AN ACT TO AMEND SECTION 73-7-1, MISSISSIPPI CODE OF 1972, TO RECONSTITUTE THE STATE BOARD OF COSMETOLOGY AND INCREASE THE MEMBERSHIP OF THE BOARD; TO PROVIDE FOR THE APPOINTMENT OF A CONSUMER MEMBER OF THE BOARD; TO AMEND SECTION 73-7-12, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CONSUMER MEMBER SHALL NOT PARTICIPATE IN THE EXAMINATIONS HELD BY THE BOARD; TO AMEND SECTION 73-7-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF HOURS THAT A LICENSED BARBER MUST COMPLETE IN A COSMETOLOGY SCHOOL TO BE ABLE TO OBTAIN A COSMETOLOGY LICENSE; TO AMEND SECTION 73-7-14, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A MASTER MANICURIST LICENSE AND A MASTER ESTHETICIAN LICENSE AND PRESCRIBE THE REQUIREMENTS FOR THOSE LICENSES; TO AMEND SECTIONS 73-7-2 AND 73-7-29, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION; TO AMEND SECTION 73-7-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A WIGOLOGY INSTRUCTOR'S LICENSE AND PRESCRIBE THE REQUIREMENTS FOR THAT LICENSE; AND FOR RELATED PURPOSES.

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

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

73-7-1. (1) There is * * * continued * * * a State Board of Cosmetology, which is reconstituted as follows: From and after July 1, 2007, the board shall be composed of eleven (11) members, with five (5) members to be appointed by the Governor, three (3) members to be appointed by the Lieutenant Governor and three (3) members to be appointed by the Attorney General. Each member shall be appointed with the advice and consent of the Senate. The Governor shall appoint two (2) members for terms that expire on July 1, 2009, one (1) member for a term that expires on July 1, 2010, and two (2) members for terms that expire on July 1, 2011. The Lieutenant Governor shall appoint one (1) member for a term that expires on July 1, 2008, one (1) member for a term that expires on July 1, 2010, and one (1) member for a term that expires on July 1, 2011. The Attorney General shall appoint one (1) member for a term that expires on July 1, 2008, one (1) member for a term that expires on July 1, 2009, one (1) member for a term that expires on July 1, 2010, and one (1) member for a term that expires on July 1, 2011.
for a term that expires on July 1, 2009, and one (1) member for a term that expires on July 1, 2010. After the expiration of the initial terms, all later appointments shall be made by the original appointing official for terms of four (4) years from the expiration date of the previous term. Of the appointments made by the Governor, one (1) member shall be appointed from each of the Supreme Court districts and two (2) members shall be appointed from the state at large. Of the appointments made by the Lieutenant Governor and the Attorney General, one (1) member shall be appointed from each of the Supreme Court districts.

(2) There shall be a president of the board and such other officers as deemed necessary by the board elected by and from its membership, provided that the member elected as president must have at least one (1) year of experience on the board.

(3) Except as otherwise provided in this subsection, to be eligible for appointment as a member of the board, the person applying shall meet the following requirements: (a) have been a citizen of this state for a minimum of five (5) years immediately before appointment; (b) be at least thirty (30) years of age; (c) possess a high school education or its equivalent; and (d) have been a licensed cosmetologist with not less than five (5) years' active practice in cosmetology. One (1) member appointed by the Governor shall be appointed from a list of three (3) individuals recommended by the Mississippi Independent Beauticians Association. One (1) member appointed by the Governor shall be a consumer of cosmetology services who has never been licensed by the board, but who meets the requirements specified in paragraphs (a) through (c) of this subsection. No member of the board shall be connected in any way with any school in which cosmetology is taught, nor shall any members of the board appointed by the same appointing official be graduates of the same school of cosmetology.
(4) In the event of vacancy by death or resignation of any member of the board, the original appointing official of that member shall, within thirty (30) days, appoint a person possessing all qualifications required to serve the remainder of the term. Any member who does not attend two (2) consecutive meetings of the board for reasons other than illness of the member shall be subject to removal by the original appointing official of that member. The president of the board shall notify * * * in writing the original appointing official of any * * * member who has failed to attend two (2) consecutive regular meetings.

(5) The salaries of all paid employees of the board shall be paid out of funds in the board's special fund in the State Treasury. Each member of the board, excepting the inspectors provided for in this chapter, shall receive per diem as authorized by Section 25-3-69, and shall be reimbursed for such other expenses at the same rate and under the same conditions as other state employees as provided for in Section 25-3-41.

(6) The board shall give reasonable public notice of all board meetings not less than ten (10) days before those meetings.

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

73-7-2. As used in this chapter, the following terms shall have the meanings as provided in this section unless the context otherwise requires:

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

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

(i) Cutting, clipping or trimming hair.

(ii) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, bleaching, tinting, coloring or similarly treating hair.
(iii) Cleansing, stimulating, manipulating, beautifying or applying oils, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical apparatus.

(iv) Arching eyebrows or tinting eyebrows and eyelashes.

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

(vi) Manicuring and pedicuring.

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

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

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

(ii) Trimming eyebrows.

(iii) Tinting eyelashes or eyebrows.

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

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

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

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

(g) "Manicuring and pedicuring" means any one (1) or a combination of the following practices:
(i) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating a person's nails.

(ii) Applying artificial nails.

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

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

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

(j) "Master esthetician" means a person holding a esthetician license who has completed the minimum course of continuing education prescribed by Section 73-7-14.

(k) "Master manicurist" means a person holding a manicurist license who has completed the minimum course of continuing education prescribed by Section 73-7-14.

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

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

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

(i) Arranging, dressing, waving or curling.

(ii) Cleaning.

(iii) Bleaching or coloring.

(iv) Cutting and shaping.

(o) "Wig specialist" means a person who, for compensation, either direct or indirect, engages in the practice of wigology.
SECTION 3. Section 73-7-12, Mississippi Code of 1972, is amended as follows:

73-7-12. The board shall hold examinations for cosmetologists, estheticians, manicurists, wig specialists and instructors at least twice a year and at such other times as the board may determine. The consumer member of the board shall not participate in the examinations held by the board.

SECTION 4. Section 73-7-13, Mississippi Code of 1972, is amended as follows:

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

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

Applicants for the cosmetologist examination, after having satisfactorily passed the prescribed examination, shall be issued a cosmetology license that shall be valid for two (2) years, and all those licenses shall be subject to renewal.

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

current valid license, is eligible to take the cosmetology examination to secure a cosmetology license upon successfully

completing six hundred (600) hours in an accredited school of cosmetology. All fees for application, examination, registration and renewal thereof shall be the same as provided for

cosmetologists.

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

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

For the purpose of this section, any licensed cosmetologist, esthetician, manicurist or wigologist who has actively practiced his or her profession for at least three (3) months of the immediately preceding license renewal period shall be considered in active practice. No cosmetologist, esthetician, manicurist or wigologist shall be registered on the "inactive" list until the person has furnished a statement of intent to take that action to the board. Any licensed cosmetologist, esthetician, manicurist or wigologist registered on the "inactive" list shall not be eligible for registration on the active list until either of the following conditions have been satisfied:

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

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

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

SECTION 5. Section 73-7-14, Mississippi Code of 1972, is amended as follows:

73-7-14. (1) Any person who holds a current, valid cosmetology license may be licensed as a master cosmetologist if he or she has been a licensed cosmetologist in this state for a period of not less than twelve (12) months, and has completed a minimum course of sixteen (16) hours' study in continuing education approved by the board within the licensing period preceding initial application for the license, and has paid the original license fee. Master cosmetologist licenses shall be renewable upon completion of a minimum course of eight (8) hours' study in continuing education approved by the board within a licensing period and payment of the required renewal fee. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a cosmetology license when renewing their license.

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

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

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

SECTION 6. Section 73-7-15, Mississippi Code of 1972, is amended as follows:

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

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

(2) The board shall admit to examination for an esthetics instructor's license any person who has made application to the
board in proper form, has paid the required fee, and who:
(a) Is not less than twenty-one (21) years of age;
(b) Can read, write and speak English;
(c) Has a high school education or its equivalent;
(d) Has successfully completed six hundred (600) hours of instructor training in an accredited school in which the
   practice of esthetics is taught;
(e) Has successfully completed twelve (12) semester hours in college courses approved by the board;
(f) Holds a current, valid Mississippi esthetician license; and
(g) Has had two (2) years of active practical experience as an esthetician or, as an alternative to that experience, has successfully completed one thousand (1,000) hours of instructor training in an accredited school in which the
   practice of esthetics is taught.
(3) The board shall admit to examination for a wigology instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is not less than twenty-one (21) years of age;
(b) Can read, write and speak English;
(c) Has a high school education or its equivalent;
(d) Has successfully completed six hundred (600) hours of instructor training in an accredited school in which the practice of wigology is taught;
(e) Has successfully completed twelve (12) semester hours in college courses approved by the board;
(f) Holds a current, valid Mississippi wigologist license; and
(g) Has had two (2) years of active practical experience as a wigologist or, as an alternative to that experience, has successfully completed one thousand (1,000) hours of instructor training in an accredited school in which the practice of wigology is taught.

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

(a) Is not less than twenty-one (21) years of age;
(b) Can read, write and speak English;
(c) Has a high school education or its equivalent;
(d) Has successfully completed six hundred (600) hours of instructor training in an accredited school in which the practice of manicuring is taught;
(e) Has successfully completed twelve (12) semester hours in college courses approved by the board;
(f) Holds a current, valid Mississippi manicurist license; and
(g) Has had two (2) years of active practical experience as a manicurist or, as an alternative to such experience, has successfully completed one thousand (1,000) hours of instructor training in an accredited school in which the practice of manicuring is taught.
experience, has successfully completed one thousand (1,000) hours
of instructor training in an accredited school in which the
practice of manicuring is taught.

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

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

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

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

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

(a) Application for examination and reexamination —
cosmetologist, manicurist, esthetician, or wig specialist... $35.00
(b) Application for in-state instructor examination and reexamination............................... 50.00
(c) Application for out-of-state instructor examination, processing........................................ 55.00
(d) *** Cosmetologist, manicurist, esthetician, or wig specialist license, original and renewal ***...... 50.00
(e) *** Master cosmetologist, manicurist or esthetician license, *** original ***
and renewal................................................. 70.00
(f) Cosmetologist, manicurist, esthetician, or wig specialist by reciprocity, processing.................. 55.00
(g) *** Instructor license, original and renewal ***......................................................... 80.00
(h) Delinquent renewal penalty - cosmetologist, manicurist, esthetician, wig specialist and instructor:

  60 days to 1 year.............................................. 25.00
  plus license fee
  Over 1 year to 3 years, per year.......................... 50.00
  plus license fee

(i) Salon application........................................ 50.00
(j) Salon reinspection...................................... 35.00
(k) Salon change of ownership or location or both................................................................. 50.00
(l) *** Salon license renewal ***......................... 60.00
(m) Salon delinquent renewal penalty -

  60 days to 1 year.............................................. 25.00
  plus license fee
  Over 1 year.................................................. 45.00
  plus license fee

(n) Application for a new school.......................... 300.00
(o) New school reinspection............................... 100.00
(p) School change of ownership........................... 300.00
(q) School relocation........................................... 300.00
ST: Cosmetology Board; revise membership of board and other provisions of licensure law.

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

* * * All licenses shall be renewed biennially according to the above fee schedule.

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

SECTION 8. This act shall take effect and be in force from and after July 1, 2007.