

By: Representative Young

To: Public Health and
Welfare

HOUSE BILL NO. 504

1 AN ACT TO REPEAL SECTION 73-7-63, MISSISSIPPI CODE OF 1972,
2 WHICH REPEALS SECTIONS OF LAW WHICH CREATE THE STATE BOARD OF
3 COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 73-7-1, Mississippi Code of 1972, is
7 reenacted as follows:

8 73-7-1. There is hereby continued and reconstituted a State
9 Board of Cosmetology, composed of five (5) members to be appointed
10 by the Governor, with the advice and consent of the Senate, and
11 whose term of office shall be four (4) years from the date of
12 appointment except as otherwise provided herein. However, no more
13 than two (2) members shall be appointed from each Supreme Court
14 district.

15 There shall be a president of the board and such other
16 officers as deemed necessary by the board elected by and from its
17 membership, provided that the member elected as president shall
18 have at least one (1) year of experience on the board. Any
19 member appointed by the Governor and confirmed by the Senate for a
20 term to begin on or after July 1, 1997, who was designated by the
21 Governor to serve as president of the board, shall be fully
22 qualified to serve on the board for a full term of office, but
23 shall not serve as president of the board unless elected by the
24 membership of the board as provided under this paragraph.

25 To be eligible for appointment as a member of the State Board
26 of Cosmetology, the person applying shall have been a citizen of
27 this state for a minimum of five (5) years immediately prior to

28 appointment. Such person shall be at least thirty (30) years of
29 age, possess a high school education or its equivalent, and shall
30 have been a licensed cosmetologist with not less than ten (10)
31 years' active practice in cosmetology. No member of the board
32 shall be connected in any way with any school wherein cosmetology
33 is taught, nor shall any two (2) members of the board be graduates
34 of the same school of cosmetology.

35 However, in the event of vacancy by death or resignation of
36 any member of the board, the Governor shall, within thirty (30)
37 days, appoint a person possessing all qualifications required to
38 serve the remainder of the term. Any member who shall not attend
39 two (2) consecutive meetings of the board for reasons other than
40 illness of such member shall be subject to removal by the
41 Governor. The president of the board shall notify the Governor in
42 writing when any such member has failed to attend two (2)
43 consecutive regular meetings.

44 The salaries of all paid employees of the board shall be paid
45 out of funds in the board's special fund in the State Treasury.
46 Each member of the board, excepting the inspectors provided for
47 herein, shall receive per diem as authorized by Section 25-3-69,
48 and shall be reimbursed for such other expenses at the same rate
49 and under the same conditions as other state employees as provided
50 for in Section 25-3-41.

51 The board shall give reasonable public notice of all board
52 meetings not less than ten (10) days prior to such meetings.

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

55 73-7-2. As used in this chapter, the following terms shall
56 have the meanings ascribed herein unless the context otherwise
57 requires:

58 (a) "Board" means the State Board of Cosmetology.

59 (b) "Cosmetology" means any one (1) or a combination of
60 the following practices if they are performed on a person's head,

61 face, neck, shoulder, arms, hands, legs or feet for cosmetic
62 purposes:

63 (i) Cutting, clipping or trimming hair.

64 (ii) Styling, arranging, dressing, curling,
65 waving, permanent waving, straightening, cleansing, bleaching,
66 tinting, coloring or similarly treating hair.

67 (iii) Cleansing, stimulating, manipulating,
68 beautifying or applying oils, antiseptics, clays, lotions or other
69 preparations, either by hand or by mechanical or electrical
70 apparatus.

71 (iv) Arching eyebrows or tinting eyebrows and
72 eyelashes.

73 (v) Removing superfluous hair by the use of
74 depilatories.

75 (vi) Manicuring and pedicuring.

76 (c) "Cosmetologist" means a person who for
77 compensation, whether direct or indirect, engages in the practice
78 of cosmetology.

79 (d) "Esthetics" means any one (1) or a combination of
80 the following practices:

81 (i) Massaging the face or neck of a person.

82 (ii) Trimming eyebrows.

83 (iii) Tinting eyelashes or eyebrows.

84 (iv) Waxing, stimulating, cleaning or beautifying
85 the face, neck, arms or legs of a person by any method with the
86 aid of the hands or any mechanical or electrical apparatus, or by
87 the use of a cosmetic preparation.

88 The term "esthetics" shall not include the diagnosis,
89 treatment or therapy of any dermatological condition.

90 (e) "Esthetician" means any person who, for
91 compensation, either direct or indirect, engages in the practice
92 of esthetics.

93 (f) "Instructor" means a person licensed to teach
94 cosmetology, or manicuring and pedicuring, or esthetics, or
95 wigology, or all of those, pursuant to this chapter, and shall
96 include those persons engaged in the instruction of student
97 instructors.

98 (g) "Manicuring and pedicuring" means any one (1) or a
99 combination of the following practices:

100 (i) Cutting, trimming, polishing, coloring,
101 tinting, cleansing or otherwise treating a person's nails.

102 (ii) Applying artificial nails.

103 (iii) Massaging or cleaning a person's hands,
104 arms, legs or feet.

105 (h) "Manicurist" means a person who for compensation,
106 either direct or indirect, engages in the practice of manicuring
107 and pedicuring.

108 (i) "Master cosmetologist" means a person holding a
109 cosmetology license who has completed the minimum course of
110 continuing education prescribed by Section 73-7-14.

111 (j) "Salon" means an establishment operated for the
112 purpose of engaging in the practice of cosmetology, or manicuring
113 and pedicuring, or esthetics, or wigology, or all of those.

114 (k) "School" means an establishment, public or private,
115 operated for the purpose of teaching cosmetology, or manicuring
116 and pedicuring, or esthetics, or wigology, or all of those.

117 (l) "Wigology" means a service to a wig or hairpiece in
118 any one (1) or combination of the following:

119 (i) Arranging, dressing, waving or curling.

120 (ii) Cleaning.

121 (iii) Bleaching or coloring.

122 (iv) Cutting and shaping.

123 (m) "Wig specialist" means a person who, for
124 compensation, either direct or indirect, engages in the practice
125 of wigology.

SECTION 3. Section 73-7-3, Mississippi Code of 1972, is reenacted as follows:

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

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

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

SECTION 4. Section 73-7-5, Mississippi Code of 1972, is reenacted as follows:

73-7-5. (1) All fees and any other monies received by the board shall be deposited in a special fund that is created in the

State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and shall be disbursed by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the president of the board or another board member designated by the president, and countersigned by the secretary of the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund.

(2) The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies. In addition, the Governor, in his discretion, shall have the power from time to time to require an audit of the financial affairs of the board, the same to be made by the State Auditor upon request of the Governor. The Governor shall have the power to suspend any member of the board who shall be found in default in any account until such time as it shall be determined whether such default was a result of an act of dishonesty on the part of the member, and in the event it is found that such default is an act of dishonesty, misfeasance or nonfeasance on the part of the member, such member shall be immediately removed by the Governor from office.

SECTION 5. Section 73-7-7, Mississippi Code of 1972, is reenacted as follows:

73-7-7. The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter. The board shall set up a curriculum for operation of schools of cosmetology and the other professions it is charged to regulate in this state. The board shall receive and consider

192 for adoption recommendations for rules and regulations, school
193 curriculum, and related matters from the Mississippi Cosmetology
194 Council, whose membership shall consist of, in addition to the
195 board members, five (5) elected delegates from the Mississippi
196 Hairdressers and Cosmetologists Association, five (5) elected
197 delegates from the Mississippi Cosmetology School Association,
198 five (5) elected delegates from the Mississippi Independent
199 Beauticians Association, and five (5) elected delegates from the
200 School Owners and Teachers Association. The board may revoke the
201 license of any cosmetologist, esthetician, manicurist, wig
202 specialist, instructor, school of cosmetology, or salon, or may
203 refuse to issue a license to any cosmetologist, esthetician,
204 manicurist, wig specialist, instructor, school of cosmetology, or
205 salon that fails or refuses to comply with the provisions of this
206 chapter and the rules and regulations of the board in carrying out
207 the provisions of this chapter.

208 The board shall have authority to prescribe reasonable rules
209 and regulations governing sanitation of schools of cosmetology and
210 beauty salons for the guidance of persons licensed under this
211 chapter in the operation of schools of cosmetology, or a beauty
212 salon, and in the practice of cosmetology, esthetics, manicuring
213 and pedicuring, and wigology. However, any and all rules and
214 regulations relating to sanitation shall, before adoption by the
215 board, have the written approval of the State Board of Health.
216 When the board has reason to believe that any of the provisions of
217 this chapter or of the rules and regulations of the board have
218 been violated, either upon receipt of a written complaint alleging
219 such violations or upon the board's own initiative, the board, or
220 any of its authorized agents, shall investigate same and shall
221 have authority to enter upon the premises of a school of
222 cosmetology or salon at any time during the regular business hours
223 of that school or salon to conduct the investigation. Such
224 investigation may include, but not be limited to, conducting oral

225 interviews with the complaining party, school or salon owner(s)
226 and/or students of the school, and reviewing records of the school
227 or salon pertinent to the complaint and related to an area subject
228 to the authority of the board. Such investigation shall not
229 include written interviews or surveys of school employees or
230 students, and the privacy of patrons shall be respected by any
231 person making such investigation.

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

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

240 SECTION 6. Section 73-7-9, Mississippi Code of 1972, is
241 reenacted as follows:

242 73-7-9. No person required by this chapter to have a license
243 shall conduct a beauty salon or school of cosmetology, or practice
244 cosmetology, esthetics, manicuring and pedicuring, or wigology, or
245 practice as an instructor, unless such person has received a
246 license or temporary permit therefor from the board. Students
247 determined to have violated any of these rules or regulations
248 prior to being licensed by the board shall be subject to the same
249 discipline by the board as licensees. They may be disciplined and
250 fined accordingly.

251 SECTION 7. Section 73-7-11, Mississippi Code of 1972, is
252 reenacted as follows:

253 73-7-11. Each owner of a certificate of registration issued
254 by the state board, pursuant to the provisions of this chapter,
255 shall display said certificate of registration in a conspicuous
256 place in his or her principal office, place of business or
257 employment, at all times.

SECTION 8. Section 73-7-12, Mississippi Code of 1972, is reenacted as follows:

73-7-12. The board shall hold examinations for cosmetologists, estheticians, manicurists, wig specialists and instructors at least twice a year and at such other times as the board may determine.

SECTION 9. Section 73-7-13, Mississippi Code of 1972, is reenacted as follows:

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

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

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

Any barber who can read, write and speak English and has successfully completed no less than fifteen hundred (1500) hours in an accredited barber school, and who holds a current valid

291 certificate of registration to practice barbering and who holds a
292 current valid license, is eligible to take the cosmetology
293 examination to secure a cosmetology license upon successfully
294 completing five hundred (500) hours in an accredited school of
295 cosmetology. All fees for application, examination, registration
296 and renewal thereof shall be the same as provided for
297 cosmetologists.

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

301 (3) Any licensed cosmetologist, esthetician, manicurist or
302 wigologist who is registered but not actively practicing in the
303 State of Mississippi at the time of making application for
304 renewal, may apply for registration on the "inactive" list. Such
305 "inactive" list shall be maintained by the board and shall set out
306 the names and post office addresses of all persons registered but
307 not actively practicing in this state, arranged alphabetically by
308 name and also by the municipalities and states of their last known
309 professional or residential address. Only the cosmetologists,
310 estheticians, manicurists and wigologists registered on the
311 appropriate list as actively practicing in the State of
312 Mississippi shall be authorized to practice those professions.
313 For the purpose of this section, any licensed cosmetologist,
314 esthetician, manicurist or wigologist who has actively practiced
315 his or her profession for at least three (3) months of the
316 immediately preceding license renewal period shall be considered
317 in active practice. No cosmetologist, esthetician, manicurist or
318 wigologist shall be registered on the "inactive" list until the
319 person has furnished a statement of intent to take such action to
320 the board. Any licensed cosmetologist, esthetician, manicurist or
321 wigologist registered on the "inactive" list shall not be eligible
322 for registration on the active list until either of the following
323 conditions have been satisfied:

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

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

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

SECTION 10. Section 73-7-14, Mississippi Code of 1972, is reenacted as follows:

73-7-14. Any person who holds a current, valid cosmetology license may be licensed as a master cosmetologist if he or she has been a licensed cosmetologist in this state for a period of not less than twelve (12) months, and has completed a minimum course of sixteen (16) hours' study in continuing education approved by the board within the licensing period preceding initial application for the license, and has paid the original license fee. Master cosmetologist licenses shall be renewable upon completion of a minimum course of eight (8) hours' study in continuing education approved by the board within a licensing period and payment of the required renewal fee. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a cosmetology license when renewing their license.

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

SECTION 11. Section 73-7-15, Mississippi Code of 1972, is reenacted as follows:

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

- (a) Is not less than twenty-one (21) years of age;
- (b) Can read, write and speak English;
- (c) Is a graduate of an accredited cosmetology school;
- (d) Has a high school education or its equivalent;
- (e) Has successfully completed seven hundred fifty (750) hours of instructor training in an accredited school of cosmetology;
- (f) Has successfully completed twelve (12) semester hours in college courses approved by the board;
- (g) Holds a current, valid Mississippi cosmetology license; and
- (h) Has at least two (2) years' active practical experience as a licensed cosmetologist or, as an alternative to such experience, has successfully completed two thousand (2,000) hours of instructor training in an accredited school of cosmetology.

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

- (a) Is not less than twenty-one (21) years of age;
- (b) Can read, write and speak English;
- (c) Has a high school education or its equivalent;
- (d) Has successfully completed six hundred (600) hours of instructor training in an accredited school in which the practice of esthetics is taught;
- (e) Has successfully completed twelve (12) semester hours in college courses approved by the board;
- (f) Holds a current, valid Mississippi esthetician's license; and

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

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

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

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

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

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

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

406 (f) Holds a current, valid Mississippi manicurist's
407 license; and

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

413 (4) Applicants shall satisfactorily pass the examination
414 prescribed by the board for licensing instructors prior to the
415 issuance of the licenses provided for in this section. However,
416 the board may, in its discretion, issue a temporary instructor's
417 permit until such time as the next examination may be held, but
418 such applicant shall be issued only one (1) temporary permit. All
419 applications for an instructor's examination shall be accompanied
420 by two (2) recent head photographs of the applicant.

421 (5) All instructors licensed pursuant to this section shall
422 biennially obtain twenty-four (24) clock hours of continuing

423 education in teacher training instruction in cosmetology or
424 esthetics or manicuring, as the case may be, as approved by the
425 board. Any instructor who fails to obtain the continuing
426 education required by this subsection shall not be allowed to
427 instruct nor enroll students under his or her license until such
428 education requirement has been met. The board may issue an
429 inactive instructor's license to such instructors, and an inactive
430 license may be converted into an active license after proof
431 satisfactory to the board of completion of at least twenty-four
432 (24) clock hours of approved continuing education required for
433 teacher training instruction.

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

437 SECTION 12. Section 73-7-16, Mississippi Code of 1972, is
438 reenacted as follows:

439 73-7-16. All schools of cosmetology or school owners shall
440 have a school license and shall pay to the board the required
441 license fee annually therefor. A grace period of sixty (60) days
442 will be given in which to renew the license, and upon the
443 expiration of the grace period of sixty (60) days, any applicant
444 for the renewal of a school license will be required to pay a
445 delinquent fee in addition to the renewal fee. The board is
446 hereby authorized and empowered to promulgate necessary and
447 reasonable rules and regulations for the issuance and renewal of
448 school licenses. However, the board shall not refuse to issue or
449 renew a school's license because of the number of schools already
450 in that area of the state, and any rule promulgated by the board
451 for that purpose shall be null and void.

452 Each application or filing made under this section shall
453 include the Social Security number(s) of the applicant in
454 accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 13. Section 73-7-17, Mississippi Code of 1972, is reenacted as follows:

73-7-17. All salon owners shall have a salon license and shall pay to the board the required license fee therefor and pay the required renewal fee for renewal thereof. A grace period of sixty (60) days will be given in which to renew the license, and upon the expiration of the grace period of sixty (60) days any applicant for the renewal of a salon license will be required to pay a delinquent fee in addition to the renewal fee. Prior to the initial issuance of such license, the board shall inspect the premises to determine if same qualifies with the law, upon payment by the applicant of the required inspection fee.

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

SECTION 14. Section 73-7-18, Mississippi Code of 1972, is reenacted as follows:

73-7-18. (1) The board shall admit to examination for an esthetician's license any person who has made application to the board in proper form, has paid the required fee, and who:

- (a) Is not less than seventeen (17) years of age;
- (b) Can read, write and speak English;
- (c) Has a high school education or its equivalent; and
- (d) Has successfully completed a course of training in esthetics of not less than six hundred (600) hours in an accredited school in which the practice of esthetics is taught, including not less than one hundred (100) hours of theory and five hundred (500) hours of skill practice.

Any licensed esthetician wishing to acquire a cosmetology license may apply the six hundred (600) hours of esthetics training toward the requirements for a cosmetology license.

(2) Every person who has completed not less than three hundred fifty (350) hours of training in esthetics approved by the

board in this or any other state prior to July 1, 1987, shall be registered with the board within a period not exceeding six (6) months after July 1, 1987, and shall be granted an esthetician's license by the board if such person presents satisfactory evidence to the board that he or she has fulfilled all the requirements to be admitted to examination except the training hours requirement.

(3) Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 15. Section 73-7-19, Mississippi Code of 1972, is reenacted as follows:

73-7-19. Until June 30, 2001, all licenses issued under the provisions of this chapter shall expire one (1) year from date of issue; however, the board may authorize any licensee to renew his or her license for a two-year period until June 30, 2001, after which all licenses shall be renewed biennially under the fee schedule in Section 73-7-29. Applications for renewal of licenses for cosmetologists, estheticians, manicurists, wig specialists and instructors must be accompanied by the required renewal fee. A grace period of sixty (60) days will be given in which to renew the license; and upon the expiration of the grace period of sixty (60) days, any applicant for the renewal of a license will be required to pay the required renewal fee and a delinquent fee in addition to the renewal fee. The fees may be paid by either personal or certified check, cash or money order, under such safeguards, rules and regulations as the board may prescribe. Checks returned to the board because of insufficient funds shall result in nonrenewal of the license, which will require the penalty fee for insufficient fund checks plus all other amounts due for renewal of the license before the license may be renewed. After one (1) year has passed from the expiration date of the license, a delinquent fee must be paid for each year up to three (3) years, after which the required examination must be taken.

521 All applications for examination required by this chapter shall
522 expire ninety (90) days from the date thereof.

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

526 SECTION 16. Section 73-7-21, Mississippi Code of 1972, is
527 reenacted as follows:

528 73-7-21. The board shall admit to examination for a
529 manicurist's license any person who has made application to the
530 board in proper form, has paid the required fee, and who:

531 (a) Is at least seventeen (17) years of age;
532 (b) Can read, write and speak English;
533 (c) Has successfully completed no less than three
534 hundred fifty (350) hours of practice and related theory in
535 manicuring and pedicuring over a period of no less than nine (9)
536 weeks in an accredited school of cosmetology in this or any other
537 state; and

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

539 Licensed manicurists desiring to pursue additional hours to
540 be eligible for a license as a cosmetologist may be credited with
541 the three hundred fifty (350) hours acquired in studying and
542 training to be a manicurist which may be applied to the number of
543 hours required for a cosmetology license examination.

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

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

549 SECTION 17. Section 73-7-23, Mississippi Code of 1972, is
550 reenacted as follows:

551 73-7-23. The board may, upon application, issue a license by
552 reciprocity to any cosmetologist, esthetician, manicurist or wig
553 specialist over the age of seventeen (17) years from any other

state who has satisfactorily completed the required number of accredited hours in that state, provided the state board from which the applicant comes issues to cosmetologists, estheticians, manicurists or wig specialists, as the case may be, from the State of Mississippi a license under the same conditions. Applications must be accompanied by (a) proof satisfactory to the board that the required hours have been completed, and (b) the required reciprocity fee, which shall be paid to the board.

An instructor from any other state may be qualified for instructor's examination upon presenting a valid instructor's license and proof of a high school education or its equivalent, provided that the instructor (a) has had three (3) years or more of experience as a licensed instructor prior to application, (b) can read, write and speak English, and (c) has completed twelve (12) semester hours in college courses approved by the board. Such application must be accompanied by two (2) recent head photographs of the applicant. Applicants shall pay the required examination fee and license fee.

SECTION 18. Section 73-7-25, Mississippi Code of 1972, is reenacted as follows:

73-7-25. Every demonstrator in the field of cosmetology shall, before making demonstrations in a salon or school, apply for and obtain a permit from the board. For such permit, which shall be for one (1) year, the required fee shall be paid to the board. This section shall be construed to apply to demonstrators in salons and schools.

SECTION 19. Section 73-7-27, Mississippi Code of 1972, is reenacted as follows:

73-7-27. (1) Any complaint may be filed with the board by a member or agent of the board or by any person charging any licensee of the board with the commission of any of the offenses enumerated in subsection (2) of this section. Such complaint shall be in writing, signed by the accuser or accusers, and

587 verified under oath, and such complaints shall be investigated as
588 set forth in Section 73-7-7. If, after the investigation, the
589 board through its administrative review agents determines that
590 there is not substantial justification to believe that the accused
591 licensee has committed any of the offenses enumerated, it may
592 dismiss the complaint or may prepare a formal complaint proceeding
593 against the licensee as hereinafter provided. When used with
594 reference to any complaint filed against a licensee herein, the
595 term "not substantial justification" means a complaint that is
596 frivolous, groundless in fact or law, or vexatious, as determined
597 by unanimous vote of the board. In the event of a dismissal, the
598 person filing the accusation and the accused licensee shall be
599 given written notice of the board's determination. If the board
600 determines there is reasonable cause to believe the accused has
601 committed any of those offenses, the secretary of the board shall
602 give written notice of such determination to the accused licensee
603 and set a day for a hearing as provided in subsection (3) of this
604 section.

605 (2) The board shall have the power to revoke, suspend or
606 refuse to issue or renew any license or certificate provided for
607 in this chapter, and to fine, place on probation and/or otherwise
608 discipline a student or licensee or holder of a certificate, upon
609 proof that such person: (a) has not complied with or has violated
610 any of the rules and regulations promulgated by the board; (b) has
611 not complied with or has violated any of the sections of this
612 chapter; (c) has committed fraud or dishonest conduct in the
613 taking of the examination herein provided for; (d) has been
614 convicted of a felony; (e) has committed grossly unprofessional or
615 dishonest conduct; (f) is addicted to the excessive use of
616 intoxicating liquors or to the use of drugs to such an extent as
617 to render him or her unfit to practice in any of the practices or
618 occupations set forth in this chapter; (g) has advertised by means
619 of knowingly false or deceptive statements; or (h) has failed to

620 display the license or certificate issued to him or her as
621 provided for in this chapter; or (i) has been convicted of
622 violating any of the provisions of this chapter. A conviction of
623 violating any of the provisions of this chapter shall be grounds
624 for automatic suspension of the license or certificate of such
625 person.

626 (3) The board shall not revoke, suspend or refuse to issue
627 or renew any license or certificate, or fine, place on probation
628 or otherwise discipline any person in a disciplinary matter except
629 after a hearing of which the applicant or licensee or holder of
630 the certificate affected shall be given at least twenty (20) days'
631 notice in writing, specifying the reason or reasons for denying
632 the applicant a license or certificate of registration, or in the
633 case of any other disciplinary action, the offense or offenses of
634 which the licensee or holder of a certificate of registration is
635 charged. Such notice may be served by mailing a copy thereof by
636 United States first class certified mail, postage prepaid, to the
637 last known residence or business address of such applicant,
638 licensee or holder of a certificate. The hearing on such charges
639 shall be at such time and place as the board may prescribe.

640 (4) At such hearings, all witnesses shall be sworn by a
641 member of the board, and stenographic notes of the proceedings
642 shall be taken. Any party to the proceedings desiring it shall be
643 furnished with a copy of such stenographic notes upon payment to
644 the board of such fees as it shall prescribe, not exceeding,
645 however, the actual costs of transcription.

646 (5) The board is hereby authorized and empowered to issue
647 subpoenas for the attendance of witnesses and the production of
648 books and papers. The process issued by the board shall extend to
649 all parts of the state and such process shall be served by any
650 person designated by the board for such service. The person
651 serving such process shall receive such compensation as may be
652 allowed by the board, not to exceed the fee prescribed by law for

653 similar services. All witnesses who shall be subpoenaed, and who
654 shall appear in any proceedings before the board, shall receive
655 the same fees and mileage as allowed by law.

656 (6) Where in any proceeding before the board any witness
657 shall fail or refuse to attend upon subpoena issued by the board,
658 shall refuse to testify, or shall refuse to produce any books and
659 papers, the production of which is called for by the subpoena, the
660 attendance of such witness and the giving of his testimony and the
661 production of the books and papers shall be enforced by any court
662 of competent jurisdiction of this state, in manner as are enforced
663 the attendance and testimony of witnesses in civil cases in the
664 courts of this state.

665 (7) The board shall conduct the hearing in an orderly and
666 continuous manner, granting continuances only when the ends of
667 justice may be served. The board shall, within sixty (60) days
668 after conclusion of the hearing, reduce its decision to writing
669 and forward an attested true copy thereof to the last known
670 residence or business address of such applicant, licensee or
671 holder of a certificate, by way of United States first class
672 certified mail, postage prepaid. Such applicant, licensee, holder
673 of a certificate, or person aggrieved shall have the right of
674 appeal from an adverse ruling, or order, or decision of the board
675 to the chancery court upon forwarding notice of appeal to the
676 board within thirty (30) days after the decision of the board is
677 mailed in the manner here contemplated. An appeal will not be
678 allowed in the event notice of appeal, together with the appeal
679 bond hereinafter required, shall not have been forwarded to the
680 board within the thirty-day period. Appeal shall be to the
681 chancery court of the county and judicial district of the
682 residence of the appellant, or to the Chancery Court of the First
683 Judicial District of Hinds County, Mississippi, at the election of
684 the appellant. The notice of appeal shall elect venue, unless the
685 appellant be a nonresident of the State of Mississippi, in which

686 event the board shall certify all documents and evidence directly
687 to the Chancery Court of the First Judicial District of Hinds
688 County for further proceedings. The appeal shall thereupon be
689 heard in due course by the court which shall review the record and
690 make its determination thereon.

691 (8) The appellant shall, together with the notice of appeal,
692 forward to and post with the board a satisfactory bond in the
693 amount of Five Hundred Dollars (\$500.00) for the payment of any
694 costs which may be adjudged against him.

695 (9) In the event of an appeal, the court shall dispose of the
696 appeal and enter its decision promptly. The hearing on the appeal
697 may, in the discretion of the chancellor, be tried in vacation.
698 If there is an appeal, such appeal may, in the discretion of and
699 on motion to the chancery court, act as a supersedeas. However,
700 any fine imposed by the board under the provisions of this chapter
701 shall not take effect until after the time for appeal has expired,
702 and an appeal of the imposition of such a fine shall act as a
703 supersedeas.

704 (10) Any fine imposed by the board upon a licensee or holder
705 of a certificate shall be in accordance with the following
706 schedule:

707 (a) For the first violation, a fine of not less than
708 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
709 for each violation.

710 (b) For the second and each subsequent violation, a
711 fine of not less than One Hundred Dollars (\$100.00) nor more than
712 Four Hundred Dollars (\$400.00) for each violation.

713 The power and authority of the board to impose such fines
714 under this section shall not be affected or diminished by any
715 other proceeding, civil or criminal, concerning the same violation
716 or violations.

717 (11) In addition to the reasons specified in subsection (2)
718 of this section, the board shall be authorized to suspend the

719 license of any licensee for being out of compliance with an order
720 for support, as defined in Section 93-11-153. The procedure for
721 suspension of a license for being out of compliance with an order
722 for support, and the procedure for the reissuance or reinstatement
723 of a license suspended for that purpose, and the payment of any
724 fees for the reissuance or reinstatement of a license suspended
725 for that purpose, shall be governed by Section 93-11-157 or
726 93-11-163, as the case may be. Actions taken by the board in
727 suspending a license when required by Section 93-11-157 or
728 93-11-163 are not actions from which an appeal may be taken under
729 this section. Any appeal of a license suspension that is required
730 by Section 93-11-157 or 93-11-163 shall be taken in accordance
731 with the appeal procedure specified in Section 93-11-157 or
732 93-11-163, as the case may be, rather than the procedure specified
733 in this section. If there is any conflict between any provision
734 of Section 93-11-157 or 93-11-163 and any provision of this
735 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
736 case may be, shall control.

737 SECTION 20. Section 73-7-29, Mississippi Code of 1972, is
738 reenacted as follows:

739 73-7-29. The board shall assess fees in the following
740 amounts and for the following purposes:

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

743 (b) Application for in-state instructor
744 examination and reexamination..... 50.00

745 (c) Application for out-of-state instructor
746 examination, processing..... 55.00

747 (d) Until June 30, 2001, cosmetologist,
748 manicurist, esthetician, or wig specialist license,
749 original and renewal..... 25.00

750 From and after July 1, 2001, biennial original
751 license and renewal..... 50.00

752 (e) Until June 30, 2001, master cosmetologist
 753 license..... 35.00
 754 From and after July 1, 2001, biennial original license
 755 and renewal..... 70.00
 756 (f) Cosmetologist, manicurist, esthetician, or
 757 wig specialist by reciprocity, processing..... 55.00
 758 (g) Until July 1, 2001, instructor license,
 759 original and renewal..... 40.00
 760 After July 1, 2001, biennial original license
 761 and renewal..... 80.00
 762 (h) Delinquent renewal penalty - cosmetologist,
 763 manicurist, esthetician, wig specialist and instructor:
 764 60 days to 1 year..... 25.00
 765 plus license fee
 766 Over 1 year to 3 years, per year..... 50.00
 767 plus license fee
 768 (i) Salon application..... 50.00
 769 (j) Salon reinspection..... 35.00
 770 (k) Salon change of ownership or location
 771 or both..... 50.00
 772 (l) Until June 30, 2001, salon license renewal... 30.00
 773 From and after July 1, 2001, biennial salon license
 774 renewal..... 60.00
 775 (m) Salon delinquent renewal penalty -
 776 60 days to 1 year..... 25.00
 777 plus license fee
 778 Over 1 year..... 45.00
 779 plus license fee
 780 (n) Application for a new school..... 300.00
 781 (o) New school reinspection..... 100.00
 782 (p) School change of ownership..... 300.00
 783 (q) School relocation..... 300.00
 784 (r) Until June 30, 2001, school license renewal.. 75.00

| | | |
|-----|--|------------------|
| 785 | From and after July 1, 2001, biennial school license | |
| 786 | renewal..... | 150.00 |
| 787 | (s) School delinquent renewal penalty - | |
| 788 | 60 days to 1 year..... | 100.00 |
| 789 | | plus license fee |
| 790 | (t) Duplicate license or lost renewal form..... | 10.00 |
| 791 | (u) Penalty for insufficient fund checks..... | 20.00 |
| 792 | (v) Affidavit processing..... | 15.00 |
| 793 | (w) Inactive license fee..... | 15.00 |
| 794 | (x) Renewal of inactive license..... | 15.00 |

795 The board may charge additional fees for services which the
 796 board deems appropriate to carry out its intent and purpose.
 797 These additional fees shall not exceed the cost of rendering the
 798 service.

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

803 The board is fully authorized to make refunds of any deposits
 804 received by the board for services which are not rendered, and may
 805 refund any underpayments or overpayments of fees to licensees or
 806 applicants.

807 SECTION 21. Section 73-7-31, Mississippi Code of 1972, is
 808 reenacted as follows:

809 73-7-31. Nothing in this chapter shall apply to:
 810 (a) Hairdressing, manicuring or facial treatments given
 811 in the home to members of family or friends for which no charge is
 812 made.

813 (b) Persons whose practice is limited to the
 814 application of cosmetic products to another person in connection
 815 with the sale, or attempted sale, of such products at retail,
 816 without compensation from such other person other than the regular
 817 retail price of such merchandise.

818 (c) Barbers, and nothing in this chapter shall affect
819 the jurisdiction of the State Board of Barber Examiners.

820 SECTION 22. Section 73-7-33, Mississippi Code of 1972, is
821 reenacted as follows:

822 73-7-33. In addition to the rules and regulations that may
823 be prescribed and promulgated by the board under authority of this
824 chapter, the following rules and regulations shall be observed:

825 Every establishment must be kept sanitary, including all
826 utensils and equipment; must be well ventilated and properly
827 lighted. Each salon must be provided with hot and cold running
828 water. Electrical appliances must be properly installed and
829 grounded.

830 Cosmetologists shall be allowed to wear any type of clothing
831 or apparel while at work as long as such clothing or apparel is
832 sanitary.

833 Cosmetologists shall be allowed to use any type of hair
834 roller as long as they do so in a sanitary manner.

835 Anyone having an infectious or contagious disease shall not
836 practice in any establishment. Salon owners will be held
837 responsible for knowingly permitting one with such disease to
838 practice in his or her salon. No work shall be performed on any
839 patron having a visible disease unless the patron shall produce a
840 certificate from a practicing physician stating that the patron is
841 free from infectious, contagious or communicable disease. A
842 cosmetologist's license does not authorize such person to treat or
843 prescribe for an infectious, contagious or any other disease.

844 A home salon must have a solid wall to the ceiling with an
845 outside entrance, or if a door exists between the salon and the
846 remainder of the house, the door must be kept closed at all times
847 while service is being rendered.

848 SECTION 23. Section 73-7-35, Mississippi Code of 1972, is
849 reenacted as follows:

73-7-35. (1) No person licensed pursuant to this chapter shall practice his or her profession except within the physical confines of a salon possessing and displaying a properly executed license issued pursuant to Section 73-7-17. However, this requirement shall not prevent a person from rendering his or her services to any person who may be confined to his or her home, a hospital, or other place as a result of illness, and cosmetologists shall be permitted to render their services to deceased persons away from their salons.

(2) No salon owner licensed pursuant to this chapter shall allow a cosmetologist, esthetician, manicurist or wig specialist to practice his/her profession in the salon without possessing a valid license issued pursuant to this chapter.

SECTION 24. Section 73-7-37, Mississippi Code of 1972, is reenacted as follows:

73-7-37. (1) The violation of any of the provisions of this chapter, including the use of fraudulent statements to obtain any benefits or privileges under this chapter or practicing one of these professions without a license, shall constitute a misdemeanor, punishable in any court of competent jurisdiction, and any person or firm convicted of the violation of any of the provisions of this chapter shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). The court shall not be authorized to suspend or suspend the execution of the fine required under this section.

(2) If any person, firm or corporation violates any of the provisions of this chapter, the secretary of the board, upon direction of a majority of the board and in the name of the board, acting through the Attorney General or an attorney employed by the board, shall apply in any chancery court of competent jurisdiction for an order enjoining such violation or for an order enforcing compliance with the provisions of this chapter. Upon the filing of a verified petition in the proper court and after notice as

883 provided under the Mississippi Rules of Civil Procedure, such
884 court or any judge thereof, if satisfied by the sworn petition, by
885 affidavit or otherwise, that such person has violated any of the
886 provisions of this chapter, may issue an injunction without notice
887 or bond, enjoining such continued violation and such injunction
888 shall remain in force and effect until a final hearing. If at such
889 hearing it is established that such person has violated or is
890 violating any of the provisions of this chapter, the court may
891 enter a decree permanently enjoining such violation or enforcing
892 compliance with this chapter. In addition, the court may enter a
893 judgment against such person for attorneys' fees, court costs and
894 the actual costs incurred by the board in investigating the
895 actions of such person for which the board brought the suit for an
896 injunction. In case of violation of any decree issued in
897 compliance with this subsection, the court may punish the offender
898 for contempt of court and the court shall proceed as in other
899 cases.

900 (3) The proceedings in this section shall be in addition to
901 and not in lieu of the other remedies and penalties provided in
902 this chapter.

903 SECTION 25. Section 73-7-51, Mississippi Code of 1972, is
904 reenacted as follows:

905 73-7-51. From and after June 7, 1972, no person required by
906 Sections 73-7-51 through 73-7-61 to have a wig specialist license
907 or wig salon certificate of registration shall conduct a wig salon
908 or service a wig or hairpiece unless application for an
909 appropriate certificate or registration or license has been made.
910 All persons required by law to obtain a certificate of
911 registration or a license must file application therefor within
912 thirty (30) days after May 8, 1972. However, upon the proper
913 filing of an application by a holder of a current valid wigologist
914 permit as issued by the board, such holder shall be issued a wig
915 specialist license, and upon the proper filing of an application

916 by a holder of a current, valid wig shop certificate of
917 registration as issued by the board, such holder shall be issued a
918 wig salon certificate of registration.

919 SECTION 26. Section 73-7-53, Mississippi Code of 1972, is
920 reenacted as follows:

921 73-7-53. Any applicant who is at least seventeen (17) years
922 of age, can read, write and speak English, has a high school
923 education or its equivalent, and has successfully completed no
924 less than three hundred (300) hours of practice and instruction
925 and related theory in the care and treatment of wigs over a period
926 of no less than eight (8) weeks in an accredited school of
927 cosmetology is eligible to take the examination to secure a wig
928 specialist license.

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

934 Applicants for wig specialist license, after having
935 satisfactorily passed the prescribed examination, shall be issued
936 a wig specialist license which shall be valid for one (1) year,
937 and from and after July 1, 2001, shall be valid for two (2) years.
938 All those licenses shall be subject to renewal.

939 All fees for application, examination and registration for a
940 wig specialist license and the renewal thereof shall be the same
941 as herein provided for cosmetologists.

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

944 SECTION 27. Section 73-7-55, Mississippi Code of 1972, is
945 reenacted as follows:

946 73-7-55. Registered wig specialists desiring to pursue
947 additional hours to be eligible for a certificate of registration
948 as a cosmetologist may be credited with the three hundred (300)

949 hours acquired in studying and training to be a wig specialist
950 which may be applied to the number of hours required to be
951 eligible to take a cosmetologist's examination.

952 SECTION 28. Section 73-7-57, Mississippi Code of 1972, is
953 reenacted as follows:

954 73-7-57. All wig salon owners shall have a wig salon license
955 and shall pay to the board the required license fee therefor and
956 pay the required renewal fee for the renewal thereof. Prior to
957 the initial issuance of such a license, the board shall inspect
958 the premises to determine if same qualifies with the law, upon
959 payment by the applicant of the required inspection fee.

960 A person holding a wig salon license may maintain an
961 establishment in which services shall be limited to wigs or
962 hairpieces and performed only by licensed wig specialists and/or
963 licensed cosmetologists.

964 SECTION 29. Section 73-7-59, Mississippi Code of 1972, is
965 reenacted as follows:

966 73-7-59. Nothing in Sections 73-7-51 through 73-7-61 as
967 amended by Laws, 2000, Chapter 485, shall be construed to cause
968 any person who, as of May 8, 1972, holds a valid cosmetology
969 license to make any application or take any additional training in
970 order to continue his or her practice as it then exists. Nothing
971 in those sections shall be construed to force any person who
972 desires to obtain a valid cosmetology license to take any training
973 in addition to the fifteen hundred (1500) hours now required.

974 SECTION 30. Section 73-7-61, Mississippi Code of 1972, is
975 reenacted as follows:

976 73-7-61. Nothing in Sections 73-7-51 through 73-7-61 shall
977 apply to retail sales of wigs or hairpieces when such sales do not
978 include arranging, dressing, waving, cleaning, curling, bleaching,
979 coloring, cutting and shaping of such wig or hairpiece sold at
980 retail. Such retail seller shall be exempted from all fees,
981 inspections and other requirements of said sections. In

982 connection with such retail sales, wigs and hairpieces may be
983 fitted, combed and arranged before such retail sale is
984 consummated.

985 SECTION 31. Section 73-7-63, Mississippi Code of 1972, which
986 repeals Sections 73-7-1 through 73-7-37 and 73-7-51 through
987 73-7-61, creating the State Board of Cosmetology and prescribing
988 its duties and powers, is repealed.

989 SECTION 32. This act shall take effect and be in force from
990 and after July 1, 2001.