

By: Canon, Thames

To: Public Health and
Welfare

SENATE BILL NO. 2591

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 LICENSES AND TO PRESCRIBE REQUIREMENTS FOR APPLYING
10 FOR ACTIVE LICENSE STATUS; TO AMEND SECTION 73-7-15, MISSISSIPPI
11 CODE OF 1972, TO CLARIFY THE COLLEGE COURSE REQUIREMENTS OF
12 COSMETOLOGY INSTRUCTORS; TO AMEND SECTION 73-7-21, MISSISSIPPI
13 CODE OF 1972, TO REQUIRE 350 HOURS OF PRACTICE AND TRAINING FOR A
14 MANICURIST'S LICENSE AND TO DELETE THE REPEALER ON THE AUTHORITY
15 OF THE STATE BOARD OF COSMETOLOGY TO ISSUE REGULATIONS GOVERNING
16 THE USE OF POWER DRILLS IN MANICURING PROCEDURES; TO AMEND
17 SECTIONS 73-7-19 AND 73-7-29, MISSISSIPPI CODE OF 1972, TO PROVIDE
18 FOR BIENNIAL COSMETOLOGY LICENSE RENEWAL AND FEES AFTER JUNE 30,
19 2001, AND TO AUTHORIZE THE BOARD TO MAKE CERTAIN REFUNDS OF FEES;
20 TO AMEND SECTION 73-7-53, MISSISSIPPI CODE OF 1972, TO REQUIRE A
21 HIGH SCHOOL EDUCATION OR ITS EQUIVALENT BEFORE AN APPLICANT CAN
22 TAKE THE EXAMINATION FOR A WIG SPECIALIST LICENSE; AND FOR RELATED
23 PURPOSES.

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

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

27 73-7-3. * * * The board shall * * * be authorized to employ
28 such clerical and stenographic assistance, bookkeepers,
29 investigators and other agents as they may deem necessary to carry
30 out the provisions of this chapter, and to fix their tenure of
31 employment and compensation therefor. The members of the board
32 shall file a bond with the Secretary of State in the sum of not
33 less than Five Thousand Dollars (\$5,000.00) payable to the State
34 of Mississippi for the faithful performance of their duties. The
35 bond shall be made by a surety company authorized to do business
36 in this state, the premium of the bond to be paid out of any money

37 in the board's special fund in the State Treasury.

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

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

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

56 73-7-7. The board shall have authority to make reasonable
57 rules and regulations for the administration of the provisions of
58 this chapter. The board shall set up a curriculum for operation
59 of schools of cosmetology and the other professions it is charged
60 to regulate in this state. The board shall receive and consider
61 for adoption recommendations for rules and regulations, school
62 curriculum, and related matters from the Mississippi Cosmetology
63 Council, whose membership shall consist of, in addition to the
64 board members, five (5) elected delegates from the Mississippi
65 Hairdressers and Cosmetologists Association, five (5) elected
66 delegates from the Mississippi Cosmetology School Association,
67 five (5) elected delegates from the Mississippi Independent
68 Beauticians Association, and five (5) elected delegates from the
69 School Owners and Teachers Association. The board may revoke the
70 license of any cosmetologist, esthetician, manicurist, wig
71 specialist, instructor, school of cosmetology, or salon, or may
72 refuse to issue a license to any cosmetologist, esthetician,
73 manicurist, wig specialist, instructor, school of cosmetology, or

74 salon that fails or refuses to comply with the provisions of this
75 chapter and the rules and regulations of the board in carrying out
76 the provisions of this chapter.

77 The board shall have authority to prescribe reasonable rules
78 and regulations governing sanitation of schools of cosmetology and
79 beauty salons for the guidance of persons licensed under this
80 chapter in the operation of schools of cosmetology, or a beauty
81 salon, and in the practice of cosmetology, esthetics, manicuring
82 and pedicuring, and wigology. However, any and all rules and
83 regulations relating to sanitation shall, before adoption by the
84 board, have the written approval of the State Board of Health.
85 When the board has reason to believe that any of the provisions of
86 this chapter or of the rules and regulations of the board have
87 been violated, either upon receipt of a written complaint alleging
88 such violations or upon the board's own initiative, the board, or
89 any of its authorized agents, shall investigate same and shall
90 have authority to enter upon the premises of a school of
91 cosmetology or salon at any time during the regular business hours
92 of that school or salon to conduct the investigation. Such
93 investigation may include, but not be limited to, conducting oral
94 interviews with the complaining party, school or salon owner(s)
95 and/or students of the school, and reviewing records of the school
96 or salon pertinent to the complaint and related to an area subject
97 to the authority of the board. Such investigation shall not
98 include written interviews or surveys of school employees or
99 students, and the privacy of patrons shall be respected by any
100 person making such investigation.

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

106 If the board finds that a violation of the provisions of this

107 chapter or the rules and regulations of the board has occurred, it
108 may cause a hearing to be held as set forth in Section 73-7-27.

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

111 73-7-13. (1) The board shall admit to examination for a
112 cosmetology license any person who has made application to the
113 board in proper form, has paid the required fee, and who (a) is at
114 least seventeen (17) years of age, (b) can read, write and speak
115 English, (c) has successfully completed no less than fifteen
116 hundred (1500) hours over a period of no less than nine (9) months
117 in an accredited school of cosmetology, and (d) has a high school
118 education or its equivalent.

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

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

133 Any barber who can read, write and speak English and has
134 successfully completed no less than fifteen hundred (1500) hours
135 in an accredited barber school, and who holds a current valid
136 certificate of registration to practice barbering and who holds a
137 current valid license, is eligible to take the cosmetology
138 examination to secure a cosmetology license upon successfully
139 completing five hundred (500) hours in an accredited school of

140 cosmetology. All fees for application, examination, registration
141 and renewal thereof shall be the same as provided for
142 cosmetologists.

143 (2) Each application or filing made under this section shall
144 include the social security number(s) of the applicant in
145 accordance with Section 93-11-64, Mississippi Code of 1972.

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

167 (a) Written application shall be submitted to the State
168 Board of Cosmetology stating the reasons for such inactivity and
169 setting forth such other information as the board may require on
170 an individual basis and completion of the number of clock hours of
171 continuing education in cosmetology as approved by the board; or

172 (b) Evidence to the satisfaction of the board shall be

173 submitted that they have actively practiced their profession in
174 good standing in another state and have not been guilty of conduct
175 that would warrant suspension or revocation as provided by
176 applicable law; and

177 (c) Payment of the fee for processing such inactive
178 license.

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

181 73-7-15. (1) The board shall admit to examination for a
182 cosmetology instructor's license any person who has made
183 application to the board in proper form, has paid the required
184 fee, and who:

185 (a) Is not less than twenty-one (21) years of age;
186 (b) Can read, write and speak English;
187 (c) Is a graduate of an accredited cosmetology school;
188 (d) Has a high school education or its equivalent;
189 (e) Has successfully completed seven hundred fifty
190 (750) hours of instructor training in an accredited school of
191 cosmetology;

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

194 (g) Holds a current, valid Mississippi cosmetology
195 license; and

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

201 (2) The board shall admit to examination for an esthetics
202 instructor's license any person who has made application to the
203 board in proper form, has paid the required fee, and who:

204 (a) Is not less than twenty-one (21) years of age;
205 (b) Can read, write and speak English;

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

207 (d) Has successfully completed six hundred (600) hours
208 of instructor training in an accredited school in which the
209 practice of esthetics is taught;

210 (e) Has successfully completed twelve (12) semester
211 hours in college courses approved by the board;

212 (f) Holds a current, valid Mississippi esthetician's
213 license; and

214 (g) Has had two (2) years of active practical
215 experience as an esthetician or, as an alternative to such
216 experience, has successfully completed one thousand (1,000) hours
217 of instructor training in an accredited school in which the
218 practice of esthetics is taught.

219 (3) The board shall admit to examination for a manicurist
220 instructor's license any person who has made application to the
221 board in proper form, has paid the required fee, and who:

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

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

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

225 (d) Has successfully completed six hundred (600) hours
226 of instructor training in an accredited school in which the
227 practice of manicuring is taught;

228 (e) Has successfully completed twelve (12) semester
229 hours in college courses approved by the board;

230 (f) Holds a current, valid Mississippi manicurist's
231 license; and

232 (g) Has had two (2) years of active practical
233 experience as a manicurist or, as an alternative to such
234 experience, has successfully completed one thousand (1,000) hours
235 of instructor training in an accredited school in which the
236 practice of manicuring is taught.

237 (4) Applicants shall satisfactorily pass the examination
238 prescribed by the board for licensing instructors prior to the

239 issuance of the licenses provided for in this section. However,
240 the board may, in its discretion, issue a temporary instructor's
241 permit until such time as the next examination may be held, but
242 such applicant shall be issued only one (1) temporary permit. All
243 applications for an instructor's examination shall be accompanied
244 by two (2) recent head photographs of the applicant.

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

258 (6) Each application or filing made under this section shall
259 include the social security number(s) of the applicant in
260 accordance with Section 93-11-64, Mississippi Code of 1972.

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

263 73-7-19. Until June 30, 2001, all licenses issued under the
264 provisions of this chapter shall expire one (1) year from date of
265 issue; provided, however, that the board may authorize any
266 licensee to renew his or her license for a two-year period until
267 June 30, 2001, after which all licenses shall be renewed
268 biennially pursuant to the fee schedule in Section 73-7-29.

269 Applications for renewal of licenses for cosmetologists,
270 estheticians, manicurists, wig specialists and instructors must be
271 accompanied by the required renewal fee. A grace period of sixty

272 (60) days will be given in which to renew the license; and upon
273 the expiration of the grace period of sixty (60) days, any
274 applicant for the renewal of a license will be required to pay the
275 required renewal fee and a delinquent fee in addition to the
276 renewal fee. Said fees may be paid by either personal or
277 certified check, cash or money order, under such safeguards, rules
278 and regulations as the board may prescribe. Checks returned to
279 the board because of insufficient funds shall result in nonrenewal
280 of the license, which will require the penalty fee for
281 insufficient fund checks plus all other amounts due for renewal of
282 the license before the license may be renewed. After one (1) year
283 has passed from the expiration date of the license, a delinquent
284 fee must be paid for each year up to three (3) years, after which
285 the required examination must be taken. All applications for
286 examination required by this chapter shall expire ninety (90) days
287 from the date thereof.

288 Each application or filing made under this section shall
289 include the social security number(s) of the applicant in
290 accordance with Section 93-11-64, Mississippi Code of 1972.

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

293 73-7-21. The board shall admit to examination for a
294 manicurist's license any person who has made application to the
295 board in proper form, has paid the required fee, and who:

296 (a) Is at least seventeen (17) years of age;

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

298 (c) Has successfully completed no less than three

299 hundred fifty (350) hours of practice and related theory in

300 manicuring and pedicuring over a period of no less than nine (9)

301 weeks in an accredited school of cosmetology in this or any other

302 state; and

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

304 Licensed manicurists desiring to pursue additional hours to

305 be eligible for a license as a cosmetologist may be credited with
306 the three hundred fifty (350) hours acquired in studying and
307 training to be a manicurist which may be applied to the number of
308 hours required for a cosmetology license examination.

309 The board shall adopt regulations governing the use of power
310 drills for the purpose of filing false or natural fingernails.
311 This paragraph shall stand repealed from and after July 1, 1998.

312 Each application or filing made under this section shall
313 include the social security number(s) of the applicant in
314 accordance with Section 93-11-64, Mississippi Code of 1972.

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

317 73-7-29. The board shall assess fees in the following
318 amounts and for the following purposes:

- 319 (a) Application for examination and
320 reexamination - Cosmetologist, manicurist,
321 esthetician or wig specialist.....\$ 35.00
- 322 (b) Application for in-state
323 instructor-examination and
324 reexamination.....50.00
- 325 (c) Application for out-of-state
326 instructor-examination, processing.....55.00
- 327 (d) Until June 30, 2001, cosmetologist,
328 manicurist, esthetician, or wig
329 specialist license, original and renewal.....25.00
330 From and after July 1, 2001, biennial
331 original license and renewal.....50.00
- 332 (e) Until June 30, 2001, master cosmetologist
333 license.....35.00
334 From and after July 1, 2001, biennial
335 original license and renewal.....70.00
- 336 (f) Cosmetologist, manicurist, esthetician, or
337 wig specialist by reciprocity, processing.....55.00

338 (g) Until July 1, 2001, instructor license,
339 original and renewal.....40.00
340 After July 1, 2001, biennial original
341 license and renewal.....80.00

342 (h) Delinquent renewal penalty -
343 Cosmetologist, manicurist, esthetician,
344 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
355 license renewal.....60.00

356 (m) Salon delinquent renewal penalty -
357 60 days to 1 year.....25.00
358 plus license fee
359 Over 1 year45.00
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
367 license 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 said 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. This act shall take effect and be in force from
414 and after July 1, 2000.