

House Bill 314

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to combine the State Board of Barbers and State Board of Cosmetology; to
3 repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
7 is amended by revising Chapter 10, relating to cosmetologists, as follows:

8 "43-10-1.

9 As used in this chapter, the term:

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

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

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

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

19 (A) Cuts or dresses the hair;

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

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

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

26 (E) Performs the services of an esthetician as defined in paragraph (5) of this Code
27 section.

28 Such person shall be considered as practicing the occupation of a cosmetologist within
29 the meaning of this Code section; provided, however, that such term shall not mean a
30 person who only braids the hair by hairweaving; interlocking; twisting; plaiting;
31 wrapping by hand, ~~chemical adhesive~~, or mechanical devices; or using any natural or
32 synthetic fiber for extensions to the hair, and no such person shall be subject to the
33 provisions of this chapter. Such term shall not apply to a person whose activities are
34 limited to the application of cosmetics which are marketed to individuals and are readily
35 commercially available to consumers.

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

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

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

48 (6) ~~Reserved~~ 'Master barber' means any person who performs any one or more of the
49 following services for compensation;

- 50 (A) Shaving or trimming the beard;
- 51 (B) Cutting or dressing the hair;
- 52 (C) Giving facial or scalp massages;
- 53 (D) Giving facial or scalp treatment with oils or cream or other preparations made for
54 this purpose, either by hand or by means of mechanical appliances; or
- 55 (E) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently
56 waving or straightening the hair.

57 (.1) 'Barber apprentice' means any person who practices barbering under the constant and
58 direct supervision of al icensed master barber.

59 (.2) 'Barber Schools' means any establishment that receives compensation for training
60 more than one person in the occupation of barbering as defined in paragraph (6) of this
61 Code section. Technical colleges whose programs have been approved by the Technical
62 College System of Georgia or the Department of Education are not 'barbering schools'

63 within the meaning of this chapter; provided, however, that all such colleges and their
64 programs shall be considered to be 'board approved.'

65 (3) 'Barber II' means anyone who performs any one or more of the followign services
66 for compensation:

67 (A) Shaving or trimming the beard;

68 (B) Cutting or dressing the hair;

69 (C) Giving facial or scalp massages;

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

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

74 (A) Cuts or dresses the hair; or

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

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

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

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

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

96 (12) Reserved.

97 (13) 'School of hair design' means any establishment that receives compensation for
98 training more than one person in the occupation of hair design as defined in paragraph
99 (7) of this Code section. Technical colleges whose programs have been approved by the

100 Technical College System of Georgia or the Department of Education are not schools of
101 hair design within the meaning of this chapter; provided, however, that all such colleges
102 and their programs shall be considered to be 'board approved.'

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

109 43-10-2.

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

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

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

134 (d) ~~No member of the board shall be affiliated with any school of cosmetology. Two~~
135 ~~members shall not have any connection with the practice or business of cosmetology~~

136 ~~whatsoever but shall have a recognized interest in consumer affairs and in consumer~~
 137 ~~protection concerns. No member of the board shall be affiliated or connected in any~~
 138 ~~manner with any manufacturer or wholesale or jobbing house dealing with supplies sold~~
 139 ~~to practitioners of cosmetology while in office~~ Reserved.

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

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

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

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

- 157 (1) Enforce all fines issued by these boards or representatives thereof;
 158 (2) Enforce all orders entered by these boards; and
 159 (3) Access and keep all complaints, investigative records, and records of disciplinary
 160 deliberations of these boards."

161 43-10-3.

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

164 43-10-4.

165 Reserved.

166 43-10-5.

167 The division director shall keep a record of all proceedings of the board. Such records shall
 168 be prima-facie evidence of all matters required to be kept therein, and certified copies of
 169 the same or parts thereof shall be primary evidence of their contents. All such copies, other

170 documents, or certificates lawfully issued upon the authority of the board shall, when
171 authenticated under the seal of the board, be admitted in any investigation in any court or
172 elsewhere without further proof.

173 43-10-6.

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

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

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

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

199 43-10-7.

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

202 43-10-8.

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

206 (b) It shall be unlawful for any person to hold himself or herself out as a master
207 cosmetologist ~~or hair designer~~ without having first obtained the certificate of registration
208 for such. Such person shall be authorized to perform all the services mentioned in
209 paragraph (4) of Code Section 43-10-1. Nothing in this chapter shall prohibit any person
210 who holds a valid master cosmetologist license in this state on March 29, 1983, from
211 practicing at the master cosmetologist level as defined in paragraph (8) of Code Section
212 43-10-1.

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

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

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

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

232 (2) Notwithstanding any other provisions of this chapter, any ~~person active United States~~
233 ~~military personnel or their spouse~~ who has actively ~~engaged in the practice of~~
234 ~~cosmetology, hair design, esthetics, or nail care on a military installation in Georgia~~
235 licensed as a master barber, barber II, master cosmetologist, hair designer, esthetician, or
236 nail technician for ~~three~~ two years prior to ~~July 1, 1985~~ the date of their application, shall
237 be eligible to receive a certificate of registration at the barbering, cosmetology, hair
238 design, esthetics, or nail care level upon ~~proper proof of experience, approval of~~

239 ~~completed application; and appropriate fee being submitted to the board on or before~~
 240 ~~September 1, 1985.~~

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

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

252 43-10-9.

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

273 (b) ~~Should an applicant under this Code section fail to pass the written or the practical~~
 274 ~~examination, the board shall furnish the applicant a statement in writing, stating wherein~~

275 ~~the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants~~
 276 ~~from making subsequent applications to qualify under this Code section, provided they~~
 277 ~~again pay the required examination fee~~ Notwithstanding any other provisions of this
 278 subsection, the board shall allow endorsement to an applicant who submits a complete
 279 application, along with a fee, and verification that he or she holds an active cosmetology
 280 license or the teaching of cosmetology at that level in another U.S. state or territory. The
 281 board may pass requirements for endorsement by rule.

282 (c) ~~An approved applicant for examination under this Code section may be issued a work~~
 283 ~~permit authorizing said applicant to practice such occupation until the release of the results~~
 284 ~~of the written and the practical examination for which the applicant is scheduled. If the~~
 285 ~~applicant fails to appear for the examination or fails any portion of the examination, the~~
 286 ~~work permit shall be revoked unless the applicant provides just cause to the board as to~~
 287 ~~why the applicant was unable to appear for the examination~~ Any person desiring to obtain
 288 a certificate of registration as a master barber under the terms of this chapter shall make
 289 application through the division director to the board and shall present proof that he or she
 290 has obtained a high school diploma, a general educational development (GED) diploma,
 291 or a postsecondary education or college degree. If, after review of the application, it is
 292 determined that the applicant is at least 16 years of age; has met the minimum educational
 293 requirements; is of good moral character; has completed a 1500 credit hour study course
 294 of at least nine months at a board approved school or has served as an apprentice in a
 295 beauty shop, beauty salon, or barbershop for a period of at least 3,000 credit hours; has
 296 practiced or studied barbering; is possessed of the requisite skill to perform properly these
 297 services; and has passed both a written and a practical examination approved by the board,
 298 a certificate of registration shall be issued to the applicant entitling the applicant to practice
 299 the occupation of barbering at the master level.

300 (d) ~~Should an applicant have a current cosmetology license in force from another state or~~
 301 ~~country, or territory of the United States, or the District of Columbia, where similar~~
 302 ~~reciprocity is extended to this state and licensure requirements are substantially equal to~~
 303 ~~those in this state, and pays a fee and submits an application, the applicant may be issued,~~
 304 ~~without examination, a certificate of registration at the appropriate level, entitling the~~
 305 ~~applicant to practice the occupation of cosmetology or the teaching of cosmetology at that~~
 306 ~~level, unless the board, in its discretion, sees fit to require a written or a practical~~
 307 ~~examination subject to the terms and provisions of this chapter. Notwithstanding any other~~
 308 ~~provisions of this subsection, the board shall be authorized to waive any education or~~
 309 ~~experience requirements applicable to any person who holds a current license or certificate~~
 310 ~~to practice cosmetology outside of this state and who desires to obtain a license or~~
 311 ~~certificate at a level authorized under this Code section to practice at such level in this state~~

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

326 (e) ~~Reserved~~ Notwithstanding any other provisions of this subsection, the board shall
 327 allow endorsement to an applicant who submits a complete application, along with a fee,
 328 and verification that he or she holds an active barber license in another U.S. state or
 329 territory. The board may pass requirements for endorsement by rule.

330 (f)(†) Any person desiring to obtain a certificate of registration to enable him or her to
 331 engage in the occupation of hair design shall make application through the division director
 332 and shall present proof that he or she has obtained a high school diploma, a general
 333 educational development (GED) diploma, or a postsecondary education or college degree.
 334 If, after review of the application, it is determined that the applicant is at least 17 years of
 335 age; has met the minimum educational requirements; is of good moral character; has
 336 completed a 1,325 credit hour study course with at least seven months at a board approved
 337 school or has served as an apprentice in a beauty shop, beauty salon, or ~~hair design salon~~
 338 barber shop for a period of at least 2,650 credit hours; has practiced or studied the
 339 occupation of hair design; is possessed of the requisite skill in such occupation to perform
 340 properly all the duties of the occupation, including his or her ability in the preparation of
 341 tools, in performing the services mentioned in paragraph (7) of Code Section 43-10-1, and
 342 in all the duties and services incident thereto; and has passed both a written and a practical
 343 examination approved by the board, a certificate of registration shall be issued to him or
 344 her entitling him or her to practice the occupation of hair design. ~~Notwithstanding any~~
 345 ~~other provisions of this subsection, the board shall be authorized to waive any education~~
 346 ~~requirements under this subsection in cases of hardship, disability, or illness or under such~~
 347 ~~other circumstances as the board deems appropriate with respect to any applicant who was~~

348 enrolled in a board approved school or had completed a board approved study course as of
349 June 30, 2006.

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

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

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

375 (f.1) Notwithstanding any other provisions of this subsection, the board shall allow
376 endorsement to an applicant who submits a complete application, along with a fee, and
377 verification that he or she holds an active hair designer license or the teaching of hair
378 designing in another U.S. state or territory. The board may pass requirements for
379 endorsement by rule.

380 (g)(1) Any person desiring to obtain a certificate of registration at the esthetician level
381 under the terms of this chapter shall make application through the division director to the
382 board and shall present proof that he or she has obtained a high school diploma, a general
383 educational development (GED) diploma, or a postsecondary education or college degree.
384 If, after review of the application, it is determined that the applicant is at least 17 years

385 of age; has met the minimum educational requirements; is of good moral character; has
 386 completed a 1,000 credit hour study course of at least nine months at a board approved
 387 school or has served as an apprentice in a beauty shop, or beauty salon, or barber shop
 388 for a period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as
 389 defined in paragraph (5) of Code Section 43-10-1; is possessed of the requisite skill to
 390 perform properly these services; and has passed a written and a practical examination
 391 approved by the board, a certificate of registration shall be issued to the applicant
 392 entitling the applicant to practice the occupation of cosmetology at the esthetician level.
 393 ~~Notwithstanding any other provisions of this subsection, the board shall be authorized to~~
 394 ~~waive any education requirements under this subsection in cases of hardship, disability,~~
 395 ~~or illness or under such other circumstances as the board deems appropriate with respect~~
 396 ~~to any applicant who was enrolled in a board approved school or had completed a board~~
 397 ~~approved study course as of June 30, 2000.~~

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

416 (h)(1) Any person desiring to obtain a certificate of registration at the nail technician
 417 level under the terms of this chapter shall make application through the division director
 418 to the board and shall present proof that he or she has obtained a high school diploma, a
 419 general educational development (GED) diploma, or a postsecondary education or
 420 college degree. If, after review of the application, it is determined that the applicant is
 421 at least 17 years of age; has met the minimum educational requirements; is of good moral

422 character; has completed a 525 credit hour study course of at least four months at a board
 423 approved school or has served as an apprentice in a beauty shop, or beauty salon, or
 424 barber shop for a period of at least 1,050 credit hours; has practiced or studied nail care;
 425 is possessed of the requisite skill to perform properly these services; and has passed both
 426 a written and a practical examination approved by the board, a certificate of registration
 427 shall be issued to the applicant entitling the applicant to practice the occupation of
 428 cosmetology at the nail technician level. ~~Notwithstanding any other provisions of this~~
 429 ~~subsection, the board shall be authorized to waive any education requirements under this~~
 430 ~~subsection in cases of hardship, disability, or illness or under such other circumstances~~
 431 ~~as the board deems appropriate with respect to any applicant who was enrolled in a board~~
 432 ~~approved school or had completed a board approved study course as of June 30, 2000.~~

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

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

457 (1) A person licensed to practice master barbering under Chapter 7 of this title shall be
 458 eligible to take the master cosmetologist examination provided for in this Code section

459 if that person completes a board approved 250 300 hour prescribed course in an approved
 460 cosmetology school, submits a completed application, and pays the proper fees
 461 established by the board.

462 ~~(j)~~(2) A person licensed to practice barbering under ~~Chapter 7~~ of this title shall be
 463 eligible to take the master cosmetologist examination provided for in this Code section
 464 if that person completes a board approved ~~250~~ 300 hour prescribed course in an approved
 465 cosmetology school, submits a completed application, and pays the proper fees
 466 established by the board.

467 ~~(k) Board members may attend and observe all written and practical examinations held for~~
 468 ~~certificates of registration pursuant to this Code section~~ For those applying on or after
 469 July 1, 2015, any applicant applying under this Code section shall pass both a board
 470 approved written and the practical examination within a 24-month period after having
 471 obtained the required credit hours or shall be required to repeat all of such required credit
 472 hours before retaking the examination. Should an applicant under this Code section fail
 473 to pass the written or the practical examination, the board or the board's designee shall
 474 furnish the applicant a statement in writing, stating in what manner the applicant was
 475 deficient.

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

484 43-10-10.

485 (a) The holder of any certificate of registration issued under Code Section 43-10-9 shall
 486 display the same in a conspicuous place in his or her shop or place of business. Certificates
 487 of registration issued under Code Section 43-10-9 shall be renewable biennially for a
 488 period of up to four years as approved by the division director. The holder shall pay to the
 489 division director a renewal fee in such amount as shall be set by the board by regulation.
 490 Upon failure to renew such certificate of registration, it shall stand automatically revoked.
 491 The holder shall be disqualified from practicing ~~the any~~ any occupation of ~~cosmetology~~ under
 492 this chapter until all fees to date of application for reinstatement shall be paid, an
 493 application for reinstatement shall be submitted along with a reinstatement fee in such
 494 amount as shall be set by the board by regulation, and documentation shall be submitted

495 of completion of all required continuing education hours since the date the registration was
 496 automatically revoked. If the board is satisfied that the applicant for reinstatement meets
 497 all the qualifications set forth in this Code section and Code Section 43-10-9, the applicant
 498 shall be issued a new certificate of registration.

499 (b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any
 500 barber or cosmetology salon owner, master barber, Barber II, master cosmetologist, hair
 501 designer, esthetician, or nail technician certificate of registration issued under Code Section
 502 43-10-9, the holder of such certificate shall ~~provide~~ proof, in a form approved by the board,
 503 of completion of five hours of continuing education ~~in compliance with this Code section~~
 504 ~~since the date of issuance of the latest renewal certificate~~ biennially to be determined by
 505 the board. A licensee shall provide proof of completion of continuing education if audited
 506 by the board. A holder who is renewing a certificate for the first time shall not be required
 507 to meet the continuing education requirement until the time of the second renewal. Further,
 508 the requirement for continuing education for ~~the holder of any certificate of registration~~
 509 ~~issued under this chapter shall become effective on January 1, 2003, provided that the~~
 510 ~~board has adopted rules and regulations implementing this Code section pursuant to~~
 511 ~~Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~ master barbers and
 512 Barber II will become effective beginning January 1, 2018.

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

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

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

525 (e) To request registration of an industry or trade show for continuing education credit, a
 526 person or entity shall submit to the board the date and location of the industry or trade
 527 show. To request registration of a course of study for continuing education credit, the
 528 person or entity offering the course of study shall submit to the board an outline of the
 529 subject matter, a list of the persons teaching the course with a summary of their
 530 qualifications, the number of hours for each course, and the date and location where the
 531 course of study will be presented or has been presented, if applicable. Any certificate

532 holder may request board approval of an unregistered industry or trade show or an
 533 unregistered course of study. A person or entity conducting an industry or trade show or
 534 a course of study shall provide written proof of attendance at the industry or trade show or
 535 completion of a course of study to all participants. The board may charge a fee for
 536 registration of approved continuing education providers.

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

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

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

547 ~~(i) For the first renewal period during which the continuing education requirement will be~~
 548 ~~enforced, the board shall allow credit for continuing education hours which were board~~
 549 ~~approved or which did not require prior approval by the board received between March 31,~~
 550 ~~2000, and January 1, 2002, for master cosmetologists and between August 31, 1999, and~~
 551 ~~January 1, 2002, for nail technicians and estheticians. Thereafter, no excess hours from~~
 552 ~~one renewal period shall be authorized to be credited toward the continuing education~~
 553 ~~requirement for another renewal period.~~

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

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

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

561 43-10-11.

562 All barber shops, beauty shops, salons, hair weaving and hair braiding salons or shops,
 563 schools of barbering, schools of cosmetology, schools of hair design, schools of esthetics,
 564 and schools of nail care shall be registered with the division director by the owner or
 565 manager. Such registration shall be made by the filing of an application on forms furnished
 566 by the division director; shall include the name and location of the beauty shop, salon, or
 567 school, the name and address of the owner, and the names and addresses of all instructors

568 of the shop, salon, or school at the time of registration; and shall be accompanied by a
 569 registration fee in such amount as shall be set by the board by regulation. The board may
 570 require salon, shop, or school owners to complete a board approved course covering health,
 571 sanitation, safety, and/or board laws and rules prior to issuing a registration to the owner.
 572 The board is authorized and directed to issue a certificate of registration to each shop,
 573 salon, or school so registering and paying such fee, which certificate shall be displayed in
 574 a conspicuous place in the registered shop, salon, or school.

575 43-10-12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

669 (4)(A) A person desiring to teach at the nail technician level shall satisfy the board that
670 he or she:

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

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

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

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

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

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

688 (i) Holds a current master barber license and is a high school graduate, has a general
689 educational development (GED) diploma, or has a postsecondary education or college
690 degree;

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

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

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

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

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

705 (ii) Has 750 hours of board approved instructor training in hair design of at least four
706 months;

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

708 (iv) Has passed both a written and a practical examination to become an instructor
709 in hair design.

710 (B) A person holding a current cosmetology license at the hair designer or master level
711 who is a high school graduate, has a general educational development (GED) diploma,
712 or has a postsecondary education or college degree; who has completed the required
713 board approved hours of continuing education; and has board approved work

714 experience as an instructor or in education may, at the board's discretion, be permitted
 715 to take the written and the practical examinations to become an instructor at the hair
 716 designer level.

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

727 (8) Nothing in this Code section shall be construed as preventing a person from obtaining
 728 a certificate of registration as teacher or instructor who is certified by the Department of
 729 Education to teach cosmetology in the state public schools. The certification is limited
 730 to those persons who hold a current cosmetology license at the master level and also hold
 731 a diploma or certificate of 1,500 credit hours from a board approved school and have
 732 completed the three-year teachers training program required by the Department of
 733 Education. Such persons shall also pass both a written and a practical examination
 734 satisfactory to the board and, upon passage thereof, shall receive a license to teach
 735 cosmetology.

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

740 43-10-13.

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

744 (b) Before a student shall be eligible to take the examination provided for in Code Section
 745 43-10-9, he or she shall first file with his or her application for examination a transcript
 746 showing the number of hours and courses completed from the school or shop attended by
 747 the student.

748 43-10-14.

749 (a) Nothing in this chapter shall prohibit any person at least 16 years of age from learning
750 the occupation of cosmetology under a master cosmetologist, provided that such
751 cosmetologist has had at least 36 months' experience and has held a certificate of a master
752 cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any
753 person at least 16 years of age from learning the occupation of cosmetology under an
754 instructor in a school of cosmetology who has been a cosmetologist for a period of at least
755 one year and has registered under this chapter. Nothing in this chapter shall prohibit any
756 person at least 16 years of age from learning the occupation of hair designer under a
757 cosmetologist holding a master cosmetologist certificate or a hair design certificate,
758 provided that such cosmetologist has had at least 36 months' experience or, under an
759 instructor in a school of cosmetology or school of hair design who has held a certificate as
760 a cosmetologist for a period of at least one year, is qualified to teach such practices and has
761 registered under this chapter. Nothing in this chapter shall prohibit any person at least 16
762 years of age from learning the occupation of esthetics under a cosmetologist holding a
763 master cosmetologist certificate or an esthetician certificate, provided that such
764 cosmetologist has had at least 36 months' experience or, under an instructor in a school of
765 cosmetology or school of esthetics who has held a certificate as a cosmetologist for a
766 period of at least one year, is qualified to teach said practices and has registered under this
767 chapter. Nothing in this chapter shall prohibit any person at least 16 years of age from
768 learning the occupation of nail care or manicuring under a cosmetologist holding a master
769 cosmetologist certificate or a nail technician certificate, provided that such cosmetologist
770 has had at least 36 months' experience or, under an instructor in a school of cosmetology
771 or school of nail care who has been a licensed cosmetologist for a period of at least one
772 year, is qualified to teach such practices and has registered under this chapter. ~~Any person
773 registered as an apprentice under this Code section on June 30, 1997, shall be eligible to
774 continue such apprenticeship under the person from whom that apprentice was learning the
775 occupation of cosmetology, hair design, esthetics, or nail care or manicuring at the time of
776 registration notwithstanding that the person under whom the apprentice was learning such
777 occupation does not meet the 36 months' experience otherwise required by this Code
778 section.~~ Nothing in this chapter shall prohibit any person at least 16 years of age from
779 learning the occupation of barbering under a barber holding a master barber certificate,
780 provided that such barber has had at least 18 months' experience or, under an instructor in
781 a school of barbering who has been a licensed barber for a period for at least one year, is
782 qualified to teach said practices and has registered under this chapter. Every shop owner
783 shall have the responsibility for registering apprentices with the division director. The shop
784 owner shall file a statement in writing, showing the apprentice's name and the address of

785 the shop. The board shall have the authority to require the shop owner or master
 786 cosmetologist, nail technician, esthetician, hair designer, or master barber who is
 787 supervising the apprentice to furnish to the board the number of hours completed by the
 788 apprentice. The shop owner shall remit to the division director a fee in such amount as
 789 shall be set by the board by regulation for the registration of the apprentice. The apprentice
 790 shall receive a certificate of registration showing the capacity in which he or she is
 791 permitted to practice cosmetology or barbering. The certificate of registration shall be
 792 effective for a period of ~~two~~ four years ~~and may be renewed at the end of such period upon~~
 793 ~~the filing of an application on forms furnished by the division director and the payment of~~
 794 ~~a renewal fee in such amount as shall be set by the board by regulation.~~ A certificate of
 795 registration authorizing a person to learn the occupation of barbering or cosmetology under
 796 a cosmetologist shall not be renewed ~~more than one time~~; and, upon the expiration of ~~the~~
 797 ~~last~~ certificate of registration issued, such person shall not be permitted to practice in any
 798 capacity.

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

804 43-10-15.

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

- 810 (1) Willfully committing any false, fraudulent, or deceitful act or using any forged, false,
 811 or fraudulent document in connection with any requirement of this chapter or the rules
 812 and regulations of the board;
- 813 (2) Willfully failing at any time to comply with the requirements for a certificate of
 814 registration under this chapter;
- 815 (3) Practicing barbering or cosmetology under a false or assumed name;
- 816 (4) Willfully permitting an unlicensed person to practice, learn, or teach barbering or
 817 cosmetology;
- 818 (5) Knowingly performing an act which in any way assists an unlicensed person to
 819 practice, learn, or teach barbering or cosmetology; or

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

822 (b) The board may impose a fine not to exceed \$500.00 for each violation of any provision
823 of subsection (a) of this Code section; provided, however, that the board shall not, for any
824 violation of paragraph (6) of subsection (a) of this Code section on grounds not set forth
825 in paragraphs (1) through (5) of such subsection, impose a fine for the first violation in an
826 amount that exceeds \$25.00, impose a fine for a second violation in an amount that exceeds
827 \$75.00, or impose a fine for each subsequent violation in an amount that exceeds \$300.00.
828 Such fines shall be listed in a schedule contained in the rules and regulations of the board.
829 The licensee shall pay the fine within 30 days after receiving ~~written notification~~ a citation
830 from either the board or a representative of the board unless the licensee requests in writing
831 a hearing ~~before the board~~. Such request for a hearing must be received by the board
832 within 30 days after receipt of the ~~written notification~~ citation from the board or a
833 representative of the board. Such hearings may be held by the board or a committee of the
834 board. Decisions of a committee of the board entered pursuant to this paragraph shall be
835 final decisions of the board. Failure either to pay the fine or request a hearing ~~shall~~ may
836 result in immediate suspension of the license pending a hearing to determine whether
837 revocation or other disciplinary action should be imposed on the licensee.

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

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

844 43-10-16.

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

856 Code section are a menace and a nuisance dangerous to the public health, safety, and
857 welfare.

858 43-10-17.

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

862 43-10-18.

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

867 (b) It shall not be necessary for any person operating a beauty shop or barber shop in a
868 private home to post a sign denoting same to be a beauty shop or barber shop unless the
869 person elects to do so.

870 43-10-18.1.

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

874 43-10-18.2.

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

882 43-10-18.3.

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

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

891 43-10-19.

892 (a) If any person not lawfully entitled to a certificate of registration under this chapter shall
 893 practice the occupation of a barber or cosmetologist; or if any such person shall endeavor
 894 to learn the trade of a barber or cosmetologist by practicing the same under the instructions
 895 of a barber or cosmetologist or other person, other than as provided in this chapter; or if
 896 any such person shall instruct or attempt to instruct any person in such trade; or if any
 897 proprietor of or person in control of or operating any beauty shop, barber shop, school of
 898 cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of
 899 barbering shall knowingly employ for the purpose of practicing such occupation any barber
 900 or cosmetologist not registered under this chapter; or if any person, beauty shop, salon,
 901 barber shop, or school of cosmetology, school of hair design, school of esthetics, school
 902 of nail care, or school of barbering shall engage in any of the acts covered in this chapter
 903 though not registered under the provisions of this chapter; or if any person shall falsely or
 904 fraudulently pretend to be qualified under this chapter to practice or learn such trade or
 905 occupation; or if any person shall violate any provision of the chapter for which a penalty
 906 is not specifically provided, he or she shall be guilty of a misdemeanor.

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

911 43-10-20.

912 (a) For the purposes of this chapter, the teachers and instructors of and courses of
 913 instruction or training in barbering or cosmetology operated by the Department of
 914 Corrections shall be considered to be subject to the same standards and to be part of the
 915 cosmetology programs that are approved by the Technical College System of Georgia or
 916 the Department of Education as provided for by paragraphs (10), (11), (13), ~~and~~ (14), and
 917 (15) of Code Section 43-10-1 and paragraph (8) of subsection (e) of Code Section
 918 43-10-12.

919 (b) The board shall be required to test an inmate who is an applicant for a certificate of
 920 registration under this chapter who has completed successfully a barber or cosmetology
 921 training program operated by the Department of Corrections and who meets the
 922 requirements stated in Code Section 43-10-9. If such inmate passes the applicable written

923 and practical examinations, the board may issue the appropriate certificate of registration
924 to such inmate after consideration of all requirements under Code Sections 43-10-9 and
925 43-1-19; provided, however, that the board shall not apply the provisions of paragraph (4)
926 of subsection (a) of Code Section 43-1-19 to such inmate based solely upon such person's
927 status as an inmate and shall apply such provisions in the same manner as would otherwise
928 be applicable to an applicant who is not an inmate."

929

SECTION 2.

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