

By: Moody

To: Public Health and  
Welfare

HOUSE BILL NO. 781  
(As Sent to Governor)

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.