

By: Representative Young

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 504

1 AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37 AND 73-7-51
2 THROUGH 73-7-61, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE
3 BOARD OF COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND
4 SECTION 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF
5 THE REPEALER ON THE SECTIONS OF LAW THAT CREATE THE STATE BOARD OF
6 COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; AND FOR RELATED
7 PURPOSES.

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

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

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

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

28 To be eligible for appointment as a member of the State Board
29 of Cosmetology, the person applying shall have been a citizen of
30 this state for a minimum of five (5) years immediately prior to
31 appointment. Such person shall be at least thirty (30) years of
32 age, possess a high school education or its equivalent, and shall
33 have been a licensed cosmetologist with not less than ten (10)
34 years' active practice in cosmetology. No member of the board
35 shall be connected in any way with any school wherein cosmetology
36 is taught, nor shall any two (2) members of the board be graduates
37 of the same school of cosmetology.

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

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

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

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

58 73-7-2. As used in this chapter, the following terms shall
59 have the meanings ascribed herein unless the context otherwise
60 requires:

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

62 (b) "Cosmetology" means any one (1) or a combination of
63 the following practices if they are performed on a person's head,
64 face, neck, shoulder, arms, hands, legs or feet for cosmetic
65 purposes:

66 (i) Cutting, clipping or trimming hair.

67 (ii) Styling, arranging, dressing, curling,
68 waving, permanent waving, straightening, cleansing, bleaching,
69 tinting, coloring or similarly treating hair.

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

74 (iv) Arching eyebrows or tinting eyebrows and
75 eyelashes.

76 (v) Removing superfluous hair by the use of
77 depilatories.

78 (vi) Manicuring and pedicuring.

79 (c) "Cosmetologist" means a person who for
80 compensation, whether direct or indirect, engages in the practice
81 of cosmetology.

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

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

85 (ii) Trimming eyebrows.

86 (iii) Tinting eyelashes or eyebrows.

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

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

93 (e) "Esthetician" means any person who, for
94 compensation, either direct or indirect, engages in the practice
95 of esthetics.

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

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

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

105 (ii) Applying artificial nails.

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

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

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

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

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

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

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

123 (ii) Cleaning.

124 (iii) Bleaching or coloring.

125 (iv) Cutting and shaping.

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

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

131 73-7-3. The board shall be authorized to employ such
132 clerical and stenographic assistance, bookkeepers, investigators
133 and other agents as they may deem necessary to carry out the
134 provisions of this chapter, and to fix their tenure of employment
135 and compensation therefor. The members of the board shall file a
136 bond with the Secretary of State in the sum of not less than Five
137 Thousand Dollars (\$5,000.00) payable to the State of Mississippi
138 for the faithful performance of their duties. The bond shall be
139 made by a surety company authorized to do business in this state,
140 the premium of the bond to be paid out of any money in the board's
141 special fund in the State Treasury.

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

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

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

160 73-7-5. (1) All fees and any other monies received by the
161 board shall be deposited in a special fund that is created in the
162 State Treasury and shall be used for the implementation and
163 administration of this chapter when appropriated by the
164 Legislature for such purpose. The monies in the special fund
165 shall be subject to all provisions of the state budget laws that
166 are applicable to special fund agencies, and shall be disbursed by
167 the State Treasurer only upon warrants issued by the State Fiscal
168 Officer upon requisitions signed by the president of the board or
169 another board member designated by the president, and
170 countersigned by the secretary of the board. Any interest earned
171 on this special fund shall be credited by the State Treasurer to
172 the fund and shall not be paid into the State General Fund. Any
173 unexpended monies remaining in the special fund at the end of a
174 fiscal year shall not lapse into the State General Fund.

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

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

190 73-7-7. The board shall have authority to make reasonable
191 rules and regulations for the administration of the provisions of
192 this chapter. The board shall set up a curriculum for operation
193 of schools of cosmetology and the other professions it is charged
194 to regulate in this state. The board shall receive and consider
195 for adoption recommendations for rules and regulations, school
196 curriculum, and related matters from the Mississippi Cosmetology
197 Council, whose membership shall consist of, in addition to the
198 board members, five (5) elected delegates from the Mississippi
199 Hairdressers and Cosmetologists Association, five (5) elected
200 delegates from the Mississippi Cosmetology School Association,
201 five (5) elected delegates from the Mississippi Independent
202 Beauticians Association, and five (5) elected delegates from the
203 School Owners and Teachers Association. The board may revoke the
204 license of any cosmetologist, esthetician, manicurist, wig
205 specialist, instructor, school of cosmetology, or salon, or may
206 refuse to issue a license to any cosmetologist, esthetician,
207 manicurist, wig specialist, instructor, school of cosmetology, or
208 salon that fails or refuses to comply with the provisions of this
209 chapter and the rules and regulations of the board in carrying out
210 the provisions of this chapter.

211 The board shall have authority to prescribe reasonable rules
212 and regulations governing sanitation of schools of cosmetology and
213 beauty salons for the guidance of persons licensed under this
214 chapter in the operation of schools of cosmetology, or a beauty
215 salon, and in the practice of cosmetology, esthetics, manicuring
216 and pedicuring, and wigology. However, any and all rules and
217 regulations relating to sanitation shall, before adoption by the
218 board, have the written approval of the State Board of Health.
219 When the board has reason to believe that any of the provisions of
220 this chapter or of the rules and regulations of the board have
221 been violated, either upon receipt of a written complaint alleging
222 such violations or upon the board's own initiative, the board, or

223 any of its authorized agents, shall investigate same and shall
224 have authority to enter upon the premises of a school of
225 cosmetology or salon at any time during the regular business hours
226 of that school or salon to conduct the investigation. Such
227 investigation may include, but not be limited to, conducting oral
228 interviews with the complaining party, school or salon owner(s)
229 and/or students of the school, and reviewing records of the school
230 or salon pertinent to the complaint and related to an area subject
231 to the authority of the board. Such investigation shall not
232 include written interviews or surveys of school employees or
233 students, and the privacy of patrons shall be respected by any
234 person making such investigation.

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

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

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

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

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

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

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

263 73-7-12. The board shall hold examinations for
264 cosmetologists, estheticians, manicurists, wig specialists and
265 instructors at least twice a year and at such other times as the
266 board may determine.

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

269 73-7-13. (1) The board shall admit to examination for a
270 cosmetology license any person who has made application to the
271 board in proper form, has paid the required fee, and who (a) is at
272 least seventeen (17) years of age, (b) can read, write and speak
273 English, (c) has successfully completed no less than fifteen
274 hundred (1500) hours over a period of no less than nine (9) months
275 in an accredited school of cosmetology, and (d) has a high school
276 education or its equivalent.

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

286 Applicants for the cosmetologist examination, after having
287 satisfactorily passed the prescribed examination, shall be issued
288 a cosmetology license which until June 30, 2001, shall be valid

289 for one (1) year, and after July 1, 2001, shall be valid for two
290 (2) years, and all those licenses shall be subject to renewal.

291 Any barber who can read, write and speak English and has
292 successfully completed no less than fifteen hundred (1500) hours
293 in an accredited barber school, and who holds a current valid
294 certificate of registration to practice barbering and who holds a
295 current valid license, is eligible to take the cosmetology
296 examination to secure a cosmetology license upon successfully
297 completing five hundred (500) hours in an accredited school of
298 cosmetology. All fees for application, examination, registration
299 and renewal thereof shall be the same as provided for
300 cosmetologists.

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

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

322 person has furnished a statement of intent to take such action to
323 the board. Any licensed cosmetologist, esthetician, manicurist or
324 wigologist registered on the "inactive" list shall not be eligible
325 for registration on the active list until either of the following
326 conditions have been satisfied:

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

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

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

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

341 73-7-14. Any person who holds a current, valid cosmetology
342 license may be licensed as a master cosmetologist if he or she has
343 been a licensed cosmetologist in this state for a period of not
344 less than twelve (12) months, and has completed a minimum course
345 of sixteen (16) hours' study in continuing education approved by
346 the board within the licensing period preceding initial
347 application for the license, and has paid the original license
348 fee. Master cosmetologist licenses shall be renewable upon
349 completion of a minimum course of eight (8) hours' study in
350 continuing education approved by the board within a licensing
351 period and payment of the required renewal fee. This is an
352 optional license and persons who do not wish to complete the
353 continuing education requirement may obtain a cosmetology license
354 when renewing their license.

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

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

360 73-7-15. (1) The board shall admit to examination for a
361 cosmetology instructor's license any person who has made
362 application to the board in proper form, has paid the required
363 fee, and who:

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

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

- 383 (a) Is not less than twenty-one (21) years of age;
- 384 (b) Can read, write and speak English;
- 385 (c) Has a high school education or its equivalent;

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

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

391 (f) Holds a current, valid Mississippi esthetician's
392 license; and

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

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

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

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

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

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

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

409 (f) Holds a current, valid Mississippi manicurist's
410 license; and

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

416 (4) Applicants shall satisfactorily pass the examination
417 prescribed by the board for licensing instructors prior to the
418 issuance of the licenses provided for in this section. However,

419 the board may, in its discretion, issue a temporary instructor's
420 permit until such time as the next examination may be held, but
421 such applicant shall be issued only one (1) temporary permit. All
422 applications for an instructor's examination shall be accompanied
423 by two (2) recent head photographs of the applicant.

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

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

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

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

452 renew a school's license because of the number of schools already
453 in that area of the state, and any rule promulgated by the board
454 for that purpose shall be null and void.

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

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

460 73-7-17. All salon owners shall have a salon license and
461 shall pay to the board the required license fee therefor and pay
462 the required renewal fee for renewal thereof. A grace period of
463 sixty (60) days will be given in which to renew the license, and
464 upon the expiration of the grace period of sixty (60) days any
465 applicant for the renewal of a salon license will be required to
466 pay a delinquent fee in addition to the renewal fee. Prior to the
467 initial issuance of such license, the board shall inspect the
468 premises to determine if same qualifies with the law, upon payment
469 by the applicant of the required inspection fee.

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

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

475 73-7-18. (1) The board shall admit to examination for an
476 esthetician's license any person who has made application to the
477 board in proper form, has paid the required fee, and who:

- 478 (a) Is not less than seventeen (17) years of age;
479 (b) Can read, write and speak English;
480 (c) Has a high school education or its equivalent; and
481 (d) Has successfully completed a course of training in
482 esthetics of not less than six hundred (600) hours in an
483 accredited school in which the practice of esthetics is taught,

484 including not less than one hundred (100) hours of theory and five
485 hundred (500) hours of skill practice.

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

489 (2) Every person who has completed not less than three
490 hundred fifty (350) hours of training in esthetics approved by the
491 board in this or any other state prior to July 1, 1987, shall be
492 registered with the board within a period not exceeding six (6)
493 months after July 1, 1987, and shall be granted an esthetician's
494 license by the board if such person presents satisfactory evidence
495 to the board that he or she has fulfilled all the requirements to
496 be admitted to examination except the training hours requirement.

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

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

502 73-7-19. Until June 30, 2001, all licenses issued under the
503 provisions of this chapter shall expire one (1) year from date of
504 issue; however, the board may authorize any licensee to renew his
505 or her license for a two-year period until June 30, 2001, after
506 which all licenses shall be renewed biennially under the fee
507 schedule in Section 73-7-29. Applications for renewal of licenses
508 for cosmetologists, estheticians, manicurists, wig specialists and
509 instructors must be accompanied by the required renewal fee. A
510 grace period of sixty (60) days will be given in which to renew
511 the license; and upon the expiration of the grace period of sixty
512 (60) days, any applicant for the renewal of a license will be
513 required to pay the required renewal fee and a delinquent fee in
514 addition to the renewal fee. The fees may be paid by either
515 personal or certified check, cash or money order, under such
516 safeguards, rules and regulations as the board may prescribe.

517 Checks returned to the board because of insufficient funds shall
518 result in nonrenewal of the license, which will require the
519 penalty fee for insufficient fund checks plus all other amounts
520 due for renewal of the license before the license may be renewed.
521 After one (1) year has passed from the expiration date of the
522 license, a delinquent fee must be paid for each year up to three
523 (3) years, after which the required examination must be taken.
524 All applications for examination required by this chapter shall
525 expire ninety (90) days from the date thereof.

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

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

531 73-7-21. The board shall admit to examination for a
532 manicurist's license any person who has made application to the
533 board in proper form, has paid the required fee, and who:

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

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

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

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

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

554 73-7-23. The board may, upon application, issue a license by
555 reciprocity to any cosmetologist, esthetician, manicurist or wig
556 specialist over the age of seventeen (17) years from any other
557 state who has satisfactorily completed the required number of
558 accredited hours in that state, provided the state board from
559 which the applicant comes issues to cosmetologists, estheticians,
560 manicurists or wig specialists, as the case may be, from the State
561 of Mississippi a license under the same conditions. Applications
562 must be accompanied by (a) proof satisfactory to the board that
563 the required hours have been completed, and (b) the required
564 reciprocity fee, which shall be paid to the board.

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

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

577 73-7-25. Every demonstrator in the field of cosmetology
578 shall, before making demonstrations in a salon or school, apply
579 for and obtain a permit from the board. For such permit, which
580 shall be for one (1) year, the required fee shall be paid to the

581 board. This section shall be construed to apply to demonstrators
582 in salons and schools.

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

585 73-7-27. (1) Any complaint may be filed with the board by a
586 member or agent of the board or by any person charging any
587 licensee of the board with the commission of any of the offenses
588 enumerated in subsection (2) of this section. Such complaint
589 shall be in writing, signed by the accuser or accusers, and
590 verified under oath, and such complaints shall be investigated as
591 set forth in Section 73-7-7. If, after the investigation, the
592 board through its administrative review agents determines that
593 there is not substantial justification to believe that the accused
594 licensee has committed any of the offenses enumerated, it may
595 dismiss the complaint or may prepare a formal complaint proceeding
596 against the licensee as hereinafter provided. When used with
597 reference to any complaint filed against a licensee herein, the
598 term "not substantial justification" means a complaint that is
599 frivolous, groundless in fact or law, or vexatious, as determined
600 by unanimous vote of the board. In the event of a dismissal, the
601 person filing the accusation and the accused licensee shall be
602 given written notice of the board's determination. If the board
603 determines there is reasonable cause to believe the accused has
604 committed any of those offenses, the secretary of the board shall
605 give written notice of such determination to the accused licensee
606 and set a day for a hearing as provided in subsection (3) of this
607 section.

608 (2) The board shall have the power to revoke, suspend or
609 refuse to issue or renew any license or certificate provided for
610 in this chapter, and to fine, place on probation and/or otherwise
611 discipline a student or licensee or holder of a certificate, upon
612 proof that such person: (a) has not complied with or has violated
613 any of the rules and regulations promulgated by the board; (b) has

614 not complied with or has violated any of the sections of this
615 chapter; (c) has committed fraud or dishonest conduct in the
616 taking of the examination herein provided for; (d) has been
617 convicted of a felony; (e) has committed grossly unprofessional or
618 dishonest conduct; (f) is addicted to the excessive use of
619 intoxicating liquors or to the use of drugs to such an extent as
620 to render him or her unfit to practice in any of the practices or
621 occupations set forth in this chapter; (g) has advertised by means
622 of knowingly false or deceptive statements; or (h) has failed to
623 display the license or certificate issued to him or her as
624 provided for in this chapter; or (i) has been convicted of
625 violating any of the provisions of this chapter. A conviction of
626 violating any of the provisions of this chapter shall be grounds
627 for automatic suspension of the license or certificate of such
628 person.

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

643 (4) At such hearings, all witnesses shall be sworn by a
644 member of the board, and stenographic notes of the proceedings
645 shall be taken. Any party to the proceedings desiring it shall be
646 furnished with a copy of such stenographic notes upon payment to

647 the board of such fees as it shall prescribe, not exceeding,
648 however, the actual costs of transcription.

649 (5) The board is hereby authorized and empowered to issue
650 subpoenas for the attendance of witnesses and the production of
651 books and papers. The process issued by the board shall extend to
652 all parts of the state and such process shall be served by any
653 person designated by the board for such service. The person
654 serving such process shall receive such compensation as may be
655 allowed by the board, not to exceed the fee prescribed by law for
656 similar services. All witnesses who shall be subpoenaed, and who
657 shall appear in any proceedings before the board, shall receive
658 the same fees and mileage as allowed by law.

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

668 (7) The board shall conduct the hearing in an orderly and
669 continuous manner, granting continuances only when the ends of
670 justice may be served. The board shall, within sixty (60) days
671 after conclusion of the hearing, reduce its decision to writing
672 and forward an attested true copy thereof to the last known
673 residence or business address of such applicant, licensee or
674 holder of a certificate, by way of United States first class
675 certified mail, postage prepaid. Such applicant, licensee, holder
676 of a certificate, or person aggrieved shall have the right of
677 appeal from an adverse ruling, or order, or decision of the board
678 to the chancery court upon forwarding notice of appeal to the
679 board within thirty (30) days after the decision of the board is

680 mailed in the manner here contemplated. An appeal will not be
681 allowed in the event notice of appeal, together with the appeal
682 bond hereinafter required, shall not have been forwarded to the
683 board within the thirty-day period. Appeal shall be to the
684 chancery court of the county and judicial district of the
685 residence of the appellant, or to the Chancery Court of the First
686 Judicial District of Hinds County, Mississippi, at the election of
687 the appellant. The notice of appeal shall elect venue, unless the
688 appellant be a nonresident of the State of Mississippi, in which
689 event the board shall certify all documents and evidence directly
690 to the Chancery Court of the First Judicial District of Hinds
691 County for further proceedings. The appeal shall thereupon be
692 heard in due course by the court which shall review the record and
693 make its determination thereon.

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

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

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

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

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

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

720 (11) In addition to the reasons specified in subsection (2)
721 of this section, the board shall be authorized to suspend the
722 license of any licensee for being out of compliance with an order
723 for support, as defined in Section 93-11-153. The procedure for
724 suspension of a license for being out of compliance with an order
725 for support, and the procedure for the reissuance or reinstatement
726 of a license suspended for that purpose, and the payment of any
727 fees for the reissuance or reinstatement of a license suspended
728 for that purpose, shall be governed by Section 93-11-157 or
729 93-11-163, as the case may be. Actions taken by the board in
730 suspending a license when required by Section 93-11-157 or
731 93-11-163 are not actions from which an appeal may be taken under
732 this section. Any appeal of a license suspension that is required
733 by Section 93-11-157 or 93-11-163 shall be taken in accordance
734 with the appeal procedure specified in Section 93-11-157 or
735 93-11-163, as the case may be, rather than the procedure specified
736 in this section. If there is any conflict between any provision
737 of Section 93-11-157 or 93-11-163 and any provision of this
738 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
739 case may be, shall control.

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

742 73-7-29. The board shall assess fees in the following
743 amounts and for the following purposes:

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

746	(b) Application for in-state instructor	
747	examination and reexamination.....	50.00
748	(c) Application for out-of-state instructor	
749	examination, processing.....	55.00
750	(d) Until June 30, 2001, cosmetologist,	
751	manicurist, esthetician, or wig specialist license,	
752	original and renewal.....	25.00
753	From and after July 1, 2001, biennial original	
754	license and renewal.....	50.00
755	(e) Until June 30, 2001, master cosmetologist	
756	license.....	35.00
757	From and after July 1, 2001, biennial original license	
758	and renewal.....	70.00
759	(f) Cosmetologist, manicurist, esthetician, or	
760	wig specialist by reciprocity, processing.....	55.00
761	(g) Until July 1, 2001, instructor license,	
762	original and renewal.....	40.00
763	After July 1, 2001, biennial original license	
764	and renewal.....	80.00
765	(h) Delinquent renewal penalty - cosmetologist,	
766	manicurist, esthetician, wig specialist and instructor:	
767	60 days to 1 year.....	25.00
768		plus license fee
769	Over 1 year to 3 years, per year.....	50.00
770		plus license fee
771	(i) Salon application.....	50.00
772	(j) Salon reinspection.....	35.00
773	(k) Salon change of ownership or location	
774	or both.....	50.00
775	(l) Until June 30, 2001, salon license renewal...	30.00
776	From and after July 1, 2001, biennial salon license	
777	renewal.....	60.00
778	(m) Salon delinquent renewal penalty -	

779	60 days to 1 year.....	25.00
780		plus license fee
781	Over 1 year.....	45.00
782		plus license fee
783	(n) Application for a new school.....	300.00
784	(o) New school reinspection.....	100.00
785	(p) School change of ownership.....	300.00
786	(q) School relocation.....	300.00
787	(r) Until June 30, 2001, school license renewal..	75.00
788	From and after July 1, 2001, biennial school license	
789	renewal.....	150.00
790	(s) School delinquent renewal penalty -	
791	60 days to 1 year.....	100.00
792		plus license fee
793	(t) Duplicate license or lost renewal form.....	10.00
794	(u) Penalty for insufficient fund checks.....	20.00
795	(v) Affidavit processing.....	15.00
796	(w) Inactive license fee.....	15.00
797	(x) Renewal of inactive license.....	15.00

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

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

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

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

812 73-7-31. Nothing in this chapter shall apply to:

813 (a) Hairdressing, manicuring or facial treatments given
814 in the home to members of family or friends for which no charge is
815 made.

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

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

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

825 73-7-33. In addition to the rules and regulations that may
826 be prescribed and promulgated by the board under authority of this
827 chapter, the following rules and regulations shall be observed:

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

833 Cosmetologists shall be allowed to wear any type of clothing
834 or apparel while at work as long as such clothing or apparel is
835 sanitary.

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

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

845 cosmetologist's license does not authorize such person to treat or
846 prescribe for an infectious, contagious or any other disease.

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

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

853 73-7-35. (1) No person licensed pursuant to this chapter
854 shall practice his or her profession except within the physical
855 confines of a salon possessing and displaying a properly executed
856 license issued pursuant to Section 73-7-17. However, this
857 requirement shall not prevent a person from rendering his or her
858 services to any person who may be confined to his or her home, a
859 hospital, or other place as a result of illness, and
860 cosmetologists shall be permitted to render their services to
861 deceased persons away from their salons.

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

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

868 73-7-37. (1) The violation of any of the provisions of this
869 chapter, including the use of fraudulent statements to obtain any
870 benefits or privileges under this chapter or practicing one of
871 these professions without a license, shall constitute a
872 misdemeanor, punishable in any court of competent jurisdiction,
873 and any person or firm convicted of the violation of any of the
874 provisions of this chapter shall be fined not less than One
875 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
876 (\$500.00). The court shall not be authorized to suspend or
877 suspend the execution of the fine required under this section.

878 (2) If any person, firm or corporation violates any of the
879 provisions of this chapter, the secretary of the board, upon
880 direction of a majority of the board and in the name of the board,
881 acting through the Attorney General or an attorney employed by the
882 board, shall apply in any chancery court of competent jurisdiction
883 for an order enjoining such violation or for an order enforcing
884 compliance with the provisions of this chapter. Upon the filing
885 of a verified petition in the proper court and after notice as
886 provided under the Mississippi Rules of Civil Procedure, such
887 court or any judge thereof, if satisfied by the sworn petition, by
888 affidavit or otherwise, that such person has violated any of the
889 provisions of this chapter, may issue an injunction without notice
890 or bond, enjoining such continued violation and such injunction
891 shall remain in force and effect until a final hearing. If at such
892 hearing it is established that such person has violated or is
893 violating any of the provisions of this chapter, the court may
894 enter a decree permanently enjoining such violation or enforcing
895 compliance with this chapter. In addition, the court may enter a
896 judgment against such person for attorneys' fees, court costs and
897 the actual costs incurred by the board in investigating the
898 actions of such person for which the board brought the suit for an
899 injunction. In case of violation of any decree issued in
900 compliance with this subsection, the court may punish the offender
901 for contempt of court and the court shall proceed as in other
902 cases.

903 (3) The proceedings in this section shall be in addition to
904 and not in lieu of the other remedies and penalties provided in
905 this chapter.

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

908 73-7-51. From and after June 7, 1972, no person required by
909 Sections 73-7-51 through 73-7-61 to have a wig specialist license
910 or wig salon certificate of registration shall conduct a wig salon

911 or service a wig or hairpiece unless application for an
912 appropriate certificate or registration or license has been made.
913 All persons required by law to obtain a certificate of
914 registration or a license must file application therefor within
915 thirty (30) days after May 8, 1972. However, upon the proper
916 filing of an application by a holder of a current valid wigologist
917 permit as issued by the board, such holder shall be issued a wig
918 specialist license, and upon the proper filing of an application
919 by a holder of a current, valid wig shop certificate of
920 registration as issued by the board, such holder shall be issued a
921 wig salon certificate of registration.

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

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

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

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

942 All fees for application, examination and registration for a
943 wig specialist license and the renewal thereof shall be the same
944 as herein provided for cosmetologists.

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

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

949 73-7-55. Registered wig specialists desiring to pursue
950 additional hours to be eligible for a certificate of registration
951 as a cosmetologist may be credited with the three hundred (300)
952 hours acquired in studying and training to be a wig specialist
953 which may be applied to the number of hours required to be
954 eligible to take a cosmetologist's examination.

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

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

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

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

969 73-7-59. Nothing in Sections 73-7-51 through 73-7-61 as
970 amended by Laws, 2000, Chapter 485, shall be construed to cause
971 any person who, as of May 8, 1972, holds a valid cosmetology
972 license to make any application or take any additional training in
973 order to continue his or her practice as it then exists. Nothing
974 in those sections shall be construed to force any person who

975 desires to obtain a valid cosmetology license to take any training
976 in addition to the fifteen hundred (1500) hours now required.

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

979 73-7-61. Nothing in Sections 73-7-51 through 73-7-61 shall
980 apply to retail sales of wigs or hairpieces when such sales do not
981 include arranging, dressing, waving, cleaning, curling, bleaching,
982 coloring, cutting and shaping of such wig or hairpiece sold at
983 retail. Such retail seller shall be exempted from all fees,
984 inspections and other requirements of said sections. In
985 connection with such retail sales, wigs and hairpieces may be
986 fitted, combed and arranged before such retail sale is
987 consummated.

988 SECTION 31. Section 73-7-63, Mississippi Code of 1972, is
989 amended as follows:

990 73-7-63. Sections 73-7-1 through 73-7-37 and 73-7-51 through
991 73-7-61, Mississippi Code of 1972, which create the State Board of
992 Cosmetology and prescribe its duties and powers, shall stand
993 repealed on July 1, 2005.

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