

House Bill 727

By: Representatives Anulewicz of the 42nd, Stephens of the 164th, Beverly of the 143rd, Wilensky of the 79th, Holcomb of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to
2 barbers and cosmetologists, so as to change certain continuing education requirements; to
3 provide for domestic violence and sexual abuse awareness training; to provide for certain
4 training and resource information to be made available to applicants for certificates of
5 registration; to authorize the board to promulgate certain rules and regulations; to provide a
6 short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Domestic Violence Helping Hands Act."

10 **SECTION 2.**

11 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to barbers and
12 cosmetologists, is amended by revising Code Section 43-10-10, relating to display of
13 certificate of registration, renewal, reinstatement, continuing education requirements, and
14 exemptions, as follows:

15 "43-10-10.

16 (a) The holder of any certificate of registration issued under Code Section 43-10-9 shall
17 display the same in a conspicuous place in his or her beauty shop, beauty salon, or barber
18 shop. Certificates of registration issued under Code Section 43-10-9 shall be renewable for
19 a period of up to four years as approved by the division director. The holder shall pay to
20 the division director a renewal fee in such amount as shall be set by the board by
21 regulation. Upon failure to renew such certificate of registration, it shall stand
22 automatically revoked. The holder shall be disqualified from practicing any occupation
23 under this chapter until all fees to date of application for reinstatement shall be paid, an
24 application for reinstatement shall be submitted along with a reinstatement fee in such
25 amount as shall be set by the board by regulation, and documentation shall be submitted

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

30 (b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any
31 cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, master
32 barber, or barber II certificate of registration, the holder of such certificate shall maintain
33 proof, in a form approved by the board, of completion of five hours of continuing education
34 biennially to be determined by the board. A licensee shall provide proof of completion of
35 continuing education if audited by the board. A holder who is renewing a certificate of
36 registration for the first time shall not be required to meet the continuing education
37 requirement until the time of the second renewal. Further, the requirement for continuing
38 education for a master barber and barber II will become effective beginning January 1,
39 2018.

40 (c)(1) Part of the five hours of continuing education required in subsection (b) of this
41 Code section shall include instruction on domestic violence and sexual abuse awareness
42 using a curriculum or course developed by the board or by a board approved provider.
43 Such curriculum or course shall be developed in consultation with the Georgia
44 Commission on Family Violence and any nonprofit entities, research institutions, and
45 other individuals or organizations knowledgeable about such issues.

46 (2) Such curriculum or course shall include at a minimum:

47 (A) How to recognize the signs of domestic violence and sexual abuse;

48 (B) A list of resources for victims of domestic violence and sexual abuse;

49 (C) A disclaimer explaining that holders of a certificate of registration are under no
50 obligation to report any suspected incidents of domestic violence or sexual abuse to
51 law enforcement or anyone else or to engage with clients about such matters; and

52 (D) An Internet based training component and Internet accessible resource information
53 posted on the board's website in a manner that is clearly visible to users of such website.

54 (3) Such curriculum or course may be revised by the board or by a board approved
55 provider as necessary to incorporate new developments or information. The board may
56 charge a fee to providers for registration as a board approved provider.

57 (4) The board shall make the training and resource information required under
58 subparagraph (D) of paragraph (2) of this subsection available to every applicant for a
59 certificate of registration.

60 (5) Nothing in this subsection shall be construed to impose upon a holder of a certificate
61 of registration any mandatory requirements for the reporting of suspected domestic
62 violence or sexual abuse or injuries suspected to be related to such conduct to law

63 enforcement. Nothing in this subsection shall be construed to create a new cause of
 64 action against a holder of a certificate of registration or to impose any civil or criminal
 65 liability on a holder of a certificate of registration for not reporting to law enforcement
 66 or anyone else that a client exhibits signs of domestic violence or sexual abuse or for not
 67 discussing domestic violence or sexual abuse with a client.

68 ~~(c)~~(d) The board may require by rules or regulations that either three or four hours of
 69 continuing education shall be satisfied by a health and safety course or a review course of
 70 the board rules ~~or~~ and regulations and applicable laws using a curriculum developed by the
 71 board or by a board approved provider. Such curriculum or course may be revised by the
 72 board or by a board approved provider as necessary to incorporate new developments. The
 73 board shall make the curriculum or course available to board approved providers of
 74 continuing education. The board may charge a fee to providers for registration as a board
 75 approved provider.

76 ~~(d)~~(e) The board may require by rules and regulations that the remaining one to two hours
 77 of continuing education may be satisfied by:

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

82 ~~(e)~~(f) To request registration of an industry or trade show for continuing education credit,
 83 a person or entity shall submit to the board the date and location of the industry or trade
 84 show. To request registration of a course of study for continuing education credit, the
 85 person or entity offering the course of study shall submit to the board an outline of the
 86 subject matter, a list of the persons teaching the course with a summary of their
 87 qualifications, the number of hours for each course, and the date and location where the
 88 course of study will be presented or has been presented, if applicable. Any certificate
 89 holder may request board approval of an unregistered industry or trade show or an
 90 unregistered course of study. A person or entity conducting an industry or trade show or
 91 a course of study shall provide written proof of attendance at the industry or trade show or
 92 completion of a course of study to all participants.

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

95 ~~(g)~~(h) Courses in cosmetology, hair design, nail technology, esthetics, computers,
 96 business, or health and safety issues offered by schools under the jurisdiction of the Board
 97 of Regents of the University System of Georgia, the Technical College System of Georgia,
 98 the Department of Education, or any accredited postsecondary institution shall satisfy the

99 continuing education requirement without a request to the board for approval or
100 registration.

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

103 ~~(i)(j)~~ The continuing education requirement shall not apply to certificate holders who:

104 (1) Have held a certificate for 25 or more years; or

105 (2) Demonstrate a hardship based on a disability, age, illness, or such other circumstance
106 as the board may identify by rule and determine on a case-by-case basis.

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

110

SECTION 3.

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