

**HOUSE BILL 314 (AS PASSED HOUSE AND SENATE)**

By: Representatives Tankersley of the 160<sup>th</sup> and Rynders of the 152<sup>nd</sup>

A BILL TO BE ENTITLED AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

H. B. 314

**SECTION 2.**

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

43-10-1.

As used in this chapter, the term:

**CHAPTER 10**

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

(2) 'Barber II' means an individual 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.

(3) 'Barbering' means the occupation of shaving or trimming the beard, cutting or dressing the hair, giving facial or scalp massages, 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, singeing and shampooing the hair, coloring or dyeing the hair, or permanently waving or straightening the hair of an individual for compensation.

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

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

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

(7) 'Cosmetologist' means any individual 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 individual 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 an individual who only braids the hair by hairweaving; interlocking; twisting; plaiting; wrapping by hand, chemical, or mechanical devices; or using any natural or synthetic fiber for extensions to the hair, and no such individual shall be subject to the provisions of this chapter. Such term shall not apply to an individual whose activities are limited to the application of cosmetics which are marketed to individuals and are readily commercially available to consumers.

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

(A) Massaging the face, 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 an individual whose activities are limited to the application of cosmetics which are marketed to individuals and are readily commercially available to consumers.

(9) 'Hair designer' means an individual 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.

(10) 'Master barber' means an individual 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.

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

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

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

(14) 'School of barbering' means any establishment that receives compensation for training more than one individual in barbering. Technical colleges whose programs have been approved by the 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.'

(15) 'School of cosmetology' means any establishment that receives compensation for training more than one individual in the occupation of a cosmetologist. Technical colleges whose programs have been approved by the 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.'

(16) 'School of esthetics' means any establishment that receives compensation for training more than one individual in the occupation of an esthetician. Technical colleges whose programs have been approved by the 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.'

(17) 'School of hair design' means any establishment that receives compensation for training more than one individual in the occupation of a hair designer. Technical colleges whose programs have been approved by the Technical College System of Georgia or the Department of Education 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.'

(18) 'School of nail care' means any establishment that receives compensation for training more than one person in the occupation of nail technician. Technical colleges whose programs have been approved by the 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.'

43-10-2.

(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. Two of such members must have had at least five years of practical experience as a cosmetologist at the master level, a portion of which must have been as a beauty shop or beauty salon owner or manager. One member of the board must have had at least five years of practical experience as a cosmetologist at the esthetician level. One member of the board must have had at least five years of practical experience as a nail technician. Two members of the board must have had at least five years of practical experience as a master barber. One member must be an instructor at a school of barbering. One member must be an instructor at school of cosmetology. One member shall not have any connection with barbering or the practice of a cosmetologist or any business related thereto 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.

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

(e) Any person who holds a certificate of registration issued under this chapter or Chapter

7 of this title as they existed on June 30, 2015, shall not be required to undergo recertification under this chapter but shall otherwise be subject to all applicable provisions of this chapter. Such certificates of registration issued on or before June 30, 2015, shall be considered certificates of registration issued under and subject to this chapter for all purposes.

(f) 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.

(g) 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 members of the board shall be considered public officers and shall take the oath required thereof.

(h) 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.

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

43-10-3.

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

43-10-4.  
Reserved.

43-10-5.  
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.

43-10-6.

(a) The board is authorized to adopt reasonable rules and regulations prescribing the sanitary requirements of beauty shops, beauty salons, barber shops, schools of cosmetology, schools of esthetics, schools of hair design, 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, barber shop, school of cosmetology, school of esthetics, school of hair design, school of nail care, and school of barbering. It shall be the duty of every proprietor or person operating a beauty shop, beauty salon, barber shop, school of cosmetology, school of esthetics, school of hair design, 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 such business, so as to be easily read by customers thereof. Posting such rules and regulations by electronic means shall be allowed.

(b) The board is authorized to adopt reasonable rules and regulations requiring that individuals issued certificates of registration 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, beauty salon, barber shop, or school of cosmetology, school of hair design, school of esthetics, 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, beauty salon, barber shop or school of cosmetology, school of hair design, school of esthetics, 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.

43-10-7.

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.

43-10-8.

(a) It shall be unlawful for any individual to pursue barbering or 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 individual to hold himself or herself out as a master cosmetologist without having first obtained ~~the~~ a certificate of registration as a master cosmetologist which certifies that the holder thereof shall be authorized to perform all the services mentioned in paragraph (11) of Code Section 43-10-1. Nothing in this chapter shall prohibit any individual who held a valid master cosmetologist license in this state on March 29, 1983, from practicing as a master cosmetologist

(c) It shall be unlawful for any individual 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.

(d) Notwithstanding any other provisions of this chapter, any individual desiring to perform solely hair design services shall be allowed to obtain a certificate of registration as a hair designer 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 (9) of Code Section 43-10-1.

(e) Notwithstanding any other provisions of this chapter, any individual desiring to perform solely cosmetic skin care services shall be allowed to obtain a certificate of registration as an 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 (8) of Code Section 43-10-1.

(f) Notwithstanding any other provisions of this chapter, any individual desiring to perform solely cosmetic nail care services shall be allowed to obtain a certificate of registration as a 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 (12) of Code Section 43-10-1.

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

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

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

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

(h) It shall also be unlawful for any person or persons to operate a beauty shop, beauty salon, barber shop, school of cosmetology, school of hair design, school of esthetics, 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, beauty salon, barber shop, school of cosmetology, school of hair design, school of esthetics, school of nail care, or school of barbering shall register with the division director of the professional licensing boards prior to opening.

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

43-10-9.

(a)(1) Any individual desiring to obtain a certificate of registration to enable him or her to engage in the occupation of a cosmetologist 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, beauty salon, or barber shop for a period of at least 3,000 credit hours; has practiced or studied the occupation of a cosmetologist; 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 as a master cosmetologist.

(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 license or certificate of registration as a cosmetologist or an instructor or teacher of the occupation of a cosmetologist at that level in another state or territory of the United States. The board may establish requirements for endorsement by rules and regulations.

(b)(1) Any individual desiring to obtain a certificate of registration to enable him or her to engage in the occupation of a hair designer 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 barber shop for a period of at least 2,650 credit hours; has practiced or studied the occupation of a hair designer; 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 (9) 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 a hair designer.

(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 license or certificate of registration as a hair designer or an instructor or teacher of the occupation of a hair designer in another state or territory of the United States. The board may establish requirements for endorsement by rules or regulations.

(c)(1) Any individual desiring to obtain a certificate of registration to enable him or her to engage in the occupation of an esthetician 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 barber shop for a period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as defined in paragraph (8) 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 an esthetician.

(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 license or certificate of registration as an esthetician or an instructor or teacher of the occupation of an esthetician in another state or territory of the United States. The board may establish requirements for endorsement by rules or regulations.

(d)(1) Any individual desiring to obtain a certificate of registration to enable him or her to engage in the occupation of a nail technician 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, beauty salon, or barber shop for a period of at least 1,050 credit hours; has practiced or studied nail care as defined in paragraph (12) of Code Section 43-10-1; 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 nail technician.

(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 license or certificate of registration as a nail technician or an instructor or teacher of the occupation of a nail technician in another state or territory of the United States. The board may pass requirements for endorsement by rule.

(e)(1) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of a master barber 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 1,500 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 barbering as a master barber.

(2) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of a barber II 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 1,140 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 2,280 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.

(3) 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 license or certificate of registration as a master barber or barber II or an instructor or teacher of barbering in another state or territory of the United States. The board may establish requirements for endorsement by rules and regulations.

- (f) Nothing in this Code section shall be construed as preventing an individual from obtaining a certificate of registration for the occupation of a cosmetologist at the master level, the hair design level, the esthetician level, or the nail technician level or a certificate of registration for barbering at the master level or barber II 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 Technical College System of Georgia or the Department of Education rather than at a board approved school.
- (g)(1) An individual issued a certificate of registration as a master cosmetologist in this state 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 cosmetology school, submits a completed application, and pays the proper fees established by the board.
- (2) An individual issued a certificate of registration as a master barber in this state shall be eligible to take the master cosmetologist examination provided for in this Code section if that person completes a board approved 300 hour prescribed course in an approved cosmetology school, submits a completed application, and pays the proper fees established by the board.
- (h) On and after July 1, 2015, any applicant applying for a certificate of registration pursuant to 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 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.
- (i) On and after July 1, 2015, any applicant applying for a certificate of registration pursuant to this Code section who has graduated from an educational program which prepares cosmetologists in another country shall submit to the board a credentials evaluation from a board approved credentials evaluation provider along with his or her application. Upon the board's acceptance of the credentials evaluation, application, and appropriate fee, the applicant shall be approved to sit for the board approved examination, and upon passing the examination, he or she may be approved for a certificate of registration.

43-10-10.

- (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 beauty shop, beauty salon, or barber shop. Certificates of registration issued under Code Section 43-10-9 shall be renewable 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 any occupation 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 cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, master barber, or barber II certificate of registration, the holder of such certificate shall 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. A holder who is renewing a certificate of registration 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 a master barber and barber II will become effective beginning January 1, 2018.

(c) The board may require by rules or regulations that either three or four hours of continuing education shall be satisfied by a health and safety course or a review course of the board rules or regulations and applicable laws using a curriculum developed by the board or by a board approved provider. Such curriculum or course may be revised by the board or by a board approved provider as necessary to incorporate new developments. The board shall make the curriculum or course available to board approved providers of continuing education. The board may charge a fee to providers for registration as a board approved provider.

(d) The board may require by rules and regulations that the remaining one to two hours of 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.

(f) The board shall register and allow credit as continuing education for 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 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) 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.

## 43-10-11.

All beauty shops, beauty salons, barber shops, schools of cosmetology, schools of hair design, schools of esthetics, schools of nail care, and schools of barbering 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 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, and safety, or rules and regulations of the board and applicable laws, or a combination thereof 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.

## 43-10-12.

(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; (C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of Hair Design,' 'School of Esthetics,' 'School of Nail Care,' 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; and
  - (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 cosmetology, schools of hair design, schools of esthetics, ~~and~~ schools of nail care, and schools of barbering 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 and master 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 cosmetology, school of hair design, school of esthetics, school of nail care, or school of barbering 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 authority to pass upon the qualifications, appointments, courses of study, and hours of study in the school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering, 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, neck, décolletage, or arms, trimming, tweezing, or threading eyebrows and other facial hair, dyeing, waxing, stimulating, cleansing, or beautifying, state law, state rules and regulations, and any other subjects related to esthetics and sanitation;

(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; and

(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 cosmetology, school of esthetics, school of hair design, school of nail care, school of barbering 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 barber shops.

(e)(1) All teachers or instructors shall devote their entire time to instruction of students. Any individual desiring to teach or instruct in any school of cosmetology, school of esthetics, school of hair design, ~~or~~ school of nail care, or school of barbering 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 rules and regulations, and shall successfully pass both a written and a practical examination to become an instructor.

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

(i) Holds a current master cosmetologist certificate of registration 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 as a master cosmetologist.

(B) An individual holding a current master cosmetologist certificate of registration 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) An individual desiring to teach at the esthetician level shall satisfy the board that he or she:

- (i) Holds a current certificate of registration as an esthetician or master cosmetologist 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 as an esthetician or master cosmetologist; and
- (iv) Has passed both a written and a practical examination to become an instructor in esthetics.

(B) An individual holding a current cosmetology certificate of registration as an esthetician or master cosmetologist 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) An individual desiring to teach at the nail technician level shall satisfy the board that he or she:

- (i) Holds a current certificate of registration as a nail technician or master cosmetologist 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 as a nail technician or master cosmetologist; and
- (iv) Has passed both a written and a practical examination to become an instructor in nail care.

(B) An individual holding a current certificate of registration as a nail technician or master cosmetologist 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)(A) An individual desiring to teach barbering shall satisfy the board that he or she:

- (i) Holds a current certificate of registration as a master barber 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; and
- (iii) Has passed both a written and a practical examination to become an instructor in barbering.

(B) An individual holding a current certificate of registration as a 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) An individual desiring to teach at the hair designer level shall satisfy the board that he or she:

- (i) Holds a current certificate of registration as a hair designer or master cosmetologist 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 as a hair designer or master cosmetologist; and
  - (iv) Has passed both a written and a practical examination to become an instructor in hair design.
- (B) An individual holding a current certificate of registration as a hair designer or master cosmetologist 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 certificate of registration to teach in accordance with the rules and regulations of the division director governing expiration dates of certificates of registration 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 certificate of registration to teach or instruct suspended. A person failing to renew his or her certificate of registration of a teacher or instructor at the end of the late renewal period following the expiration date shall be required to pay a reinstatement fee.
- (8) Nothing in this Code section shall be construed as preventing an individual 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 shall be limited to those individuals who hold a current certificate of registration as a master cosmetologist 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 certificate of registration to teach cosmetology.
- (f) All teachers or instructors of cosmetology at all levels seeking renewal of certificates of registration 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.

43-10-13.

- (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, 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.

43-10-14.

- (a) Nothing in this chapter shall prohibit any individual at least 16 years of age from learning the occupation of a cosmetologist under a master cosmetologist, provided that such cosmetologist has had at least 36 months' experience and has held a certificate of registration as a master cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any individual at least 16 years of age from learning the

occupation of a cosmetologist 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 individual at least 16 years of age from learning the occupation of hair designer under a cosmetologist holding a master cosmetologist certificate of registration or a certificate of registration as a hair designer, 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 of registration 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 individual at least 16 years of age from learning the occupation of esthetics under a cosmetologist holding a master cosmetologist certificate of registration or a certificate of registration as an esthetician, 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 of registration 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 individual at least 16 years of age from learning the occupation of a nail technician under a cosmetologist holding a master cosmetologist certificate of registration or a nail technician certificate of registration, 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 held a certificate of registration 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 individual at least 16 years of age from learning barbering under a barber holding a master barber certificate of registration, provided that such master barber has had at least 18 months' experience or under an instructor in a school of barbering who has held a certificate of registration as a master barber for a period for at least one year, is qualified to teach said practices, and has registered under this chapter.

(b) Every beauty shop, beauty salon, and barber shop owner shall have the responsibility for registering apprentices with the division director. The shop or salon 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 or salon owner or master cosmetologist, hair designer, esthetician, nail technician, or master barber who is supervising the apprentice to furnish to the board the number of hours completed by the apprentice. The shop or salon 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 barbering or the occupation of a cosmetologist. The certificate of registration shall be effective for a period of four years. A certificate of registration authorizing a person to learn barbering or the occupation of a cosmetologist under a cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, or master barber shall not be renewed; and, upon the expiration of certificate of registration issued, such person shall not be permitted to practice in any capacity.

(c) 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.

43-10-15

(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 the occupation of a cosmetologist under a false or assumed name;
- (4) Willfully permitting an unlicensed person to practice, learn, or teach barbering or the occupation of a cosmetologist;
- (5) Knowingly performing an act which in any way assists an unlicensed person to practice, learn, or teach barbering or the occupation of a cosmetologist; 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 a citation from either the board or a representative of the board unless the licensee requests in writing a hearing. Such request for a hearing must be received by the board within 30 days after receipt of the 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 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, beauty shop, beauty salon, barber shop, or school or college of cosmetology, school of hair design, school of esthetics, school of nail care, or school of barbering 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.

43-10-16.

The board may bring an action to enjoin any person, firm, or corporation from engaging in barbering or the occupation of a cosmetologist if such person, without being licensed or registered to do so by the board, engages in or practices barbering or the occupation of cosmetology. The action shall be brought in the county in which such individual 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 in barbering or the practice of a cosmetologist is licensed or registered, the injunction shall be issued, and such person, shall be perpetually enjoined from engaging or practicing 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.

43-10-17.

Notwithstanding any other provision of this chapter, a beauty shop, ~~or~~ beauty salon, and barber shop 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.

43-10-18.

(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, beauty salon or barber shop 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, beauty salon, or barber shop in a private home to post a sign denoting same to be a beauty shop, beauty salon, or barber shop unless the person elects to do so.

43-10-18.1.

Reserved.

43-10-18.2.

Notwithstanding any other provision of this chapter, premises made available for a beauty shop, beauty salon, or barber shop 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, beauty salon, or barber shop 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.

43-10-18.3.

(a) Notwithstanding any other provision of this chapter, barbering or cosmetologist services may be performed by a registered cosmetologist, master barber, or barber II in a client's residence, a nursing home, an assisted living community a personal care home, ~~or~~ a hospital, or similar facilities 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 barber shop for regular barbering or cosmetologist 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.

43-10-19.

(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, beauty salon, 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, barber shop, ~~or~~ school of cosmetology, school of hair design, school of esthetics, 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, such person shall be guilty of a misdemeanor.

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

43-10-20.

(a) For the purposes of this chapter, the teachers and instructors of and courses of instruction or training in barbering or the practice of a cosmetologist operated by the Department of Corrections shall be considered to be subject to the same standards and to be part of the cosmetologist programs that are approved by the Technical College System of Georgia or the Department of Education as provided for by paragraphs (14) through (18) of Code Section 43-10-1 and paragraph (8) 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 or registration under this chapter who has completed successfully a barber or cosmetologist 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."

### **SECTION 3.**

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