

House Bill 1231

By: Representatives Camp of the 131<sup>st</sup>, Hagan of the 156<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, and Mathiak of the 73<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 barbers and cosmetologists, so as to allow individuals and facilities to provide blow-dry  
3 styling, braiding, threading, and the application of cosmetics without being licensed by the  
4 State Board of Cosmetology and Barbers; to provide for definitions; to provide for a short  
5 title; to provide for related matters; to provide for an effective date; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Niche-Beauty Services Opportunity Act."

10 **SECTION 2.**

11 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to barbers and  
12 cosmetologists, is amended by revising Code Section 43-10-1, relating to definitions relative  
13 to barbers and cosmetologists, as follows:

14 "43-10-1.

15 As used in this chapter, the term:

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

18 (2) 'Barber II' means an individual who performs any one or more of the following  
19 services for compensation:

20 (A) Shaving or trimming the beard;

21 (B) Cutting or dressing the hair;

22 (C) Giving facial or scalp massages; or

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

25 Such term shall not apply to an individual whose activities are limited to blow-dry styling  
26 or braiding if such individual performs no other services requiring a license under this  
27 chapter.

28 (3) 'Barbering' means the occupation of shaving or trimming the beard, cutting or  
29 dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with  
30 oils or cream or other preparations made for this purpose, either by hand or by means of  
31 mechanical appliances, singeing and shampooing the hair, coloring or dyeing the hair, or  
32 permanently waving, relaxing, or straightening the hair of an individual for  
33 compensation. Such term shall not apply to the occupation of blow-dry styling or  
34 braiding if no other activities requiring a license under this chapter are performed.

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

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

38 (5.1)(A) 'Blow-dry styling' means the practice of only:

39 (i) Shampooing, conditioning, drying, arranging, or braiding hair;

40 (ii) Curling, straightening, or styling hair using only:

41 (I) Mechanical devices, including, but not limited to, driers, flat irons, and curling  
42 irons; or

43 (II) Topical agents, including, but not limited to, hair sprays, balms, oils, and  
 44 serums; or

45 (iii) Using and styling of natural or synthetic fiber for hair extensions, hair pieces,  
 46 and wigs.

47 Such term is distinct from the practice of barbering, barber II, or hair designer or of a  
 48 cosmetologist.

49 (B) Such term does not include cutting hair; the application of dyes, bleach, reactive  
 50 chemicals, keratin treatments, or other preparations to color or alter the structure of  
 51 hair; or shampooing or conditioning hair to which dyes, bleach, reactive chemicals,  
 52 keratin treatments, or other preparations to color or alter the structure of hair have been  
 53 applied on the same day.

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

55 (6.1) 'Braiding' means hairweaving; interlocking; twisting; plaiting; wrapping by hand,  
 56 chemical, or mechanical devices; or using any natural or synthetic fiber for extensions to  
 57 the hair.

58 (7)(A) 'Cosmetologist' means any individual who performs any one or more of the  
 59 following services for compensation:

60 ~~(A)~~(i) Cuts or dresses the hair;

61 ~~(B)~~(ii) Gives facial or scalp massages or facial and scalp treatment with oils or cream  
 62 or other preparations made for this purpose, either by hand or by means of mechanical  
 63 appliances;

64 ~~(C)~~(iii) Singes and shampoos the hair, colors or dyes the hair, or does permanent  
 65 waving, relaxing, or straightening of the hair;

66 ~~(D)~~(iv) Performs the services of a nail technician as defined in paragraph (12) of this  
 67 Code section; or

68 ~~(E)~~(v) Performs the services of an esthetician as defined in paragraph (8) of this Code  
 69 section.

70 Such individual shall be considered as practicing the occupation of a cosmetologist within  
 71 the meaning of this Code section; provided, however, that such term shall not mean an  
 72 individual who only braids the hair by hairweaving; interlocking; twisting; plaiting;  
 73 wrapping by hand, chemical, or mechanical devices; or using any natural or synthetic  
 74 fiber for extensions to the hair, and no such individual shall be subject to the provisions  
 75 of this chapter:

76 (B) Such term shall not apply to an individual whose activities are limited to the  
 77 following practices if such individual performs no other services requiring a license  
 78 under this chapter:

79 (i) Blow-dry styling;

80 (ii) Braiding;

81 (iii) Threading; and

82 (iv) The application of cosmetics which are marketed to individuals and are readily  
 83 commercially available to consumers.

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

87 (A) Massaging the face, neck, décolletage, or arms of an individual;

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

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

90 (D) Waxing, ~~threading~~, stimulating, cleansing, or beautifying the face, neck, arms,  
 91 torso, or legs of an individual by any method with the aid of the hands or any  
 92 mechanical or electrical apparatus or by the use of a cosmetic preparation.

93 Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any  
 94 dermatological condition or medical aesthetics or the use of lasers. Such term shall not  
 95 apply to an individual whose activities are limited to the application of cosmetics ~~during~~  
 96 ~~the production of film, television, or musical entertainment or to the application of~~

97 ~~cosmetics in a retail environment in which cosmetics are marketed to individuals and are~~  
98 ~~readily commercially available to consumers~~ or threading.

99 (9) 'Hair designer' means an individual who performs any one or more of the following  
100 services for compensation:

101 (A) Cuts or dresses the hair; or

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

104 Such term shall not apply to an individual whose activities are limited to blow-dry styling  
105 or braiding if such individual performs no other services requiring a license under this  
106 chapter.

107 (9.1) 'License' means a certificate of registration or other document issued by the board  
108 or by the division director on behalf of the board pursuant to the provisions of this chapter  
109 permitting an individual to practice in an occupation or operate a school.

110 (10) 'Master barber' means an individual who performs any one or more of the following  
111 services for compensation:

112 (A) Shaving or trimming the beard;

113 (B) Cutting or dressing the hair;

114 (C) Giving facial or scalp massages;

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

117 (E) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently  
118 waving, relaxing, or straightening the hair.

119 Such term shall not apply to an individual whose activities are limited to blow-dry styling  
120 or braiding if such individual performs no other services requiring a license under this  
121 chapter.

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

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

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

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

136 (15) 'School of cosmetology' means any establishment that receives compensation for  
137 training more than one individual in the occupation of a cosmetologist. Technical  
138 colleges whose programs have been approved by the Technical College System of  
139 Georgia or the Department of Education are not 'schools of cosmetology' within the  
140 meaning of this chapter; provided, however, that all such colleges and their programs  
141 shall be considered to be 'board approved.'

142 (16) 'School of esthetics' means any establishment that receives compensation for  
143 training more than one individual in the occupation of an esthetician. Technical colleges  
144 whose programs have been approved by the Technical College System of Georgia or the  
145 Department of Education are not 'schools of esthetics' within the meaning of this chapter;  
146 provided, however, that all such colleges and their programs shall be considered to be  
147 'board approved.'

148 (17) 'School of hair design' means any establishment that receives compensation for  
149 training more than one individual in the occupation of a hair designer. Technical colleges  
150 whose programs have been approved by the Technical College System of Georgia or the  
151 Department of Education are not 'schools of hair design' within the meaning of this

152 chapter; provided, however, that all such colleges and their programs shall be considered  
153 to be 'board approved.'

154 (18) 'School of nail care' means any establishment that receives compensation for  
155 training more than one individual in the occupation of a nail technician. Technical  
156 colleges whose programs have been approved by the Technical College System of  
157 Georgia or the Department of Education are not 'schools of nail care' within the meaning  
158 of this chapter; provided, however, that all such colleges and their programs shall be  
159 considered to be 'board approved.'

160 (19) 'Threading' means removing hairs from the eyebrows, upper lip, or other body parts  
161 by using a cotton thread to pull hair from follicles. Such term includes the use of  
162 tweezers, scissors, and over-the-counter astringents, gels, or powders incidental to such  
163 method of hair removal."

164 **SECTION 3.**

165 Said chapter is further amended by revising subsection (c) of Code Section 43-10-12, relating  
166 to regulation and licenses for schools, teachers and instructors, registration of apprentices,  
167 and certification as teacher by Department of Education, as follows:

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

171 (1) All schools of cosmetology shall be required to teach the following courses: theory,  
172 permanent and cold hair waving, hair coloring, hair bleaching, hair relaxing, hair  
173 straightening, hair and scalp treatments, massaging the face, neck, and scalp, hair and  
174 scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb out,  
175 waxing, ~~threading~~, tweezing, reception, desk work, facials, makeup and arching, skin  
176 care, nail care, state law, board rules and regulations, and any other subjects related to  
177 cosmetology and sanitation;

178 (1.1) All schools of hair design shall be required to teach the following courses: theory,  
179 permanent and cold hair waving, hair coloring, hair bleaching, hair relaxing, hair  
180 straightening, hair and scalp treatments, massaging the scalp, hair and scalp conditioning,  
181 hair cutting and shaping, hairdressing, shampooing, styling, comb out, reception, desk  
182 work, state law, board rules and regulations, and any other subjects related to hair design  
183 and sanitation;

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

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

193 (4) All schools of barbering shall be required to teach the following courses: theory, hair  
194 and scalp treatments, massaging the face, neck, and scalp, shampooing and conditioning,  
195 shaving, coloring of hair, hair cutting and styling, facial hair design, facial hair waxing,  
196 permanent and cold hair waving, hair relaxing, hair straightening, chemical application,  
197 reception, desk work, state law, board rules and regulations, and any other subjects  
198 related to barbering and sanitation."

199 **SECTION 4.**

200 Said chapter is further amended by revising Code Section 43-10-17, relating to employment  
201 of persons to wash, shampoo, comb, and brush hair in beauty shops, beauty salons, and  
202 barber shops, as follows:



203 "43-10-17.

204 (a) Notwithstanding any other provision of this chapter, an individual who performs  
205 blow-dry styling, braiding, threading, or the application of cosmetics shall not be required  
206 to be licensed by the board.

207 (b) Notwithstanding any other provision of this chapter, a beauty shop, beauty salon, and  
208 barber shop shall be authorized to employ persons to wash, shampoo, comb, and brush hair  
209 engage in blow-dry styling, braiding, threading, or the application of cosmetics, and such  
210 persons shall not be required to be registered licensed by the board.

211 (c) A facility in which an individual performs only blow-dry styling, braiding, threading,  
212 the application of cosmetics, or a combination thereof but in which no individual performs  
213 any other service or practice requiring a license under this chapter shall be exempt from all  
214 of the facility licensing requirements under this chapter."

215 **SECTION 5.**

216 This Act shall become effective upon its approval by the Governor or upon its becoming law  
217 without such approval.

218 **SECTION 6.**

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