

By: Senator(s) Dearing, Burton, Walls

To: Public Health and Welfare

SENATE BILL NO. 2150

1 AN ACT TO CREATE A STATE BOARD OF COSMETOLOGY AND BARBERING
 2 AND TO DEFINE ITS MEMBERSHIP, TERMS OF OFFICE, AND ORGANIZATIONS
 3 TO REQUIRE THE NEW BOARD TO RECOMMEND TO THE LEGISLATURE A UNIFORM
 4 LICENSING PROGRAM FOR BARBERS AND COSMETOLOGISTS; TO AMEND
 5 SECTIONS 73-7-27 AND 73-7-29, MISSISSIPPI CODE OF 1972, TO
 6 INCREASE CERTAIN FEES IMPOSED ON COSMETOLOGISTS AND SALONS; TO
 7 AMEND SECTIONS 73-5-7, 73-5-8, 73-5-11, 73-5-15, 73-5-19, 73-5-25,
 8 73-5-27, 73-5-33, 73-5-35, 73-5-41, 73-5-45, 73-7-2, 73-7-31 AND
 9 73-7-63, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
 10 REPEAL SECTIONS 73-5-1 AND 73-7-1, MISSISSIPPI CODE OF 1972, WHICH
 11 CREATE THE STATE BOARD OF BARBER EXAMINERS AND THE STATE BOARD OF
 12 COSMETOLOGY; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) There is hereby created and empowered the
 15 State Board of Cosmetology and Barbering to be composed of five
 16 (5) licensed cosmetologists, and five (5) licensed barbers to be
 17 appointed by the Governor, with the advice and consent of the
 18 Senate. One (1) cosmetologist and one (1) barber shall be
 19 appointed from each congressional district as constituted on
 20 January 1, 2004, and one (1) cosmetologist and one (1) barber
 21 shall be appointed from the state at large. All members shall
 22 serve terms of four (4) years, and shall continue to serve until
 23 their successors are duly qualified. In any case, where a vacancy
 24 occurs due to resignation, removal or death, the Governor shall
 25 appoint a member to complete the unexpired balance of the vacating
 26 member's term. Any member who misses two consecutive meetings of
 27 the board shall be deemed to have vacated his/her position and a
 28 vacancy shall occur to which the Governor shall make an
 29 appointment.

30 (2) To be eligible for appointment, a cosmetologist or
 31 barber must have been licensed in the state for five (5) years,
 32 and have at least 10 years' active experience in cosmetology or

33 barbering immediately preceding appointment. No more than two (2)
34 members shall be graduates of the same cosmetology or barbering
35 school, and no member shall have any financial interest in, or be
36 an instructor in, a school of cosmetology or barbering.

37 (3) The board shall select a chair, who shall serve for one
38 (1) year. The chair shall rotate between licensed cosmetologists
39 and barbers on an annual basis. The board shall meet monthly, and
40 at such other times as determined necessary by the chair.

41 (4) Whenever the terms "State Board of Cosmetology" or
42 "State Board of Barber Examiners" shall appear in law, these terms
43 shall mean the State Board of Cosmetology and Barbering. The
44 State Board of Cosmetology and Barbering shall be the State Board
45 of Cosmetology and the State Board of Barber Examiners, and shall
46 have all powers and duties conferred upon these boards in law.

47 (5) Before December 1, 2007, the State Board of Cosmetology
48 and Barbering shall recommend to the Legislature a single, unified
49 licensing program for barbers and cosmetologists so as to obviate
50 the necessity of having separate licenses for such professionals.
51 This recommendation shall include all fees necessary to generate
52 revenues necessary to regulate the professions, and shall also
53 recommend any necessary changes in board structure.

54 (6) This section shall stand repealed from and after July 1,
55 2008.

56 **SECTION 2.** Section 73-7-27, Mississippi Code of 1972, is
57 amended as follows:

58 73-7-27. (1) Any complaint may be filed with the board by a
59 member or agent of the board or by any person charging any
60 licensee of the board with the commission of any of the offenses
61 enumerated in subsection (2) of this section. Such complaint
62 shall be in writing, signed by the accuser or accusers, and
63 verified under oath, and such complaints shall be investigated as
64 set forth in Section 73-7-7. If, after the investigation, the
65 board through its administrative review agents determines that

66 there is not substantial justification to believe that the accused
67 licensee has committed any of the offenses enumerated, it may
68 dismiss the complaint or may prepare a formal complaint proceeding
69 against the licensee as hereinafter provided. When used with
70 reference to any complaint filed against a licensee herein, the
71 term "not substantial justification" means a complaint that is
72 frivolous, groundless in fact or law, or vexatious, as determined
73 by unanimous vote of the board. In the event of a dismissal, the
74 person filing the accusation and the accused licensee shall be
75 given written notice of the board's determination. If the board
76 determines there is reasonable cause to believe the accused has
77 committed any of those offenses, the secretary of the board shall
78 give written notice of such determination to the accused licensee
79 and set a day for a hearing as provided in subsection (3) of this
80 section.

81 (2) The board shall have the power to revoke, suspend or
82 refuse to issue or renew any license or certificate provided for
83 in this chapter, and to fine, place on probation and/or otherwise
84 discipline a student or licensee or holder of a certificate, upon
85 proof that such person: (a) has not complied with or has violated
86 any of the rules and regulations promulgated by the board; (b) has
87 not complied with or has violated any of the sections of this
88 chapter; (c) has committed fraud or dishonest conduct in the
89 taking of the examination herein provided for; (d) has been
90 convicted of a felony; (e) has committed grossly unprofessional or
91 dishonest conduct; (f) is addicted to the excessive use of
92 intoxicating liquors or to the use of drugs to such an extent as
93 to render him or her unfit to practice in any of the practices or
94 occupations set forth in this chapter; (g) has advertised by means
95 of knowingly false or deceptive statements; or (h) has failed to
96 display the license or certificate issued to him or her as
97 provided for in this chapter; or (i) has been convicted of
98 violating any of the provisions of this chapter. A conviction of

99 violating any of the provisions of this chapter shall be grounds
100 for automatic suspension of the license or certificate of such
101 person.

102 (3) The board shall not revoke, suspend or refuse to issue
103 or renew any license or certificate, or fine, place on probation
104 or otherwise discipline any person in a disciplinary matter except
105 after a hearing of which the applicant or licensee or holder of
106 the certificate affected shall be given at least twenty (20) days'
107 notice in writing, specifying the reason or reasons for denying
108 the applicant a license or certificate of registration, or in the
109 case of any other disciplinary action, the offense or offenses of
110 which the licensee or holder of a certificate of registration is
111 charged. Such notice may be served by mailing a copy thereof by
112 United States first class certified mail, postage prepaid, to the
113 last known residence or business address of such applicant,
114 licensee or holder of a certificate. The hearing on such charges
115 shall be at such time and place as the board may prescribe.

116 (4) At such hearings, all witnesses shall be sworn by a
117 member of the board, and stenographic notes of the proceedings
118 shall be taken. Any party to the proceedings desiring it shall be
119 furnished with a copy of such stenographic notes upon payment to
120 the board of such fees as it shall prescribe, not exceeding,
121 however, the actual costs of transcription.

122 (5) The board is hereby authorized and empowered to issue
123 subpoenas for the attendance of witnesses and the production of
124 books and papers. The process issued by the board shall extend to
125 all parts of the state and such process shall be served by any
126 person designated by the board for such service. The person
127 serving such process shall receive such compensation as may be
128 allowed by the board, not to exceed the fee prescribed by law for
129 similar services. All witnesses who shall be subpoenaed, and who
130 shall appear in any proceedings before the board, shall receive
131 the same fees and mileage as allowed by law.

132 (6) Where in any proceeding before the board any witness
133 shall fail or refuse to attend upon subpoena issued by the board,
134 shall refuse to testify, or shall refuse to produce any books and
135 papers, the production of which is called for by the subpoena, the
136 attendance of such witness and the giving of his testimony and the
137 production of the books and papers shall be enforced by any court
138 of competent jurisdiction of this state, in manner as are enforced
139 the attendance and testimony of witnesses in civil cases in the
140 courts of this state.

141 (7) The board shall conduct the hearing in an orderly and
142 continuous manner, granting continuances only when the ends of
143 justice may be served. The board shall, within sixty (60) days
144 after conclusion of the hearing, reduce its decision to writing
145 and forward an attested true copy thereof to the last known
146 residence or business address of such applicant, licensee or
147 holder of a certificate, by way of United States first class
148 certified mail, postage prepaid. Such applicant, licensee, holder
149 of a certificate, or person aggrieved shall have the right of
150 appeal from an adverse ruling, or order, or decision of the board
151 to the chancery court upon forwarding notice of appeal to the
152 board within thirty (30) days after the decision of the board is
153 mailed in the manner here contemplated. An appeal will not be
154 allowed in the event notice of appeal, together with the appeal
155 bond hereinafter required, shall not have been forwarded to the
156 board within the thirty-day period. Appeal shall be to the
157 chancery court of the county and judicial district of the
158 residence of the appellant, or to the Chancery Court of the First
159 Judicial District of Hinds County, Mississippi, at the election of
160 the appellant. The notice of appeal shall elect venue, unless the
161 appellant be a nonresident of the State of Mississippi, in which
162 event the board shall certify all documents and evidence directly
163 to the Chancery Court of the First Judicial District of Hinds
164 County for further proceedings. The appeal shall thereupon be

165 heard in due course by the court which shall review the record and
166 make its determination thereon.

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

171 (9) In the event of an appeal, the court shall dispose of
172 the appeal and enter its decision promptly. The hearing on the
173 appeal may, in the discretion of the chancellor, be tried in
174 vacation. If there is an appeal, such appeal may, in the
175 discretion of and on motion to the chancery court, act as a
176 supersedeas. However, any fine imposed by the board under the
177 provisions of this chapter shall not take effect until after the
178 time for appeal has expired, and an appeal of the imposition of
179 such a fine shall act as a supersedeas.

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

183 (a) For the first violation, a fine of not less than
184 One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty
185 Dollars (\$250.00) for each violation.

186 (b) For the second and each subsequent violation, a
187 fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more
188 than Five Hundred Dollars (\$500.00) for each violation.

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

193 (11) In addition to the reasons specified in subsection (2)
194 of this section, the board shall be authorized to suspend the
195 license of any licensee for being out of compliance with an order
196 for support, as defined in Section 93-11-153. The procedure for
197 suspension of a license for being out of compliance with an order

198 for support, and the procedure for the reissuance or reinstatement
 199 of a license suspended for that purpose, and the payment of any
 200 fees for the reissuance or reinstatement of a license suspended
 201 for that purpose, shall be governed by Section 93-11-157 or
 202 93-11-163, as the case may be. Actions taken by the board in
 203 suspending a license when required by Section 93-11-157 or
 204 93-11-163 are not actions from which an appeal may be taken under
 205 this section. Any appeal of a license suspension that is required
 206 by Section 93-11-157 or 93-11-163 shall be taken in accordance
 207 with the appeal procedure specified in Section 93-11-157 or
 208 93-11-163, as the case may be, rather than the procedure specified
 209 in this section. If there is any conflict between any provision
 210 of Section 93-11-157 or 93-11-163 and any provision of this
 211 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
 212 case may be, shall control.

213 **SECTION 3.** Section 73-7-29, Mississippi Code of 1972, is
 214 amended as follows:

215 73-7-29. The board shall assess fees in the following
 216 amounts and for the following purposes:

- 217 (a) Application for examination and reexamination -
 218 cosmetologist, manicurist, esthetician, or wig specialist.. \$35.00
- 219 (b) Application for in-state instructor examination and
 220 reexamination..... 50.00
- 221 (c) Application for out-of-state instructor
 222 examination, processing..... 55.00
- 223 (d) Until June 30, 2001, cosmetologist, manicurist,
 224 esthetician, or wig specialist license, original and
 225 renewal..... 25.00
- 226 From and after July 1, 2001, biennial original
 227 license and renewal..... 50.00
- 228 (e) Until June 30, 2001, master cosmetologist
 229 license..... 35.00

230	From and after July 1, 2001, biennial original	
231	license and renewal.....	70.00
232	(f) Cosmetologist, manicurist, esthetician, or wig	
233	specialist by reciprocity, processing.....	55.00
234	(g) Until July 1, 2001, instructor license, original	
235	and renewal.....	40.00
236	After July 1, 2001, biennial original license and	
237	renewal.....	80.00
238	(h) Delinquent renewal penalty - cosmetologist,	
239	manicurist, esthetician, wig specialist and instructor:	
240	60 days to 1 year.....	<u>50.00</u>
241		plus license fee
242	Over 1 year to 3 years, per year.....	<u>100.00</u>
243		plus license fee
244	Salon application.....	50.00
245	(j) Salon reinspection.....	35.00
246	(k) Salon change of ownership or location or both	50.00
247	(l) Until June 30, 2001, salon license renewal...	30.00
248	From and after July 1, 2001, biennial salon license	
249	renewal.....	60.00
250	(m) Salon delinquent renewal penalty:	
251	60 days to 1 year.....	<u>50.00</u>
252		plus license fee
253	Over 1 year.....	45.00
254		plus license fee
255	(n) Application for a new school.....	300.00
256	(o) New school reinspection.....	100.00
257	(p) School change of ownership.....	300.00
258	(q) School relocation.....	300.00
259	(r) Until June 30, 2001, school license renewal..	75.00
260	From and after July 1, 2001, biennial school	
261	license renewal.....	150.00
262		

263	(s)	School delinquent renewal penalty:	
264		60 days to 1 year.....	100.00
265			plus license fee
266	(t)	Duplicate license or lost renewal form.....	10.00
267	(u)	Penalty for insufficient fund checks.....	20.00
268	(v)	Affidavit processing.....	15.00
269	(w)	Inactive license fee.....	15.00
270	(x)	Renewal of inactive license.....	15.00

271 The board may charge additional fees for services which the
272 board deems appropriate to carry out its intent and purpose.
273 These additional fees shall not exceed the cost of rendering the
274 service.

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

279 The board is fully authorized to make refunds of any deposits
280 received by the board for services which are not rendered, and may
281 refund any underpayments or overpayments of fees to licensees or
282 applicants.

283 **SECTION 4.** Section 73-5-7, Mississippi Code of 1972, is
284 amended as follows:

285 73-5-7. (1) The State Board of Cosmetology and Barbering
286 shall have authority to make reasonable rules and regulations for
287 the administration of the provisions of this chapter. Provided,
288 however, that any and all rules and regulations relating to
289 sanitation shall, before adoption by the board, have the written
290 approval of the State Board of Health. The Board of Barber
291 Examiners shall adopt regulations for the guidance of registered
292 barbers in the operation of a shop and in the practice of
293 barbering except, however, it shall be optional with the
294 individual barber as to whether he or she uses a mug. Any member
295 of the State Board of Cosmetology and Barbering shall have the

296 authority to enter upon and inspect any barbershop or barber
297 school at anytime during business hours. A copy of the rules and
298 regulations of the State Board of Barber Examiners shall be
299 furnished to the owner or manager of each shop and barber school
300 affected by this chapter, and such copy shall be posted in a
301 conspicuous place in such barbershop or barber school.

302 (2) The board shall have authority to establish rules and
303 regulations governing schools of barbering in this state except
304 those schools operated by a state institution of higher learning
305 or by a public community or junior college. The board shall have
306 further authority to establish curriculum for such regulated
307 schools of barbering in this state.

308 Each regulated school of barbering shall submit the following
309 to the board before enrolling students:

310 (a) The address of proposed school, and the type and
311 size of building in which the school is to be located;

312 (b) The names and addresses of owners and officers of
313 such school, and the names, addresses and instructor license
314 number of managers, supervisors and instructors of such school;

315 (c) A list of equipment and teaching aids; and

316 (d) A copy of the contract to be used between the
317 school and the student.

318 All regulated schools of barbering in the State of
319 Mississippi shall be required to maintain a surety bond in the
320 amount of Twenty-five Thousand Dollars (\$25,000.00) to ensure that
321 in the event a school ceases operation, that all unused tuition
322 fees will be refunded to the students concerned. This bond shall
323 remain in effect for the duration of the school's operation.

324 (3) The State Board of Cosmetology and Barbering shall adopt
325 rules and regulations establishing a procedure for the processing
326 and investigation of complaints filed with the board. The board
327 shall keep records of all complaints, and such records shall
328 indicate the action taken on the complaints.

329 (4) The State Board of Cosmetology and Barbering shall keep
330 a record of its proceedings relating to the issuance, refusal,
331 suspension and revocation of certificates of registration. The
332 record shall also contain the name, place of business and the
333 residence of each registered barber, and the date and number of
334 his certificate of registration. The record shall be open to
335 public inspection at all reasonable times.

336 **SECTION 5.** Section 73-5-8, Mississippi Code of 1972, is
337 amended as follows:

338 73-5-8. Any person is qualified to receive a certificate of
339 registration as a barber instructor who:

340 (a) Is twenty-one (21) years of age or older;

341 (b) Is of good moral and temperate habits;

342 (c) Is able to read, write and speak English;

343 (d) Possesses a high school education or its
344 equivalent;

345 (e) Has successfully completed not less than fifteen
346 hundred (1500) hours at a barbering school approved by the State
347 Board of Cosmetology and Barbering and holds a valid certificate
348 of registration to practice barbering;

349 (f) Has not less than two (2) years of active
350 experience as a registered barber;

351 (g) Has passed a satisfactory examination conducted by
352 the board to determine his fitness to practice as a barber
353 instructor; and

354 (h) Has successfully completed not less than six
355 hundred (600) hours of barber instructor training at a school
356 approved by the board.

357 All persons who have received a certificate of registration
358 as a barber instructor from the board before July 1, 2002, shall
359 be considered to have met the requirements of this section, and
360 all those certificates of registration shall be renewable as
361 otherwise provided in this chapter.

362 The board will implement an active and inactive instructor
363 license. In order to renew an active license, instructors holding
364 an active license shall be required to submit proof of twelve (12)
365 hours of continuing education each year to the State Board of
366 Cosmetology and Barbering. That education shall be acquired in
367 classes or trade shows teaching materials that are approved by the
368 board. Instructors holding an inactive license shall be required
369 to submit proof of twelve (12) hours continuing education before
370 upgrading to an active status.

371 **SECTION 6.** Section 73-5-11, Mississippi Code of 1972, is
372 amended as follows:

373 73-5-11. (1) To be eligible for enrollment at a barbering
374 school approved by the State Board of Cosmetology and Barbering, a
375 person shall have a high school education or its equivalent,
376 and/or shall have satisfactorily passed the ability-to-benefit
377 examinations approved by the U.S. Department of Education.

378 (2) Any person is qualified to receive a certificate of
379 registration to practice barbering:

380 (a) Who is qualified under the provisions of this
381 chapter;

382 (b) Who is of good moral character and temperate
383 habits;

384 (c) Who has completed not less than fifteen hundred
385 (1500) hours at a barbering school approved by the State Board of
386 Barber Examiners; and

387 (d) Who has passed a satisfactory examination conducted
388 by the board of examiners to determine his fitness to practice
389 barbering.

390 (3) A temporary permit to practice barbering until the next
391 examination is given may be issued to a student who has completed
392 not less than fifteen hundred (1500) hours at a barbering school
393 approved by the State Board of Cosmetology and Barbering. In no
394 event shall a person be allowed to practice barbering on a

395 temporary permit beyond the date the next examination is given,
396 except because of personal illness.

397 **SECTION 7.** Section 73-5-15, Mississippi Code of 1972, is
398 amended as follows:

399 73-5-15. Each applicant for an examination shall:

400 (a) Make application to the State Board of Cosmetology and
401 Barbering on blank forms prepared and furnished by the board, such
402 application to contain proof under the applicant's oath for the
403 particular qualifications of the applicant; and,

404 (b) Furnish to the board, at the time of the filing of such
405 application, two (2) five inch (5") X three inch (3") signed
406 photographs of the applicant, one (1) to accompany the
407 application, and one (1) to be returned to the applicant to be
408 presented to the board when the applicant appears for examination;
409 and,

410 (c) Pay to the board the required fee.

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

414 **SECTION 8.** Section 73-5-17, Mississippi Code of 1972, is
415 amended as follows:

416 73-5-17. The State Board of Cosmetology and Barbering shall
417 conduct examinations of applicants for certificates of
418 registration to practice as registered barbers not less than three
419 (3) times a year, which examination shall be had in some town or
420 city selected by the examining board. Examinations of applicants
421 for certificates of registration as barber instructors shall be
422 conducted at a time and place selected by the examining board.

423 The examination of applicants for certificates of
424 registration as registered barbers shall include both a practical
425 demonstration and a written and oral test, and shall embrace the
426 subjects usually practiced in a duly licensed shop of Mississippi
427 under the direct and personal supervision of a registered barber.

428 The examination of applicants for certificates of registration as
429 barber instructors shall include such subjects as the board deems
430 necessary to determine the applicant's fitness to practice as a
431 barber instructor.

432 **SECTION 9.** Section 73-5-19, Mississippi Code of 1972, is
433 amended as follows:

434 73-5-19. Whenever the applicable provisions of this chapter
435 have been complied with, the State Board of Cosmetology and
436 Barbering shall issue a certificate of registration as a
437 registered barber or barber instructor, as the case may be.

438 **SECTION 10.** Section 73-5-25, Mississippi Code of 1972, is
439 amended as follows:

440 73-5-25. (1) The State Board of Cosmetology and Barbering
441 may refuse to issue, or may suspend definitely or indefinitely, or
442 revoke any certificate of registration for any one or a
443 combination of the following causes:

444 (a) Conviction of a felony shown by a certified copy of
445 the judgment of court in which such conviction is had, unless upon
446 a full and unconditional pardon of such convict, and upon
447 satisfactory showing that such convict will in the future conduct
448 himself in a law-abiding way.

449 (b) Gross malpractice or gross incompetency.

450 (c) Continued practice by a person knowingly having an
451 infectious or contagious disease.

452 (d) Advertising, practicing or attempting to practice
453 under a trade name or name other than one's own.

454 (e) Habitual drunkenness or habitual addiction to the
455 use of morphine, cocaine or habit forming drug.

456 (f) Immoral or unprofessional conduct.

457 (g) Violation of regulations that may be prescribed as
458 provided for in Section 73-5-7 and the commission of any of the
459 offenses set forth in Section 73-5-43.

460 (2) In addition to the causes specified in subsection (1) of
461 this section, the board shall be authorized to suspend the
462 certificate of registration of any person for being out of
463 compliance with an order for support, as defined in Section
464 93-11-153. The procedure for suspension of a certificate for
465 being out of compliance with an order for support, and the
466 procedure for the reissuance or reinstatement of a certificate
467 suspended for that purpose, and the payment of any fees for the
468 reissuance or reinstatement of a certificate suspended for that
469 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
470 there is any conflict between any provision of Section 93-11-157
471 or 93-11-163 and any provision of this chapter, the provisions of
472 Section 93-11-157 or 93-11-163, as the case may be, shall control.

473 **SECTION 11.** Section 73-5-27, Mississippi Code of 1972, is
474 amended as follows:

475 73-5-27. The State Board of Cosmetology and Barbering may
476 neither refuse to suspend or revoke, nor revoke or suspend any
477 certificate of registration as a registered barber or barber
478 instructor, for any of the causes enumerated in this chapter,
479 unless the holder of such certificate has been given at least
480 twenty (20) days' notice, in writing by registered mail, signed by
481 the President and Secretary of the State Board of Cosmetology and
482 Barbering, setting forth the charges against such holder of such
483 certificate and naming the time and place for a hearing upon said
484 charge or charges, and a public hearing thereof by the State Board
485 of Cosmetology and Barbering.

486 Upon the hearing of any such charge or charges the board may
487 issue all subpoenas for all necessary witnesses for and against
488 the accused, and require their attendance upon such hearing, may
489 administer oaths, and may procure by process the production of all
490 necessary books and papers, bearing or touching upon such charges
491 against the accused.

492 **SECTION 12.** Section 73-5-33, Mississippi Code of 1972, is
493 amended as follows:

494 73-5-33. (1) The board shall issue a license for each
495 barbershop in operation in the State of Mississippi, and the board
496 shall prescribe the rules and regulations and circulate the
497 information necessary to obtain a license for the barbershop. A
498 fee of not more than Fifteen Dollars (\$15.00) for each chair
499 manned by a registered barber located in the shop shall be
500 required for the issuance of the license, and the same fee shall
501 be required for a renewal of the license to the shop, the renewal
502 due on the anniversary date of each year. A fee of not more than
503 Twenty-five Dollars (\$25.00) in addition to the regular renewal
504 fee shall be required for restoration of any license that has
505 expired for more than thirty (30) days. Any barbershop license
506 having passed the second year anniversary date, in delinquency,
507 shall be required to have a new shop inspection and shall
508 hereafter pay an initial fee of not more than Forty-five Dollars
509 (\$45.00) in addition to all other fees required for restoration.

510 (2) All barbershop owners shall be responsible for employing
511 only licensed barbers in the shop. Any barbershop owner found by
512 the State Board of Cosmetology and Barbering to employ an
513 unlicensed barber or barbers shall be fined One Hundred Fifty
514 Dollars (\$150.00) payable into the State General Fund, and shall
515 be subject to closure until those violations are corrected. Any
516 barbershop operating within the State of Mississippi without a
517 license after July 1, 1968, shall be subjected to closing by a
518 proper order of a court of competent jurisdiction upon a proper
519 showing that it has failed to comply with the terms of this
520 chapter.

521 (3) The board may assess against any barbershop owner found
522 to employ an unlicensed barber or barbers any of the following
523 costs that are expended by the board in the conduct of a
524 proceeding for violation of subsection (2): court filing fees,

525 court costs and the cost of serving process. Any monies collected
526 by the board under this subsection (3) shall be deposited into the
527 special fund operating account of the board.

528 (4) All new barbershops or change of ownership or location
529 of barbershops shall hereafter pay an initial fee of not more than
530 Twenty-five Dollars (\$25.00) in addition to all other fees
531 required before beginning business. The fee shall not be
532 transferable upon change of ownership or location.

533 (5) All licensees shall notify the State Board of Barber
534 Examiners of the location of the barbershop at which they are
535 employed.

536 **SECTION 13.** Section 73-5-35, Mississippi Code of 1972, is
537 amended as follows:

538 73-5-35. All barber schools operated in this state shall pay
539 an annual license fee of One Hundred Dollars (\$100.00) and the
540 same fee shall be required for renewal of the license to each such
541 school on July 1 of each year. A fee of not more than Twenty-five
542 Dollars (\$25.00) shall be required for restoration of an expired
543 license that has been expired for a period of at least thirty (30)
544 days of the renewal date.

545 The license to operate those schools shall be issued by the
546 State Board of Cosmetology and Barbering after approval by the
547 board. This license shall not be transferable for any cause and
548 must be renewed annually.

549 All barber schools operated in this state shall be under the
550 direct supervision of a registered barber instructor at all times.

551 **SECTION 14.** Section 73-5-41, Mississippi Code of 1972, is
552 amended as follows:

553 73-5-41. The following persons are exempt from the
554 provisions of this chapter, wholly in the proper discharge of
555 their professional duties, to wit:

556 (a) Persons authorized by the law of Mississippi to practice
557 medicine and surgery.

558 **(b)** Commissioned medical or surgical officers of the United
559 States Army, Navy or Marine hospital service.

560 **(c)** Registered nurses.

561 **(d)** Cosmetologists * * *.

562 The provision of this section shall not be construed to
563 authorize any of the persons exempted to shave, trim the beard, or
564 cut the hair of any person, or perform any other act that
565 constitutes barbering, for cosmetic purposes * * *.

566 **SECTION 15.** Section 73-5-45, Mississippi Code of 1972, is
567 amended as follows:

568 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code
569 of 1972, which create the State Board of Barber Examiners and
570 prescribe its duties and powers, shall stand repealed as of July
571 1, 2008.

572 **SECTION 16.** Section 73-7-2, Mississippi Code of 1972, is
573 amended as follows:

574 73-7-2. As used in this chapter, the following terms shall
575 have the meanings ascribed herein unless the context otherwise
576 requires:

577 (a) "Board" means the State Board of Cosmetology and
578 Barbering established in Section 1 of Senate Bill No. _____, 2004
579 Regular Session.

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

584 (i) Cutting, clipping or trimming hair.

585 (ii) Styling, arranging, dressing, curling,
586 waving, permanent waving, straightening, cleansing, bleaching,
587 tinting, coloring or similarly treating hair.

588 (iii) Cleansing, stimulating, manipulating,
589 beautifying or applying oils, antiseptics, clays, lotions or other

590 preparations, either by hand or by mechanical or electrical
591 apparatus.

592 (iv) Arching eyebrows or tinting eyebrows and
593 eyelashes.

594 (v) Removing superfluous hair by the use of
595 depilatories.

596 (vi) Manicuring and pedicuring.

597 (c) "Cosmetologist" means a person who for
598 compensation, whether direct or indirect, engages in the practice
599 of cosmetology.

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

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

603 (ii) Trimming eyebrows.

604 (iii) Tinting eyelashes or eyebrows.

605 (iv) Waxing, stimulating, cleaning or beautifying
606 the face, neck, arms or legs of a person by any method with the
607 aid of the hands or any mechanical or electrical apparatus, or by
608 the use of a cosmetic preparation.

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

611 (e) "Esthetician" means any person who, for
612 compensation, either direct or indirect, engages in the practice
613 of esthetics.

614 (f) "Instructor" means a person licensed to teach
615 cosmetology, or manicuring and pedicuring, or esthetics, or
616 wigology, or all of those, pursuant to this chapter, and shall
617 include those persons engaged in the instruction of student
618 instructors.

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

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

623 (ii) Applying artificial nails.

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

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

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

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

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

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

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

641 (ii) Cleaning.

642 (iii) Bleaching or coloring.

643 (iv) Cutting and shaping.

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

647 **SECTION 17.** Section 73-7-31, Mississippi Code of 1972, is
648 amended as follows:

649 73-7-31. Nothing in this chapter shall apply to:

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

653 (b) Persons whose practice is limited to the
654 application of cosmetic products to another person in connection
655 with the sale, or attempted sale, of such products at retail,

656 without compensation from such other person other than the regular
657 retail price of such merchandise.

658 (c) Barbers * * *.

659 **SECTION 18.** Section 73-7-63, Mississippi Code of 1972, is
660 amended as follows:

661 73-7-63. Sections 73-7-1 through 73-7-37 and 73-7-51 through
662 73-7-61, Mississippi Code of 1972, which create the State Board of
663 Cosmetology and prescribe its duties and powers, shall stand
664 repealed as of July 1, 2008.

665 **SECTION 19.** Section 73-5-1, Mississippi Code of 1972, which
666 creates and empowers the State Board of Barber Examiners, and
667 Section 73-7-1, Mississippi Code of 1972, which creates and
668 empowers the State Board of Cosmetology, are hereby repealed.

669 **SECTION 20.** This act shall take effect and be in force from
670 and after June 30, 2004.