

The House Committee on Regulated Industries offers the following substitute to HB 212:

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 repeal Chapter 10, relating to barbers and cosmetologists, and enact a
3 new chapter that reorganizes, modernizes, and clarifies all aspects of the current regulation
4 of the practice of barbering, esthetics, hair design, cosmetology, and nail care through the
5 State Board of Cosmetology and Barbers; to provide for hair removal to be a separate
6 practice and to provide for separate apprenticeship, instruction, and licensing for such
7 practice; to provide for definitions; to provide for continuation of the board; to provide for
8 members, meetings, officers, reimbursement, and powers of the board; to provide for the
9 promulgation of rules and regulations; to require and provide for issuance of occupational
10 licenses, apprentice licenses, school of instruction licenses, and instructor licenses; to provide
11 for exceptions and exemptions; to provide for continuing education; to provide for sanitation,
12 human trafficking, and other specific education and training; to provide for inspections and
13 the posting of certain notices; to provide for unsanitary conditions to constitute a nuisance;
14 to provide for display, renewal, suspension, revocation, reinstatement, and reprimand of
15 licenses; to provide for civil and criminal penalties; to provide for injunctions against
16 unlicensed practice; to provide for an effective date; to repeal conflicting laws; and for other
17 purposes.

H. B. 212 (SUB)

- 1 -

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 SECTION 1.

20 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
21 is amended by repealing Chapter 10, relating to barbers and cosmetologists, and enacting a
22 new Chapter 10 to read as follows:

23 "CHAPTER 10

24 43-10-1.

25 As used in this chapter, the term:

26 (1) 'Barber II' means an individual licensed under this chapter to engage in the practice
27 of barbering II.

28 (2) 'Barber II apprentice' means an individual licensed with the board to learn the
29 practice of barbering II within a service salon and while learning assists in the practice
30 of barbering II under the constant and direct supervision of a barber II or master barber.

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

32 (4) 'Board approved school' means any school of instruction licensed under this chapter
33 or a program approved by the board that is taught at a state approved school.

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

37 (6) 'Esthetician' means an individual licensed under this chapter to engage in the practice
38 of esthetics.

39 (7) 'Esthetician apprentice' means an individual licensed with the board to learn the
40 practice of esthetics within a service salon and while learning assists in the practice of
41 esthetics under the constant and direct supervision of an esthetician.

42 (8) 'Hair designer' means any individual licensed under this chapter to engage in the
43 practice of hair design.

44 (9) 'Hair designer apprentice' means an individual licensed with the board to learn the
45 practice of hair design within a service salon and while learning assists in the practice of
46 hair design under the constant and direct supervision of a hair designer or a master
47 cosmetologist.

48 (10) 'Hair removal apprentice' means an individual licensed with the board to learn the
49 practice of hair removal within a service salon and while learning assists in the practice
50 of hair removal under the constant and direct supervision of a hair removal instructor,
51 esthetician, or master cosmetologist.

52 (11) 'Hair removal technician' means an individual licensed under this chapter to engage
53 in the practice of hair removal.

54 (12) 'Instructor license' means a license issued under Code Section 43-10-13 enabling the
55 licensee to teach or instruct in a school of instruction.

56 (13) 'License' means a certificate of registration, license, or other document issued by the
57 board or by the division director on behalf of the board pursuant to the provisions of this
58 chapter permitting an individual to practice or apprentice in an occupation, to operate a
59 service salon or school of instruction or to be an instructor.

60 (14) 'Licensee' means any person holding a license issued by the board.

61 (15) 'Master barber' means any individual licensed under this chapter to engage in the
62 practice of master barbering.

63 (16) 'Master barber apprentice' means an individual licensed with the board to learn the
64 practice of master barbering within a service salon and while learning assists in the
65 practice of master barbering under the constant and direct supervision of a master barber.

66 (17) 'Master cosmetologist' means any individual licensed under this chapter to engage
67 in the practice of master cosmetology.

68 (18) 'Master cosmetologist apprentice' means an individual licensed with the board to
69 learn the practice of master cosmetology within a service salon and while learning assists
70 in the practice of master cosmetology under the constant and direct supervision of a
71 master cosmetologist.

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

74 (20) 'Minimum education requirement' means a general educational development (GED)
75 diploma, high school diploma, postsecondary education, or college degree.

76 (21) 'Nail technician' means an individual licensed under this chapter to engage in the
77 practice of nail care.

78 (22) 'Nail technician apprentice' means an individual licensed with the board to learn the
79 practice of nail care within a service salon and while learning assists in the practice of
80 nail care under the constant and direct supervision of a nail technician.

81 (23) 'Occupational license' means a license issued under this chapter to engage in the
82 practice of barber II, the practice of esthetics, the practice of hair design, the practice of
83 hair removal, the practice of master barber, the practice of master cosmetology, or the
84 practice of nail care.

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

87 (25) 'Practice of barbering II' means any one or more of the following services for
88 compensation:

89 (A) Shaving or trimming the beard;

90 (B) Cutting or dressing the hair;

91 (C) Giving facial or scalp massages; or

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

94 (26)(A) 'Practice of esthetics' means any one or more of the following services for
95 compensation:

- 96 (i) Massaging the face, neck, décolletage, or arms of an individual;
97 (ii) Trimming, tweezing, or shaping eyebrows;
98 (iii) Dyeing eyelashes or eyebrows or applying eyelash extensions; or
99 (iv) Waxing, stimulating, cleansing, or beautifying the face, neck, arms, torso, or legs
100 of an individual by any method with the aid of the hands or any mechanical or
101 electrical apparatus or by the use of a cosmetic preparation.

102 (B) Such term shall not include:

- 103 (i) The diagnosis, treatment, or therapy of any dermatological condition or medical
104 esthetics or the use of lasers;
105 (ii) The application of cosmetics; or
106 (iii) The practice of threading.

107 (27) 'Practice of hair design' means any one or more of the following services for
108 compensation:

- 109 (A) Cutting or dressing the hair;
110 (B) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently
111 waving, relaxing, or straightening the hair; or
112 (C) Giving scalp treatment with oils or cream or other preparations made for this
113 purpose, either by hand or by means of mechanical appliances.

114 (28) 'Practice of master barbering' means any one or more of the following services for
115 compensation:

- 116 (A) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently
117 waving, relaxing, or straightening the hair; or
118 (B) Any service that constitutes the practice of barbering II.

119 (29) 'Practice of hair removal' means the removal of hair by performing any one of the
120 following services for compensation:

121 (A) Waxing;

122 (B) The use of depilatory products; or

123 (C) Electrolysis.

124 Such term shall not include threading, medical esthetics, the use of lasers, or the
125 diagnosis, treatment, or therapy of any dermatological condition.

126 (30) 'Practice of master cosmetology' means any one or more of the services for
127 compensation that constitutes the practice of esthetics, the practice of hair design, or the
128 practice of nail care.

129 (31) 'Practice of nail care' means any one or more of the following services for
130 compensation:

131 (A) Cleaning, shaping, polishing, decorating, or otherwise caring for or performing
132 treatment of the cuticles or the nails of the hands or feet; or

133 (B) Applying and removing sculptured or otherwise artificial nails by hand or using
134 mechanical or electrical apparatus or appliances.

135 (32) 'Proprietor' means an owner, operator, or manager.

136 (33) 'School of barbering II' means any establishment that receives compensation for
137 training more than one individual in the practice of barbering II.

138 (34) 'School of esthetics' means any establishment that receives compensation for
139 training more than one individual in the practice of esthetics or the practice of hair
140 removal.

141 (35) 'School of hair design' means any establishment that receives compensation for
142 training more than one individual in the practice of hair design.

143 (36) 'School of instruction' means any school of barbering II, school of esthetics, school
144 of hair design, school of master barbering, school of master cosmetology, school of nail
145 care, and school of waxing. Such term shall not include programs taught in state
146 approved schools.

147 (37) 'School of instruction license' means a license issued under Code Section 43-10-12
148 enabling the licensee to operate a school of instruction.

149 (38) 'School of master barbering' means any establishment that receives compensation
150 for training more than one individual in the practice of master barbering or the practice
151 of barbering II.

152 (39) 'School of master cosmetology' means any establishment that receives compensation
153 for training more than one individual in the practice of master cosmetology, the practice
154 of hair design, or the practice of hair removal.

155 (40) 'School of nail care' means any establishment that receives compensation for
156 training more than one individual in the practice of nail care.

157 (41) 'School of waxing' means any establishment that receives compensation for training
158 more than one individual in the practice of hair removal.

159 (42) 'Service salon' means any premises where one or more individuals engage in
160 activities that require licensure under this chapter by whatever name called, including, but
161 not limited to, a 'salon,' 'salon suite,' 'shop,' 'spa,' 'barber shop,' 'beauty salon,' 'beauty
162 shop,' and 'beauty suite.'

163 (43) 'State approved school' means any school under the jurisdiction of the Board of
164 Regents of the University System of Georgia, the Technical College System of Georgia,
165 the Department of Education, or any accredited postsecondary institution in this state.
166 Such term shall include any school or course under the jurisdiction of the Department of
167 Corrections.

168 (44) 'Threading' means the removal of hair from the eyebrows, upper lip, or other body
169 parts using a cotton thread to pull hair from follicles. Such term shall include the use of
170 tweezers, scissors, and over-the-counter astringents, gels, or powders incidental to such
171 hair removal method.

172 43-10-2.

173 (a) The State Board of Cosmetology and Barbers in existence immediately prior to
174 July 1, 2023, is continued in existence subject to the provisions of this chapter. The
175 membership of the board and the current terms of said members shall continue unchanged.
176 All rules and regulations of the board that were in effect on June 30, 2023, shall continue
177 in effect unless and until amended or removed by the board.

178 (b) The members of the board shall be appointed by the Governor for a term of three years
179 and until their successors are appointed and qualified. Vacancies shall be filled by the
180 Governor for the unexpired portion of the term. The Governor may remove any board
181 member for cause as provided in Code Section 43-1-17.

182 (c) The board shall consist of nine members as follows:

183 (1) Two members shall be licensed master cosmetologists with at least five years of
184 practical experience as such, a portion of which must have been as a proprietor of a
185 service salon;

186 (2) One member shall be a licensed esthetician with at least five years of practical
187 experience as such;

188 (3) One member shall be a licensed nail technician with at least five years of practical
189 experience as such;

190 (4) Two members shall be licensed master barbers with at least five years of practical
191 experience as such;

192 (5) One member shall be licensed as an instructor at a school of master barbering or
193 school of barbering II;

194 (6) One member shall be licensed as an instructor at a school of master cosmetology; and

195 (7) One member who has never been licensed under this chapter and has no business
196 interest related to any activity licensed under this chapter, but has a recognized interest
197 in consumer affairs and in consumer protection concerns.

198 (d) All members of the board shall:

- 199 (1) Be at least 25 years of age;
200 (2) Be residents of this state; and
201 (3) Have obtained the minimum education requirements.

202 43-10-3.

203 (a) Each year, the members of the board shall elect a chairperson from among themselves.
204 In the event the members are unable to decide on a chairperson, the Governor shall appoint
205 one of the members as the chairperson.

206 (b) The members of the board shall be considered public officers and shall take the oath
207 required thereof.

208 (c) The board shall meet at least once a year but shall meet as often as may be necessary
209 for the purpose of adopting rules and regulations and handling other matters pertaining to
210 duties of the board. The board may provide through its rules and regulations for its
211 meetings to be held using telecommunication, electronic communication, or some other
212 means using technology that does not require in-person attendance.

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

215 43-10-4.

216 Reserved.

217 43-10-5.

218 The division director shall keep a record of all proceedings of the board. Such records shall
219 be prima-facie evidence of all matters required to be kept therein, and certified copies of
220 the same or parts thereof shall be primary evidence of their contents. All such copies, other
221 documents, or certificates lawfully issued upon the authority of the board shall, when

222 authenticated under the seal of the board, be admitted in any investigation in any court or
223 elsewhere without further proof.

224 43-10-6.

225 (a) Except as otherwise provided in this chapter, it shall be unlawful for any person in this
226 state that has not been issued a valid license by the board to:

227 (1) Engage in or attempt to engage in;

228 (2) Teach or attempt to teach;

229 (3) Hold themselves out as licensed in; or

230 (4) Announce or advertise that they are qualified to offer services in

231 the practice of barbering II, the practice of esthetics, the practice of hair design, the practice
232 of master barbering, the practice of master cosmetology, or the practice of nail care.

233 (b) It shall also be unlawful for any person or persons to own, operate, or open a service
234 salon or school of instruction without first having obtained a license for such service salon
235 or school of instruction as provided in this chapter.

236 (c) Nothing in this chapter shall be construed to:

237 (1) Prohibit or restrict the practice of a profession by individuals who are licensed,
238 certified, or registered under the laws of this state who are performing services within
239 their authorized scope of practice;

240 (2) Require an individual whose practice is limited to braiding the hair by hairweaving;
241 interlocking; twisting; plaiting; wrapping by hand, chemicals, or mechanical devices; or
242 using any natural or synthetic fiber for extensions to the hair to be licensed under this
243 chapter to engage in such practice;

244 (3) Require an individual whose practice is limited to the application of cosmetics to be
245 licensed under this chapter to engage in such practice;

246 (4) Require individuals who wash, shampoo, comb, and brush hair in a licensed service
247 salon to be licensed as an apprentice or obtain other licensure under this chapter, provided

248 that such activities do not include the application or removal of any chemicals that alter
249 the structure of the hair; or

250 (5) Require an individual to be licensed under this chapter if the individual complies with
251 subsection (d) of this Code section and the individual's practice is limited to:

252 (A) Washing, shampooing, conditioning, combing, and brushing hair outside of a
253 licensed salon;

254 (B) Drying, arranging, and styling hair, including the use of mechanical devices such
255 as blow dryers, curling irons and flat irons and topical agents such as hair sprays,
256 balms, oils, and serums; provided, however, that such activities shall not include the
257 application or removal of chemicals that alter the structure of the hair;

258 (C) Threading; or

259 (D) A combination of subparagraphs (A) through (C) of this paragraph.

260 (d) In order to provide services under paragraph (5) of subsection (c) of this Code section
261 for compensation without a license issued by the board, an individual shall be required to
262 first complete a health and safety course approved by the board pursuant to subsection (b)
263 of Code Section 43-10-10, not to exceed four hours, and shall maintain proof of completion
264 of the course when providing such services.

265 43-10-7.

266 (a) Any individual desiring to obtain an occupational license shall make application
267 through the division director to the board. Such application shall require the applicant to
268 present proof that such applicant:

269 (1) Is at least 17 years of age;

270 (2) Has met the minimum education requirements;

271 (3) Has met the study course requirement at a board approved school or apprentice
272 requirement for such occupational license, which shall be:

- 273 (A) For a barber II, completion of a 1,140 credit hour study course over at least a
274 seven-month period at a board approved school or 2,280 credit hours as a barber II
275 apprentice;
- 276 (B) For an esthetician, completion of a 1,000 credit hour study course over at least a
277 nine-month period at a board approved school or 2,000 credit hours as an esthetician
278 apprentice;
- 279 (C) For a hair designer, completion of a 1,325 credit hour study course over at least a
280 seven-month period at a board approved school or 2,650 credit hours as a hair designer
281 apprentice;
- 282 (D) For a hair removal technician, completion of a 300 credit hour study course over
283 at least a three-month period at a board approved school or 600 credit hours as a hair
284 removal technician apprentice; and
- 285 (E) For a master barber, completion of a 1,500 credit hour study course over at least
286 a nine-month period at a board approved school or 3,000 credit hours as a master barber
287 apprentice;
- 288 (F) For a master cosmetologist, completion of a 1,500 credit hour study course over at
289 least a nine-month period at a board approved school or 3,000 credit hours as a master
290 cosmetologist apprentice; and
- 291 (G) For a nail technician, completion of a 525 credit hour study course over at least
292 a fourth-month period at a board approved school or 1,050 credit hours as a nail
293 technician apprentice; and
- 294 (4) Has passed a written and a practical examination approved by the board for such
295 occupational license; provided, however, that such examination shall be completed within
296 a 48 month period after having obtained the required study course requirement or
297 apprenticeship requirement under paragraph (3) of this subsection or such applicant shall
298 be required to repeat all of such required study course credit hours or apprentice credit
299 hours before retaking the examination; provided, further, that if such applicant fails to

300 pass either the written or practical examination, the board or the board's designee shall
301 furnish the applicant a statement in writing, stating in what manner the applicant was
302 deficient.

303 (b)(1) Before an individual shall be eligible to take the examination provided for in
304 paragraph (4) of subsection (a) of this Code section, such individual shall first file an
305 application for examination providing a transcript showing the number of hours and
306 courses completed from the board approved school or service salon attended by the
307 student.

308 (2) Any licensed apprentice in a service salon shall take the theory portion of such
309 examination within the first 12 months of starting such apprenticeship.

310 (c) Any individual wishing to take the written and practical examination required under
311 paragraph (4) of subsection (a) of this Code section who has successfully completed a
312 credit hour study course at a school that is:

313 (1) Outside of this state that has been accredited or approved by such other state shall
314 submit to the board evidence of such credit hour study course and, upon review of such
315 submission, the board may allow such individual to sit for the examination; or

316 (2) Outside of this country shall submit to the board a credentials evaluation from a
317 board approved credentials evaluation provider and, upon review of such credentials
318 evaluation, the board may allow such individual to sit for the examination.

319 (d) The board shall provide the written and practical examination required under
320 paragraph (4) of subsection (a) of this Code section to any inmate who is an applicant for
321 a license under this chapter who has successfully completed the requisite course
322 requirements through a training program operated by the Department of Corrections and
323 who otherwise meets the requirements of paragraphs (1) and (2) of subsection (a) of this
324 Code section. If such inmate passes the applicable written and practical examination, the
325 board may issue the appropriate license to such inmate after consideration of all
326 requirements under this Code section and Code Section 43-1-19; provided, however, that

327 the board shall not apply the provisions of paragraph (4) of subsection (a) of Code
328 Section 43-1-19 to such inmate based solely upon such person's status as an inmate and
329 shall apply such provisions in the same manner as would otherwise be applicable to an
330 applicant who is not an inmate.

331 (e) The board shall be authorized to establish by rules and regulations a process for
332 applicants to apply for a waiver of education requirements under this Code section in cases
333 of hardship, disability, or illness or under such other circumstances as the board deems
334 appropriate with respect to any applicant who was enrolled in a board approved school or
335 had completed a board approved study course.

336 (f)(1) Any master cosmetologist shall be eligible to obtain a license for the practice of
337 master barbering upon passing the written and practical examination for such
338 occupational license after completion of a 300 credit hour study course at a board
339 approved school, submitting a completed application for such license, and paying the
340 requisite application fee established by the board.

341 (2) Any master barber shall be eligible to obtain a license for the practice of master
342 cosmetology upon passing the written and practical examination for such occupational
343 license after completion of a 300 credit hour study course at a board approved school,
344 submitting a completed application for such license, and paying the requisite application
345 fee established by the board.

346 43-10-8.

347 (a) Notwithstanding any other provisions of this chapter, the board may issue a license by
348 endorsement for any occupational license to any individual who holds such a license or
349 certification in another state, provided that:

350 (1) Such individual submits a completed application for an expedited license by
351 endorsement and application fee; and

352 (2) The board receives verification from such other state that such applicant is in good
353 standing and is not the subject of an investigation or a disciplinary proceeding being
354 conducted by a professional licensing board or other board in such other state.

355 (b) Notwithstanding any other provisions of this chapter, the board may issue an expedited
356 license by endorsement for any occupational license to any current or discharged member
357 of the military who holds such a license or certification from another state, provided that:

358 (1) Such individual submits a completed application for an expedited license by
359 endorsement and application fee;

360 (2) The board receives verification from such other state that such applicant is in good
361 standing and is not the subject of an investigation or a disciplinary proceeding being
362 conducted by a professional licensing board or other board in such other state; and

363 (3) The training, experience, and examination requirements of such other state
364 substantially meet or exceed the requirements in this state to obtain the occupational
365 license for which such individual is applying.

366 43-10-9.

367 (a) The holder of any occupational license issued under this chapter shall display such
368 license in a conspicuous place as specified by the board in the service salon in which such
369 licensee is providing services. At the board's discretion, such conspicuous place may
370 include posting onsite or on a website or access through the posting of a bar code or by
371 other electronic means.

372 (b) Occupational licenses shall be renewable for a period of two years. The licensee shall
373 pay to the division director a renewal fee in such amount as shall be set by the board under
374 rules and regulations. Upon failure to renew such license, such license shall be
375 automatically revoked. The holder of such license shall be disqualified from practicing any
376 occupation under this chapter unless and until such license is reinstated. An application
377 for reinstatement shall include payment of all fees due as of the date of such application

378 and the reinstatement fee in such amount as shall be set by the board by regulation. Such
379 reinstatement application shall be submitted with documentation of the completion of all
380 required continuing education hours under Code Section 43-10-10 since the date the license
381 was automatically revoked, not to exceed 15 continuing education hours. If the board is
382 satisfied that the applicant for reinstatement meets all the qualifications set forth in this
383 Code section and Code Section 43-10-7, the applicant's license shall be reinstated.

384 43-10-10.

385 (a) At the time of renewal of any occupational license, the licensee shall maintain proof,
386 in a form approved by the board, of completion of five hours of continuing education
387 biennially to be determined by the board. A licensee shall provide proof of completion of
388 continuing education if audited by the board. A holder who is renewing a license for the
389 first time shall not be required to meet the continuing education requirement until the time
390 of the second renewal.

391 (b) The board shall require by rules and regulations that either three or four hours of
392 continuing education shall be satisfied by a health and safety course using a curriculum
393 developed by the board or by a board approved provider. The board may also require by
394 rules and regulations a review course of the board rules and regulations and applicable laws
395 using a curriculum developed by the board or by a board approved provider. Such
396 curricula or courses may be revised by the board or by a board approved provider as
397 necessary to incorporate new developments. The board shall make the curricula and
398 courses available to board approved providers of continuing education. The board may
399 charge a fee to providers for registration as board approved providers.

400 (c) The board may require by rules and regulations that the remaining one to two hours of
401 continuing education be satisfied by:

402 (1) Attendance at an industry or trade show registered with the board; or

403 (2) A course or courses of study registered with the board in one or more of the
404 following subjects: health and safety, human trafficking awareness, industry trends,
405 computer skills, business management, or the holder's area of practice.

406 (d) To request registration of an industry or trade show for continuing education credit, the
407 person shall submit to the board the date and location of the industry or trade show. To
408 request registration of a course of study for continuing education credit, the person offering
409 the course of study shall submit to the board an outline of the subject matter, a list of the
410 persons teaching the course with a summary of their qualifications, the number of hours
411 for each course, and the date and location where the course of study will be presented or
412 has been presented, if applicable. Any licensee may request board approval of an
413 unregistered industry or trade show or an unregistered course of study. A person
414 conducting an industry or trade show or a course of study shall provide written proof of
415 attendance at the industry or trade show or completion of a course of study to all
416 participants.

417 (e) The board shall register and allow credit as continuing education for courses conducted
418 via in-person instruction, online courses, or remote participation platforms.

419 (f) Courses offered by state approved schools in the practice of any occupational license,
420 computers, business, human trafficking awareness, or sanitation or any health and safety
421 issues shall satisfy the continuing education requirement without a request to the board for
422 approval or registration.

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

425 (h) The continuing education requirement shall not apply to any licensee providing to the
426 board a sworn statement setting out the facts that support that such licensee:

427 (1) Has held such an occupational license for 25 or more years; or

428 (2) Can demonstrate a hardship based on disability, age, illness, or such other
429 circumstance as the board may identify by rules and regulations and determine on a
430 case-by-case basis.

431 43-10-11.

432 (a) To operate, own, or open a service salon or school of instruction, the proprietor of such
433 service salon or school of instruction shall obtain a license under this chapter by submitting
434 an application through the division director to the board. Such application shall require the
435 applicant to provide:

436 (1) The name and location of the service salon or school of instruction;

437 (2) The names and addresses of all proprietors of the service salon or school of
438 instruction;

439 (3) The names and addresses of all instructors of the service salon or school of
440 instruction;

441 (4) Evidence of completion of a board approved course covering applicable state law,
442 board rules and regulations, human trafficking awareness, sanitation, health and safety,
443 other related subjects, or a combination thereof; and

444 (5) An application fee in such amount as shall be set by the board by rules and
445 regulations.

446 (b) Any license issued under this Code section shall be displayed in a conspicuous place
447 as specified by the board in the service salon or school of instruction. At the board's
448 discretion, such conspicuous place may include posting onsite or on a website or access
449 through the posting of a bar code or by other electronic means.

450 43-10-12.

451 (a) Any person desiring to operate a school of instruction shall, prior to opening, first
452 secure from the board the applicable school of instruction license and shall keep such

453 license prominently displayed in the school of instruction in a conspicuous place as
454 specified by the board. Such conspicuous place may include at the discretion of the board
455 posting onsite or on a website or access through the posting of a bar code or by other
456 electronic means.

457 (b) The board shall have the authority to determine required qualifications, appointments,
458 courses of study, and hours of study for all schools of instruction, provided that each school
459 of instruction shall be required to teach courses on all aspects of such school of instruction's
460 area of licensure in addition to state law, board rules and regulations, human trafficking
461 awareness, sanitation, health and safety, and any other related subjects.

462 (c) All schools of instruction shall:

463 (1) Cause to be registered in writing with the board, at the time of opening, 15 bona fide
464 students; provided, however, that any such school may petition the board to add
465 additional courses of study with a minimum of five students per course if such school has
466 an active license in good standing;

467 (2) Have not less than one licensed instructor for every 20 students or a fraction thereof;

468 (3) Teach all courses in the language in which the written and practical examination for
469 licensure shall be administered;

470 (4) Keep permanently displayed a sign reading 'School of Barbering II,' 'School of
471 Esthetics,' 'School of Hair Design,' 'School of Master Barbering,' 'School of Master
472 Cosmetology,' 'School of Nail Care,' or 'School of Waxing' as applicable; and all such
473 signs shall also display the words 'Service by Students Only.' Where service is rendered
474 by a student, no commissions or premiums shall be paid to such student for work done
475 in the school of instruction; nor shall any individual be employed by the school of
476 instruction to render professional service to the public; and

477 (5) Provide transcripts to students upon graduation or withdrawal from the school of
478 instruction, provided that all tuition and fees due to the school of instruction have been
479 satisfied. Student records shall be maintained by the school of instruction for a minimum

480 of five years. If a school of instruction closes its business, copies of all student records,
481 including, but not limited to, transcripts, shall be provided to the board within 30 days of
482 the school closure.

483 (d) All schools of instruction shall keep a copy of applicable board rules and regulations
484 in a conspicuous place as specified by the board. At the board's discretion, such
485 conspicuous place may include posting onsite or on a website or access through the posting
486 of a bar code or by other electronic means.

487 43-10-13.

488 (a) Any individual desiring to teach or instruct in any school of instruction shall first file
489 an application through the division director to the board for an instructor license. Such
490 application shall require the applicant to pay an application fee as set by the board and
491 present proof that such applicant:

492 (1) Has an occupational license for the area of practice for which such license is sought;

493 (2) Has met the board approved instructor hours requirement and the work experience
494 requirements for such instruction license, which shall be:

495 (A) For a barber II instructor, completion of 750 hours of instructor training in the
496 practice of barbering II over at least four months at a board approved school and one
497 year of work experience as a barber II or master barber;

498 (B) For an esthetician instructor, completion of 500 hours of instructor training in the
499 practice of esthetics over at least nine months at a board approved school and one year
500 of work experience as an esthetician;

501 (C) For a hair designer instructor, completion of 750 hours of instructor training in the
502 practice of hair design over at least nine months at a board approved school and one
503 year of work experience as a hair designer, master cosmetologist;

504 (D) For a hair removal instructor, completion of 200 hours of instructor training in the
505 practice of hair removal at a board approved school and one year of work experience
506 as a hair removal technician, esthetician, and master cosmetologist;

507 (E) For a master barber instructor, completion of 750 hours of instructor training in the
508 practice of master barbering over at least nine months at a board approved school and
509 one year of work experience as a master barber;

510 (F) For a master cosmetologist instructor, completion of 750 hours of instructor
511 training in the practice of master cosmetology over at least nine months at a board
512 approved school and one year of work experience as a master cosmetologist; and

513 (G) For a nail technician instructor, completion of 250 hours of instructor training in
514 the practice of nail care over at least four months at a board approved school and one
515 year of work experience as a nail technician; and

516 (3) Has passed both a written and a practical examination approved by the board for such
517 instructor license.

518 (b) Notwithstanding the provisions in subsection (a) of this Code section, an individual
519 who is certified by the Department of Education to teach the practice of master
520 cosmetology or the practice of master barbering in the state public schools may be issued
521 a master cosmetologist instructor license, provided that such individual is a master
522 cosmetologist or master barber, has obtained a diploma or certificate of 1,500 credit hours
523 in the practice of master cosmetology or the practice of master barbering from a board
524 approved school, has completed the three-year teacher's training program required by the
525 Department of Education, and has passed both a written and a practical examination
526 satisfactory to the board.

527 (c) Any individual who holds a valid instructor license and more than one occupational
528 license shall be entitled to teach or instruct in each school of instruction for which such
529 individual holds an occupational license.

530 (d) Any individual who holds a valid instructor license may practice in the area of such
531 instructor license without simultaneously maintaining an active occupational license for
532 that area of practice; provided, however, that if such individual's instructor license were to
533 lapse or otherwise become invalid, the individual shall apply for reinstatement of the
534 occupational license in order to continue practicing in that area.

535 (e) An individual seeking renewal of an instructor license shall be required to submit to
536 the board proof of completion of 15 hours of continuing education in such applicable
537 practice area approved by the board, provided that at least half of such hours of continuing
538 education shall consist of instruction in teaching methods.

539 43-10-14.

540 (a) Any individual who is at least 16 years of age may learn a practice for which an
541 occupational license is issued under this chapter upon becoming a licensed apprentice as
542 provided for in this Code section.

543 (b)(1) Any individual desiring to serve as an apprentice shall first file an application
544 through the division director to the board for an apprentice license. Such application
545 shall provide the address of the licensed service salon in which such apprenticeship is to
546 take place and an apprentice application fee in an amount set by the board. The
547 apprentice license shall show the area of practice in which such individual shall be
548 permitted to apprentice.

549 (2) Each service salon proprietor shall have the responsibility for ensuring that any
550 individual serving as an apprentice in the service salon is licensed as an apprentice under
551 such service salon.

552 (c) An apprentice license shall entitle such licensee to learn under an individual who holds
553 an occupational license as follows:

554 (1) A barber II apprentice may learn under a barber II or a master barber with at least 36
555 months of experience in the practice of barbering II or master barbering or may learn

556 under a licensed instructor in a school of barbering II or school of master barbering who
557 has at least one year of experience in the practice of barbering II or master barbering;
558 (2) An esthetician apprentice may learn under an esthetician with at least 36 months of
559 experience in the practice of esthetics or may learn under a licensed instructor in a school
560 of esthetics who has at least one year of experience in the practice of esthetics;
561 (3) A hair designer apprentice may learn under a hair designer or a master cosmetologist
562 with at least 36 months of experience in the practice of hair design or the practice of
563 master cosmetology or may learn under a licensed instructor in a school of hair design
564 who has at least one year of experience in the practice of hair design or the practice of
565 master cosmetology;
566 (4) A hair removal apprentice may learn under a hair removal technician, an esthetician,
567 or a master cosmetologist with at least 36 months of experience in the practice of hair
568 removal, practice of esthetics, or practice of master cosmetology or may learn under a
569 licensed instructor in a school of waxing, school of esthetics, or school of master
570 cosmetology who has at least one year of experience in the practice of hair removal,
571 practice of esthetics, or the practice of master cosmetology.
572 (5) A master barber apprentice may learn under a master barber with at least 36 months
573 of experience in the practice of master barbering or may learn under a licensed instructor
574 in a school of master barbering who has at least one year of experience in the practice of
575 master barbering;
576 (6) A master cosmetologist apprentice may learn under a master cosmetologist with at
577 least 36 months of experience in the practice of master cosmetology or may learn under
578 a licensed instructor in a school of master cosmetology who has at least one year of
579 experience in the practice of master cosmetology; and
580 (7) A nail care apprentice may learn under a nail technician or a master cosmetologist
581 with at least 36 months of experience in the practice of nail care or practice of master
582 cosmetology or may learn under a licensed instructor in a school of nail care who has at

583 least one year of experience in the practice of nail care or the practice of master
584 cosmetology.

585 (d) The board shall have the authority to require the service salon proprietor or the licensee
586 who is supervising the licensed apprentice to furnish to the board the number of hours
587 completed by the apprentice.

588 (e) An apprentice license shall be effective for a period of four years and shall not be
589 eligible for renewal. An individual who allows an apprentice license to lapse prior to
590 completing the written and practical examination required under this chapter for the
591 applicable occupational license may still obtain an occupational license by completing the
592 prerequisite credit hour study course and meeting all other requirements for such
593 occupational license.

594 43-10-15.

595 (a)(1) The board shall adopt reasonable rules and regulations prescribing the sanitary
596 requirements of all service salons and schools of instruction. The board shall make such
597 rules and regulations available in a form suitable for posting to the proprietor of each
598 service salon and school of instruction licensed under this chapter. It shall be the duty
599 of every proprietor of a service salon or school of instruction in this state to keep a copy
600 of such rules and regulations posted in a conspicuous place as specified by the board. At
601 the board's discretion, such conspicuous place may include posting onsite or on a website
602 or access through the posting of a bar code or by other electronic means.

603 (2) All service salons and schools of instruction shall be required to post and maintain
604 in a conspicuous place the most recent inspection sheet such service salon or school of
605 instruction is issued by an inspector employed by the Secretary of State. All service
606 salons and schools of instruction shall also post and maintain in a conspicuous place any
607 public notice the board may require to be posted.

608 (b) The board shall adopt reasonable rules and regulations requiring that individuals issued
609 licenses under this chapter undergo instruction on Human Immunodeficiency Virus and
610 Acquired Immune Deficiency Syndrome and human trafficking awareness.

611 (c) For the purpose of enforcing any provision of this chapter or the rules and regulations
612 of the board or for ascertaining sanitary conditions, an investigator or inspector employed
613 by the Secretary of State shall have the power to enter and make reasonable examination
614 of any service salon or school of instruction in this state during business hours, hours of
615 operation advertised by the service salon or school of instruction, or any hours the service
616 salon or school of instruction is open as evidenced by the presence of patrons. Failing to
617 allow or otherwise hindering an inspection or threatening an inspector with bodily injury
618 or property damage shall subject the proprietor of the service salon and any licensee
619 engaged in such conduct to disciplinary action provided for under this chapter.

620 (d) Any service salon or school of instruction in which tools, appliances, or furnishings
621 used therein are kept in an unclean and unsanitary condition so as to endanger health is
622 declared to be a public nuisance.

623 (e) No provision of this chapter shall prevent a county or municipal corporation from
624 adopting any ordinances, rules, or regulations governing a business or occupational tax
625 license or certificate; health or facility regulations; zoning; local licensing; or the operation
626 of all service salons and all schools of instruction in addition to any requirements that may
627 be imposed under this chapter or the rules and regulations of the board.

628 43-10-16.

629 (a) Nothing contained in this chapter nor any rule or regulation adopted in implementation
630 hereof shall be construed to prohibit any person from operating a service salon within his
631 or her home or residence that is separate from such person's living quarters, provided that
632 such service salon is licensed and meets and complies with all of the provisions of this
633 chapter and the rules and regulations promulgated by the board.

634 (b) Notwithstanding any other provision of this chapter, premises made available for a
635 service salon within a facility licensed as a nursing home, personal care home, or assisted
636 living facility pursuant to Article 1 of Chapter 7 of Title 31 shall not be required to be
637 licensed or registered as service salon, or otherwise be subject to any provisions of this
638 chapter except for inspections, investigations, or both, for alleged violations of this chapter
639 by any person licensed under this chapter, if any services that require a license under this
640 chapter are rendered on such premises only to residents of the nursing home, personal care
641 home, or assisted living facility.

642 (c) Notwithstanding any other provision of this chapter, any services requiring a license
643 under this chapter may be performed by an individual who is licensed under this chapter
644 in a client's residence, a nursing home, an assisted living community, a personal care home,
645 a hospital, or similar facilities when the client for reasons of any illness, infirmity, or
646 mental or physical disability is unable to go to the licensed service salon.

647 (d) The board is authorized to adopt reasonable rules and regulations prescribing
648 requirements and conditions for the performance of the services authorized in this Code
649 section.

650 43-10-17.

651 (a) Except as otherwise provided in this chapter and in addition to any other actions
652 available to the board pursuant to Chapter 1 of this title, the board shall have the power to
653 take any one or more of the following actions in order to enforce the provisions of this
654 chapter and any rules and regulations of the board promulgated thereunder:

655 (1) Refuse to grant, renew, or restore a license;

656 (2) Revoke a license;

657 (3) Suspend any license for a definite period of time or for an indefinite period of time
658 in connection with any condition that may be attached to restoration of such license;

659 (4) Administer a reprimand;

660 (5) Require completion of the minimum sanitation, health and safety, and continuing
661 education courses or require additional hours of such courses;
662 (6) Limit or restrict a license as the board deems necessary for the public health, safety,
663 and welfare; and
664 (7) Impose a fine independent of or in addition to any other action by the board.
665 (b) The board, acting upon its own knowledge or upon a written or verified complaint filed
666 by any person, shall have the power to take any action provided for in this Code section
667 upon proof of any one of the following grounds:
668 (1) Willfully committing any false, fraudulent, or deceitful act or using any forged, false,
669 or fraudulent document in connection with any requirement of this chapter or the rules
670 and regulations of the board;
671 (2) Willfully failing at any time to comply with the requirements for a license under this
672 chapter;
673 (3) Practicing any occupation licensed under this chapter under a false or assumed name;
674 (4) Willfully permitting an unlicensed person to practice, learn, or teach any practice or
675 activity for which an occupational license is required under this chapter;
676 (5) Knowingly performing an act which in any way assists an unlicensed person to
677 practice, learn, or teach any practice or activity for which an occupational license is
678 required under this chapter; or
679 (6) Violating, directly or indirectly, or assisting in the violation of this chapter or any rule
680 or regulation of the board.
681 (c) In addition to the actions provided for in subsection (a) this Code section, the board
682 may impose a fine not to exceed \$500.00 for each violation of any provision of
683 subsection (b) of this Code section; provided, however, that the board shall not, for any
684 violation of paragraph (6) of subsection (b) of this Code section on grounds not set forth
685 in paragraphs (1) through (5) of such subsection, impose a fine for the first violation in an
686 amount that exceeds \$100.00, impose a fine for the second violation in an amount that

687 exceeds \$200.00, or impose a fine for each subsequent violation in an amount that exceeds
688 \$300.00. Such fines shall be listed in a schedule contained in the rules and regulations of
689 the board. The licensee shall pay the fine within 30 days after receiving a citation from
690 either the board or a representative of the board unless the licensee requests in writing a
691 hearing. Such request for a hearing must be received by the board within 30 days after
692 receipt of the citation. Such hearings may be held by the board or a committee of the
693 board. Decisions of a committee of the board entered pursuant to this subsection shall be
694 final decisions of the board. Failure either to pay the fine or to request a hearing may result
695 in immediate suspension of the license pending a hearing to determine whether revocation
696 or other disciplinary action should be imposed on the licensee.

697 (d) The board, for good cause shown and under such conditions as it may prescribe, may
698 restore a license to any person whose license issued under this chapter has been suspended,
699 revoked, or canceled.

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

702 43-10-18.

703 The board may bring an action to enjoin any person from engaging in any practice or
704 activity requiring a license under this chapter. Such action shall be brought in the county
705 in which such individual resides or, in the case of a firm or corporation, where the firm or
706 corporation maintains its principal office. If it shall be made to appear that such person is
707 engaging in a practice or activity for which a license is required under this chapter, the
708 injunction shall be issued, and such person shall be perpetually enjoined from engaging in
709 such practice or activity throughout this state. In order to obtain the equitable relief
710 provided for in this Code section, it shall not be necessary for the board to allege and prove
711 that there is no adequate remedy at law. It is declared that the unlicensed practices and

712 activities referred to in this Code section are a menace and a nuisance dangerous to the
713 public health, safety, and welfare.

714 43-10-19.

715 (a) Any person that violates Code Section 43-10-6 or violates any provision of this chapter
716 for which a penalty is not specifically provided shall be guilty of a misdemeanor.

717 (b) Any person that owns, operates, or manages a service salon or school of instruction
718 that employs an individual who does not possess a license as provided in this chapter shall
719 be guilty of a misdemeanor."

720 **SECTION 2.**

721 This Act shall become effective on July 1, 2023.

722 **SECTION 3.**

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