its
 659 business, the owner is required to provide copies of student records, including
 660 transcripts, to the Non-Public Postsecondary Education Commission within thirty days
 661 of the school closure.

662 (2) All schools of cosmetology, schools of hair design, schools of esthetics, ~~and~~ schools
 663 of nail care, and schools of barbering are required to keep in a conspicuous place in such
 664 schools a copy of the rules and regulations adopted by the board.

665 (3) All master barbers and master cosmetologists who take an apprentice pursuant to
 666 Code Section 43-10-14 shall file immediately with the board through the division director
 667 the name and age of such apprentice; and the board shall cause such information to be
 668 entered on a register kept by the division director for that purpose.

669 (b) Any person desiring to operate or conduct a school of cosmetology, school of hair
 670 design, school of esthetics, ~~or~~ school of nail care, or school of barbering prior to opening
 671 shall first secure from the board a permit to do so and shall keep the permit prominently
 672 displayed in the school.

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

676 (1) All schools of cosmetology shall be required to teach the following courses: theory,
 677 permanent and cold waving, hair coloring and bleaching, hair and scalp treatments, hair
 678 and scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb
 679 out, charm, reception, desk work, art and laboratory, facials, makeup and arching, skin
 680 care, nail care, state law, state rules and regulations, and any other subjects related to
 681 cosmetology and sanitation;

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

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

692 (4) All schools of barbering shall be required to teach the following courses: theory, hair
 693 and scalp treatments, shampooing and conditioning, shaving, coloring of hair, hair cutting
 694 and styling, facial hair design and waxing, permanent waving, relaxing, and chemical
 695 application.

696 (d)(1) The board shall have the right to suspend or revoke the certificate, permit, or
 697 license of or to reprimand any such school of cosmetology, school of esthetics, ~~or~~ school
 698 of hair design, school of nail care, school of barbering or instructor or teacher therein, for
 699 the violation of this chapter.

700 (2) The board shall have the same power and authority as to sanitary conditions over
 701 schools as it has over beauty shops, ~~and~~ beauty salons, and barber shops.

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

708 (2)(A) ~~A person~~ An individual desiring to teach at the master level shall satisfy the
 709 board that he or she:

710 (i) Holds a current ~~cosmetology license~~ master cosmetologist certificate of
 711 registration at the master level and is a high school graduate, has a general educational
 712 development (GED) diploma, or has a postsecondary education or college degree;

713 (ii) Has 750 hours of instructor training in cosmetology at a board approved school;
 714 and

715 (iii) Has one year of work experience ~~at the~~ as a master level cosmetologist.

716 (B) ~~A person~~ An individual holding a current ~~cosmetology license~~ master
 717 cosmetologist certificate of registration at the master level who is a high school
 718 graduate, has a general educational development (GED) diploma, or has a
 719 postsecondary education or college degree; who has completed the required board
 720 approved hours of continuing education; and has board approved work experience as
 721 an instructor or in education may, at the board's discretion, be permitted to take the
 722 written and the practical examination to become an instructor at the master level.

723 (3)(A) ~~A person~~ An individual desiring to teach at the esthetician level shall satisfy the
 724 board that he or she:

725 (i) Holds a current ~~cosmetology license level~~ certificate of registration as an
 726 esthetician or master cosmetologist and is a high school graduate, has a general
 727 educational development (GED) diploma, or has a postsecondary education or college
 728 degree;

729 (ii) Has 500 hours of board approved instructor training in esthetics of at least nine
 730 months;

731 (iii) Has one year of work experience ~~at the~~ as an esthetician or master ~~level~~
 732 cosmetologist; and

733 (iv) Has passed both a written and a practical examination to become an instructor
 734 in esthetics.

735 (B) ~~A person~~ An individual holding a current cosmetology ~~license~~ certificate of
 736 registration at the as an esthetician or master ~~level~~ cosmetologist who is a high school
 737 graduate, has a general educational development (GED) diploma, or has a
 738 postsecondary education or college degree; who has completed the required board
 739 approved hours of continuing education; and has board approved work experience as
 740 an instructor or in education may, at the board's discretion, be permitted to take the
 741 written and the practical examination to become an instructor at the esthetician level.

742 (4)(A) ~~A person~~ An individual desiring to teach at the nail technician level shall satisfy
 743 the board that he or she:

744 (i) Holds a current ~~cosmetology license~~ certificate of registration at the as a nail
 745 technician or master ~~level~~ cosmetologist and is a high school graduate, has a general

746 educational development (GED) diploma, or has a postsecondary education or college
 747 degree;

748 (ii) Has 250 hours of board approved instructor training in nail care of at least four
 749 months;

750 (iii) Has one year of work experience ~~at the~~ as a nail technician or master level
 751 cosmetologist; and

752 (iv) Has passed both a written and a practical examination to become an instructor
 753 in nail care.

754 (B) ~~A person~~ An individual holding a current ~~cosmetology license~~ certificate of
 755 registration at the as a nail technician or master level cosmetologist who is a high
 756 school graduate, has a general educational development (GED) diploma, or has a
 757 postsecondary education or college degree; who has completed the required board
 758 approved hours of continuing education; and has board approved work experience as
 759 an instructor or in education may, at the board's discretion, be permitted to take the
 760 written and the practical examination to become an instructor at the nail technician
 761 level.

762 (5)(A) ~~Reserved~~ An individual desiring to teach barbering shall satisfy the board that
 763 he or she:

764 (i) Holds a current certificate of registration as a master barber and is a high school
 765 graduate, has a general educational development (GED) diploma, or has a
 766 postsecondary education or college degree;

767 (ii) Has 750 hours of board approved instructor training in barbering; and

768 (iii) Has passed both a written and a practical examination to become an instructor
 769 in barbering.

770 (B) An individual holding a current certificate of registration as a master barber who
 771 is a high school graduate, has a general educational development (GED) diploma, or
 772 has a postsecondary education or college degree; who has completed the required board
 773 approved hours of continuing education; and has board approved work experience as
 774 an instructor or in education may, at the board's discretion, be permitted to take the
 775 written and the practical examinations to become an instructor for barbering.

776 (6)(A) ~~A person~~ An individual desiring to teach at the hair designer level shall satisfy
 777 the board that he or she:

778 (i) Holds a current ~~cosmetology license~~ certificate of registration at the as a hair
 779 designer or master level cosmetologist and is a high school graduate, has a general
 780 educational development (GED) diploma, or has a postsecondary education or college
 781 degree;

- 782 (ii) Has 750 hours of board approved instructor training in hair design of at least four
 783 months;
- 784 (iii) Has one year of work experience as a hair designer or master level
 785 cosmetologist; and
- 786 (iv) Has passed both a written and a practical examination to become an instructor
 787 in hair design.
- 788 (B) ~~A person~~ An individual holding a current ~~cosmetology license~~ certificate of
 789 registration at the ~~as a hair designer or master level~~ cosmetologist who is a high school
 790 graduate, has a general educational development (GED) diploma, or has a
 791 postsecondary education or college degree; who has completed the required board
 792 approved hours of continuing education; and has board approved work experience as
 793 an instructor or in education may, at the board's discretion, be permitted to take the
 794 written and the practical examinations to become an instructor at the hair designer level.
- 795 (7) Any teacher or instructor shall renew his or her ~~license~~ certificate of registration to
 796 teach ~~cosmetology biennially in odd years~~ in accordance with the rules and regulations
 797 of the division director governing expiration dates of certificates of registration by
 798 remitting with his or her application a renewal fee in such amount as shall be set by the
 799 board by regulation; provided, however, any teacher or instructor who fails to renew his
 800 or her certificate of registration to practice as a cosmetologist, esthetician, or nail
 801 technician on or before the date established by the board by regulation shall automatically
 802 have his or her ~~license~~ certificate of registration to teach or instruct suspended. A person
 803 failing to renew his or her ~~instructor's license within two years after~~ certificate of
 804 registration of a teacher or instructor at the end of the late renewal period following the
 805 expiration date shall be required to pay a reinstatement fee ~~after board review~~.
- 806 (8) Nothing in this Code section shall be construed as preventing ~~a person~~ an individual
 807 from obtaining a certificate of registration as teacher or instructor who is certified by the
 808 Department of Education to teach cosmetology in the state public schools. The
 809 certification is shall be limited to those ~~persons~~ individuals who hold a current
 810 ~~cosmetology license~~ certificate of registration as a master cosmetologist at the master
 811 ~~level~~ and also hold a diploma or certificate of 1,500 credit hours from a board approved
 812 school and have completed the three-year teachers training program required by the
 813 Department of Education. Such persons shall also pass both a written and a practical
 814 examination satisfactory to the board and, upon passage thereof, shall receive a ~~license~~
 815 certificate of registration to teach cosmetology.
- 816 (f) All teachers or instructors of cosmetology at all levels seeking renewal of ~~licenses~~
 817 certificates of registration are required to submit to the board proof of completion of 15

818 hours of continuing education in the cosmetology profession approved by the board at least
819 half of which consists of instruction in teaching methods.

820 43-10-13.

821 (a) The board shall have the right to set a course of study for all students of the schools of
822 cosmetology, schools of hair design, schools of esthetics, ~~and~~ schools of nail care, and
823 schools of barbering within this state.

824 (b) Before a student shall be eligible to take the examination provided for in Code Section
825 43-10-9, he or she shall first file with his or her application for examination a transcript
826 showing the number of hours and courses completed from the school or shop attended by
827 the student.

828 43-10-14.

829 (a) Nothing in this chapter shall prohibit any ~~person~~ individual at least 16 years of age
830 from learning the occupation of ~~cosmetology~~ a cosmetologist under a master cosmetologist,
831 provided that such cosmetologist has had at least 36 months' experience and has held a
832 certificate of registration as a master cosmetologist for at least 36 months. In addition,
833 nothing in this chapter shall prohibit any ~~person~~ individual at least 16 years of age from
834 learning the occupation of ~~cosmetology~~ a cosmetologist under an instructor in a school of
835 cosmetology who has been a cosmetologist for a period of at least one year and has
836 registered under this chapter. Nothing in this chapter shall prohibit any ~~person~~ individual
837 at least 16 years of age from learning the occupation of hair designer under a cosmetologist
838 holding a master cosmetologist certificate of registration or a ~~hair design~~ certificate of
839 registration as a hair designer, provided that such cosmetologist has had at least 36 months'
840 experience or, under an instructor in a school of cosmetology or school of hair design who
841 has held a certificate of registration as a cosmetologist for a period of at least one year, is
842 qualified to teach such practices and has registered under this chapter. Nothing in this
843 chapter shall prohibit any ~~person~~ individual at least 16 years of age from learning the
844 occupation of esthetics under a cosmetologist holding a master cosmetologist certificate
845 of registration or ~~an esthetician~~ a certificate of registration as an esthetician, provided that
846 such cosmetologist has had at least 36 months' experience or, under an instructor in a
847 school of cosmetology or school of esthetics who has held a certificate of registration as
848 a cosmetologist for a period of at least one year, is qualified to teach said practices and has
849 registered under this chapter. Nothing in this chapter shall prohibit any ~~person~~ individual
850 at least 16 years of age from learning the occupation of ~~a nail care or manicuring~~ technician
851 under a cosmetologist holding a master cosmetologist certificate of registration or a nail
852 technician certificate of registration, provided that such cosmetologist has had at least 36

853 months' experience or, under an instructor in a school of cosmetology or school of nail care
 854 who has ~~been a licensed~~ held a certificate of registration as a cosmetologist for a period of
 855 at least one year, is qualified to teach such practices and has registered under this chapter.
 856 ~~Any person registered as an apprentice under this Code section on June 30, 1997, shall be~~
 857 ~~eligible to continue such apprenticeship under the person from whom that apprentice was~~
 858 ~~learning the occupation of cosmetology, hair design, esthetics, or nail care or manicuring~~
 859 ~~at the time of registration notwithstanding that the person under whom the apprentice was~~
 860 ~~learning such occupation does not meet the 36 months' experience otherwise required by~~
 861 ~~this Code section.~~ Nothing in this chapter shall prohibit any individual at least 16 years of
 862 age from learning barbering under a barber holding a master barber certificate of
 863 registration, provided that such master barber has had at least 18 months' experience or
 864 under an instructor in a school of barbering who has held a certificate of registration as a
 865 master barber for a period for at least one year, is qualified to teach said practices, and has
 866 registered under this chapter.

867 (b) Every beauty shop, beauty salon, and barber shop owner shall have the responsibility
 868 for registering apprentices with the division director. The shop of salon owner shall file
 869 a statement in writing, showing the apprentice's name and the address of the shop. The
 870 board shall have the authority to require the shop or salon owner or master cosmetologist,
 871 hair designer, esthetician, nail technician, or master barber who is supervising the
 872 apprentice to furnish to the board the number of hours completed by the apprentice. The
 873 shop or salon owner shall remit to the division director a fee in such amount as shall be set
 874 by the board by regulation for the registration of the apprentice. The apprentice shall
 875 receive a certificate of registration showing the capacity in which he or she is permitted to
 876 practice ~~cosmetology~~ barbering or the occupation of a cosmetologist. The certificate of
 877 registration shall be effective for a period of ~~two~~ four years ~~and may be renewed at the end~~
 878 ~~of such period upon the filing of an application on forms furnished by the division director~~
 879 ~~and the payment of a renewal fee in such amount as shall be set by the board by regulation.~~
 880 A certificate of registration authorizing a person to learn barbering or the occupation of
 881 ~~cosmetology~~ a cosmetologist under a cosmetologist, master cosmetologist, hair designer,
 882 esthetician, nail technician, or master barber shall not be renewed ~~more than one time~~; and,
 883 upon the expiration of ~~the last~~ certificate of registration issued, such person shall not be
 884 permitted to practice in any capacity.

885 ~~(b)(c)~~ Notwithstanding any other provisions of this Code section, the board shall be
 886 authorized to waive any education requirements under this Code section in cases of
 887 hardship, disability, or illness or under such other circumstances as the board deems
 888 appropriate with respect to any applicant who was enrolled in a board approved school or
 889 had completed a board approved study course ~~as of June 30, 2000.~~

890 43-10-15.

891 (a) The board, acting upon its own knowledge or written or verified complaint filed by any
892 person, shall have the power to reprimand or power to suspend, revoke, or cancel the
893 certificate of registration of or refuse to grant, renew, or restore a certificate of registration
894 to a holder of any certificate of registration issued pursuant to this chapter upon proof of
895 any one of the following grounds:

896 (1) Willfully committing any false, fraudulent, or deceitful act or using any forged, false,
897 or fraudulent document in connection with any requirement of this chapter or the rules
898 and regulations of the board;

899 (2) Willfully failing at any time to comply with the requirements for a certificate of
900 registration under this chapter;

901 (3) Practicing ~~cosmetology~~ barbering or the occupation of a cosmetologist under a false
902 or assumed name;

903 (4) Willfully permitting an unlicensed person to practice, learn, or teach ~~cosmetology~~
904 barbering or the occupation of a cosmetologist;

905 (5) Knowingly performing an act which in any way assists an unlicensed person to
906 practice, learn, or teach ~~cosmetology~~ barbering or the occupation of a cosmetologist; or

907 (6) Violating, directly or indirectly, or assisting in the violation of this chapter or any rule
908 or regulation of the board.

909 (b) The board may impose a fine not to exceed \$500.00 for each violation of any provision
910 of subsection (a) of this Code section; provided, however, that the board shall not, for any
911 violation of paragraph (6) of subsection (a) of this Code section on grounds not set forth
912 in paragraphs (1) through (5) of such subsection, impose a fine for the first violation in an
913 amount that exceeds \$25.00, impose a fine for a second violation in an amount that exceeds
914 \$75.00, or impose a fine for each subsequent violation in an amount that exceeds \$300.00.
915 Such fines shall be listed in a schedule contained in the rules and regulations of the board.
916 The licensee shall pay the fine within 30 days after receiving ~~written notification~~ a citation
917 from either the board or a representative of the board unless the licensee requests in writing
918 a hearing ~~before the board~~. Such request for a hearing must be received by the board
919 within 30 days after receipt of the ~~written notification~~ citation from the board or a
920 representative of the board. Such hearings may be held by the board or a committee of the
921 board. Decisions of a committee of the board entered pursuant to this paragraph shall be
922 final decisions of the board. Failure either to pay the fine or request a hearing ~~shall~~ may
923 result in immediate suspension of the license pending a hearing to determine whether
924 revocation or other disciplinary action should be imposed on the licensee.

925 (c) The board, for good cause shown and under such conditions as it may prescribe, may
926 restore a certificate of registration to any person, beauty shop, ~~or beauty salon,~~ barber shop,

927 or school ~~or college~~ of cosmetology, school of hair design, school of esthetics, school of
 928 nail care, or school of barbering whose certificate of registration has been suspended,
 929 revoked, or canceled.

930 (d) Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall apply to any
 931 proceeding under this Code section.

932 43-10-16.

933 The board may bring an action to enjoin any person, firm, or corporation from engaging
 934 in barbering or the occupation of ~~cosmetology~~ a cosmetologist if such person, ~~firm, or~~
 935 ~~corporation~~, without being licensed or registered to do so by the board, engages in or
 936 practices barbering or the occupation of cosmetology. The action shall be brought in the
 937 county in which such ~~person~~ individual resides or, in the case of a firm or corporation,
 938 where the firm or corporation maintains its principal office; and, unless it appears that such
 939 person, firm, or corporation so engaging or practicing ~~cosmetology~~ in barbering or the
 940 practice of a cosmetologist is licensed or registered, the injunction shall be issued, and such
 941 person, ~~firm, or corporation~~ shall be perpetually enjoined from engaging or practicing in
 942 such activities throughout the state. It shall not be necessary in order to obtain the equitable
 943 relief provided in this Code section for the board to allege and prove that there is no
 944 adequate remedy at law. It is declared that the unlicensed activities referred to in this Code
 945 section are a menace and a nuisance dangerous to the public health, safety, and welfare.

946 43-10-17.

947 Notwithstanding any other provision of this chapter, a beauty shop, ~~or beauty salon,~~ and
 948 barber shop shall be authorized to employ persons to wash, shampoo, comb, and brush hair,
 949 and such persons shall not be required to be registered by the board.

950 43-10-18.

951 (a) Nothing contained in this chapter nor any rule or regulation adopted in implementation
 952 hereof shall be construed to prohibit any person from operating a beauty shop, beauty salon
 953 or barber shop within his or her home or residence, provided that such shop meets and
 954 complies with all of the provisions of this chapter and the rules and regulations
 955 promulgated by the board.

956 (b) It shall not be necessary for any person operating a beauty shop, beauty salon, or barber
 957 shop in a private home to post a sign denoting same to be a beauty shop, beauty salon, or
 958 barber shop unless the person elects to do so.

959 43-10-18.1.

960 ~~A beauty shop or salon licensed under this chapter shall be authorized to employ a barber~~
 961 ~~licensed under Chapter 7 of this title. A beauty shop or salon employing such a barber shall~~
 962 ~~not be subject to the licensure provisions of Chapter 7 of this title Reserved.~~

963 43-10-18.2.

964 Notwithstanding any other provision of this chapter, premises made available for a beauty
 965 shop, beauty salon, or barber shop within a facility licensed as a nursing home pursuant to
 966 Article 1 of Chapter 7 of Title 31 shall not be required to be licensed or registered as a
 967 beauty shop, beauty salon, or barber shop under this chapter, or otherwise be subject to any
 968 provisions of this chapter except for inspections, investigations, or both, for alleged
 969 violations of this chapter by any person licensed under this chapter, if barbering or
 970 cosmetologist services in such premises are rendered only to residents of the nursing home.

971 43-10-18.3.

972 (a) Notwithstanding any other provision of this chapter, ~~cosmetology~~ barbering or
 973 cosmetologist services may be performed by a ~~licensed~~ registered cosmetologist, master
 974 barber, or barber II in a client's residence, a nursing home, an assisted living community
 975 a personal care home, or a hospital, or similar facilities when the client for reasons of ill
 976 health, infirmity, or other physical disability is unable to go to the licensed beauty shop, ~~or~~
 977 salon, or barber shop for regular ~~cosmetology~~ barbering or cosmetologist services.

978 (b) The board is authorized to adopt reasonable rules and regulations prescribing
 979 requirements and conditions for the performance of the services authorized in subsection
 980 (a) of this Code section.

981 43-10-19.

982 (a) If any person not lawfully entitled to a certificate of registration under this chapter shall
 983 practice the occupation of a barber or cosmetologist; or if any such person shall endeavor
 984 to learn the trade of a barber or cosmetologist by practicing the same under the instructions
 985 of a barber or cosmetologist or other person, other than as provided in this chapter; or if
 986 any such person shall instruct or attempt to instruct any person in such trade; or if any
 987 proprietor of or person in control of or operating any beauty shop, beauty salon, school of
 988 cosmetology, school of hair design, school of esthetics, ~~or school of nail care, or school of~~
 989 barbering shall knowingly employ for the purpose of practicing such occupation any barber
 990 or cosmetologist not registered under this chapter; or if any person, beauty shop, salon,
 991 barber shop, or school of cosmetology, school of hair design, school of esthetics, school
 992 of nail care, or school of barbering shall engage in any of the acts covered in this chapter

993 though not registered under the provisions of this chapter; or if any person shall falsely or
 994 fraudulently pretend to be qualified under this chapter to practice or learn such trade or
 995 occupation; or if any person shall violate any provision of the chapter for which a penalty
 996 is not specifically provided, ~~he or she~~ such person shall be guilty of a misdemeanor.

997 (b) Any person who operates or manages a beauty shop, salon, barber shop, or school of
 998 cosmetology, school of hair design, school of esthetics, school of nail care, or school of
 999 barbering that employs ~~a person~~ an individual who does not possess a license as provided
 1000 in this chapter shall be guilty of a misdemeanor.

1001 43-10-20.

1002 (a) For the purposes of this chapter, the teachers and instructors of and courses of
 1003 instruction or training in ~~cosmetology barbering or the practice of a cosmetologist~~ operated
 1004 by the Department of Corrections shall be considered to be subject to the same standards
 1005 and to be part of the ~~cosmetology~~ cosmetologist programs that are approved by the
 1006 Technical College System of Georgia or the Department of Education as provided for by
 1007 paragraphs ~~(10), (11), (13), and (14)~~ through (18) of Code Section 43-10-1 and paragraph
 1008 (8) of subsection (e) of Code Section 43-10-12.

1009 (b) The board shall be required to test an inmate who is an applicant for a certificate or
 1010 registration under this chapter who has completed successfully a ~~cosmetology barber or~~
 1011 cosmetologist training program operated by the Department of Corrections and who meets
 1012 the requirements stated in Code Section 43-10-9. If such inmate passes the applicable
 1013 written and practical examinations, the board may issue the appropriate certificate of
 1014 registration to such inmate after consideration of all requirements under Code Sections
 1015 43-10-9 and 43-1-19; provided, however, that the board shall not apply the provisions of
 1016 paragraph (4) of subsection (a) of Code Section 43-1-19 to such inmate based solely upon
 1017 such person's status as an inmate and shall apply such provisions in the same manner as
 1018 would otherwise be applicable to an applicant who is not an inmate."

1019 **SECTION 3.**

1020 All laws and parts of laws in conflict with this Act are repealed.