

Senate Bill 354

By: Senators Walker III of the 20th, Strickland of the 17th, Anavitarte of the 31st, Kirkpatrick of the 32nd, Jackson of the 41st and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to
2 cosmetologists and barbers, so as to exempt from licensure persons performing certain
3 limited responsibilities; to provide for definitions; to provide for related matters: to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists
8 and barbers, is amended by revising Code Section 43-10-1, relating to definitions, as follows:
9 "43-10-1.

10 As used in this chapter, the term:

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

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

15 (A) Shaving or trimming the beard;

16 (B) Cutting or dressing the hair;

S. B. 354

17 (C) Giving facial or scalp massages; or

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

20 Such term shall not apply to an individual whose activities are limited to shampooing or
21 blow-dry styling if an individual performs no other practices requiring a license under
22 this chapter.

23 (3) 'Barbering' means the occupation of shaving or trimming the beard, cutting or
24 dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with
25 oils or cream or other preparations made for this purpose, either by hand or by means of
26 mechanical appliances, singeing and shampooing the hair, coloring or dyeing the hair, or
27 permanently waving, relaxing, or straightening the hair of an individual for
28 compensation.

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

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

32 (5.1) 'Blow-dry styling' means the practice of only shampooing, conditioning, drying,
33 arranging, curling, straightening, or styling hair using only mechanical devices, including
34 flat irons and curling irons, hair sprays, and topical agents, such as balms, oils, and
35 serums. Such term includes the use and styling of hair extensions, hair pieces, and wigs
36 and excludes cutting hair or the application of dyes, bleach, reactive chemicals, keratin
37 treatments, or other preparations to color or alter the structure of hair. Such practices are
38 distinct from those performed by a barber II, hair designer, or cosmetologist.

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

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

42 (A)(i) Cuts or dresses the hair;

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

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

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

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

52 (B) Such individual shall be considered as practicing the occupation of a cosmetologist
 53 within the meaning of this Code section; provided, however, that such term shall not
 54 mean an individual who only braids the hair by hairweaving; interlocking; twisting;
 55 plaiting; wrapping by hand, chemical, or mechanical devices; or using any natural or
 56 synthetic fiber for extensions to the hair, and no such individual shall be subject to the
 57 provisions of this chapter.

58 (C) Such term shall not apply to an individual whose activities are limited to the
 59 following practices and no other practices requiring a license under this chapter:

60 (i) The application of cosmetics which are marketed to individuals and are readily
 61 commercially available to consumers;

62 (ii) Shampooing; and

63 (iii) Blow-dry styling.

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

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

68 (B) Trimming, tweezing, shaping, or threading eyebrows;

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

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

73 Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any
74 dermatological condition or medical aesthetics or the use of lasers. Such term shall not
75 apply to an individual whose activities are limited to the application of cosmetics ~~during~~
76 ~~the production of film, television, or musical entertainment or to the application of~~
77 ~~cosmetics in a retail environment in which cosmetics are marketed to individuals and are~~
78 ~~readily commercially available to consumers.~~

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

81 (A) Cuts or dresses the hair; or

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

84 Such term shall not apply to an individual whose activities are limited to shampooing or
85 blow-dry styling if an individual performs no other practices requiring a license under
86 this chapter.

87 (9.1) 'License' means a certificate of registration or other document issued by the board
88 or by the division director on behalf of the board pursuant to the provisions of this chapter
89 permitting an individual to practice in an occupation or operate a school.

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

92 (A) Shaving or trimming the beard;

93 (B) Cutting or dressing the hair;

94 (C) Giving facial or scalp massages;

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

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

99 Such term shall not apply to an individual whose activities are limited to shampooing and
100 blow-dry styling if an individual performs no other practices requiring a license under
101 this chapter.

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

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

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

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

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

122 (16) 'School of esthetics' means any establishment that receives compensation for
123 training more than one individual in the occupation of an esthetician. Technical colleges

124 whose programs have been approved by the Technical College System of Georgia or the
 125 Department of Education are not 'schools of esthetics' within the meaning of this chapter;
 126 provided, however, that all such colleges and their programs shall be considered to be
 127 'board approved.'

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

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

140

SECTION 2.

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

144 "43-10-17.

145 Notwithstanding any other provision of this chapter, a beauty shop, beauty salon, and
 146 barber shop shall be authorized to employ persons to do the following:

147 (1) wash, shampoo, comb, and brush hair, and such persons Washing, shampooing,
 148 combing, brushing, and blow-dry styling; and

149 (2) Applying cosmetics. Such persons shall not be required to be registered by the board.
150 Moreover, a facility in which an individual performs or individuals perform only
151 shampooing, blow-dry styling, or applying cosmetics and no other practices requiring a
152 license under this chapter is exempt from all facility licensing requirements under this
153 chapter."

154

SECTION 3.

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