

A teleconference meeting of the Georgia State Board of Cosmetology was conducted on Thursday – September 28, 2006.

Those present were:

From The Board

Cynthia Stein, Vice – Chairperson
Wanda Brooks
Betty Carlisle
Kay Kendrick
Evelyn Reid
John Siggers
Don Westbrook

From The Staff

Tanja Battle, Deputy Division Director
Janet Jackson, Assistant Attorney General
Annette Wimberly, Board Secretary
Angel Price, Investigative Assistant

Cynthia Stein called the meeting to order at 10:00 am.

Cynthia Stein called for discussion of rule revisions.

Wanda Brooks moved, Kay Kendrick seconded, and the Board voted unanimously to post rule 130-4-.01 as follows:

130-4-.01 Quarters Facilities. Amended.

(1) All ~~establishments~~ facilities (salons/shops or schools) wherein cosmetology services ~~is~~ are practiced or taught within the State of Georgia must provide suitable quarters equipped to give adequate services, subject to inspection by ~~constituted~~ representatives of the Georgia State Board of Cosmetology.

(2) A beauty ~~establishment~~ facility shall have a permanent and definite location in which the ~~profession of~~ cosmetology professions of master cosmetologist, hair designer, nail technician, and/or esthetician, ~~manicuring or esthetics is~~ are practiced in accordance with the laws and rules and regulations of the Georgia State Board of Cosmetology. All mobile units, including kiosks, carts, mobile homes, trailers, and motor homes, shall not be licensed as ~~manicurist, esthetician or beauty~~ salons/shops unless they meet all requirements of ~~this~~ the Board and are permanently anchored on the ground with wheels detached.

Authority Ga.L 1963, Sect. 5, p. 47. **History.** Original Rule entitled "Quarters" was filed on June 30, 1965. n O.C.G.A. §§ 43-10-.02, 43-10-.06, 43-10-.08

~~Amended:~~ Filed March 17, 1969; effective April 5, 1969. ~~Amended:~~ Rule repealed and a new Rule of the same title adopted. Filed February 25, 1986; effective March 17, 1986. ~~Amended:~~ F. Oct. 20, 1995; eff. Nov. 9, 1995.

130-4-.01 Facilities. Amended.

(1)All facilities (salons/shops or schools)wherein cosmetology services are practiced or taught within the State of Georgia must provide suitable quarters equipped to give adequate services, subject to inspection by representatives of the Georgia State Board of Cosmetology.

(2)A beauty facility shall have a permanent and definite location in which the cosmetology professions of master cosmetologist, hair designer, nail technician, and/or esthetician, are practiced in accordance with the laws and rules of the Georgia State Board of Cosmetology. All mobile units, including kiosks, carts, mobile homes, trailers, and motor homes, shall not be licensed as salons/shops unless they meet all requirements of the Board and are permanently anchored on the ground with wheels detached.
Authority Ga.L 1963,Sect.5,p.47. **O.C.G.A. §§43-10-.02, 43-10-.06, 43-10-.08**

Kay Kendrick moved, Betty Carlisle seconded, and the Board voted unanimously to post rule 130-4-.02 as follows:

130-4-.02 Use of Premises Facility for Home Salon/Shop Domestic Purposes.Amended.

Space used for a cosmetology facility must be separated by tight, ceiling high partitions from residence rooms and must have separate restrooms. The cosmetology facility shall have a separate outside entrance. Separate space must be provided for a cosmetology establishment facility.The use of any such space for sleeping, dining or any other domestic purpose is prohibited.

Authority Ga.L.1963,Sect.5,p.47.~~History.Original Rule entitled "Use of Premises for Domestic~~

~~Purposes"was filed on June 30,1965.Amended:Filed March 17,1969;effective April 5,1969.~~

~~Amended:Rule repealed and a new Rule of the same title adopted.Filed February 25,1986;effective~~

~~March 17,1986.-O.C.G.A. §§43-10-.02, 43-10-.06, 43-10-.08~~

130-4-.02 Use of Facility for Home Salon/Shop Amended.

Space used for a cosmetology facility must be separated by tight, ceiling high partitions from residence rooms and must have separate restrooms. The cosmetology facility shall have a separate outside entrance. Separate space must be provided for a cosmetology facility. The use of any such space for sleeping, dining or any other domestic purpose is prohibited.

Authority Ga.L.1963,Sect.5,p.47.**O.C.G.A. §§43-10-.02, 43-10-.06, 43-10-.08**

Kay Kendrick moved, Evelyn Reid seconded, and the Board voted unanimously to post rule 130-4-.03 as follows:

130-4-.03 Premises Facilities (salon/shop/school).Amended.

Space used for a cosmetology establishment facility must be separated by tight, ceiling high partitions from residence rooms.

Authority **O.C.G.A. §43-10-.02, 43-10-.06**-Ga.L.1963,Sect.p.47.~~History.Original Rule entitled "Premises"was filed on June 30,1967.~~

~~Amended: Filed March 17, 1969; effective April 5, 1969. Amended: Rule repealed and a new Rule of the same title adopted. Filed February 25, 1986; effective March 17, 1986.~~

130-4-.03 Facilities (salon/shop/school). Amended.

Space used for a cosmetology establishment facility must be separated by tight, ceiling high partitions from residence rooms.

Authority **O.C.G.A. §43-10-.02, 43-10-.06**

Wanda Brooks moved, Evelyn Reid seconded, and the Board voted unanimously to post rule 130-4-.04 as follows:

130-4-.04 Cleanliness. Amended.

Walls, ceiling, floors, furniture and equipment must be kept free from dust, dirt and debris. All equipment must be kept in good and safe working condition at all times.

Authority **O.C.G.A. §43-10-.02, 43-10-.06** ~~10~~ Ga.L. 1963, Sect. 5, p. 47. **History.** Original Rule entitled "Cleanliness" was filed on June 30,

~~1965. Amended: Filed March 17, 1969; effective April 5, 1969. Amended: Rule repealed and a new Rule~~

~~of the same title adopted. Filed February 25, 1986; effective March 17, 1986.~~

130-4-.04 Cleanliness. Amended.

Walls, ceiling, floors, furniture and equipment must be kept free from dust, dirt and debris. All equipment must be kept in good and safe working condition at all times.

Authority **O.C.G.A. §43-10-.02, 43-10-.06**

Kay Kendrick moved, Evelyn Reid seconded, and the Board voted unanimously to post rule 130-4-.05 as follows:

130-4-.05 Plumbing, Hot and Cold Water .Amended.

Each establishment facility must have proper toilet and plumbing facilities and an adequate supply of hot and cold running water in accordance with recognized health standards.

Authority **O.C.G.A. §§43-10-.02, 43-10-.06** Ga.L. 1963, Sect. 5, p. 47. **History.** Original Rule entitled "Plumbing, Hot and Cold Water" was filed on June 30, 1965. **Amended:** Filed ~~March 17, 1969; effective April 5, 1969. Amended: Rule repealed~~

130-4-.05 Plumbing, Hot and Cold Water .Amended.

Each facility must have proper toilet and plumbing facilities and an adequate supply of hot and cold running water in accordance with recognized health standards.

Authority **O.C.G.A. §§43-10-.02, 43-10-.06**

John Siggers moved, Wanda Brooks seconded, and the Board voted unanimously to post rule 130-4-.06as follows:

130-4-.06 Apprentices. Amended.

No cosmetology ~~shop or salon~~ salon/shop shall have in training more than one apprentice for each ~~cosmetologist~~ person licensed at the master cosmetologist, hair designer esthetician or ~~manicurist~~ nail technician level. More than one apprentice is permissible if affirmatively shown to the Georgia State Board of Cosmetology that the apprentice will be denied the opportunity of learning the profession of cosmetology, hair design, esthetics, or nail technology provided that the burden of proof shall be upon the person or persons seeking to show the opportunity to learn the profession has been denied.

- (1) Each apprentice shall be trained and supervised by one master cosmetologist as shown on the apprentice's registration filed with the Board by the salon/shop owner/manager.
- (2) The salon/shop owner/manager may temporarily designate a qualified master to train and supervise the apprentice in the absence of the master licensee who is registered with the Board as being the master responsible for training the apprentice. The temporarily designated master shall have at least 36 months experience and shall have held a certificate of a master for at least 36 months as required by O.C.G.A. §43-10-14(a). The burden of proof for establishing that circumstances exist which require assigning an apprentice to another licensed and qualified master on a temporary basis shall be deemed to have been met if the training master is absent from the salon/shop for a limited duration of time. Such time periods include, but are not limited to, illness, jury duty, military leave, absences for personal business or travel, vacation, temporary leave of absence from work, or a leave under the federal "Family and Medical Leave Act".
- (3) Any apprentice training hours obtained at a location other than the salon/shop registered with the Board as the apprentice's training salon/shop shall not be counted toward the number of hours required for examination and licensing.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-9, and 43-10-.14. ~~History. Original Rule was filed on May 23, 1969; effective July 2,~~

~~1969, as specified by the Agency. Amended: Filed September 12, 1969; effective October 21, 1969, as~~

~~specified by the Agency. Amended: Filed January 23, 1975; effective February 12, 1975. Amended: Filed~~

~~September 15, 1978; effective October 5, 1978. Amended: Rule repealed and Emergency Rule~~

~~130-4-0.4-.06 adopted. Filed on April 11, 1983; effective April 5, 1983, the date of adoption, to remain in~~

~~effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject~~

~~matter superseding this Emergency Rule, as specified by the Agency (Emergency Rule 130-4-0.4-.06~~

expired on August 2, 1983.) ~~Amended: Rule repealed and a new Rule of the same title adopted. Filed~~

August 11, 1983; effective August 31, 1983. ~~Amended: Rule repealed and a new Rule of the same title~~

~~adopted. Filed February 25, 1986; effective March 17, 1986.~~

130-4-.06 Apprentices. Amended.

No cosmetology salon/shop shall have in training more than one apprentice for each person licensed at the master cosmetologist, hair designer esthetician or nail technician level. More than one apprentice is permissible if affirmatively shown to the Georgia State Board of Cosmetology that the apprentice will be denied the opportunity of learning the profession of cosmetology, hair design, esthetics, or nail technology provided that the burden of proof shall be upon the person or persons seeking to show the opportunity to learn the profession has been denied.

(1) Each apprentice shall be trained and supervised by one master cosmetologist as shown on the apprentice's registration filed with the Board by the salon/shop owner/manager.

(2) The salon/shop owner/manager may temporarily designate a qualified master to train and supervise the apprentice in the absence of the master licensee who is registered with the Board as being the master responsible for training the apprentice. The temporarily designated master shall have at least 36 months experience and shall have held a certificate of a master for at least 36 months as required by O.C.G.A. §43-10-14(a). The burden of proof for establishing that circumstances exist which require assigning an apprentice to another licensed and qualified master on a temporary basis shall be deemed to have been met if the training master is absent from the salon/shop for a limited duration of time. Such time periods include, but are not limited to, illness, jury duty, military leave, absences for personal business or travel, vacation, temporary leave of absence from work, or a leave under the federal "Family and Medical Leave Act".

(3) Any apprentice training hours obtained at a location other than the salon/shop registered with the Board as the apprentice's training salon/shop shall not be counted toward the number of hours required for examination and licensing.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-9, and 43-10-.14.

Evelyn Reid moved, Wanda Brooks seconded, and the Board voted unanimously to post rule 130-4-.07 as follows:

130-4-.07 Employment of Barbers in Cosmetology ~~Shops or Salons~~ Salons/Shops.

Amended.

(1) A person holding a current Georgia Master Barber License may be employed in a cosmetology ~~shop or salon~~ salon/shop without ~~shop or salon~~ salon/shop having a barber shop license.

(2) A licensed master barber shall not train an apprentice barber in a cosmetology ~~shop or salon~~ salon/shop.

Authority O.C.G.A. Sec. §§43-10-2, 43-10-18.1. ~~History. Original Rule entitled~~

~~"Employment of Barbers in~~

~~Cosmetology Shops or Salons" was filed on February 25, 1986; effective March 17, 1986.~~

130-4-.07 Employment of Barbers in Cosmetology Salons/Shops. Amended

(1) A person holding a current Georgia Master Barber License may be employed in a

cosmetology salon/shop without salon/shop having a barber shop license.

(2)A licensed master barber shall not train an apprentice barber in a cosmetology salon/shop.

Authority O.C.G.A Sec.§§43-10-2, 43-10-18.1.

Kay Kendrick moved, Wanda Brooks seconded, and the Board voted unanimously to post rule 130-4-.08as follows:

130-4-.08 Posting of Licenses, Rules, Reports and Citations Inspection Reports.
Amended

(1)Each ~~shop or salon~~ salon/shop shall post in an ~~conspicuous place~~ open area the current ~~salon or shop~~ salon/shop license issued to them by the Georgia State Board of Cosmetology-, or a current copy of the online verification of licensure.

(2)Each person employed in ~~shop or salon~~ the salon/shop shall post, ~~at their work stations in an open area,~~ the current license/permit issued to them by the Georgia State Board of Cosmetology or the Georgia State Board of Barbers-, or a current copy of the online verification of licensure.

(3)~~Shops or salons~~ Salons/Shops shall have posted in an open area at all times a copy of the most recent inspection report, ~~or citation.~~

(4)~~Shops or salons~~ Salons/Shops shall comply with rules for sanitation, health and disinfectants in Chapter 130-5 of the Rules of Georgia State Board of Cosmetology.

(5)Sanitary rules and regulations governing salons or shops in the State of Georgia shall be posted in an open area ~~conspicuous place~~ in the ~~shop or salon~~ salon/shop so as to be easily read by customers.

Authority O.C.G.A.Sec. §§43-10-02, 43-10-.06, 48-10-11. ~~History.Original Rule entitled "Posting of Licenses" was filed on~~

~~February 25,1986;effective March 17,1986.Repealed:New Rule entitled "Posting of Licenses, Rules,~~

~~Reports and Citations" adopted.F.Jul.20,1993;eff.Aug.9,1993.~~

130-4-.08 Posting of Licenses, Rules, Reports and Inspection Reports. Amended

(1)Each salon/shop shall post in open area the current salon/shop license issued to them by the Georgia State Board of Cosmetology, or a current copy of the online verification of licensure.

(2)Each person employed in the salon/shop shall post, in an open area, the current license/permit issued to them by the Georgia State Board of Cosmetology or the Georgia State Board of Barbers, or a current copy of the online verification of licensure.

(3) Salons/Shops shall have posted in an open area at all times a copy of the most recent inspection report.

(4) Salons/Shops shall comply with rules for sanitation, health and disinfectants in Chapter 130-5 of the Rules of Georgia State Board of Cosmetology.

(5)Sanitary rules and regulations governing salons or shops in the State of Georgia shall be posted in an open area in the salon/shop so as to be easily read by customers.

Authority O.C.G.A.Sec. §§43-10-02, 43-10-.06, 48-10-11.

Kay Kendrick moved, Wanda Brooks seconded, and the Board voted unanimously to post rule 130-5-.03 as follows:

130-5-.03 Sterilization. Amended.

The use ~~on any patron~~ of any article that is not properly cleansed and sterilized on any patron is prohibited. Hands must be properly cleansed and ~~sterilized~~ sanitized prior to servicing each client.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-6. ~~History. Original Rule entitled “Sterilization” adopted. F. Feb. 25, 1986;~~

~~eff. Mar. 17, 1986. Repealed: New Rule of same title adopted. F. July 20, 1993; eff. Aug. 9, 1993.~~

130-5-.03 Sterilization. Amended

The use of any article that is not properly cleansed and sterilized on any patron is prohibited. Hands must be properly cleansed and sanitized prior to servicing each client.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-6.

Wanda Brooks moved, Evelyn Reid seconded, and the Board voted unanimously to post rule 130-5-.04 as follows:

130-5-.04 Waste and Garbage. Amended.

All waste material must be removed daily. Garbage shall be stored in a covered, washable container and shall not be left in the establishment overnight. Each ~~establishment~~ facility must be free from stale food and soiled dishes.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-6. ~~History. Original Rule entitled “Waste and Garbage” adopted. F. Feb.~~

~~25, 1986; eff. Mar. 17, 1986. Repealed: New Rule of same title adopted. F. July 20, 1993; eff. Aug. 9, 1993.~~

130-5-.04 Waste and Garbage. Amended.

All waste material must be removed daily. Garbage shall be stored in a covered, washable container and shall not be left in the establishment overnight. Each facility must be free from stale food and soiled dishes.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-6.

Wanda Brooks moved, Betty Carlisle seconded, and the Board voted unanimously to post rule 130-5-.06 as follows:

130-5-.06 Storage of Preparations. Amended

Creams, lotions and other cosmetics for use on patrons must be kept in sanitary, closed containers.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-6. ~~History. Original Rule entitled “Storage of Preparations” adopted. F. Feb. 25, 1986; eff. Mar. 17, 1986.~~

130-5-.06 Storage of Preparations. Amended

Creams, lotions and other cosmetics for use on patrons must be kept in sanitary, closed containers. Authority O.C.G.A. Sec. §§43-10-.02, 43-10-6.

Kay Kendrick moved, Betty Carlisle seconded, and the Board voted unanimously to post rule 130-5-.07 as follows:

130-5-.07 Pets. Amended

It shall be unlawful to allow pets in cosmetology ~~establishments~~ facilities. Pets shall not be allowed in facilities, with the exception of animals for handicapped patrons.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-6. ~~History. Original Rule entitled “Pets” adopted. F. Feb. 25, 1986; eff. Mar. 17, 1986.~~

130-5-.07 Pets. Amended

It shall be unlawful to allow pets in cosmetology facilities. Pets shall not be allowed in facilities, with the exception of animals for handicapped patrons.

Authority O.C.G.A. Sec. §§43-10-.02, 43-10-6.

Kay Kendrick moved, Evelyn Reid seconded, and the Board voted unanimously to post rule 130-5-.09 as follows:

130-5-.09 Protective Clothing. Amended

Cosmetologists, hair designers, nail technicians, and estheticians in Georgia are required to abide by all federal and state laws for cosmetology, hair design, nail care, and esthetics. The professions of cosmetology, hair design, nail technology and esthetics are subject to the guidelines and rules promulgated by The Occupational Safety and Health Administration (OSHA) of the United States government. Cosmetologists, hair designers, nail technicians, estheticians are also subject to the provisions of O.C.G.A. §43-1-19. Practitioners of the cosmetology profession in Georgia shall wear appropriate protective clothing for clinical services to prevent occupational exposure to potential infectious materials. Appropriate clothing shall include, but not be limited to, clinical jackets, gloves and/or similar outer garments for the protection from infectious or harmful materials.

Authority O.C.G.A. Secs. 43-10-2, 43-10-6, 43-10-9. ~~History. Original Rule entitled “Protective Clothing” adopted. F. May 10, 1993; eff. May 30, 1993. Repealed: New Rule of same title adopted. F. May 11, 2006; eff. May 31, 2006.~~

130-5-.09 Protective Clothing. Amended

Cosmetologists, hair designers, nail technicians, and estheticians in Georgia are required to abide by all federal and state laws for cosmetology, hair design, nail care, and esthetics. The professions of cosmetology, hair design, nail technology and esthetics are subject to the guidelines and rules promulgated by The Occupational Safety and Health Administration (OSHA) of the United States government. Cosmetologists, hair designers, nail technicians, estheticians are also subject to the provisions of O.C.G.A. §43-1-19. Practitioners of the cosmetology profession in Georgia shall wear appropriate protective clothing for clinical services to prevent occupational exposure to potential infectious materials. Appropriate clothing shall include, but not be limited to, clinical jackets,

gloves and/or similar outer garments for the protection from infectious or harmful materials.

Authority O.C.G.A. Secs. 43-10-2, 43-10-6, 43-10-9.

Kay Kendrick moved, Wanda Brooks seconded, and the Board voted unanimously to post rule 130-7-.03 as follows:

130-7-.03 Annual License Renewal Fee of Shampoo License.

~~(1) License renewal fee for a shampoo license shall be \$10.00 annually if submitted by date of expiration; \$20.00 if submitted within six (6) months of expiration date.~~

~~(2) Failure to renew license within six (6) months of expiration date shall have the same effect as a revocation of license. Licenses not renewed within six (6) months of expiration are not subject to renewal but must be considered by the Board for reinstatement.~~

~~Authority O.C.G.A. Sec. 43-10-17. **History.** Original Rule entitled "Annual License Renewal Fee of~~

~~Shampoo License" was filed on February 25, 1986; effective March 17, 1986. Repealed~~

130-7-.03 Repealed

Kay Kendrick moved, Wanda Brooks seconded, and the Board voted unanimously that the formulation and adoption of these rules does not impose excessive regulatory cost on any license and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplished the objectives of the Cosmetology Board statutes, and that it is not legal or feasible to meet the objectives of the Cosmetology Board statutes to adopt or implement differing actions for business as listed at O.C.G.A. §50-13-4(3)(A), (B), (C), & (D), and that the formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned, and operated in the field of cosmetology, hair design, nail technology, and esthetics.

New Business

Kay Kendrick informed Board members that the Region 1 & 2 NIC convention is scheduled to be conducted in Savannah, Georgia the first week in May. She asked the members who were present if they would want to attend the conference. Members who affirmed that they would attend were: Cynthia Stein, John Siggers, Don Westbrook, Kay Kendrick, Betty Carlisle, and Evelyn Reid. Ms. Kendrick requested that Martha Harris and Michelle Turley be contacted for a response.

The meeting was adjourned at 11:00 am.

Cynthia Stein – Vice Chairperson
The Georgia State Board of Cosmetology

Mollie Fleeman – Division Director
The Professional Licensing Boards