

By: Representative Warren

To: Public Health and Human
Services; AppropriationsHOUSE BILL NO. 454
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37 AND
2 SECTIONS 73-7-51 THROUGH 73-7-61, MISSISSIPPI CODE OF 1972, WHICH
3 CREATES THE STATE BOARD OF COSMETOLOGY; TO AMEND REENACTED SECTION
4 73-7-31, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM THE COSMETOLOGY
5 LICENSURE LAW PERSONS ENGAGED IN HAIR BRAIDING WHO HAVE COMPLETED
6 A SELF-TEST ON INFECTION CONTROL TECHNIQUES PREPARED BY THE STATE
7 DEPARTMENT OF HEALTH; TO AMEND SECTION 73-7-63, MISSISSIPPI CODE
8 OF 1972, TO EXTEND THE REPEALER ON THOSE SECTIONS; TO DEFINE THE
9 TERM "HAIR BRAIDING"; TO PROVIDE THAT NO PERSON SHALL ENGAGE IN
10 HAIR BRAIDING FOR COMPENSATION WITHOUT FIRST REGISTERING WITH THE
11 STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT THE PURPOSE OF THIS
12 REGISTRATION IS ONLY TO MAINTAIN A LISTING OF THOSE PERSONS WHO
13 ENGAGE IN HAIR BRAIDING IN THE STATE, AND DOES NOT AUTHORIZE THE
14 DEPARTMENT TO LICENSE OR REGULATE THE PRACTICE OF HAIR BRAIDING;
15 TO DIRECT THE DEPARTMENT TO DEVELOP A BROCHURE CONTAINING
16 INFORMATION ABOUT INFECTION CONTROL TECHNIQUES THAT ARE
17 APPROPRIATE FOR HAIR BRAIDING, WHICH SHALL BE MADE AVAILABLE
18 THROUGH THE DEPARTMENT'S WEBSITE OR BY MAIL; TO PROVIDE THAT THE
19 BROCHURE SHALL CONTAIN A SELF-TEST WITH QUESTIONS ON THE
20 INFORMATION CONTAINED IN THE BROCHURE; TO PROVIDE THAT FOR A
21 PERSON ENGAGED IN HAIR BRAIDING TO BE EXEMPT FROM THE COSMETOLOGY
22 LICENSURE LAW, THE PERSON SHALL COMPLETE THE SELF-TEST AND KEEP
23 THE BROCHURE AND SELF-TEST AVAILABLE AT THE LOCATION AT WHICH THE
24 PERSON IS ENGAGED IN HAIR BRAIDING; TO AUTHORIZE DEPARTMENT
25 REPRESENTATIVES TO VISIT ANY FACILITY OR PREMISES IN WHICH HAIR
26 BRAIDING IS PERFORMED TO DETERMINE IF THE BROCHURE AND SELF-TEST
27 ARE AVAILABLE AT THE FACILITY OR PREMISES; AND FOR RELATED
28 PURPOSES.

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

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

32 73-7-1. There is hereby continued and reconstituted a State
33 Board of Cosmetology, composed of five (5) members to be appointed
34 by the Governor, with the advice and consent of the Senate, and
35 whose term of office shall be four (4) years from the date of
36 appointment except as otherwise provided herein. However, no more
37 than two (2) members shall be appointed from each Supreme Court
38 district.

39 There shall be a president of the board and such other
40 officers as deemed necessary by the board elected by and from its

41 membership, provided that the member elected as president shall
42 have at least one (1) year of experience on the board. Any member
43 appointed by the Governor and confirmed by the Senate for a term
44 to begin on or after July 1, 1997, who was designated by the
45 Governor to serve as president of the board, shall be fully
46 qualified to serve on the board for a full term of office, but
47 shall not serve as president of the board unless elected by the
48 membership of the board as provided under this paragraph.

49 To be eligible for appointment as a member of the State Board
50 of Cosmetology, the person applying shall have been a citizen of
51 this state for a minimum of five (5) years immediately prior to
52 appointment. Such person shall be at least thirty (30) years of
53 age, possess a high school education or its equivalent, and shall
54 have been a licensed cosmetologist with not less than ten (10)
55 years' active practice in cosmetology. No member of the board
56 shall be connected in any way with any school wherein cosmetology
57 is taught, nor shall any two (2) members of the board be graduates
58 of the same school of cosmetology.

59 However, in the event of vacancy by death or resignation of
60 any member of the board, the Governor shall, within thirty (30)
61 days, appoint a person possessing all qualifications required to
62 serve the remainder of the term. Any member who shall not attend
63 two (2) consecutive meetings of the board for reasons other than
64 illness of such member shall be subject to removal by the
65 Governor. The president of the board shall notify the Governor in
66 writing when any such member has failed to attend two (2)
67 consecutive regular meetings.

68 The salaries of all paid employees of the board shall be paid
69 out of funds in the board's special fund in the State Treasury.
70 Each member of the board, excepting the inspectors provided for
71 herein, shall receive per diem as authorized by Section 25-3-69,
72 and shall be reimbursed for such other expenses at the same rate

73 and under the same conditions as other state employees as provided
74 for in Section 25-3-41.

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

77 **SECTION 2.** Section 73-7-2, Mississippi Code of 1972, is
78 reenacted as follows:

79 73-7-2. As used in this chapter, the following terms shall
80 have the meanings ascribed herein unless the context otherwise
81 requires:

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

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

87 (i) Cutting, clipping or trimming hair.

88 (ii) Styling, arranging, dressing, curling,
89 waving, permanent waving, straightening, cleansing, bleaching,
90 tinting, coloring or similarly treating hair.

91 (iii) Cleansing, stimulating, manipulating,
92 beautifying or applying oils, antiseptics, clays, lotions or other
93 preparations, either by hand or by mechanical or electrical
94 apparatus.

95 (iv) Arching eyebrows or tinting eyebrows and
96 eyelashes.

97 (v) Removing superfluous hair by the use of
98 depilatories.

99 (vi) Manicuring and pedicuring.

100 (c) "Cosmetologist" means a person who for
101 compensation, whether direct or indirect, engages in the practice
102 of cosmetology.

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

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

106 (ii) Trimming eyebrows.
107 (iii) Tinting eyelashes or eyebrows.
108 (iv) Waxing, stimulating, cleaning or beautifying
109 the face, neck, arms or legs of a person by any method with the
110 aid of the hands or any mechanical or electrical apparatus, or by
111 the use of a cosmetic preparation.

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

114 (e) "Esthetician" means any person who, for
115 compensation, either direct or indirect, engages in the practice
116 of esthetics.

117 (f) "Instructor" means a person licensed to teach
118 cosmetology, or manicuring and pedicuring, or esthetics, or
119 wigology, or all of those, pursuant to this chapter, and shall
120 include those persons engaged in the instruction of student
121 instructors.

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

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

126 (ii) Applying artificial nails.

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

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

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

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

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

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

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

144 (ii) Cleaning.

145 (iii) Bleaching or coloring.

146 (iv) Cutting and shaping.

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

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

152 73-7-3. The board shall be authorized to employ such
153 clerical and stenographic assistance, bookkeepers, investigators
154 and other agents as they may deem necessary to carry out the
155 provisions of this chapter, and to fix their tenure of employment
156 and compensation therefor. The members of the board shall file a
157 bond with the Secretary of State in the sum of not less than Five
158 Thousand Dollars (\$5,000.00) payable to the State of Mississippi
159 for the faithful performance of their duties. The bond shall be
160 made by a surety company authorized to do business in this state,
161 the premium of the bond to be paid out of any money in the board's
162 special fund in the State Treasury.

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

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

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

181 73-7-5. (1) All fees and any other monies received by the
182 board shall be deposited in a special fund that is created in the
183 State Treasury and shall be used for the implementation and
184 administration of this chapter when appropriated by the
185 Legislature for such purpose. The monies in the special fund
186 shall be subject to all provisions of the state budget laws that
187 are applicable to special fund agencies, and shall be disbursed by
188 the State Treasurer only upon warrants issued by the State Fiscal
189 Officer upon requisitions signed by the president of the board or
190 another board member designated by the president, and
191 countersigned by the secretary of the board. Any interest earned
192 on this special fund shall be credited by the State Treasurer to
193 the fund and shall not be paid into the State General Fund. Any
194 unexpended monies remaining in the special fund at the end of a
195 fiscal year shall not lapse into the State General Fund.

196 (2) The State Auditor shall audit the financial affairs of
197 the board and the transactions involving the special fund at least
198 once a year in the same manner as for other special fund agencies.
199 In addition, the Governor, in his discretion, shall have the power
200 from time to time to require an audit of the financial affairs of
201 the board, the same to be made by the State Auditor upon request
202 of the Governor. The Governor shall have the power to suspend any
203 member of the board who shall be found in default in any account

204 until such time as it shall be determined whether such default was
205 a result of an act of dishonesty on the part of the member, and in
206 the event it is found that such default is an act of dishonesty,
207 misfeasance or nonfeasance on the part of the member, such member
208 shall be immediately removed by the Governor from office.

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

211 73-7-7. The board shall have authority to make reasonable
212 rules and regulations for the administration of the provisions of
213 this chapter. The board shall set up a curriculum for operation
214 of schools of cosmetology and the other professions it is charged
215 to regulate in this state. The board shall receive and consider
216 for adoption recommendations for rules and regulations, school
217 curriculum, and related matters from the Mississippi Cosmetology
218 Council, whose membership shall consist of, in addition to the
219 board members, five (5) elected delegates from the Mississippi
220 Hairdressers and Cosmetologists Association, five (5) elected
221 delegates from the Mississippi Cosmetology School Association,
222 five (5) elected delegates from the Mississippi Independent
223 Beauticians Association, and five (5) elected delegates from the
224 School Owners and Teachers Association. The board may revoke the
225 license of any cosmetologist, esthetician, manicurist, wig
226 specialist, instructor, school of cosmetology, or salon, or may
227 refuse to issue a license to any cosmetologist, esthetician,
228 manicurist, wig specialist, instructor, school of cosmetology, or
229 salon that fails or refuses to comply with the provisions of this
230 chapter and the rules and regulations of the board in carrying out
231 the provisions of this chapter.

232 The board shall have authority to prescribe reasonable rules
233 and regulations governing sanitation of schools of cosmetology and
234 beauty salons for the guidance of persons licensed under this
235 chapter in the operation of schools of cosmetology, or a beauty
236 salon, and in the practice of cosmetology, esthetics, manicuring

237 and pedicuring, and wigology. However, any and all rules and
238 regulations relating to sanitation shall, before adoption by the
239 board, have the written approval of the State Board of Health.
240 When the board has reason to believe that any of the provisions of
241 this chapter or of the rules and regulations of the board have
242 been violated, either upon receipt of a written complaint alleging
243 such violations or upon the board's own initiative, the board, or
244 any of its authorized agents, shall investigate same and shall
245 have authority to enter upon the premises of a school of
246 cosmetology or salon at any time during the regular business hours
247 of that school or salon to conduct the investigation. Such
248 investigation may include, but not be limited to, conducting oral
249 interviews with the complaining party, school or salon owner(s)
250 and/or students of the school, and reviewing records of the school
251 or salon pertinent to the complaint and related to an area subject
252 to the authority of the board. Such investigation shall not
253 include written interviews or surveys of school employees or
254 students, and the privacy of patrons shall be respected by any
255 person making such investigation.

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

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

264 **SECTION 6.** Section 73-7-9, Mississippi Code of 1972, is
265 reenacted as follows:

266 73-7-9. No person required by this chapter to have a license
267 shall conduct a beauty salon or school of cosmetology, or practice
268 cosmetology, esthetics, manicuring and pedicuring, or wigology, or
269 practice as an instructor, unless such person has received a

270 license or temporary permit therefor from the board. Students
271 determined to have violated any of these rules or regulations
272 prior to being licensed by the board shall be subject to the same
273 discipline by the board as licensees. They may be disciplined and
274 fined accordingly.

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

277 73-7-11. Each owner of a certificate of registration issued
278 by the state board, pursuant to the provisions of this chapter,
279 shall display said certificate of registration in a conspicuous
280 place in his or her principal office, place of business or
281 employment, at all times.

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

284 73-7-12. The board shall hold examinations for
285 cosmetologists, estheticians, manicurists, wig specialists and
286 instructors at least twice a year and at such other times as the
287 board may determine.

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

290 73-7-13. (1) The board shall admit to examination for a
291 cosmetology license any person who has made application to the
292 board in proper form, has paid the required fee, and who (a) is at
293 least seventeen (17) years of age, (b) can read, write and speak
294 English, (c) has successfully completed no less than fifteen
295 hundred (1500) hours over a period of no less than nine (9) months
296 in an accredited school of cosmetology, and (d) has a high school
297 education or its equivalent.

298 The board may, in its discretion, issue to any student who
299 has completed the prescribed hours in an accredited school in
300 Mississippi a temporary permit until such time as the next
301 examination may be held, but such student shall be issued only one
302 (1) temporary permit. Application for an examination and license

303 shall be accompanied by two (2) recent head photographs of the
304 applicant. No temporary permit will be issued an applicant from
305 any other state to operate a beauty salon or school of cosmetology
306 in this state unless in case of emergency.

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

312 Any barber who can read, write and speak English and has
313 successfully completed no less than fifteen hundred (1500) hours
314 in an accredited barber school, and who holds a current valid
315 certificate of registration to practice barbering and who holds a
316 current valid license, is eligible to take the cosmetology
317 examination to secure a cosmetology license upon successfully
318 completing five hundred (500) hours in an accredited school of
319 cosmetology. All fees for application, examination, registration
320 and renewal thereof shall be the same as provided for
321 cosmetologists.

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

325 (3) Any licensed cosmetologist, esthetician, manicurist or
326 wigologist who is registered but not actively practicing in the
327 State of Mississippi at the time of making application for
328 renewal, may apply for registration on the "inactive" list. Such
329 "inactive" list shall be maintained by the board and shall set out
330 the names and post office addresses of all persons registered but
331 not actively practicing in this state, arranged alphabetically by
332 name and also by the municipalities and states of their last known
333 professional or residential address. Only the cosmetologists,
334 estheticians, manicurists and wigologists registered on the
335 appropriate list as actively practicing in the State of

336 Mississippi shall be authorized to practice those professions.
337 For the purpose of this section, any licensed cosmetologist,
338 esthetician, manicurist or wigologist who has actively practiced
339 his or her profession for at least three (3) months of the
340 immediately preceding license renewal period shall be considered
341 in active practice. No cosmetologist, esthetician, manicurist or
342 wigologist shall be registered on the "inactive" list until the
343 person has furnished a statement of intent to take such action to
344 the board. Any licensed cosmetologist, esthetician, manicurist or
345 wigologist registered on the "inactive" list shall not be eligible
346 for registration on the active list until either of the following
347 conditions have been satisfied:

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

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

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

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

362 73-7-14. Any person who holds a current, valid cosmetology
363 license may be licensed as a master cosmetologist if he or she has
364 been a licensed cosmetologist in this state for a period of not
365 less than twelve (12) months, and has completed a minimum course
366 of sixteen (16) hours' study in continuing education approved by
367 the board within the licensing period preceding initial
368 application for the license, and has paid the original license

369 fee. Master cosmetologist licenses shall be renewable upon
370 completion of a minimum course of eight (8) hours' study in
371 continuing education approved by the board within a licensing
372 period and payment of the required renewal fee. This is an
373 optional license and persons who do not wish to complete the
374 continuing education requirement may obtain a cosmetology license
375 when renewing their license.

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

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

381 73-7-15. (1) The board shall admit to examination for a
382 cosmetology instructor's license any person who has made
383 application to the board in proper form, has paid the required
384 fee, and who:

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

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

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

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

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

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

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

412 (f) Holds a current, valid Mississippi esthetician's
413 license; and

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

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

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

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

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

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

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

430 (f) Holds a current, valid Mississippi manicurist's
431 license; and

432 (g) Has had two (2) years of active practical
433 experience as a manicurist or, as an alternative to such

434 experience, has successfully completed one thousand (1,000) hours
435 of instructor training in an accredited school in which the
436 practice of manicuring is taught.

437 (4) Applicants shall satisfactorily pass the examination
438 prescribed by the board for licensing instructors prior to the
439 issuance of the licenses provided for in this section. However,
440 the board may, in its discretion, issue a temporary instructor's
441 permit until such time as the next examination may be held, but
442 such applicant shall be issued only one (1) temporary permit. All
443 applications for an instructor's examination shall be accompanied
444 by two (2) recent head photographs of the applicant.

445 (5) All instructors licensed pursuant to this section shall
446 biennially obtain twenty-four (24) clock hours of continuing
447 education in teacher training instruction in cosmetology or
448 esthetics or manicuring, as the case may be, as approved by the
449 board. Any instructor who fails to obtain the continuing
450 education required by this subsection shall not be allowed to
451 instruct nor enroll students under his or her license until such
452 education requirement has been met. The board may issue an
453 inactive instructor's license to such instructors, and an inactive
454 license may be converted into an active license after proof
455 satisfactory to the board of completion of at least twenty-four
456 (24) clock hours of approved continuing education required for
457 teacher training instruction.

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

461 **SECTION 12.** Section 73-7-16, Mississippi Code of 1972, is
462 reenacted as follows:

463 73-7-16. All schools of cosmetology or school owners shall
464 have a school license and shall pay to the board the required
465 license fee annually therefor. A grace period of sixty (60) days
466 will be given in which to renew the license, and upon the

467 expiration of the grace period of sixty (60) days, any applicant
468 for the renewal of a school license will be required to pay a
469 delinquent fee in addition to the renewal fee. The board is
470 hereby authorized and empowered to promulgate necessary and
471 reasonable rules and regulations for the issuance and renewal of
472 school licenses. However, the board shall not refuse to issue or
473 renew a school's license because of the number of schools already
474 in that area of the state, and any rule promulgated by the board
475 for that purpose shall be null and void.

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

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

481 73-7-17. All salon owners shall have a salon license and
482 shall pay to the board the required license fee therefor and pay
483 the required renewal fee for renewal thereof. A grace period of
484 sixty (60) days will be given in which to renew the license, and
485 upon the expiration of the grace period of sixty (60) days any
486 applicant for the renewal of a salon license will be required to
487 pay a delinquent fee in addition to the renewal fee. Prior to the
488 initial issuance of such license, the board shall inspect the
489 premises to determine if same qualifies with the law, upon payment
490 by the applicant of the required inspection fee.

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

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

496 73-7-18. (1) The board shall admit to examination for an
497 esthetician's license any person who has made application to the
498 board in proper form, has paid the required fee, and who:

499 (a) Is not less than seventeen (17) years of age;

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

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

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

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

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

523 73-7-19. Until June 30, 2001, all licenses issued under the
524 provisions of this chapter shall expire one (1) year from date of
525 issue; however, the board may authorize any licensee to renew his
526 or her license for a two-year period until June 30, 2001, after
527 which all licenses shall be renewed biennially under the fee
528 schedule in Section 73-7-29. Applications for renewal of licenses
529 for cosmetologists, estheticians, manicurists, wig specialists and
530 instructors must be accompanied by the required renewal fee. A
531 grace period of sixty (60) days will be given in which to renew
532 the license; and upon the expiration of the grace period of sixty

533 (60) days, any applicant for the renewal of a license will be
534 required to pay the required renewal fee and a delinquent fee in
535 addition to the renewal fee. The fees may be paid by either
536 personal or certified check, cash or money order, under such
537 safeguards, rules and regulations as the board may prescribe.
538 Checks returned to the board because of insufficient funds shall
539 result in nonrenewal of the license, which will require the
540 penalty fee for insufficient fund checks plus all other amounts
541 due for renewal of the license before the license may be renewed.
542 After one (1) year has passed from the expiration date of the
543 license, a delinquent fee must be paid for each year up to three
544 (3) years, after which the required examination must be taken.
545 All applications for examination required by this chapter shall
546 expire ninety (90) days from the date thereof.

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

550 **SECTION 16.** Section 73-7-21, Mississippi Code of 1972, is
551 reenacted as follows:

552 73-7-21. The board shall admit to examination for a
553 manicurist's license any person who has made application to the
554 board in proper form, has paid the required fee, and who:

- 555 (a) Is at least seventeen (17) years of age;
- 556 (b) Can read, write and speak English;
- 557 (c) Has successfully completed no less than three
558 hundred fifty (350) hours of practice and related theory in
559 manicuring and pedicuring over a period of no less than nine (9)
560 weeks in an accredited school of cosmetology in this or any other
561 state; and
- 562 (d) Has a high school education or its equivalent.

563 Licensed manicurists desiring to pursue additional hours to
564 be eligible for a license as a cosmetologist may be credited with
565 the three hundred fifty (350) hours acquired in studying and

566 training to be a manicurist which may be applied to the number of
567 hours required for a cosmetology license examination.

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

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

573 **SECTION 17.** Section 73-7-23, Mississippi Code of 1972, is
574 reenacted as follows:

575 73-7-23. The board may, upon application, issue a license by
576 reciprocity to any cosmetologist, esthetician, manicurist or wig
577 specialist over the age of seventeen (17) years from any other
578 state who has satisfactorily completed the required number of
579 accredited hours in that state, provided the state board from
580 which the applicant comes issues to cosmetologists, estheticians,
581 manicurists or wig specialists, as the case may be, from the State
582 of Mississippi a license under the same conditions. Applications
583 must be accompanied by (a) proof satisfactory to the board that
584 the required hours have been completed, and (b) the required
585 reciprocity fee, which shall be paid to the board.

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

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

598 73-7-25. Every demonstrator in the field of cosmetology
599 shall, before making demonstrations in a salon or school, apply
600 for and obtain a permit from the board. For such permit, which
601 shall be for one (1) year, the required fee shall be paid to the
602 board. This section shall be construed to apply to demonstrators
603 in salons and schools.

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

606 73-7-27. (1) Any complaint may be filed with the board by a
607 member or agent of the board or by any person charging any
608 licensee of the board with the commission of any of the offenses
609 enumerated in subsection (2) of this section. Such complaint
610 shall be in writing, signed by the accuser or accusers, and
611 verified under oath, and such complaints shall be investigated as
612 set forth in Section 73-7-7. If, after the investigation, the
613 board through its administrative review agents determines that
614 there is not substantial justification to believe that the accused
615 licensee has committed any of the offenses enumerated, it may
616 dismiss the complaint or may prepare a formal complaint proceeding
617 against the licensee as hereinafter provided. When used with
618 reference to any complaint filed against a licensee herein, the
619 term "not substantial justification" means a complaint that is
620 frivolous, groundless in fact or law, or vexatious, as determined
621 by unanimous vote of the board. In the event of a dismissal, the
622 person filing the accusation and the accused licensee shall be
623 given written notice of the board's determination. If the board
624 determines there is reasonable cause to believe the accused has
625 committed any of those offenses, the secretary of the board shall
626 give written notice of such determination to the accused licensee
627 and set a day for a hearing as provided in subsection (3) of this
628 section.

629 (2) The board shall have the power to revoke, suspend or
630 refuse to issue or renew any license or certificate provided for

631 in this chapter, and to fine, place on probation and/or otherwise
632 discipline a student or licensee or holder of a certificate, upon
633 proof that such person: (a) has not complied with or has violated
634 any of the rules and regulations promulgated by the board; (b) has
635 not complied with or has violated any of the sections of this
636 chapter; (c) has committed fraud or dishonest conduct in the
637 taking of the examination herein provided for; (d) has been
638 convicted of a felony; (e) has committed grossly unprofessional or
639 dishonest conduct; (f) is addicted to the excessive use of
640 intoxicating liquors or to the use of drugs to such an extent as
641 to render him or her unfit to practice in any of the practices or
642 occupations set forth in this chapter; (g) has advertised by means
643 of knowingly false or deceptive statements; or (h) has failed to
644 display the license or certificate issued to him or her as
645 provided for in this chapter; or (i) has been convicted of
646 violating any of the provisions of this chapter. A conviction of
647 violating any of the provisions of this chapter shall be grounds
648 for automatic suspension of the license or certificate of such
649 person.

650 (3) The board shall not revoke, suspend or refuse to issue
651 or renew any license or certificate, or fine, place on probation
652 or otherwise discipline any person in a disciplinary matter except
653 after a hearing of which the applicant or licensee or holder of
654 the certificate affected shall be given at least twenty (20) days'
655 notice in writing, specifying the reason or reasons for denying
656 the applicant a license or certificate of registration, or in the
657 case of any other disciplinary action, the offense or offenses of
658 which the licensee or holder of a certificate of registration is
659 charged. Such notice may be served by mailing a copy thereof by
660 United States first class certified mail, postage prepaid, to the
661 last known residence or business address of such applicant,
662 licensee or holder of a certificate. The hearing on such charges
663 shall be at such time and place as the board may prescribe.

664 (4) At such hearings, all witnesses shall be sworn by a
665 member of the board, and stenographic notes of the proceedings
666 shall be taken. Any party to the proceedings desiring it shall be
667 furnished with a copy of such stenographic notes upon payment to
668 the board of such fees as it shall prescribe, not exceeding,
669 however, the actual costs of transcription.

670 (5) The board is hereby authorized and empowered to issue
671 subpoenas for the attendance of witnesses and the production of
672 books and papers. The process issued by the board shall extend to
673 all parts of the state and such process shall be served by any
674 person designated by the board for such service. The person
675 serving such process shall receive such compensation as may be
676 allowed by the board, not to exceed the fee prescribed by law for
677 similar services. All witnesses who shall be subpoenaed, and who
678 shall appear in any proceedings before the board, shall receive
679 the same fees and mileage as allowed by law.

680 (6) Where in any proceeding before the board any witness
681 shall fail or refuse to attend upon subpoena issued by the board,
682 shall refuse to testify, or shall refuse to produce any books and
683 papers, the production of which is called for by the subpoena, the
684 attendance of such witness and the giving of his testimony and the
685 production of the books and papers shall be enforced by any court
686 of competent jurisdiction of this state, in manner as are enforced
687 the attendance and testimony of witnesses in civil cases in the
688 courts of this state.

689 (7) The board shall conduct the hearing in an orderly and
690 continuous manner, granting continuances only when the ends of
691 justice may be served. The board shall, within sixty (60) days
692 after conclusion of the hearing, reduce its decision to writing
693 and forward an attested true copy thereof to the last known
694 residence or business address of such applicant, licensee or
695 holder of a certificate, by way of United States first class
696 certified mail, postage prepaid. Such applicant, licensee, holder

697 of a certificate, or person aggrieved shall have the right of
698 appeal from an adverse ruling, or order, or decision of the board
699 to the chancery court upon forwarding notice of appeal to the
700 board within thirty (30) days after the decision of the board is
701 mailed in the manner here contemplated. An appeal will not be
702 allowed in the event notice of appeal, together with the appeal
703 bond hereinafter required, shall not have been forwarded to the
704 board within the thirty-day period. Appeal shall be to the
705 chancery court of the county and judicial district of the
706 residence of the appellant, or to the Chancery Court of the First
707 Judicial District of Hinds County, Mississippi, at the election of
708 the appellant. The notice of appeal shall elect venue, unless the
709 appellant be a nonresident of the State of Mississippi, in which
710 event the board shall certify all documents and evidence directly
711 to the Chancery Court of the First Judicial District of Hinds
712 County for further proceedings. The appeal shall thereupon be
713 heard in due course by the court which shall review the record and
714 make its determination thereon.

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

719 (9) In the event of an appeal, the court shall dispose of
720 the appeal and enter its decision promptly. The hearing on the
721 appeal may, in the discretion of the chancellor, be tried in
722 vacation. If there is an appeal, such appeal may, in the
723 discretion of and on motion to the chancery court, act as a
724 supersedeas. However, any fine imposed by the board under the
725 provisions of this chapter shall not take effect until after the
726 time for appeal has expired, and an appeal of the imposition of
727 such a fine shall act as a supersedeas.

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

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

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

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

741 (11) In addition to the reasons specified in subsection (2)
742 of this section, the board shall be authorized to suspend the
743 license of any licensee for being out of compliance with an order
744 for support, as defined in Section 93-11-153. The procedure for
745 suspension of a license for being out of compliance with an order
746 for support, and the procedure for the reissuance or reinstatement
747 of a license suspended for that purpose, and the payment of any
748 fees for the reissuance or reinstatement of a license suspended
749 for that purpose, shall be governed by Section 93-11-157 or
750 93-11-163, as the case may be. Actions taken by the board in
751 suspending a license when required by Section 93-11-157 or
752 93-11-163 are not actions from which an appeal may be taken under
753 this section. Any appeal of a license suspension that is required
754 by Section 93-11-157 or 93-11-163 shall be taken in accordance
755 with the appeal procedure specified in Section 93-11-157 or
756 93-11-163, as the case may be, rather than the procedure specified
757 in this section. If there is any conflict between any provision
758 of Section 93-11-157 or 93-11-163 and any provision of this
759 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
760 case may be, shall control.

794	(k) Salon change of ownership or location	
795	or both.....	50.00
796	(l) Until June 30, 2001, salon license renewal...	30.00
797	From and after July 1, 2001, biennial salon license	
798	renewal.....	60.00
799	(m) Salon delinquent renewal penalty -	
800	60 days to 1 year.....	25.00
801		plus license fee
802	Over 1 year.....	45.00
803		plus license fee
804	(n) Application for a new school.....	300.00
805	(o) New school reinspection.....	100.00
806	(p) School change of ownership.....	300.00
807	(q) School relocation.....	300.00
808	(r) Until June 30, 2001, school license renewal..	75.00
809	From and after July 1, 2001, biennial school license	
810	renewal.....	150.00
811	(s) School delinquent renewal penalty -	
812	60 days to 1 year.....	100.00
813		plus license fee
814	(t) Duplicate license or lost renewal form.....	10.00
815	(u) Penalty for insufficient fund checks.....	20.00
816	(v) Affidavit processing.....	15.00
817	(w) Inactive license fee.....	15.00
818	(x) Renewal of inactive license.....	15.00

819 The board may charge additional fees for services which the
820 board deems appropriate to carry out its intent and purpose.
821 These additional fees shall not exceed the cost of rendering the
822 service.

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

827 The board is fully authorized to make refunds of any deposits
828 received by the board for services which are not rendered, and may
829 refund any underpayments or overpayments of fees to licensees or
830 applicants.

831 **SECTION 21.** Section 73-7-31, Mississippi Code of 1972, is
832 reenacted and amended as follows:

833 73-7-31. Nothing in this chapter shall apply to:

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

837 (b) Persons whose practice is limited to the
838 application of cosmetic products to another person in connection
839 with the sale, or attempted sale, of such products at retail,
840 without compensation from such other person other than the regular
841 retail price of such merchandise.

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

844 (d) Persons engaged in the practice of hair braiding as
845 defined in Section 32 of this act who have completed the self-test
846 part of the brochure on infection control techniques prepared by
847 the State Department of Health and who keep the brochure and
848 completed self-test available at the location at which the person
849 is engaged in hair braiding. This paragraph (d) shall stand
850 repealed on July 1, 2008.

851 **SECTION 22.** Section 73-7-33, Mississippi Code of 1972, is
852 reenacted as follows:

853 73-7-33. In addition to the rules and regulations that may
854 be prescribed and promulgated by the board under authority of this
855 chapter, the following rules and regulations shall be observed:

856 Every establishment must be kept sanitary, including all
857 utensils and equipment; must be well ventilated and properly
858 lighted. Each salon must be provided with hot and cold running

859 water. Electrical appliances must be properly installed and
860 grounded.

861 Cosmetologists shall be allowed to wear any type of clothing
862 or apparel while at work as long as such clothing or apparel is
863 sanitary.

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

866 Anyone having an infectious or contagious disease shall not
867 practice in any establishment. Salon owners will be held
868 responsible for knowingly permitting one with such disease to
869 practice in his or her salon. No work shall be performed on any
870 patron having a visible disease unless the patron shall produce a
871 certificate from a practicing physician stating that the patron is
872 free from infectious, contagious or communicable disease. A
873 cosmetologist's license does not authorize such person to treat or
874 prescribe for an infectious, contagious or any other disease.

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

879 **SECTION 23.** Section 73-7-35, Mississippi Code of 1972, is
880 reenacted as follows:

881 73-7-35. (1) No person licensed pursuant to this chapter
882 shall practice his or her profession except within the physical
883 confines of a salon possessing and displaying a properly executed
884 license issued pursuant to Section 73-7-17. However, this
885 requirement shall not prevent a person from rendering his or her
886 services to any person who may be confined to his or her home, a
887 hospital, or other place as a result of illness, and
888 cosmetologists shall be permitted to render their services to
889 deceased persons away from their salons.

890 (2) No salon owner licensed pursuant to this chapter shall
891 allow a cosmetologist, esthetician, manicurist or wig specialist

892 to practice his/her profession in the salon without possessing a
893 valid license issued pursuant to this chapter.

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

896 73-7-37. (1) The violation of any of the provisions of this
897 chapter, including the use of fraudulent statements to obtain any
898 benefits or privileges under this chapter or practicing one of
899 these professions without a license, shall constitute a
900 misdemeanor, punishable in any court of competent jurisdiction,
901 and any person or firm convicted of the violation of any of the
902 provisions of this chapter shall be fined not less than One
903 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
904 (\$500.00). The court shall not be authorized to suspend or
905 suspend the execution of the fine required under this section.

906 (2) If any person, firm or corporation violates any of the
907 provisions of this chapter, the secretary of the board, upon
908 direction of a majority of the board and in the name of the board,
909 acting through the Attorney General or an attorney employed by the
910 board, shall apply in any chancery court of competent jurisdiction
911 for an order enjoining such violation or for an order enforcing
912 compliance with the provisions of this chapter. Upon the filing
913 of a verified petition in the proper court and after notice as
914 provided under the Mississippi Rules of Civil Procedure, such
915 court or any judge thereof, if satisfied by the sworn petition, by
916 affidavit or otherwise, that such person has violated any of the
917 provisions of this chapter, may issue an injunction without notice
918 or bond, enjoining such continued violation and such injunction
919 shall remain in force and effect until a final hearing. If at
920 such hearing it is established that such person has violated or is
921 violating any of the provisions of this chapter, the court may
922 enter a decree permanently enjoining such violation or enforcing
923 compliance with this chapter. In addition, the court may enter a
924 judgment against such person for attorneys' fees, court costs and

925 the actual costs incurred by the board in investigating the
926 actions of such person for which the board brought the suit for an
927 injunction. In case of violation of any decree issued in
928 compliance with this subsection, the court may punish the offender
929 for contempt of court and the court shall proceed as in other
930 cases.

931 (3) The proceedings in this section shall be in addition to
932 and not in lieu of the other remedies and penalties provided in
933 this chapter.

934 **SECTION 25.** Section 73-7-51, Mississippi Code of 1972, is
935 reenacted as follows:

936 73-7-51. From and after June 7, 1972, no person required by
937 Sections 73-7-51 through 73-7-61 to have a wig specialist license
938 or wig salon certificate of registration shall conduct a wig salon
939 or service a wig or hairpiece unless application for an
940 appropriate certificate or registration or license has been made.
941 All persons required by law to obtain a certificate of
942 registration or a license must file application therefor within
943 thirty (30) days after May 8, 1972. However, upon the proper
944 filing of an application by a holder of a current valid wigologist
945 permit as issued by the board, such holder shall be issued a wig
946 specialist license, and upon the proper filing of an application
947 by a holder of a current, valid wig shop certificate of
948 registration as issued by the board, such holder shall be issued a
949 wig salon certificate of registration.

950 **SECTION 26.** Section 73-7-53, Mississippi Code of 1972, is
951 reenacted as follows:

952 73-7-53. Any applicant who is at least seventeen (17) years
953 of age, can read, write and speak English, has a high school
954 education or its equivalent, and has successfully completed no
955 less than three hundred (300) hours of practice and instruction
956 and related theory in the care and treatment of wigs over a period
957 of no less than eight (8) weeks in an accredited school of

958 cosmetology is eligible to take the examination to secure a wig
959 specialist license.

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

965 Applicants for wig specialist license, after having
966 satisfactorily passed the prescribed examination, shall be issued
967 a wig specialist license which shall be valid for one (1) year,
968 and from and after July 1, 2001, shall be valid for two (2) years.
969 All those licenses shall be subject to renewal.

970 All fees for application, examination and registration for a
971 wig specialist license and the renewal thereof shall be the same
972 as herein provided for cosmetologists.

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

975 **SECTION 27.** Section 73-7-55, Mississippi Code of 1972, is
976 reenacted as follows:

977 73-7-55. Registered wig specialists desiring to pursue
978 additional hours to be eligible for a certificate of registration
979 as a cosmetologist may be credited with the three hundred (300)
980 hours acquired in studying and training to be a wig specialist
981 which may be applied to the number of hours required to be
982 eligible to take a cosmetologist's examination.

983 **SECTION 28.** Section 73-7-57, Mississippi Code of 1972, is
984 reenacted as follows:

985 73-7-57. All wig salon owners shall have a wig salon license
986 and shall pay to the board the required license fee therefor and
987 pay the required renewal fee for the renewal thereof. Prior to
988 the initial issuance of such a license, the board shall inspect
989 the premises to determine if same qualifies with the law, upon
990 payment by the applicant of the required inspection fee.

991 A person holding a wig salon license may maintain an
992 establishment in which services shall be limited to wigs or
993 hairpieces and performed only by licensed wig specialists and/or
994 licensed cosmetologists.

995 **SECTION 29.** Section 73-7-59, Mississippi Code of 1972, is
996 reenacted as follows:

997 73-7-59. Nothing in Sections 73-7-51 through 73-7-61 as
998 amended by Laws, 2000, Chapter 485, shall be construed to cause
999 any person who, as of May 8, 1972, holds a valid cosmetology
1000 license to make any application or take any additional training in
1001 order to continue his or her practice as it then exists. Nothing
1002 in those sections shall be construed to force any person who
1003 desires to obtain a valid cosmetology license to take any training
1004 in addition to the fifteen hundred (1500) hours now required.

1005 **SECTION 30.** Section 73-7-61, Mississippi Code of 1972, is
1006 reenacted as follows:

1007 73-7-61. Nothing in Sections 73-7-51 through 73-7-61 shall
1008 apply to retail sales of wigs or hairpieces when such sales do not
1009 include arranging, dressing, waving, cleaning, curling, bleaching,
1010 coloring, cutting and shaping of such wig or hairpiece sold at
1011 retail. Such retail seller shall be exempted from all fees,
1012 inspections and other requirements of said sections. In
1013 connection with such retail sales, wigs and hairpieces may be
1014 fitted, combed and arranged before such retail sale is
1015 consummated.

1016 **SECTION 31.** Section 73-7-63, Mississippi Code of 1972, is
1017 amended as follows:

1018 73-7-63. Sections 73-7-1 through 73-7-37 and 73-7-51 through
1019 73-7-61, Mississippi Code of 1972, which create the State Board of
1020 Cosmetology and prescribe its duties and powers, shall stand
1021 repealed as of July 1, 2010.

1022 **SECTION 32.** (1) For the purpose of this section, the term
1023 "hair braiding" means the use of techniques that result in tension

1024 on hair strands or roots by twisting, wrapping, weaving,
1025 extending, locking or braiding of the hair by hand or mechanical
1026 device, but does not include the application of dyes, reactive
1027 chemicals, or other preparations to alter the color of the hair or
1028 to straighten, curl or alter the structure of the hair.

1029 (2) No person shall engage in hair braiding for compensation
1030 in the State of Mississippi without first registering with the
1031 State Department of Health. The department may charge each
1032 registrant a fee of not more than Twenty-five Dollars (\$25.00) to
1033 cover the department's costs in registering the person and
1034 providing the person with the brochure prepared under subsection
1035 (2) of this section, which fee shall be uniform for all
1036 registrants. The purpose of this registration is only to maintain
1037 a listing of those persons who engage in hair braiding for
1038 compensation in the state, and does not authorize the department
1039 to license or regulate the practice of hair braiding in the state,
1040 except as provided in subsection (4) of this section.

1041 (3) The State Department of Health shall develop and prepare
1042 a brochure containing information about infection control
1043 techniques that are appropriate for hair braiding in or outside of
1044 a salon setting. The brochure shall be made available through the
1045 department's website or by mail, upon request, for a fee to cover
1046 the department's mailing costs. The brochure shall contain a
1047 self-test with questions on the information contained in the
1048 brochure. For a person engaged in hair braiding to be exempt from
1049 the cosmetology licensure law, Section 73-7-1 et seq., the person
1050 shall complete the self-test part of the brochure and keep the
1051 brochure and completed self-test available at the location at
1052 which the person is engaged in hair braiding.

1053 (4) Representatives of the department may visit any facility
1054 or premises in which hair braiding is performed at any time during
1055 business hours to determine if the brochure and completed
1056 self-test are available at the facility or premises.

1057 (5) This section does not apply to cosmetologists, barbers
1058 or wig specialists licensed to practice in Mississippi in their
1059 respective fields.

1060 (6) This section shall stand repealed on July 1, 2008.

1061 **SECTION 33.** This act shall take effect and be in force from
1062 and after July 1, 2005.