

House Bill 349

By: Representatives Fleming of the 125th, Townsend of the 179th, Cameron of the 1st,
Wiedower of the 121st, Campbell of the 171st, and others

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.

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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, shaping, or threading eyebrows;
98 (iii) Dyeing eyelashes or eyebrows or applying eyelash extensions; or
99 (iv) Waxing, threading, stimulating, cleansing, or beautifying the face, neck, arms,
100 torso, or legs of an individual by any method with the aid of the hands or any
101 mechanical or 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 for special events or during the production of film,
106 television, musical entertainment, or photography; or
107 (iii) The application of cosmetics in a retail environment in which cosmetics are
108 marketed to individuals and are readily commercially available to consumers.

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

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

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

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

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

123 (A) Waxing;

124 (B) Threading;

125 (C) The use of depilatory products; or

126 (D) Electrolysis.

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

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

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

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

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

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

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

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

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

146 (36) 'School of instruction' means any school of barbering II, school of esthetics, school
147 of hair design, school of master barbering, school of master cosmetology, school of nail

148 care, and school of waxing. Such term shall not include programs taught in state
149 approved schools.

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

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

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

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

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

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

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

171 43-10-2.

172 (a) The State Board of Cosmetology and Barbers in existence immediately prior to
173 July 1, 2022, is continued in existence subject to the provisions of this chapter. The

174 membership of the board and the current terms of said members shall continue unchanged.
175 All rules and regulations of the board that were in effect on June 30, 2022, shall continue
176 in effect unless and until amended or removed by the board.

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

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

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

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

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

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

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

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

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

197 (d) All members of the board shall:

198 (1) Be at least 25 years of age;

199 (2) Be residents of this state; and

200 (3) Have obtained the minimum education requirements.

201 43-10-3.

202 (a) Each year, the members of the board shall elect a chairperson from among themselves.

203 In the event the members are unable to decide on a chairperson, the Governor shall appoint
204 one of the members as the chairperson.

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

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

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

214 43-10-4.

215 Reserved.

216 43-10-5.

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

223 43-10-6.

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

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

227 (2) Teach or attempt to teach;

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

229 (4) Announce or advertise that they are qualified to offer services in the practice of
230 barbering II, the practice of esthetics, the practice of hair design, the practice of master
231 barbering, the practice of master cosmetology, or the practice of nail care.

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

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

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

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

243 (3) Require an individual whose practice is limited to the application of cosmetics in a
244 retail environment in which cosmetics are marketed to individuals and are readily
245 commercially available to consumers to be licensed under this chapter to engage in such
246 practice;

247 (4) Require an individual whose practice is limited to the application of cosmetics for
248 special events or during the production of film, television, musical entertainment, or
249 photography to be licensed under this chapter to engage in such practice; or

250 (5) Require individuals who wash, shampoo, comb, and brush hair in a licensed service
251 salon to be licensed as an apprentice or obtain other licensure under this chapter, provided
252 that such activities do not include the application or removal of any chemicals.

253 43-10-7.

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

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

258 (2) Has met the minimum education requirements;

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

261 (A) For a barber II, completion of a 1,140 credit hour study course over at least a
262 seven-month period at a board approved school or 2,280 credit hours as a barber II
263 apprentice;

264 (B) For an esthetician, completion of a 1,000 credit hour study course over at least a
265 nine-month period at a board approved school or 2,000 credit hours as an esthetician
266 apprentice;

267 (C) For a hair designer, completion of a 1,325 credit hour study course over at least a
268 seven-month period at a board approved school or 2,650 credit hours as a hair designer
269 apprentice;

270 (D) For a hair removal technician, completion of a 300 credit hour study course over
271 at least a three-month period at a board approved school or 600 credit hours as a hair
272 removal technician apprentice; and

273 (E) For a master barber, completion of a 1,500 credit hour study course over at least
274 a nine-month period at a board approved school or 3,000 credit hours as a master barber
275 apprentice;

276 (F) For a master cosmetologist, completion of a 1,500 credit hour study course over at
277 least a nine-month period at a board approved school or 3,000 credit hours as a master
278 cosmetologist apprentice; and

279 (G) For a nail technician, completion of a 525 credit hour study course over at least
280 a fourth-month period at a board approved school or 1,050 credit hours as a nail
281 technician apprentice; and

282 (4) Has passed a written and a practical examination approved by the board for such
283 occupational license; provided, however, that such examination shall be completed within
284 a 48 month period after having obtained the required study course requirement or
285 apprenticeship requirement under paragraph (3) of this subsection or such applicant shall
286 be required to repeat all of such required study course credit hours or apprentice credit
287 hours before retaking the examination; provided, further, that if such applicant fails to
288 pass either the written or practical examination, the board or the board's designee shall
289 furnish the applicant a statement in writing, stating in what manner the applicant was
290 deficient.

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

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

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

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

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

307 (d) The board shall provide the written and practical examination required under
308 paragraph (4) of subsection (a) of this Code section to any inmate who is an applicant for
309 a license under this chapter who has successfully completed the requisite course
310 requirements through a training program operated by the Department of Corrections and
311 who otherwise meets the requirements of paragraphs (1) and (2) of subsection (a) of this
312 Code section. If such inmate passes the applicable written and practical examination, the
313 board may issue the appropriate license to such inmate after consideration of all
314 requirements under this Code section and Code Section 43-1-19; provided, however, that
315 the board shall not apply the provisions of paragraph (4) of subsection (a) of Code
316 Section 43-1-19 to such inmate based solely upon such person's status as an inmate and
317 shall apply such provisions in the same manner as would otherwise be applicable to an
318 applicant who is not an inmate.

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

324 (f)(1) Any master cosmetologist shall be eligible to obtain a license for the practice of
325 master barbering upon passing the written and practical examination for such
326 occupational license after completion of a 300 credit hour study course at a board

327 approved school, submitting a completed application for such license, and paying the
328 requisite application fee established by the board.

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

334 43-10-8.

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

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

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

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

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

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

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

354 43-10-9.

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

360 (b) Occupational licenses shall be renewable for a period of two years. The licensee shall
361 pay to the division director a renewal fee in such amount as shall be set by the board under
362 rules and regulations. Upon failure to renew such license, such license shall be
363 automatically revoked. The holder of such license shall be disqualified from practicing any
364 occupation under this chapter unless and until such license is reinstated. An application
365 for reinstatement shall include payment of all fees due as of the date of such application
366 and the reinstatement fee in such amount as shall be set by the board by regulation. Such
367 reinstatement application shall be submitted with documentation of the completion of all
368 required continuing education hours under Code Section 43-10-10 since the date the license
369 was automatically revoked, not to exceed 15 continuing education hours. If the board is
370 satisfied that the applicant for reinstatement meets all the qualifications set forth in this
371 Code section and Code Section 43-10-7, the applicant's license shall be reinstated.

372 43-10-10.

373 (a) At the time of renewal of any occupational license, the licensee shall maintain proof,
374 in a form approved by the board, of completion of five hours of continuing education
375 biennially to be determined by the board. A licensee shall provide proof of completion of

376 continuing education if audited by the board. A holder who is renewing a license for the
377 first time shall not be required to meet the continuing education requirement until the time
378 of the second renewal.

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

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

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

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

393 (d) To request registration of an industry or trade show for continuing education credit, the
394 person shall submit to the board the date and location of the industry or trade show. To
395 request registration of a course of study for continuing education credit, the person offering
396 the course of study shall submit to the board an outline of the subject matter, a list of the
397 persons teaching the course with a summary of their qualifications, the number of hours
398 for each course, and the date and location where the course of study will be presented or
399 has been presented, if applicable. Any licensee may request board approval of an
400 unregistered industry or trade show or an unregistered course of study. A person
401 conducting an industry or trade show or a course of study shall provide written proof of

402 attendance at the industry or trade show or completion of a course of study to all
403 participants.

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

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

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

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

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

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

418 43-10-11.

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

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

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

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

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

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

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

437 43-10-12.

438 (a) Any person desiring to operate a school of instruction shall, prior to opening, first
439 secure from the board the applicable school of instruction license and shall keep such
440 license prominently displayed in the school of instruction in a conspicuous place as
441 specified by the board. Such conspicuous place may include at the discretion of the board
442 posting onsite or on a website or access through the posting of a bar code or by other
443 electronic means.

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

449 (c) All schools of instruction shall:

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

- 454 (2) Have not less than one licensed instructor for every 20 students or a fraction thereof;
455 (3) Teach all courses in the language in which the written and practical examination for
456 licensure shall be administered;
457 (4) Keep permanently displayed a sign reading 'School of Barbering II,' 'School of
458 Esthetics,' 'School of Hair Design,' 'School of Master Barbering,' 'School of Master
459 Cosmetology,' 'School of Nail Care,' or 'School of Waxing' as applicable; and all such
460 signs shall also display the words 'Service by Students Only.' Where service is rendered
461 by a student, no commissions or premiums shall be paid to such student for work done
462 in the school of instruction; nor shall any individual be employed by the school of
463 instruction to render professional service to the public; and
464 (5) Provide transcripts to students upon graduation or withdrawal from the school of
465 instruction, provided that all tuition and fees due to the school of instruction have been
466 satisfied. Student records shall be maintained by the school of instruction for a minimum
467 of five years. If a school of instruction closes its business, copies of all student records,
468 including, but not limited to, transcripts, shall be provided to the board within 30 days of
469 the school closure.
470 (d) All schools of instruction shall keep a copy of applicable board rules and regulations
471 in a conspicuous place as specified by the board. At the board's discretion, such
472 conspicuous place may include posting onsite or on a website or access through the posting
473 of a bar code or by other electronic means.

474 43-10-13.

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

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

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

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

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

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

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

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

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

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

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

505 (b) Notwithstanding the provisions in subsection (a) of this Code section, an individual
506 who is certified by the Department of Education to teach the practice of master

507 cosmetology or the practice of master barbering in the state public schools may be issued
508 a master cosmetologist instructor license, provided that such individual is a master
509 cosmetologist or master barber, has obtained a diploma or certificate of 1,500 credit hours
510 in the practice of master cosmetology or the practice of master barbering from a board
511 approved school, has completed the three-year teacher's training program required by the
512 Department of Education, and has passed both a written and a practical examination
513 satisfactory to the board.

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

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

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

526 43-10-14.

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

530 (b)(1) Any individual desiring to serve as an apprentice shall first file an application
531 through the division director to the board for an apprentice license. Such application
532 shall provide the address of the licensed service salon in which such apprenticeship is to

533 take place and an apprentice application fee in an amount set by the board. The
534 apprentice license shall show the area of practice in which such individual shall be
535 permitted to apprentice.

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

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

541 (1) A barber II apprentice may learn under a barber II or a master barber with at least 36
542 months of experience in the practice of barbering II or master barbering or may learn
543 under a licensed instructor in a school of barbering II or school of master barbering who
544 has at least one year of experience in the practice of barbering II or master barbering;

545 (2) An esthetician apprentice may learn under an esthetician with at least 36 months of
546 experience in the practice of esthetics or may learn under a licensed instructor in a school
547 of esthetics who has at least one year of experience in the practice of esthetics;

548 (3) A hair designer apprentice may learn under a hair designer or a master cosmetologist
549 with at least 36 months of experience in the practice of hair design or the practice of
550 master cosmetology or may learn under a licensed instructor in a school of hair design
551 who has at least one year of experience in the practice of hair design or the practice of
552 master cosmetology;

553 (4) A hair removal apprentice may learn under a hair removal technician, an esthetician,
554 or a master cosmetologist with at least 36 months of experience in the practice of hair
555 removal, practice of esthetics, or practice of master cosmetology or may learn under a
556 licensed instructor in a school of waxing, school of esthetics, or school of master
557 cosmetology who has at least one year of experience in the practice of hair removal,
558 practice of esthetics, or the practice of master cosmetology.

559 (5) A master barber apprentice may learn under a master barber with at least 36 months
560 of experience in the practice of master barbering or may learn under a licensed instructor
561 in a school of master barbering who has at least one year of experience in the practice of
562 master barbering;

563 (6) A master cosmetologist apprentice may learn under a master cosmetologist with at
564 least 36 months of experience in the practice of master cosmetology or may learn under
565 a licensed instructor in a school of master cosmetology who has at least one year of
566 experience in the practice of master cosmetology; and

567 (7) A nail care apprentice may learn under a nail technician or a master cosmetologist
568 with at least 36 months of experience in the practice of nail care or practice of master
569 cosmetology or may learn under a licensed instructor in a school of nail care who has at
570 least one year of experience in the practice of nail care or the practice of master
571 cosmetology.

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

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

581 43-10-15.

582 (a)(1) The board shall adopt reasonable rules and regulations prescribing the sanitary
583 requirements of all service salons and schools of instruction. The board shall make such
584 rules and regulations available in a form suitable for posting to the proprietor of each

585 service salon and school of instruction licensed under this chapter. It shall be the duty
586 of every proprietor of a service salon or school of instruction in this state to keep a copy
587 of such rules and regulations posted in a conspicuous place as specified by the board. At
588 the board's discretion, such conspicuous place may include posting onsite or on a website
589 or access through the posting of a bar code or by other electronic means.

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

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

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

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

610 (e) No provision of this chapter shall prevent a county or municipal corporation from
611 adopting any ordinances, rules, or regulations governing a business or occupational tax

612 license or certificate; health or facility regulations; zoning; local licensing; or the operation
613 of all service salons and all schools of instruction in addition to any requirements that may
614 be imposed under this chapter or the rules and regulations of the board.

615 43-10-16.

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

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

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

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

637 43-10-17.

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

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

643 (2) Revoke a license;

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

646 (4) Administer a reprimand;

647 (5) Require completion of the minimum sanitation, health and safety, and continuing
648 education courses or require additional hours of such courses;

649 (6) Limit or restrict a license as the board deems necessary for the public health, safety,
650 and welfare; and

651 (7) Impose a fine independent of or in addition to any other action by the board.

652 (b) The board, acting upon its own knowledge or upon a written or verified complaint filed
653 by any person, shall have the power to take any action provided for in this Code section
654 upon proof of any one of the following grounds:

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

658 (2) Willfully failing at any time to comply with the requirements for a license under this
659 chapter;

660 (3) Practicing any occupation licensed under this chapter under a false or assumed name;

661 (4) Willfully permitting an unlicensed person to practice, learn, or teach any practice or
662 activity for which an occupational license is required under this chapter;

663 (5) Knowingly performing an act which in any way assists an unlicensed person to
664 practice, learn, or teach any practice or activity for which an occupational license is
665 required under this chapter; or

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

668 (c) In addition to the actions provided for in subsection (a) this Code section, the board
669 may impose a fine not to exceed \$500.00 for each violation of any provision of subsection
670 (a) of this Code section; provided, however, that the board shall not, for any violation of
671 paragraph (6) of subsection (a) of this Code section on grounds not set forth in paragraphs
672 (1) through (5) of such subsection, impose a fine for the first violation in an amount that
673 exceeds \$100.00, impose a fine for the second violation in an amount that exceeds \$200.00,
674 or impose a fine for each subsequent violation in an amount that exceeds \$300.00. Such
675 finest shall be listed in a schedule contained in the rules and regulations of the board. The
676 licensee shall pay the fine within 30 days after receiving a citation from either the board
677 or a representative of the board unless the licensee requests in writing a hearing. Such
678 request for a hearing must be received by the board within 30 days after receipt of the
679 citation. Such hearings may be held by the board or a committee of the board. Decisions
680 of a committee of the board entered pursuant to this subsection shall be final decisions of
681 the board. Failure either to pay the fine or to request a hearing may result in immediate
682 suspension of the license pending a hearing to determine whether revocation or other
683 disciplinary action should be imposed on the licensee.

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

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

689 43-10-18.

690 The board may bring an action to enjoin any person from engaging in any practice or
691 activity requiring a license under this chapter. Such action shall be brought in the county
692 in which such individual resides or, in the case of a firm or corporation, where the firm or
693 corporation maintains its principal office. If it shall be made to appear that such person is
694 engaging in a practice or activity for which a license is required under this chapter, the
695 injunction shall be issued, and such person shall be perpetually enjoined from engaging in
696 such practice or activity throughout this state. In order to obtain the equitable relief
697 provided for in this Code section, it shall not be necessary for the board to allege and prove
698 that there is no adequate remedy at law. It is declared that the unlicensed practices and
699 activities referred to in this Code section are a menace and a nuisance dangerous to the
700 public health, safety, and welfare.

701 43-10-19.

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

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

707 **SECTION 2.**

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

709 **SECTION 3.**

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