

**GEORGIA STATE BOARD OF BARBERS  
BOARD MEETING  
December 15, 2014  
Professional Licensing Boards  
237 Coliseum Drive  
Macon, GA 31217**

The Georgia State Board of Barbers met on December 15, 2014 at the Professional Licensing Boards, 237 Coliseum Drive, Macon, GA 31217.

**Members Present:**

- David Jones, Chairperson
- Virgil Ergle, Vice Chairperson
- Darrell Bullock
- Richard Mullis
- Charles Manning

**Staff Present:**

- Lisa Durden, Division Director
- Charles Harper, Legislative Liaison
- Steve Lindsey, Executive Director
- Debra Helms, Licensing Supervisor
- Beth Duffey, Board Support
- Scott Forbes, Assistant Attorney General

Chairperson, David Jones established a quorum was present and called the meeting to order at 9:03 a.m. The purpose of the meeting was to discuss potential legislation to combine the Barber and Cosmetology Boards and to update some language in the practice acts. The Board met with Lisa Durden, Charles Harper, and Scott Forbes until 10:15 a.m. when the Barber Board joined the Georgia Board of Cosmetology to have a joint discussion on the issue. Following much discussion, Richard Mullis made a motion to move forward with proposed legislation, Virgil Ergle seconded, and the Board voted unanimously to move forward with the proposed legislation recommending the following changes:

1. Ten Member Board: 2 Barbers, 2 Master Cosmetologists, 1 Nail Technician, 1 Esthetician, 1 Barber Instructor, 1 Cosmetology Instructor, and 2 Consumer Members.
2. Add an additional Barber license type: Barber II that would only do haircuts, styles, and shaves. This license type would not use chemicals.
3. Give new board one year to combine their rules. Current rules for the separate boards will be followed until the board can promulgate its rules.
4. Shops – New definition to clarify that mobile salons, kiosks, mobile homes, etc. are not allowable unless they meet Board requirements and are a permanent fixture.

5. Shops - There can be one type of salon or shop license. Currently, we receive calls from people wanting to know which type of license they need to apply for. Some shops hold both barber and cosmetology shop licenses. When inspectors visit the shops and find a violation, they are confused as to which shop license to cite; sometimes, both licenses will get cited. Also, cosmetology apprentices cannot work in barber shops, and barber apprentices cannot work in cosmetology shops. This would allow apprentices to work in either shop as long as they were supervised by the appropriately licensed supervisor.
6. Shops – Braiding and Weaving shops would require a salon/shop license. Individuals performing only braiding or weaving services would not be required to hold an individual license.
7. Additions to definitions for estheticians, nail techs, and cosmetologists were added by the Cosmetology Board.
8. Reciprocity changed to endorsement to allow the Board to accept a license from another state without requiring a reciprocal agreement with that state.
9. Barber applicants will have to have a high school diploma or GED for licensure, just as cosmetologists do.
10. Barber licensees will be required to obtain 5 hours of Continuing Education (CE) every two years, just as cosmetologists do. The requirement for master barbers to obtain CE may begin with the December 31, 2018 renewal period.
11. Applicants will have two years from the time that they complete school or an apprenticeship to pass the exam.
12. Applicants will have two years from the time they pass their exam to apply for licensure.
13. Foreign educated applicants will have to obtain a credential's evaluation prior to licensure and sit for the Georgia exam.
14. Continuing Education - The Board or its entity can develop or change the Health, Safety and Sanitation CE and/or laws and rules curriculum. Historically, the Cosmetology Board has depended on the Technical College System to make these changes. The Board would like to be able to change this as changes are made in the industry. Also, the Board would like to require salon owners to obtain CE prior to issuing a salon/shop license.
15. Schools would be responsible for maintaining their own student records for a minimum of five years. Schools would be required to provide transcripts to students after

graduation or if the student withdraws from school once tuition/fees due the school are satisfied.

16. If a person is cited, he or she could pay the fine or request a hearing within 30 days. Hearings may be held by the Board or a Committee of the Board. If a license is suspended, the Board or a Committee of the Board could determine whether revocation or other disciplinary action should be imposed. The decision of a Board's Committee would be deemed a Final Decision by the Board.

17. The renewal period for licensees could be up to four years.

A copy of the complete draft of the proposed legislation is attached.

Following the vote, Chairman Jones adjourned the meeting at 11:25 a.m. The next meeting is scheduled for January 12, 2015 at 9:00 a.m.

**DAVID JONES**

David Jones, Chairman  
Georgia State Board of Barbers

**DEBORAH BEARD**

Deborah Beard, Executive Director  
Georgia State Board of Barbers

These minutes were accepted on: January 12, 2015.

**TITLE 43. PROFESSIONS AND BUSINESSES CHAPTER 10. COSMETOLOGISTS AND BARBERS**

**§ 43-10-1. Definitions As used in this chapter, the term:**

(1) "Beautician" means "cosmetologist" as such term is defined in this Code section.

(2) "Beauty shop" or "beauty salon" or "Barber Shop" means any premises where one or more persons engage in the occupation of barbering or cosmetology. All mobile units including kiosks, carts, mobile homes, trailers, and motor homes shall not be licensed as beauty shops, beauty salons or barber shops unless they meet all requirements of the Boards and are permanently anchored to the ground with wheels detached.

(3) "Board" means the State Board of Barbers and Cosmetology.

(4) "Cosmetologist" means any person who performs any one or more of the following services for compensation:

(A) Cuts or dresses the hair;

(B) Gives facial or scalp massage or facial and scalp treatment with oils or creams and other preparations made for this purpose, either by hand or mechanical appliance;

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

(D) Performs nail care, pedicure, or manicuring services as defined in paragraph (9) of this Code section; or

(E) Performs the services of an esthetician as defined in paragraph (5) of this Code section. Such person shall be considered as practicing the occupation of a cosmetologist within the meaning of this Code section; provided, however, that such term shall not mean a person who only braids the hair by hairweaving; interlocking; twisting; plaiting; wrapping by hand, adhesive, chemical, or mechanical devices; or using any natural or synthetic fiber for extensions to the hair, and no such person shall be subject to the provisions of this chapter. Such term shall not apply to a person whose activities are limited to the application of cosmetics which are marketed to individuals and are readily commercially available to consumers.

(5) "Esthetician" or "esthetics operator" means a person who, for compensation, engages in any one or a combination of the following practices, esthetics, or cosmetic skin care:

(A) Massaging the face, ~~or~~ neck, décolletage, or arms of a person;

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

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

(D) Waxing, threading, stimulating, cleansing, or beautifying the face, neck, arms, shoulders, back, chest or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus or by the use of a cosmetic preparation.

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

(6) ~~Reserved.~~ "Master Barber" means any person who performs any one or more of the following services for compensation:

(A) Shaving or trimming the beard;

(B) Cutting or dressing the hair;

(C) Giving facial or scalp massages;

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

(E) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently waving or straightening the hair of any living person.

(6a) "Barber apprentice" means any person who practices barbering under the constant and direct supervision of a licensed master barber.

(6b) "Barber II" means anyone who performs any one or more of the following services for compensation:

(A) Shaving or trimming the beard;

(B) Cutting or dressing the hair;

(C) Giving facial or scalp massages; or

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

(7) "Hair designer" means any person who performs any one or more of the following services for compensation:

(A) Cuts or dresses the hair; or

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

(8) "Master cosmetologist" means a cosmetologist who is possessed of the requisite skill and knowledge to perform properly all the services mentioned in paragraph (4) of this Code section for compensation.

(9) "Nail technician" means a person who, for compensation, performs manicures and pedicures and trims, files, shapes, decorates, applies sculptured or otherwise artificial nails extensions, massages the arms, feet, and legs, or in any way cares for the nails of another person.

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

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

(12) Reserved.

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

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

(15) "Barber Schools" means any establishment that receives compensation for training more than one person in the occupation of barbering as defined in paragraph (6) of this Code section.

Technical colleges whose programs have been approved by the ~~Department of Technical and Adult Education~~ Technical College System of Georgia or the Department of Education are not "barbering schools" within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be "board approved."

**HISTORY:** Ga. L. 1963, p. 45, §§ 1, 2; Ga. L. 1966, p. 195, § 1; Ga. L. 1983, p. 1219, § 1; Ga. L. 1985, p. 1057, § 1; Ga. L. 1986, p. 843, § 1; Ga. L. 1996, p. 1239, § 4; Ga. L. 2000, p. 814, § 1; Ga. L. 2001, p. 1077, § 1; Ga. L. 2006, p. 904, § 1/SB 145.

**§ 43-10-2. Creation of board; members, meetings, officers, and powers**

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

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

(c) The board shall meet as necessary each year for the purpose of adopting rules and regulations and handling other matters pertaining to duties of the board. Board members may attend and observe all written and practical examinations held for certificates of registration pursuant to this chapter. Beginning on July 1, 2015, the Georgia State Board of Cosmetology and Barbers shall regulate barbering and cosmetology in Georgia. The Board shall operate under the rules of the previous Georgia State Board of Barbers and Georgia State Board of Cosmetology until the Board can promulgate one set of rules and regulations governing its profession; these rules shall be adopted by July 1, 2016.

~~(d) Reserved. No member of the board shall be affiliated with any school of barbering or cosmetology. Two members shall not have any connection with the practice or business of cosmetology whatsoever but shall have a recognized interest in consumer affairs and in consumer protection concerns. No member of the board shall be affiliated or connected in any manner with any manufacturer or wholesale or jobbing house dealing with supplies sold to practitioners of cosmetology while in office.~~

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

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

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

(h) All investigative and disciplinary authority of the previous Georgia State Board of Barbers and Georgia State Board of Cosmetology shall carry over to the Board. This authority shall include, but is not limited to, the ability to:

- (1) Enforce all fines issued by these boards or representatives thereof;

- (2) Enforce all orders entered by these boards; and
- (3) Access and keep all complaints, investigative records, and records of disciplinary deliberations of these boards.

**HISTORY:** Ga. L. 1963, p. 45, §§ 4, 8; Ga. L. 1966, p. 195, § 2; Ga. L. 1979, p. 1327, § 2; Ga. L. 1980, p. 1420, § 1; Ga. L. 1983, p. 1219, § 2; Ga. L. 1985, p. 1057, § 2; Ga. L. 1986, p. 843, § 2; Ga. L. 2000, p. 814, § 1; Ga. L. 2001, Ex. Sess., p. 321, § 1; Ga. L. 2002, p. 415, § 43; Ga. L. 2004, p. 617, § 2; Ga. L. 2006, p. 904, § 2/SB 145; Ga. L. 2006, p. 917, § 1/HB 1170.

#### **§ 43-10-3. Reimbursement of board members**

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2. **HISTORY:** Ga. L. 1963, p. 45, § 6; Ga. L. 1966, p. 195, § 3; Ga. L. 1979, p. 1327, § 4; Ga. L. 1980, p. 1420, § 4; Ga. L. 2000, p. 814, § 1. § 43-10-4. Annual financial report of board Reserved. Repealed by Ga. L. 1985, p. 1057, § 3, effective July 1, 1985. [Repealed]

#### **§ 43-10-5. Records of board generally**

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

**HISTORY:** Ga. L. 1963, p. 45, § 14; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19.

#### **§ 43-10-6. Rules and regulations as to sanitary requirements; instruction on HIV and AIDS; inspections; unsanitary condition as nuisance**

(a) The board is authorized to adopt reasonable rules and regulations prescribing the sanitary requirements of beauty shops, beauty salons, barbershops, schools of cosmetology, schools of esthetics, schools of hair design, ~~and~~ schools of nail care, and schools of barbering subject to the approval of the Department of Public Health, and to cause the rules and regulations or any subsequent revisions to be in suitable form. The board shall make the rules and regulations available to the proprietor of each beauty shop, beauty salon, barbershop, school of cosmetology, school of esthetics, school of hair design, ~~or~~ school of nail care, or school of barbering. It shall be the duty of every proprietor or person operating a beauty shop, salon, barbershop, school of cosmetology, school of esthetics, school of hair design, ~~and~~ school of nail care, and school of barbering in this state to keep a copy of such rules and regulations posted in a conspicuous place in his or her business, so as to be easily read by his or her customers. Posting the rules by electronic means is acceptable.

(b) The board is authorized to adopt reasonable rules and regulations requiring that persons licensed under this chapter undergo instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

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

(d) Any beauty shop, salon, barbershop or school of cosmetology, school of esthetics, school of hair design, ~~and~~ school of nail care, and school of barbering in which tools, appliances, and furnishings used therein are kept in an unclean and unsanitary condition so as to endanger health is declared to be a public nuisance.

**HISTORY:** Ga. L. 1963, p. 45, § 5; Ga. L. 1967, p. 727, § 1; Ga. L. 1979, p. 1327, § 3; Ga. L. 1980, p. 1420, §§ 2, 3; Ga. L. 1985, p. 1057, § 4; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2006, p. 904, § 3/SB 145; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2010, p. 266, § 19/SB 195; Ga. L. 2011, p. 705, § 6-3/HB 214.

### § 43-10-7. Issuance of certificates of registration

It shall be the duty of the board to issue through the division director those certificates of registration for which provision is made in this chapter. **HISTORY:** Ga. L. 1963, p. 45, § 8; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19.

### § 43-10-8. Certificate of registration required

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

(b) It shall be unlawful for any person to hold himself or herself out as a master cosmetologist or hair designer without having first obtained the certificate of registration for such. Such person shall be authorized to perform all the services mentioned in paragraph (4) of Code Section 43-10-1. Nothing in this chapter shall prohibit any person who holds a valid master cosmetologist license in this state on March 29, 1983, from practicing at the master cosmetologist level as defined in paragraph (4) of Code Section 43-10-1.

(c) ~~Reserved.~~ It shall be unlawful for any person to hold himself or herself out as a master barber, barber II, barber instructor, or barber apprentice without having first obtained the certificate of registration for such. Such person shall be authorized to perform all the services mentioned in paragraph (6) of Code Section 43-10-1.

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

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

(f) (1) Notwithstanding any other provisions of this chapter, any person desiring to perform solely cosmetic nail care services shall be allowed to obtain a certificate of registration at the nail technician level upon completing the required hours therefor, which certifies that the holder thereof shall be authorized to perform some or all of the services mentioned in paragraph (6) of Code Section 43-10-1.

(2) ~~Notwithstanding any other provisions of this chapter, any Active U.S. military personnel or their spouse person who has actively engaged in the practice of licensed as a master barber, barber II, master cosmetologist, hair designer, esthetician, or nail technician cosmetology, hair design, esthetics, or nail care on a U.S. military installation in Georgia for three two years prior to the date of their application prior to July 1, 1985, shall be eligible to receive a certificate of registration at the barbering, cosmetology, hair design, esthetics, or nail care level upon proper proof of experience, approval of completed application, and appropriate fee. being submitted to the board, on or before September 1, 1985.~~

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

(h) This chapter shall have uniform application throughout the state so that no cosmetologist, hair designer, nail technician, esthetician, barber, beauty shop, beauty salon, barbershop, school of

cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering shall be exempt from regulation. **HISTORY:** Ga. L. 1963, p. 45, § 3; Ga. L. 1979, p. 1327, § 1; Ga. L. 1983, p. 1219, § 3; Ga. L. 1985, p. 1057, §§ 5, 6; Ga. L. 1986, p. 10, § 43; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2006, p. 904, § 4/SB 145.

**§ 43-10-9. Application for certificate of registration; examination; work permit; reciprocity; endorsement; study at technical college or public school; ~~eligibility of licensed barber~~**

(a) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of cosmetology shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,500 credit hour study course with at least nine months at a board approved school or has served as an apprentice in a beauty shop,~~or beauty salon, or barbershop~~ for a period of at least 3,000 credit hours; has practiced or studied the occupation of cosmetology; is possessed of the requisite skill in such occupation to perform properly all the duties of the occupation, including his or her ability in the preparation of tools, in performing the services mentioned in paragraph (4) of Code Section 43-10-1, and in all the duties and services incident thereto; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to him or her entitling him or her to practice the occupation of master cosmetologist. ~~Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.~~

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

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

(b)(d) Notwithstanding any other provisions of this subsection, the Board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active cosmetology license or the teaching of cosmetology at that level in another U.S. state or territory. The Board may pass requirements for endorsement by rule. Should an applicant have hold a current cosmetology license in force from another state or country, or territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and pays have paid a fee and submits submitted an application, the applicant may be issued, without examination, a certificate of registration at the appropriate level, entitling the applicant to practice the occupation of cosmetology or the teaching of cosmetology at that level, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this chapter. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education or experience requirements applicable to any person who holds a current license or certificate to practice cosmetology outside of this state and who desires to obtain a license or certificate at a level authorized under this Code section to

~~practice at such level in this state in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.~~

~~(e) Reserved.~~ (c) Any person desiring to obtain a certificate of registration as a master barber under the terms of this chapter shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 16 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1500 credit hour study course of at least nine months at a board approved school or has served as an apprentice in a beauty shop, beauty salon, or barbershop for a period of at least 3,000 credit hours; has practiced or studied barbering; is possessed of the requisite skill to perform properly these services; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of barbering at the master level.

(d) Any person desiring to obtain a certificate of registration as a Barber II under the terms of this chapter shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 16 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1140 credit hour study course of at least seven months at a board approved school or has served as an apprentice in a beauty shop, beauty salon, or barbershop for a period of at least 2280 credit hours; has practiced or studied barbering; is possessed of the requisite skill to perform properly these services; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of barbering at the Barber II level.

~~(2) Notwithstanding any other provisions of this subsection, the Board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active barber license in another U.S. state or territory. The Board may pass requirements for endorsement by rule. Should an applicant have a current barber license in force from another state, country, territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and have paid a fee and have submitted an application, the applicant may be issued, without examination, a certificate of registration entitling him or her to practice the occupation of barbering or the teaching of barbering, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this chapter.~~

(d)(f) (1) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of hair design shall make application through the division director and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,325 credit hour study course with at least seven months at a board approved school or has served as an apprentice in a beauty shop, beauty salon, ~~or hair design salon~~, or barbershop for a period of at least 2,650 credit hours; has practiced or studied the occupation of hair design; is possessed of the requisite skill in such occupation to perform properly all the duties of the occupation, including his or her ability in the preparation of tools, in performing the services mentioned in paragraph (7) of Code Section 43-10-1, and in all the duties and services incident thereto; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to him or her entitling him or her to practice the occupation of hair design. ~~Notwithstanding any other provisions~~

of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2006.

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

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

(4) ~~(2)~~ Notwithstanding any other provisions of this subsection, the Board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active hair designer license or the teaching of hair designing in another U.S. state or territory. The Board may pass requirements for endorsement by rule. Should an applicant have a current hair design license in force from another state, country, territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and have paid a fee and have submitted an application, the applicant may be issued, without examination, a certificate of registration at the appropriate level entitling him or her to practice the occupation of hair design or the teaching of hair design at that level, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this chapter. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education or experience requirements applicable to any person who holds a current license or certificate to practice hair design outside of this state and who desires to obtain a license or certificate at a level authorized under this subsection to practice at such level in this state in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.

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

(2) Notwithstanding any other provisions of this subsection, the Board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active esthetician license or the teaching of esthetics in another U.S. state or territory. The Board may pass requirements for endorsement by rule. Should an applicant have a current

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

~~(f)(h)~~ (1) Any person desiring to obtain a certificate of registration at the nail technician level under the terms of this chapter shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 525 credit hour study course of at least four months at a board approved school or has served as an apprentice in a beauty shop, or beauty salon, or barbershop for a period of at least 1,050 credit hours; has practiced or studied nail care; is possessed of the requisite skill to perform properly these services; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of cosmetology at the nail technician level. ~~Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.~~

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

~~(g)(i)~~ Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration for the occupation of cosmetology at the master level, the hair design level, the esthetician level, or the nail technician level if such person obtains his or her credit hour study at a State Board of Education approved school or a technical college under the jurisdiction of the Department of Technical and Adult Education, Technical College System of Georgia or the Department of Education rather than at a board approved school.

~~(h)(1)~~ A person licensed to practice master barbering under ~~Chapter 7~~ of this title shall be eligible to take the master cosmetologist examination provided for in this Code section if that person completes a board approved ~~250~~ 300 hour prescribed course in an approved cosmetology school, submits a completed application, and pays the proper fees established by the board.

(2) A person licensed as a master cosmetologist under this title shall be eligible to take the master barber examination provided for in this Code section if that person completes a board approved 300 hour prescribed course in an approved barbering school, submits a completed application, and pays the proper fees established by the board.

~~(k) Board members may attend and observe all written and practical examinations held for certificates of registration pursuant to this Code section.~~

(i) For those applying on or after July 1, 2015, any applicant applying under this Code section shall pass both a Board approved written and the practical examination within a 24 month period after having obtained the required credit hours or shall be required to repeat all of such required credit hours before retaking the examination. Should an applicant under this Code section fail to pass the written or the practical examination, the board or the board's designee shall furnish the applicant a statement in writing, stating in what manner the applicant was deficient.

(j) To be considered for licensure for those applying on or after July 1, 2015, applicants applying under this Code section who have graduated from an educational program which prepares cosmetologists in another country shall submit to the board a credential's evaluation from a board approved credentials evaluation provider along with their application for licensure. Upon the Board's acceptance of the credential's evaluation, application, and appropriate fee, the applicant shall be approved to sit for the Board approved examination for licensure, and upon passing the examination, he or she may be approved for licensure.

**HISTORY:** Ga. L. 1963, p. 45, § 10; Ga. L. 1966, p. 195, § 5; Ga. L. 1977, p. 803, § 1; Ga. L. 1979, p. 1327, § 5; Ga. L. 1980, p. 1420, § 7; Ga. L. 1983, p. 1219, § 4; Ga. L. 1984, p. 22, § 43; Ga. L. 1985, p. 1057, § 7; Ga. L. 1986, p. 10, § 43; Ga. L. 1986, p. 843, §§ 3, 4; Ga. L. 1996, p. 1239, § 5; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2001, p. 4, § 43; Ga. L. 2001, p. 1077, § 2; Ga. L. 2001, p. 1185, § 1; Ga. L. 2002, p. 415, § 43; Ga. L. 2006, p. 904, § 5/SB 145; Ga. L. 2006, p. 917, § 2/HB 1170.

#### **§ 43-10-10. Display of certificate of registration; renewal; reinstatement; continuing education requirements; exemptions**

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

(b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any ~~barber or cosmetology salon owner, master barber, Barber II, master cosmetologist, hair designer, esthetician, or nail technician~~ certificate of registration issued under Code Section 43-10-9, the holder of such certificate shall ~~provide~~ maintain proof, in a form approved by the board, of completion of five hours of continuing education ~~biennially~~ to be determined by the Board. A licensee shall provide proof of completion of continuing education if audited by the Board. in compliance with this Code section since the date of issuance of the latest renewal certificate. A

holder who is renewing a certificate for the first time shall not be required to meet the continuing education requirement until the time of the second renewal. Further, the requirement for continuing education for the holder of any certificate of registration issued under this chapter shall become effective on January 1, 2003, provided that the board has adopted rules and regulations implementing this Code section pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." ~~master barbers and Barber II will become effective beginning January 1, 2018.~~

(c) ~~Three hours of~~ Up to four hours of continuing education shall be satisfied by a health and safety course using a curriculum or a review course of the Board rules and laws developed by the ~~Technical College System of Georgia~~ board or by a board approved provider entity. Such curriculum may be revised by the ~~Technical College System of Georgia~~ board or by a board approved provider as necessary to incorporate new developments. The ~~Technical College System of Georgia~~ Board shall make the curriculum available to ~~other~~ Board approved providers of continuing education.

(d) ~~The remaining two hours of~~ Additional continuing education may be satisfied by:

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

(e) To request registration of an industry or trade show for continuing education credit, a person or entity shall submit to the board the date and location of the industry or trade show. To request registration of a course of study for continuing education credit, the person or entity offering the course of study shall submit to the board an outline of the subject matter, a list of the persons teaching the course with a summary of their qualifications, the number of hours for each course, and the date and location where the course of study will be presented or has been presented, if applicable. Any certificate holder may request board approval of an unregistered industry or trade show or an unregistered course of study. A person or entity conducting an industry or trade show or a course of study shall provide written proof of attendance at the industry or trade show or completion of a course of study to all participants. The Board may charge a fee for registration of approved continuing education providers.

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

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

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

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

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

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

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

**HISTORY:** Ga. L. 1963, p. 45, § 13; Ga. L. 1979, p. 1327, § 9; Ga. L. 1985, p. 1057, § 8; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2001, Ex. Sess., p. 321, § 2; Ga. L. 2006, p. 904, § 6/SB 145.

**§ 43-10-11. Registration of shops, salons, and schools**

All barbershops, beauty shops, salons, hair weaving and/or hair braiding salons or shops, schools of barbering, schools of cosmetology, schools of hair design, schools of esthetics, and schools of nail care shall be registered with the division director by the owner or manager. Such registration shall be made by the filing of an application on forms furnished by the division director; shall include the name and location of the ~~beauty~~ shop, salon, or school, the name and address of the owner, and the names and addresses of all instructors of the shop, salon, or school at the time of registration; and shall be accompanied by a registration fee in such amount as shall be set by the board by regulation. The Board may require salon, shop or school owners to complete a Board approved course covering health, sanitation, safety, and/or Board laws and rules prior to issuing a registration to the owner. The board is authorized and directed to issue a certificate of registration to each shop, salon, or school so registering and paying such fee, which certificate shall be displayed in a conspicuous place in the registered shop, salon, or school. **HISTORY:** Ga. L. 1963, p. 45, § 15; Ga. L. 1979, p. 1327, § 11; Ga. L. 1985, p. 1057, § 9; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2006, p. 904, § 7/SB 145.

**§ 43-10-12. Regulation and permits for schools; teachers and instructors; registration of apprentices; certification as teacher by Department of Education**

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

(A) Cause to be registered with the board, at the time of opening, 15 bona fide students;  
(B) Have not less than one instructor for every 20 students or a fraction thereof; and  
(C) Keep permanently displayed a sign reading "School of Cosmetology," "School of Esthetics," or "School of Nail Care," "School of Hair Design," or "School of Barbering" as the case may be; and all such signs shall also display the words "Service by Students Only." Where service is rendered by a student, no commissions or premiums shall be paid to such student for work done in the schools; nor shall any person be employed by the schools to render professional service to the public.

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

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

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

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

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

(1) All schools of cosmetology shall be required to teach the following courses: theory, permanent and cold waving, hair coloring and bleaching, hair and scalp treatments, hair and scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb out, charm,

reception, desk work, art and laboratory, facials, makeup and arching, skin care, nail care, state law, state rules and regulations, and any other subjects related to cosmetology and sanitation;

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

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

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

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

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

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

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

(i) Holds a current cosmetology license at the master level and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;

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

(iii) Has one year of work experience at the master level.

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

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

(i) Holds a current cosmetology license at the esthetician or master level and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;

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

(iii) Has one year of work experience at the esthetician or master level; and

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

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

- (4)(A) A person desiring to teach at the nail technician level shall satisfy the board that he or she:
- (i) Holds a current cosmetology license at the nail technician or master level and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;
  - (ii) Has 250 hours of board approved instructor training in nail care of at least four months;
  - (iii) Has one year of work experience at the nail technician or master level; and
  - (iv) Has passed both a written and a practical examination to become an instructor in nail care.

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

- (5) ~~Reserved.~~ A person desiring to teach barbering shall satisfy the board that he or she:

- (i) Holds a current master barber license and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;
- (ii) Has 750 hours of board approved instructor training in barbering;
- (iii) Has passed both a written and a practical examination to become an instructor in barbering.

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

- (6) (A) A person desiring to teach at the hair designer level shall satisfy the board that he or she:

- (i) Holds a current cosmetology license at the hair designer or master level and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;
- (ii) Has 750 hours of board approved instructor training in hair design of at least four months;
- (iii) Has one year of work experience at the hair designer or master level; and
- (iv) Has passed both a written and a practical examination to become an instructor in hair design.

(B) A person holding a current cosmetology license at the hair designer or master level who is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree; who has completed the required board approved hours of continuing education; and has board approved work experience as an instructor or in education may, at the board's discretion, be permitted to take the written and the practical examinations to become an instructor at the hair designer level.

(7) Any teacher or instructor shall renew his or her license to teach cosmetology biennially in odd years in accordance with the Professional Licensing Board Director's rule for licensure expiration dates by remitting with his or her application a renewal fee in such amount as shall be set by the board by regulation; provided, however, any teacher or instructor who fails to renew his or her certificate of registration to practice as a cosmetologist, esthetician, or nail technician on or before the date established by the board by regulation shall automatically have his or her license to teach or instruct suspended. A person failing to renew his or her instructor's license within two years at the end of the late renewal period following the after expiration date shall be required to pay a reinstatement fee after board review.

(8) Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration as teacher or instructor who is certified by the Department of Education to

teach cosmetology in the state public schools. The certification is limited to those persons who hold a current cosmetology license at the master level and also hold a diploma or certificate of 1,500 credit hours from a board approved school and have completed the three-year teachers training program required by the Department of Education. Such persons shall also pass both a written and a practical examination satisfactory to the board and, upon passage thereof, shall receive a license to teach cosmetology.

(f) All teachers or instructors of cosmetology at all levels seeking renewal of licenses are required to submit to the board proof of completion of 15 hours of continuing education in the cosmetology profession approved by the board at least half of which consists of instruction in teaching methods.

**HISTORY:** Ga. L. 1963, p. 45, § 12; Ga. L. 1966, p. 195, § 6; Ga. L. 1977, p. 803, § 4; Ga. L. 1979, p. 1327, § 8; Ga. L. 1980, p. 1420, §§ 9, 10; Ga. L. 1983, p. 1219, § 5; Ga. L. 1985, p. 1057, § 10; Ga. L. 1986, p. 10, § 43; Ga. L. 1992, p. 2490, § 1; Ga. L. 1996, p. 1239, § 6; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2001, p. 1077, § 3; Ga. L. 2001, p. 1185, § 2; Ga. L. 2002, p. 415, § 43; Ga. L. 2006, p. 904, § 8/SB 145.

#### **§ 43-10-13. Right to set course of study for students; application for examination**

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

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

**HISTORY:** Ga. L. 1963, p. 45, § 5; Ga. L. 1979, p. 1327, § 3; Ga. L. 1980, p. 1420, §§ 2, 3; Ga. L. 1985, p. 1057, § 11; Ga. L. 2000, p. 814, § 1; Ga. L. 2006, p. 904, § 9/SB 145.

#### **§ 43-10-14. Study by persons 16 years of age and older; registration of apprentices; registration certificate; waiver of education requirements**

(a) Nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of cosmetology under a master cosmetologist, provided that such cosmetologist has had at least 36 months' experience and has held a certificate of a master cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of cosmetology under an instructor in a school of cosmetology who has been a cosmetologist for a period of at least one year and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of hair designer under a cosmetologist holding a master cosmetologist certificate or a hair design certificate, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of hair design who has held a certificate as a cosmetologist for a period of at least one year, is qualified to teach such practices and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of esthetics under a cosmetologist holding a master cosmetologist certificate or an esthetician certificate, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of esthetics who has held a certificate as a cosmetologist for a period of at least one year, is qualified to teach said practices and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of nail care or manicuring under a cosmetologist holding a master cosmetologist certificate or a nail technician certificate, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of nail care who has been a licensed cosmetologist for a period of at least one year, is qualified to teach such practices and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of barbering under a barber holding a master barber certificate, provided that such barber has had at least 18 months' experience or, under an instructor in a

school of barbering who has been a licensed barber for a period of at least one year, is qualified to teach said practices and has registered under this chapter. ~~Any person registered as an apprentice under this Code section on June 30, 1997, shall be eligible to continue such apprenticeship under the person from whom that apprentice was learning the occupation of cosmetology, hair design, esthetics, or nail care or manicuring at the time of registration notwithstanding that the person under whom the apprentice was learning such occupation does not meet the 36 months' experience otherwise required by this Code section.~~ Every shop owner shall have the responsibility for registering apprentices with the division director. The shop owner shall file a statement in writing, showing the apprentice's name and the address of the shop. The board shall have the authority to require the shop owner or master cosmetologist, nail technician, esthetician, hair designer, or master barber who is supervising the apprentice to furnish to the board the number of hours completed by the apprentice. The shop owner shall remit to the division director a fee in such amount as shall be set by the board by regulation for the registration of the apprentice. The apprentice shall receive a certificate of registration showing the capacity in which he or she is permitted to practice cosmetology or barbering. The certificate of registration shall be effective for a period of ~~two~~ four years ~~and may be renewed at the end of such period upon the filing of an application on forms furnished by the division director and the payment of a renewal fee in such amount as shall be set by the board by regulation.~~ A certificate of registration authorizing a person to learn the occupation of barbering or cosmetology under a cosmetologist shall not be renewed ~~more than one time~~; and, upon the expiration of ~~the last~~ certificate of registration issued, such person shall not be permitted to practice in any capacity.

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

**HISTORY:** Ga. L. 1963, p. 45, § 11; Ga. L. 1967, p. 727, § 2; Ga. L. 1977, p. 803, § 2; Ga. L. 1979, p. 1327, § 6; Ga. L. 1980, p. 1420, § 7.1; Ga. L. 1983, p. 1219, § 6; Ga. L. 1984, p. 581, § 1; Ga. L. 1985, p. 1057, § 12; Ga. L. 1997, p. 675, § 1; Ga. L. 1998, p. 128, § 43; Ga. L. 2000, p. 814, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2001, p. 1077, § 4; Ga. L. 2001, p. 1185, § 3; Ga. L. 2001, Ex. Sess., p. 321, § 3; Ga. L. 2006, p. 904, § 10/SB 145; Ga. L. 2014, p. 388, § 1/SB 336.

**§ 43-10-15. Suspension, revocation, cancellation, or restoration of certificates of registration; reprimand of certificate holders; fines**

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

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

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

- (3) Practicing barbering or cosmetology under a false or assumed name;
- (4) Willfully permitting an unlicensed person to practice, learn, or teach barbering or cosmetology;
- (5) Knowingly performing an act which in any way assists an unlicensed person to practice, learn, or teach barbering or cosmetology; or
- (6) Violating, directly or indirectly, or assisting in the violation of this chapter or any rule or regulation of the board.

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

(c) The board, for good cause shown and under such conditions as it may prescribe, may restore a certificate of registration to any person, barbershop, beauty shop or beauty salon, or school or college of barbering or cosmetology whose certificate of registration has been suspended, revoked, or canceled.

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

**HISTORY:** Ga. L. 1979, p. 1327, § 10; Ga. L. 1992, p. 2490, § 2; Ga. L. 2000, p. 814, § 1; Ga. L. 2014, p. 388, § 1A/SB 336.

**§ 43-10-16. Injunction against unlicensed or unregistered practice**

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

**HISTORY:** Ga. L. 1967, p. 727, § 3; Ga. L. 2000, p. 814, § 1.

**§ 43-10-17. Employment of persons to wash, shampoo, comb, and brush hair in beauty shops or salons**

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

**HISTORY:** Ga. L. 1977, p. 803, § 3; Ga. L. 1979, p. 1327, § 7; Ga. L. 1980, p. 1420, § 8; Ga. L. 1985, p. 1057, § 13; Ga. L. 1997, p. 675, § 2; Ga. L. 2000, p. 814, § 1; Ga. L. 2006, p. 904, § 11/SB 145.

**§ 43-10-18. Home beauty shops and home barbershops**

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

(b) It shall not be necessary for any person operating a beauty shop or barbershop in a private home to post a sign denoting same to be a beauty shop or barbershop unless the person elects to do so. **HISTORY:** Ga. L. 1963, p. 45, §§ 5, 20; Ga. L. 1966, p. 195, § 7; Ga. L. 1979, p. 1327, § 3; Ga. L. 1980, p. 1420, § 3; Ga. L. 2000, p. 814, § 1.

**§ 43-10-18.1. ~~Authorization to employ licensed barber; exemption from barbering licensure provisions~~**

~~A beauty shop or salon licensed under this chapter shall be authorized to employ a barber licensed under Chapter 7 of this title. A beauty shop or salon employing such a barber shall not be subject to the licensure provisions of Chapter 7 of this title. **HISTORY:** Code 1981, § 43-10-18.1, enacted by Ga. L. 1985, p. 1057, § 14; Ga. L. 2000, p. 814, § 1. O.C.G.A. § 43-10-18.2 (2006) Reserved.~~

**§ 43-10-18.2. Exemption from licensing requirement for nursing home facility**

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

**HISTORY:** Code 1981, § 43-10-18.2, enacted by Ga. L. 1985, p. 1133, § 2; Ga. L. 2000, p. 814, § 1.

**§ 43-10-18.3. Serving physically disabled persons in their homes**

(a) Notwithstanding any other provision of this chapter, barbering or cosmetology services may be performed by a licensed barber or cosmetologist in a client's residence, a nursing home, assisted living home, or a hospital when the client for reasons of ill health, infirmity, or other physical disability is unable to go to the licensed beauty shop, ~~or~~ salon, or barbershop for regular barbering or cosmetology services.

(b) The board is authorized to adopt reasonable rules and regulations prescribing requirements and conditions for the performance of the services authorized in subsection (a) of this Code section. **HISTORY:** Code 1981, § 43-10-18.3, enacted by Ga. L. 1987, p. 1089, § 1; Ga. L. 2000, p. 814, § 1.

**§ 43-10-19. Penalty**

(a) If any person not lawfully entitled to a certificate of registration under this chapter shall practice the occupation of a barber or cosmetologist; or if any such person shall endeavor to learn the trade of a barber or cosmetologist by practicing the same under the instructions of a barber or

cosmetologist or other person, other than as provided in this chapter; or if any such person shall instruct or attempt to instruct any person in such trade; or if any proprietor of or person in control of or operating any beauty shop, barbershop, school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering shall knowingly employ for the purpose of practicing such occupation any barber or cosmetologist not registered under this chapter; or if any person, beauty shop, salon, barbershop or school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering shall engage in any of the acts covered in this chapter though not registered under the provisions of this chapter; or if any person shall falsely or fraudulently pretend to be qualified under this chapter to practice or learn such trade or occupation; or if any person shall violate any provision of the chapter for which a penalty is not specifically provided, he or she shall be guilty of a misdemeanor.

(b) Any person who operates or manages a beauty shop, salon, barbershop or school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering that employs a person who does not possess a license as provided in this chapter shall be guilty of a misdemeanor. **HISTORY:** Ga. L. 1963, p. 45, §§ 16-18; Ga. L. 1985, p. 1057, § 15; Ga. L. 2000, p. 814, § 1; Ga. L. 2006, p. 904, § 12/SB 145.

#### **§ 43-10-20. Teaching of barbering cosmetology in prisons; certification of registration**

(a) For the purposes of this chapter, the teachers and instructors of and courses of instruction or training in barbering or cosmetology operated by the Department of Corrections shall be considered to be subject to the same standards and to be part of the cosmetology programs that are approved by the ~~Department of Technical and Adult Education~~ Technical College System of Georgia or the Department of Education as provided for by paragraphs ~~(8), (9), and~~ (10), (11), (13), (14), and (15) of Code Section 43-10-1 and paragraph (6) of subsection (e) of Code Section 43-10-12.

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

**HISTORY:** Code 1981, § 43-10-20, enacted by Ga. L. 2004, 617, § 1.