

By: Moody

To: Public Health and
Welfare

HOUSE BILL NO. 781
(As Passed the House)

1 AN ACT RELATING TO THE PRACTICE OF COSMETOLOGY; TO AMEND
2 SECTION 73-7-3, MISSISSIPPI CODE OF 1972, TO DELETE THE SPECIFIC
3 AUTHORITY OF THE STATE BOARD OF COSMETOLOGY TO EMPLOY AND FIX THE
4 SALARY OF AN EXECUTIVE SECRETARY; TO AMEND SECTION 73-7-7,
5 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD TO ADOPT
6 REGULATIONS TO ENSURE THAT ALL FINGERNAIL SERVICE PRODUCTS DO NOT
7 CONTAIN METHYL METHACRYLATE (MMA); TO AMEND SECTION 73-7-13,
8 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD TO ISSUE INACTIVE
9 COSMETOLOGY, ESTHETICIAN, MANICURIST AND WIGOLOGIST LICENSES AND
10 TO PRESCRIBE REQUIREMENTS FOR APPLYING FOR ACTIVE LICENSE STATUS;
11 TO AMEND SECTION 73-7-15, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
12 COLLEGE COURSE REQUIREMENTS OF COSMETOLOGY INSTRUCTORS; TO AMEND
13 SECTION 73-7-21, MISSISSIPPI CODE OF 1972, TO REQUIRE 350 HOURS OF
14 PRACTICE AND TRAINING FOR A MANICURIST'S LICENSE AND TO DELETE THE
15 REPEALER ON THE AUTHORITY OF THE STATE BOARD OF COSMETOLOGY TO
16 ISSUE REGULATIONS GOVERNING THE USE OF POWER DRILLS IN MANICURING
17 PROCEDURES; TO AMEND SECTIONS 73-7-19 AND 73-7-29, MISSISSIPPI
18 CODE OF 1972, TO PROVIDE FOR BIENNIAL COSMETOLOGY LICENSE RENEWAL
19 AND FEES AFTER JUNE 30, 2001; TO PROVIDE A FEE FOR RENEWAL OF AN
20 INACTIVE LICENSE; TO AUTHORIZE THE BOARD TO MAKE CERTAIN REFUNDS
21 OF FEES; TO AMEND SECTION 73-7-53, MISSISSIPPI CODE OF 1972, TO
22 REQUIRE APPLICANTS FOR A WIG SPECIALIST LICENSE TO HAVE A HIGH
23 SCHOOL EDUCATION OR ITS EQUIVALENT; TO AMEND SECTION 73-7-59,
24 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
25 ACT; AND FOR RELATED PURPOSES.

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

27 SECTION 1. Section 73-7-3, Mississippi Code of 1972, is
28 amended as follows:

29 73-7-3. * * * The board shall * * * be authorized to employ
30 such clerical and stenographic assistance, bookkeepers,
31 investigators and other agents as they may deem necessary to carry
32 out the provisions of this chapter, and to fix their tenure of
33 employment and compensation therefor. The members of the board
34 shall file a bond with the Secretary of State in the sum of not
35 less than Five Thousand Dollars (\$5,000.00) payable to the State
36 of Mississippi for the faithful performance of their duties. The
37 bond shall be made by a surety company authorized to do business

38 in this state, the premium of the bond to be paid out of any money
39 in the board's special fund in the State Treasury.

40 The office of the board shall be located in the greater
41 metropolitan area of the City of Jackson, Mississippi, and in the
42 event office space cannot be obtained in any state-owned building,
43 the board is authorized to rent suitable office space and to pay
44 therefor out of funds in the board's special fund. The board
45 shall employ inspectors as needed, not to exceed seven (7), who
46 shall be full-time employees and whose salaries and duties shall
47 be fixed by the board.

48 The salaries of all paid employees of the board shall be paid
49 out of the funds in the board's special fund. The inspectors
50 shall, in addition to their salaries, be reimbursed for such
51 expenses as are allowed other state employees under the provisions
52 of Section 25-3-41. In addition to the paying of office rent, the
53 board is authorized to purchase necessary office furniture and
54 equipment, stationery, books, certificates and any other equipment
55 necessary for the proper administration of this chapter.

56 SECTION 2. Section 73-7-7, Mississippi Code of 1972, is
57 amended as follows:

58 73-7-7. The board shall have authority to make reasonable
59 rules and regulations for the administration of the provisions of
60 this chapter. The board shall set up a curriculum for operation
61 of schools of cosmetology and the other professions it is charged
62 to regulate in this state. The board shall receive and consider
63 for adoption recommendations for rules and regulations, school
64 curriculum, and related matters from the Mississippi Cosmetology
65 Council, whose membership shall consist of, in addition to the
66 board members, five (5) elected delegates from the Mississippi
67 Hairdressers and Cosmetologists Association, five (5) elected
68 delegates from the Mississippi Cosmetology School Association,
69 five (5) elected delegates from the Mississippi Independent
70 Beauticians Association, and five (5) elected delegates from the
71 School Owners and Teachers Association. The board may revoke the
72 license of any cosmetologist, esthetician, manicurist, wig
73 specialist, instructor, school of cosmetology, or salon, or may
74 refuse to issue a license to any cosmetologist, esthetician,

75 manicurist, wig specialist, instructor, school of cosmetology, or
76 salon that fails or refuses to comply with the provisions of this
77 chapter and the rules and regulations of the board in carrying out
78 the provisions of this chapter.

79 The board shall have authority to prescribe reasonable rules
80 and regulations governing sanitation of schools of cosmetology and
81 beauty salons for the guidance of persons licensed under this
82 chapter in the operation of schools of cosmetology, or a beauty
83 salon, and in the practice of cosmetology, esthetics, manicuring
84 and pedicuring, and wigology. However, any and all rules and
85 regulations relating to sanitation shall, before adoption by the
86 board, have the written approval of the State Board of Health.

87 When the board has reason to believe that any of the provisions of
88 this chapter or of the rules and regulations of the board have
89 been violated, either upon receipt of a written complaint alleging
90 such violations or upon the board's own initiative, the board, or
91 any of its authorized agents, shall investigate same and shall
92 have authority to enter upon the premises of a school of
93 cosmetology or salon at any time during the regular business hours
94 of that school or salon to conduct the investigation. Such
95 investigation may include, but not be limited to, conducting oral
96 interviews with the complaining party, school or salon owner(s)
97 and/or students of the school, and reviewing records of the school
98 or salon pertinent to the complaint and related to an area subject
99 to the authority of the board. Such investigation shall not
100 include written interviews or surveys of school employees or
101 students, and the privacy of patrons shall be respected by any
102 person making such investigation.

103 On or before July 1, 2001, the board shall adopt regulations
104 to ensure that all fingernail service products used by licensed
105 cosmetologists, manicurists and other licensees do not contain
106 methyl methacrylate (MMA) as a monomer agent for cosmetic nail
107 applications.

108 If the board finds that a violation of the provisions of this
109 chapter or the rules and regulations of the board has occurred, it
110 may cause a hearing to be held as set forth in Section 73-7-27.

111 SECTION 3. Section 73-7-13, Mississippi Code of 1972, is
112 amended as follows:

113 73-7-13. (1) The board shall admit to examination for a
114 cosmetology license any person who has made application to the
115 board in proper form, has paid the required fee, and who (a) is at
116 least seventeen (17) years of age, (b) can read, write and speak
117 English, (c) has successfully completed no less than fifteen
118 hundred (1500) hours over a period of no less than nine (9) months
119 in an accredited school of cosmetology, and (d) has a high school
120 education or its equivalent.

121 The board may, in its discretion, issue to any student who
122 has completed the prescribed hours in an accredited school in
123 Mississippi a temporary permit * * * until such time as the next
124 examination may be held, but such student shall be issued only one
125 (1) temporary permit. Application for an examination and license
126 shall be accompanied by two (2) recent head photographs of the
127 applicant. No temporary permit will be issued an applicant from
128 any other state to operate a beauty salon or school of cosmetology
129 in this state unless in case of emergency.

130 Applicants for the cosmetologist examination, after having
131 satisfactorily passed the prescribed examination, shall be issued
132 a cosmetology license which until June 30, 2001, shall be valid
133 for one (1) year, and after July 1, 2001, shall be valid for two
134 (2) years, and all those licenses shall be subject to renewal.

135 Any barber who can read, write and speak English and has
136 successfully completed no less than fifteen hundred (1500) hours
137 in an accredited barber school, and who holds a current valid
138 certificate of registration to practice barbering and who holds a
139 current valid license, is eligible to take the cosmetology
140 examination to secure a cosmetology license upon successfully

141 completing five hundred (500) hours in an accredited school of
142 cosmetology. All fees for application, examination, registration
143 and renewal thereof shall be the same as provided for
144 cosmetologists.

145 (2) Each application or filing made under this section shall
146 include the social security number(s) of the applicant in
147 accordance with Section 93-11-64.

148 (3) Any licensed cosmetologist, esthetician, manicurist or
149 wigologist who is registered but not actively practicing in the
150 State of Mississippi at the time of making application for
151 renewal, may apply for registration on the "inactive" list. Such
152 "inactive" list shall be maintained by the board and shall set out
153 the names and post office addresses of all persons registered but
154 not actively practicing in this state, arranged alphabetically by
155 name and also by the municipalities and states of their last known
156 professional or residential address. Only the cosmetologists,
157 estheticians, manicurists and wigologists registered on the
158 appropriate list as actively practicing in the State of
159 Mississippi shall be authorized to practice those professions.
160 For the purpose of this section, any licensed cosmetologist,
161 esthetician, manicurist or wigologist who has actively practiced
162 his or her profession for at least three (3) months of the
163 immediately preceding license renewal period shall be considered
164 in active practice. No cosmetologist, esthetician, manicurist or
165 wigologist shall be registered on the "inactive" list until the
166 person has furnished a statement of intent to take such action to
167 the board. Any licensed cosmetologist, esthetician, manicurist or
168 wigologist registered on the "inactive" list shall not be eligible
169 for registration on the active list until either of the following
170 conditions have been satisfied:

171 (a) Written application shall be submitted to the State
172 Board of Cosmetology stating the reasons for such inactivity and
173 setting forth such other information as the board may require on

174 an individual basis and completion of the number of clock hours of
175 continuing education as approved by the board; or

176 (b) Evidence to the satisfaction of the board shall be
177 submitted that they have actively practiced their profession in
178 good standing in another state and have not been guilty of conduct
179 that would warrant suspension or revocation as provided by
180 applicable law; and

181 (c) Payment of the fee for processing such inactive
182 license.

183 SECTION 4. Section 73-7-15, Mississippi Code of 1972, is
184 amended as follows:

185 73-7-15. (1) The board shall admit to examination for a
186 cosmetology instructor's license any person who has made
187 application to the board in proper form, has paid the required
188 fee, and who:

189 (a) Is not less than twenty-one (21) years of age;

190 (b) Can read, write and speak English;

191 (c) Is a graduate of an accredited cosmetology school;

192 (d) Has a high school education or its equivalent;

193 (e) Has successfully completed seven hundred fifty
194 (750) hours of instructor training in an accredited school of
195 cosmetology;

196 (f) Has successfully completed twelve (12) semester
197 hours in college courses approved by the board;

198 (g) Holds a current, valid Mississippi cosmetology
199 license; and

200 (h) Has at least two (2) years' active practical
201 experience as a licensed cosmetologist or, as an alternative to
202 such experience, has successfully completed two thousand (2,000)
203 hours of instructor training in an accredited school of
204 cosmetology.

205 (2) The board shall admit to examination for an esthetics
206 instructor's license any person who has made application to the

207 board in proper form, has paid the required fee, and who:

208 (a) Is not less than twenty-one (21) years of age;

209 (b) Can read, write and speak English;

210 (c) Has a high school education or its equivalent;

211 (d) Has successfully completed six hundred (600) hours

212 of instructor training in an accredited school in which the

213 practice of esthetics is taught;

214 (e) Has successfully completed twelve (12) semester

215 hours in college courses approved by the board;

216 (f) Holds a current, valid Mississippi esthetician's

217 license; and

218 (g) Has had two (2) years of active practical

219 experience as an esthetician or, as an alternative to such

220 experience, has successfully completed one thousand (1,000) hours

221 of instructor training in an accredited school in which the

222 practice of esthetics is taught.

223 (3) The board shall admit to examination for a manicurist

224 instructor's license any person who has made application to the

225 board in proper form, has paid the required fee, and who:

226 (a) Is not less than twenty-one (21) years of age;

227 (b) Can read, write and speak English;

228 (c) Has a high school education or its equivalent;

229 (d) Has successfully completed six hundred (600) hours

230 of instructor training in an accredited school in which the

231 practice of manicuring is taught;

232 (e) Has successfully completed twelve (12) semester

233 hours in college courses approved by the board;

234 (f) Holds a current, valid Mississippi manicurist's

235 license; and

236 (g) Has had two (2) years of active practical

237 experience as a manicurist or, as an alternative to such

238 experience, has successfully completed one thousand (1,000) hours

239 of instructor training in an accredited school in which the

240 practice of manicuring is taught.

241 (4) Applicants shall satisfactorily pass the examination
242 prescribed by the board for licensing instructors prior to the
243 issuance of the licenses provided for in this section. However,
244 the board may, in its discretion, issue a temporary instructor's
245 permit until such time as the next examination may be held, but
246 such applicant shall be issued only one (1) temporary permit. All
247 applications for an instructor's examination shall be accompanied
248 by two (2) recent head photographs of the applicant.

249 (5) All instructors licensed pursuant to this section shall
250 biennially obtain twenty-four (24) clock hours of continuing
251 education in teacher training instruction in cosmetology or
252 esthetics or manicuring, as the case may be, as approved by the
253 board. Any instructor who fails to obtain the continuing
254 education required by this subsection shall not be allowed to
255 instruct nor enroll students under his or her license until such
256 education requirement has been met. The board may issue an
257 inactive instructor's license to such instructors, and an inactive
258 license may be converted into an active license after proof
259 satisfactory to the board of completion of at least twenty-four
260 (24) clock hours of approved continuing education required for
261 teacher training instruction.

262 (6) Each application or filing made under this section shall
263 include the social security number(s) of the applicant in
264 accordance with Section 93-11-64.

265 SECTION 5. Section 73-7-19, Mississippi Code of 1972, is
266 amended as follows:

267 73-7-19. Until June 30, 2001, all licenses issued under the
268 provisions of this chapter shall expire one (1) year from date of
269 issue; however, the board may authorize any licensee to renew his
270 or her license for a two-year period until June 30, 2001, after
271 which all licenses shall be renewed biennially under the fee
272 schedule in Section 73-7-29. Applications for renewal of licenses

273 for cosmetologists, estheticians, manicurists, wig specialists and
274 instructors must be accompanied by the required renewal fee. A
275 grace period of sixty (60) days will be given in which to renew
276 the license; and upon the expiration of the grace period of sixty
277 (60) days, any applicant for the renewal of a license will be
278 required to pay the required renewal fee and a delinquent fee in
279 addition to the renewal fee. The fees may be paid by either
280 personal or certified check, cash or money order, under such
281 safeguards, rules and regulations as the board may prescribe.
282 Checks returned to the board because of insufficient funds shall
283 result in nonrenewal of the license, which will require the
284 penalty fee for insufficient fund checks plus all other amounts
285 due for renewal of the license before the license may be renewed.

286 After one (1) year has passed from the expiration date of the
287 license, a delinquent fee must be paid for each year up to three
288 (3) years, after which the required examination must be taken.
289 All applications for examination required by this chapter shall
290 expire ninety (90) days from the date thereof.

291 Each application or filing made under this section shall
292 include the social security number(s) of the applicant in
293 accordance with Section 93-11-64.

294 SECTION 6. Section 73-7-21, Mississippi Code of 1972, is
295 amended as follows:

296 73-7-21. The board shall admit to examination for a
297 manicurist's license any person who has made application to the
298 board in proper form, has paid the required fee, and who:

- 299 (a) Is at least seventeen (17) years of age;
300 (b) Can read, write and speak English;
301 (c) Has successfully completed no less than three
302 hundred fifty (350) hours of practice and related theory in
303 manicuring and pedicuring over a period of no less than nine (9)
304 weeks in an accredited school of cosmetology in this or any other
305 state; and

306 (d) Has a high school education or its equivalent.

307 Licensed manicurists desiring to pursue additional hours to
308 be eligible for a license as a cosmetologist may be credited with
309 the three hundred fifty (350) hours acquired in studying and
310 training to be a manicurist which may be applied to the number of
311 hours required for a cosmetology license examination.

312 The board shall adopt regulations governing the use of power
313 drills for the purpose of filing false or natural fingernails.

314 * * *

315 Each application or filing made under this section shall
316 include the social security number(s) of the applicant in
317 accordance with Section 93-11-64.

318 SECTION 7. Section 73-7-29, Mississippi Code of 1972, is
319 amended as follows:

320 73-7-29. The board shall assess fees in the following
321 amounts and for the following purposes:

322 (a) Application for examination and reexamination -
323 cosmetologist, manicurist, esthetician, or wig specialist...\$35.00

324 (b) Application for in-state instructor
325 examination and reexamination.....50.00

326 (c) Application for out-of-state instructor
327 examination, processing.....55.00

328 (d) Until June 30, 2001, cosmetologist,
329 manicurist, esthetician, or wig specialist license,
330 original and renewal.....25.00

331 From and after July 1, 2001, biennial original
332 license and renewal.....50.00

333 (e) Until June 30, 2001, master cosmetologist
334 license.....35.00

335 From and after July 1, 2001, biennial original license
336 and renewal.....70.00

337 (f) Cosmetologist, manicurist, esthetician, or
338 wig specialist by reciprocity, processing.....55.00

339 (g) Until July 1, 2001, instructor license,
 340 original and renewal.....40.00
 341 After July 1, 2001, biennial original license
 342 and renewal.....80.00
 343 (h) Delinquent renewal penalty - cosmetologist,
 344 manicurist, esthetician, wig specialist and instructor:
 345 60 days to 1 year.....25.00
 346 plus license fee
 347 Over 1 year to 3 years, per year.....50.00
 348 plus license fee
 349 (i) Salon application.....50.00
 350 (j) Salon reinspection.....35.00
 351 (k) Salon change of ownership or location
 352 or both.....50.00
 353 (l) Until June 30, 2001, salon license renewal....30.00
 354 From and after July 1, 2001, biennial salon license
 355 renewal.....60.00
 356 (m) Salon delinquent renewal penalty -
 357 60 days to 1 year.....25.00
 358 plus license fee
 359 Over 1 year.....45.00
 360 plus license fee
 361 (n) Application for a new school.....300.00
 362 (o) New school reinspection.....100.00
 363 (p) School change of ownership.....300.00
 364 (q) School relocation.....300.00
 365 (r) Until June 30, 2001, school license renewal...75.00
 366 From and after July 1, 2001, biennial school license
 367 renewal.....150.00
 368 (s) School delinquent renewal penalty -
 369 60 days to 1 year.....100.00
 370 plus license fee
 371 (t) Duplicate license or lost renewal form.....10.00

- 372 (u) Penalty for insufficient fund checks.....20.00
373 (v) Affidavit processing.....15.00
374 (w) Inactive license fee.....15.00
375 (x) Renewal of inactive license.....15.00

376 The board may charge additional fees for services which the
377 board deems appropriate to carry out its intent and purpose.
378 These additional fees shall not exceed the cost of rendering the
379 service.

380 The board may authorize any licensee to renew his or her
381 license for a two-year period until June 30, 2001, after which all
382 licenses shall be renewed biennially pursuant to the above fee
383 schedule.

384 The board is fully authorized to make refunds of any deposits
385 received by the board for services which are not rendered, and may
386 refund any underpayments or overpayments of fees to licensees or
387 applicants.

388 SECTION 8. Section 73-7-53, Mississippi Code of 1972, is
389 amended as follows:

390 73-7-53. Any applicant who is at least seventeen (17) years
391 of age, can read, write and speak English, has a high school
392 education or its equivalent, and has successfully completed no
393 less than three hundred (300) hours of practice and instruction
394 and related theory in the care and treatment of wigs over a period
395 of no less than eight (8) weeks in an accredited school of
396 cosmetology * * * is eligible to take the examination to secure a
397 wig specialist license.

398 Application for an examination and license shall be
399 accompanied by two (2) recent head photographs. The board shall
400 hold examinations for wig specialists at least twice a year if
401 applications have been received and approved and at such other
402 times as the board may determine.

403 Applicants for wig specialist license, after having
404 satisfactorily passed the prescribed examination, shall be issued

405 a wig specialist license which shall be valid for one (1) year,
406 and from and after July 1, 2001, shall be valid for two (2) years.

407 All those licenses shall be subject to renewal.

408 All fees for application, examination and registration for a
409 wig specialist license and the renewal thereof shall be the same
410 as herein provided for cosmetologists.

411 A person holding a wig specialist license may perform for
412 compensation services limited to a wig or hairpiece.

413 SECTION 9. Section 73-7-59, Mississippi Code of 1972, is
414 amended as follows:

415 73-7-59. Nothing in Sections 73-7-51 through 73-7-61 as
416 amended by this House Bill No. 781, 2000 Regular Session, shall be
417 construed to cause any person who, as of May 8, 1972, holds a
418 valid cosmetology license to make any application or take any
419 additional training in order to continue his or her practice as it
420 then exists. Nothing in those sections shall be construed to
421 force any person who desires to obtain a valid cosmetology license
422 to take any training in addition to the fifteen hundred (1500)
423 hours now required.

424 SECTION 10. This act shall take effect and be in force from
425 and after July 1, 2000.