

By: Representative Currie

To: Public Health and Human Services

HOUSE BILL NO. 1279

1 AN ACT TO CREATE NEW SECTION 73-5-2, MISSISSIPPI CODE OF
2 1972, TO CREATE THE STATE BOARD OF COSMETOLOGY AND BARBERING TO
3 REGULATE THE PRACTICE OF COSMETOLOGY AND THE PRACTICE OF BARBERING
4 IN THE STATE; TO AMEND SECTIONS 73-5-3, 73-5-5, 73-5-7, 73-5-8,
5 73-5-11, 73-5-12, 73-5-15, 73-5-17, 73-5-19, 73-5-25, 73-5-27,
6 73-5-31, 73-5-33, 73-5-35, 73-5-41, 73-5-43, 73-5-45, 73-7-2,
7 73-7-12, 73-7-13, 73-7-29 AND 73-7-31, MISSISSIPPI CODE OF 1972,
8 TO CONFORM TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTIONS
9 73-5-9, 73-5-21, 73-5-23, 73-5-29, 73-5-37, 73-5-39, 73-7-7,
10 73-7-9, 73-7-11, 73-7-14, 73-7-15, 73-7-16, 73-7-17, 73-7-18,
11 73-7-19, 73-7-21, 73-7-23, 73-7-25, 73-7-27, 73-7-33, 73-7-35 AND
12 73-7-37, MISSISSIPPI CODE OF 1972, FOR THE PURPOSES OF POSSIBLE
13 AMENDMENT; TO REPEAL SECTIONS 73-7-1, 73-7-3, 73-7-5 AND 73-7-63,
14 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF
15 COSMETOLOGY, PROVIDE FOR EMPLOYEES OF THE BOARD AND COMPENSATION
16 OF BOARD MEMBERS, PROVIDE FOR A SPECIAL FUND FOR THE OPERATION OF
17 THE BOARD, AND PROVIDE FOR THE REPEAL OF THE STATUTES THAT CREATE
18 THE BOARD AND PRESCRIBE ITS POWERS AND DUTIES; AND FOR RELATED
19 PURPOSES.

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

21 **SECTION 1.** The following shall be codified as Section
22 73-5-2, Mississippi Code of 1972:

23 73-5-2. (1) There is created the State Board of Cosmetology
24 and Barbering to be composed of ten (10) members appointed by the
25 Governor, with the advice and consent of the Senate. Five (5)
26 members shall be licensed cosmetologists and five (5) members



27 shall be licensed barbers. No more than three (3) members shall
28 be appointed from the same congressional district. All
29 appointments shall be for terms of four (4) years.

30 (2) All members shall continue to serve until their
31 successors are duly qualified. Where a vacancy occurs due to
32 resignation, removal, or death, the Governor shall appoint a
33 member to complete the unexpired balance of the vacating member's
34 term. Any member who misses two (2) consecutive meetings of the
35 board except for illness automatically vacates his or her position
36 on the board and the Governor shall make an appointment to fill
37 the vacancy.

38 (3) To be eligible for appointment to the board, a person
39 must have been licensed in the state as a cosmetologist or barber
40 for five (5) years, and have at least ten (10) years' active
41 experience in cosmetology or barbering immediately preceding
42 appointment. No more than two (2) members may be graduates of the
43 same cosmetology or barbering school, and no member may have any
44 financial interest in, or be an instructor in, a school of
45 cosmetology or barbering.

46 (4) The board shall select a chair, who shall serve for one
47 (1) year. The chair shall rotate between members on an annual
48 basis, with the chair alternating between a barber member and a
49 cosmetologist member each year. The board shall meet quarterly,
50 and at such other times as determined necessary by the chair.



51 (5) The State Board of Cosmetology and Barbering shall be
52 the State Board of Cosmetology and the State Board of Barber
53 Examiners, and shall have all powers and duties conferred upon
54 those boards in law. Whenever the term "State Board of
55 Cosmetology" or "State Board of Barber Examiners" appear in any
56 law, rule, regulation or document, it shall mean the State Board
57 of Cosmetology and Barbering.

58 **SECTION 2.** Section 73-5-3, Mississippi Code of 1972, is
59 amended as follows:

60 73-5-3. The State Board of Cosmetology and Barbering shall
61 elect a president and secretary and shall adopt and use a common
62 seal for the authentication of its records and orders. The
63 secretary shall keep a record of all proceedings and acts of the
64 board and an accurate account of all funds received and disbursed,
65 which shall be considered as public records.

66 The * * *secretary members of the board shall execute and
67 file with the Secretary of State a bond in the sum of Ten Thousand
68 Dollars (\$10,000.00) conditioned according to law, the bond to be
69 made in a surety company authorized to do business in this state
70 and approved by the Governor. The premium for the bond shall be
71 paid out of the funds in the board's special fund in the State
72 Treasury.

73 * * *~~A majority~~ Three (3) cosmetologist members and three
74 (3) barber members of the board shall constitute a quorum, and it
75 is authorized to perform the requirements of this chapter and



76 Section 73-7-2 et seq. at any regular or special meeting called
77 for that purpose.

78 Each member of the board shall receive per diem in accordance
79 with Section 25-3-69 when actually attending to the work of the
80 board or any of its committees, and shall be reimbursed for
81 traveling expenses in accordance with Section 25-3-41 in carrying
82 out the provisions of this chapter and Section 73-7-2 et seq. The
83 board shall employ an executive director with compensation to be
84 established by the State Personnel Board, and the executive
85 director shall devote his or her full time to oversee all
86 day-to-day operations of the board. * * *~~The board may employ~~
87 ~~four (4) inspectors, one (1) to be appointed from each of the four~~
88 ~~(4) congressional districts, to make periodic inspections of all~~
89 ~~barbershops throughout the state and one (1) chief inspector to be~~
90 ~~appointed from the state at large to supervise inspections and~~
91 ~~investigations statewide.—~~ The * * *board executive director shall
92 employ the necessary personnel to carry out the provisions of this
93 chapter and Section 73-7-2 et seq., and maintain and pay the
94 expenses of an office to be located in the City of Jackson. All
95 per diem, salaries and expenses shall be paid exclusively from the
96 funds in the board's special fund, and salaries and expenses of
97 personnel may be disbursed * * *~~monthly~~ bimonthly.

98 The board shall require such of its employees as it may
99 consider necessary to make bond and file same with the Secretary
100 of State in such sums as it may consider necessary to protect the



101 interests of the * * *~~barbers of the State of Mississippi~~
102 licensees under this chapter and Section 73-7-2 et seq. and
103 require the faithful performance of their duties.

104 **SECTION 3.** Section 73-5-5, Mississippi Code of 1972, is
105 amended as follows:

106 73-5-5. (1) All fees and any other monies received by the
107 board shall be deposited in a special fund that is created in the
108 State Treasury and shall be used for the implementation and
109 administration of this chapter and Section 73-7-2 et seq. when
110 appropriated by the Legislature for such purpose. The monies in
111 the special fund shall be subject to all provisions of the state
112 budget laws that are applicable to special fund agencies, and
113 disbursements from the special fund shall be made by the State
114 Treasurer only upon warrants issued by the State Fiscal Officer
115 upon requisitions signed by the president of the board and
116 countersigned by the secretary of the board. Any interest earned
117 on this special fund shall be credited by the State Treasurer to
118 the fund and shall not be paid into the State General Fund. Any
119 unexpended monies remaining in the special fund at the end of a
120 fiscal year shall not lapse into the State General Fund.

121 (2) The State Auditor shall audit the financial affairs of
122 the board and the transactions involving the special fund at least
123 once a year in the same manner as for other special fund agencies.
124 In addition, the Governor, in his discretion, shall have the power
125 from time to time to require an audit of the financial affairs of



126 the board, the same to be made by the State Auditor upon request
127 of the Governor. The Governor shall have the power to suspend any
128 member of the board who shall be found short in any account until
129 such time as it shall be definitely determined whether such
130 shortage was the result of an act of dishonesty on the part of the
131 member.

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

134 73-5-7. (1) The board * * *~~of Barber Examiners~~ shall have
135 authority to make reasonable rules and regulations for the
136 administration of the provisions of this chapter. * * *~~Provided,~~
137 However, * * *~~that~~ any and all rules and regulations relating to
138 sanitation shall, before adoption by the board, have the written
139 approval of the State Board of Health. The board * * *~~of Barber~~
140 ~~Examiners~~ shall adopt regulations for the guidance of registered
141 barbers in the operation of a shop and in the practice of
142 barbering except, however, it shall be optional with the
143 individual barber as to whether he or she uses a mug. Any member
144 or designee of the board * * *~~of Barber Examiners~~ shall have the
145 authority to enter upon and inspect any barbershop or barber
146 school at anytime during business hours. A copy of the rules and
147 regulations of the * * *~~State board * * *of Barber Examiners~~ shall
148 be furnished to the owner or manager of each shop and barber
149 school affected by this chapter, and such copy shall be posted in
150 a conspicuous place in such barbershop or barber school.



151 (2) The board shall have authority to establish rules and
152 regulations governing schools of barbering in this state except
153 those schools operated by a state institution of higher learning
154 or by a public community or junior college. The board shall have
155 further authority to establish curriculum for such regulated
156 schools of barbering in this state.

157 Each regulated school of barbering shall submit the following
158 to the board before enrolling students:

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

161 (b) The names and addresses of owners and officers of
162 such school, and the names, addresses and instructor license
163 number of managers, supervisors and instructors of such school;

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

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

167 All regulated schools of barbering in the State of
168 Mississippi shall be required to maintain a surety bond in the
169 amount of Twenty-five Thousand Dollars (\$25,000.00) to ensure
170 that * * *~~in the event~~ if a school ceases operation, that all
171 unused tuition fees will be refunded to the students concerned.
172 This bond shall remain in effect for the duration of the school's
173 operation.

174 (3) The board * * *~~of Barber Examiners~~ shall adopt rules and
175 regulations establishing a procedure for the processing and



176 investigation of complaints filed with the board. The board shall
177 keep records of all complaints, and such records shall indicate
178 the action taken on the complaints.

179 (4) The board * * *~~of Barber Examiners~~ shall keep a record
180 of its proceedings relating to the issuance, refusal, suspension
181 and revocation of certificates of registration. The record shall
182 also contain the name, place of business and the residence of each
183 registered barber, and the date and number of his certificate of
184 registration. The record shall be open to public inspection at
185 all reasonable times.

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

188 73-5-8. Any person is qualified to receive a certificate of
189 registration as a barber instructor who:

190 (a) Is eighteen (18) years of age or older;

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

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

193 (d) Possesses a high school education or its
194 equivalent;

195 (e) Has successfully completed not less than fifteen
196 hundred (1500) hours at a barbering school approved by
197 the * * *~~State B board~~ * * *~~of Barber Examiners~~ and holds a valid
198 certificate of registration to practice barbering;

199 (f) Has (i) not less than two (2) years of active
200 experience as a registered barber and has successfully completed



201 not less than six hundred (600) hours of barber instructor
202 training at a school approved by the board, or (ii) less than two
203 (2) years of active experience as a registered barber and has
204 successfully completed not less than one thousand (1,000) hours of
205 barber instructor training at a school approved by the board; and
206 (g) Has passed a satisfactory examination conducted by
207 the board to determine his fitness to practice as a barber
208 instructor.

209 All persons who have received a certificate of registration
210 as a barber instructor from the board before July 1, 2002, shall
211 be considered to have met the requirements of this section, and
212 all those certificates of registration shall be renewable as
213 otherwise provided in this chapter.

214 The board will implement an active and inactive instructor
215 license. In order to renew an active license, instructors holding
216 an active license shall be required to submit proof of twelve (12)
217 hours of continuing education each year to the board * * *~~of~~
218 ~~Barber Examiners~~. That education shall be acquired in classes or
219 trade shows teaching materials that are approved by the board.
220 Instructors holding an inactive license shall be required to
221 submit proof of twelve (12) hours continuing education before
222 upgrading to an active status.

223 **SECTION 6.** Section 73-5-9, Mississippi Code of 1972, is
224 brought forward as follows:



225 73-5-9. (1) No person shall practice or attempt to practice
226 barbering in the State of Mississippi without a certificate of
227 registration as a registered barber issued pursuant to the
228 provisions of this chapter.

229 (2) No person shall be a barber instructor in the State of
230 Mississippi without a certificate of registration as a barber
231 instructor issued pursuant to the provisions of this chapter.

232 (3) Any person or persons who violates any provision of this
233 chapter shall be guilty of a misdemeanor, punishable upon
234 conviction in a court of competent jurisdiction as follows:

235 (a) For the first offense, by a fine of not less than
236 Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars
237 (\$500.00);

238 (b) For the second offense, by a fine of not less than
239 Five Hundred One Dollars (\$501.00) nor more than One Thousand
240 Dollars (\$1,000.00);

241 (c) For the third and any later offense, by
242 imprisonment for not less than five (5) days nor more than six (6)
243 months in the county jail.

244 **SECTION 7.** Section 73-5-11, Mississippi Code of 1972, is
245 amended as follows:

246 73-5-11. (1) To be eligible for enrollment at a barbering
247 school approved by the board * * * ~~of Barber Examiners~~, a person
248 shall have a high school education or its equivalent, and/or shall



249 have satisfactorily passed the ability-to-benefit examinations
250 approved by the U.S. Department of Education.

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

253 (a) Who is qualified under the provisions of this
254 chapter;

255 (b) Who is of good moral character and temperate
256 habits;

257 (c) Who has completed not less than fifteen hundred
258 (1500) hours at a barbering school approved by the * * *State
259 board * * *~~of Barber Examiners~~; and

260 (d) Who has passed a satisfactory examination conducted
261 by the board of examiners to determine his fitness to practice
262 barbering.

263 (3) A temporary permit to practice barbering until the next
264 examination is given may be issued to a student who has completed
265 not less than fifteen hundred (1500) hours at a barbering school
266 approved by the board * * *~~of Barber Examiners~~. In no event shall
267 a person be allowed to practice barbering on a temporary permit
268 beyond the date the next examination is given, except because of
269 personal illness.

270 **SECTION 8.** Section 73-5-12, Mississippi Code of 1972, is
271 amended as follows:

272 73-5-12. Any cosmetologist who can read, write and speak
273 English and has successfully completed not less than fifteen



274 hundred (1500) hours in an accredited school of cosmetology, and
275 holds a valid, current license, shall be eligible to take the
276 barber examination to secure a certificate of registration as a
277 barber upon successfully completing six hundred (600) hours in a
278 barber school approved by the board * * *~~of Barber Examiners.~~

279 All fees for application, examination, registration and
280 renewal thereof shall be the same as provided for in this chapter.

281 **SECTION 9.** Section 73-5-15, Mississippi Code of 1972, is
282 amended as follows:

283 73-5-15. Each applicant for an examination shall:

284 Make application to the board * * *~~of Barber Examiners~~ on
285 blank forms prepared and furnished by the board, such application
286 to contain proof under the applicant's oath for the particular
287 qualifications of the applicant; and,

288 Furnish to the board, at the time of the filing of such
289 application, two (2) five-inch (5") X three-inch (3") signed
290 photographs of the applicant, one (1) to accompany the
291 application, and one (1) to be returned to the applicant to be
292 presented to the board when the applicant appears for examination;
293 and,

294 Pay to the board the required fee.

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



298 **SECTION 10.** Section 73-5-17, Mississippi Code of 1972, is
299 amended as follows:

300 73-5-17. The board * * *~~of Barber Examiners~~ shall conduct
301 examinations of applicants for certificates of registration to
302 practice as registered barbers not less than three (3) times a
303 year, which examination shall be had in some town or city selected
304 by the examining board. Examinations of applicants for
305 certificates of registration as barber instructors shall be
306 conducted at a time and place selected by the examining board.

307 The examination of applicants for certificates of
308 registration as registered barbers shall include both a practical
309 demonstration and a written and oral test, and shall embrace the
310 subjects usually practiced in a duly licensed shop of Mississippi
311 under the direct and personal supervision of a registered barber.
312 The examination of applicants for certificates of registration as
313 barber instructors shall include such subjects as the board deems
314 necessary to determine the applicant's fitness to practice as a
315 barber instructor.

316 **SECTION 11.** Section 73-5-19, Mississippi Code of 1972, is
317 amended as follows:

318 73-5-19. Whenever the applicable provisions of this chapter
319 have been complied with, the board * * *~~of Barber Examiners~~ shall
320 issue a certificate of registration as a registered barber or
321 barber instructor, as the case may be.



322 **SECTION 12.** Section 73-5-21, Mississippi Code of 1972, is
323 brought forward as follows:

324 73-5-21. Any person possessed of the following
325 qualifications shall, upon payment of the required fee, receive a
326 certificate of registration as a registered barber:

327 (a) Is at least eighteen (18) years old;

328 (b) Is of good moral character and temperate habits;

329 and

330 (c) Either has a license or certificate of registration
331 as a practicing barber in another state or country that has
332 substantially the same requirements for licensing or registration
333 of barbers as are contained in this chapter, or can prove by sworn
334 affidavits that he has lawfully practiced as a barber in another
335 state or country for at least five (5) years immediately before
336 making application in this state, or can show to the satisfaction
337 of the board that he had held a rating in a branch of the military
338 service for two (2) or more years that required him to perform the
339 duties of a barber. The issuance of a certificate of registration
340 by reciprocity to a military-trained applicant or military spouse
341 shall be subject to the provisions of Section 73-50-1.

342 In addition to the above, the board may require the applicant
343 to successfully demonstrate sufficient knowledge of the Barber Law
344 of the State of Mississippi, as well as sufficient practical skill
345 by requiring the applicant to take a practical examination
346 approved by the board.



347 **SECTION 13.** Section 73-5-23, Mississippi Code of 1972, is
348 brought forward as follows:

349 73-5-23. (1) Every holder of a certificate of registration
350 as a registered barber shall display it in a conspicuous place
351 adjacent to or near his or her work chair, and in plain view of
352 the patrons of the shop in which he or she is engaged at work.

353 (2) It shall be the responsibility of all owners, managers,
354 or persons in charge of a barbershop at the time of an inspection
355 to ensure that all licenses are displayed at all times.

356 (3) Any owner or barber found in violation of this section
357 shall be fined not less than Twenty-five Dollars (\$25.00) nor more
358 than Five Hundred Dollars (\$500.00).

359 **SECTION 14.** Section 73-5-25, Mississippi Code of 1972, is
360 amended as follows:

361 73-5-25. (1) The board * * *~~of Barber Examiners~~ may refuse
362 to issue, or may suspend definitely or indefinitely, or revoke any
363 certificate of registration or license for any one (1) or a
364 combination of the following causes:

365 (a) Conviction of a felony shown by a certified copy of
366 the judgment of court in which such conviction is had, unless upon
367 a full and unconditional pardon of such convict, and upon
368 satisfactory showing that such convict will in the future conduct
369 himself in a law-abiding way.

370 (b) Gross malpractice or gross incompetency.



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

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

375 (e) Habitual drunkenness or habitual addiction to the
376 use of morphine, cocaine or habit-forming drug, or any other
377 illegal controlled substances.

378 (f) Immoral or unprofessional conduct.

379 (g) Violation of regulations that may be prescribed as
380 provided for in Sections 73-5-7 through 73-5-43.

381 (2) In addition to the causes specified in subsection (1) of
382 this section, the board shall be authorized to suspend the
383 certificate of registration of any person for being out of
384 compliance with an order for support, as defined in Section
385 93-11-153. The procedure for suspension of a certificate for
386 being out of compliance with an order for support, and the
387 procedure for the reissuance or reinstatement of a certificate
388 suspended for that purpose, and the payment of any fees for the
389 reissuance or reinstatement of a certificate suspended for that
390 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
391 there is any conflict between any provision of Section 93-11-157
392 or 93-11-163 and any provision of this chapter, the provisions of
393 Section 93-11-157 or 93-11-163, as the case may be, shall control.

394 **SECTION 15.** Section 73-5-27, Mississippi Code of 1972, is
395 amended as follows:



396 73-5-27. The board * * *~~of Barber Examiners~~ may neither
397 refuse to suspend or revoke, nor revoke or suspend any certificate
398 of registration as a registered barber or barber instructor, for
399 any of the causes enumerated in this chapter, unless the holder of
400 such certificate has been given at least twenty (20) days' notice,
401 in writing by registered mail, signed by the president and
402 secretary of the board * * *~~of Barber Examiners~~, setting forth the
403 charges against such holder of such certificate and naming the
404 time and place for a hearing upon the charge or charges, and a
405 public hearing thereof by the board * * *~~of Barber Examiners~~. The
406 person shall return a written response within ten (10) business
407 days acknowledging receipt of the letter and confirmation of
408 attendance at the board hearing no later than the close of
409 business of the tenth day.

410 Upon the hearing of any such charge or charges the board may
411 issue all subpoenas for all necessary witnesses for and against
412 the accused, and require their attendance upon such hearing, may
413 administer oaths, and may procure by process the production of all
414 necessary books and papers, bearing or touching upon such charges
415 against the accused.

416 **SECTION 16.** Section 73-5-29, Mississippi Code of 1972, is
417 brought forward as follows:

418 73-5-29. The fee for taking an examination as a registered
419 barber shall be in the sum of not more than Fifty-five Dollars
420 (\$55.00), and the further sum of not more than Forty-five Dollars



421 (\$45.00) shall be required for the issuance of a certificate for
422 the registered barber. The fee for taking an examination as a
423 registered barber instructor shall be in the sum of not more than
424 Fifty-five Dollars (\$55.00), and the further sum of not more than
425 Fifty Dollars (\$50.00) shall be required for the issuance of a
426 certificate of registration for the registered barber instructor.
427 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall
428 be required for the issuance of a certificate of registration to a
429 practicing barber of another state as authorized by Section
430 73-5-21. Likewise, an annual renewal fee payable on the
431 anniversary date of the issuance of each certificate of
432 registration as a registered barber of not more than Forty-five
433 Dollars (\$45.00) shall be charged for the issuance of the renewal
434 of the certificate; an annual renewal fee payable on the
435 anniversary date of the issuance of each certificate of
436 registration as a registered barber instructor of not more than
437 Fifty Dollars (\$50.00) shall be charged for the issuance of the
438 renewal of the certificate; however, the renewal fee for a
439 registered barber and barber instructor who is sixty-five (65)
440 years of age or older shall be not more than Thirty Dollars
441 (\$30.00). No renewal fee shall be charged for registered barbers
442 and barber instructors who are at least seventy-two (72) years of
443 age. A fee of Ten Dollars (\$10.00) for each year or any portion
444 thereof in addition to payment of all unpaid renewal fees in
445 arrears and the regular renewal fee shall be required for the



446 restoration of expired certificates of registration issued
447 pursuant to this chapter. Additionally, in order to restore any
448 certificate of registration issued under this chapter that has
449 been expired for a period of five (5) years or longer, the holder
450 thereof must retake and pass the appropriate examination. A
451 penalty of Ten Dollars (\$10.00) in addition to payment of all
452 unpaid renewal fees in arrears and the regular renewal fee shall
453 be required for the restoration of certificates that have expired
454 for a period of thirty (30) to sixty (60) days. A penalty of
455 Twenty-five Dollars (\$25.00) in addition to payment of all unpaid
456 renewal fees in arrears and the regular renewal fee shall be
457 required for the restoration of certificates that have been
458 expired for a period greater than sixty (60) days.

459 The board may adopt and spread upon its minutes the rules and
460 regulations for the issuance of a duplicate certificate for which
461 a fee of not more than Ten Dollars (\$10.00) may be charged.
462 However, each duplicate certificate issued shall have stamped
463 across its face the word "duplicate" and shall bear the number of
464 the original certificate in lieu of which it is issued.

465 **SECTION 17.** Section 73-5-31, Mississippi Code of 1972, is
466 amended as follows:

467 73-5-31. The board is * * *~~hereby~~ authorized to receive
468 applications for and give examinations to persons who have not
469 become legal residents of the State of Mississippi when such
470 applicants comply with the laws and regulations of * * *~~said~~ the



471 board and are authorized to issue a certificate or license, as the
472 case may be, as fully as if * * *~~said~~ the applicant was a resident
473 of the State of Mississippi. However, the board is authorized to
474 charge a sum of not more than Twenty Dollars (\$20.00) in addition
475 to the other fees charged a resident applicant to cover the
476 necessary expenses in making any investigation or obtaining
477 information concerning said applicant. Upon the successful
478 compliance with the laws of this state, such nonresident may be
479 issued a certificate or license as a resident.

480 **SECTION 18.** Section 73-5-33, Mississippi Code of 1972, is
481 amended as follows:

482 73-5-33. (1) The board shall issue a license for each
483 barbershop in operation in the State of Mississippi, and the board
484 shall prescribe the rules and regulations and circulate the
485 information necessary to obtain a license for the barbershop. A
486 fee of not more than Fifteen Dollars (\$15.00) for each chair
487 manned by a registered barber located in the shop shall be
488 required for the issuance of the license, and the same fee shall
489 be required for a renewal of the license to the shop, the renewal
490 due on the anniversary date of each year. A fee of not more than
491 Twenty-five Dollars (\$25.00) in addition to the regular renewal
492 fee shall be required for restoration of any license that has
493 expired for more than thirty (30) days. Any barbershop license
494 having passed the second year anniversary date, in delinquency,
495 shall be required to have a new shop inspection and shall



496 hereafter pay an initial fee of not more than Forty-five Dollars
497 (\$45.00) in addition to all other fees required for restoration.

498 (2) All barbershop owners shall be responsible for employing
499 only licensed barbers in the shop. Any barbershop owner found by
500 the board * * *~~of Barber Examiners~~ to employ an unlicensed barber
501 or barbers shall be fined Five Hundred Dollars (\$500.00) payable
502 into the State General Fund, and shall be subject to closure until
503 those violations are corrected. For any later violation, the fine
504 shall be One Thousand Dollars (\$1,000.00). Any barbershop
505 operating within the State of Mississippi without a license after
506 July 1, 1968, shall be subjected to closing by a proper order of a
507 court of competent jurisdiction upon a proper showing that it has
508 failed to comply with the terms of this chapter.

509 (3) The board may assess against any barbershop owner found
510 to employ an unlicensed barber or barbers any of the following
511 costs that are expended by the board in the conduct of a
512 proceeding for violation of subsection (2): court filing fees,
513 court costs and the cost of serving process. Any monies collected
514 by the board under this subsection (3) shall be deposited into the
515 special fund operating account of the board.

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



521 (5) All licensees shall notify the * * *~~State board~~ * * *~~of~~
522 ~~Barber Examiners~~ of the location of the barbershop at which they
523 are employed.

524 **SECTION 19.** Section 73-5-35, Mississippi Code of 1972, is
525 amended as follows:

526 73-5-35. All barber schools operated in this state shall pay
527 an annual license fee of One Hundred Dollars (\$100.00) and the
528 same fee shall be required for renewal of the license to each such
529 school on July 1 of each year. A fee of not more than Twenty-five
530 Dollars (\$25.00) shall be required for restoration of an expired
531 license that has been expired for a period of at least thirty (30)
532 days of the renewal date.

533 The license to operate those schools shall be issued by the
534 board * * *~~of Barber Examiners~~ after approval by the board. This
535 license shall not be transferable for any cause and must be
536 renewed annually.

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

539 **SECTION 20.** Section 73-5-37, Mississippi Code of 1972, is
540 brought forward as follows:

541 73-5-37. Except as provided in Section 33-1-39, every
542 registered barber and barber instructor who continues in active
543 practice or service shall annually on or before the anniversary
544 date of the issuance of his certificate of registration renew the
545 certificate by paying the required fee and meeting all applicable



546 requirements of the State Board of Health. Every certificate of
547 registration which has not been renewed within thirty (30) days of
548 its anniversary date shall expire. A registered barber or barber
549 instructor whose certificate of registration has expired may have
550 his certificate restored immediately upon payment of the renewal
551 fee plus the required restoration fee.

552 **SECTION 21.** Section 73-5-39, Mississippi Code of 1972, is
553 brought forward as follows:

554 73-5-39. Any one (1) or any combination of the following
555 practices (when done upon the upper part of the human body for
556 cosmetic purposes and not for the treatment of diseases, or
557 physical or mental ailment, and when done for payment either
558 directly or indirectly, or without payment, for the public
559 generally) constitutes the practice of barbering:

560 Shaving, trimming the beard or cutting the hair by use of any
561 electric instruments, razors or shears;

562 Giving facial or scalp massages or treatments with oils,
563 creams, lotions or other preparations, either by hand or
564 mechanical devices;

565 Singeing, shampooing, coloring or dyeing of the hair or
566 beard, or any chemical services as pertains to hair perms, hair
567 color or straightening;

568 Applying cosmetic preparations, antiseptics, powders, clays
569 or lotions to scalp, face, neck or upper part of the body.



570 **SECTION 22.** Section 73-5-41, Mississippi Code of 1972, is
571 amended as follows:

572 73-5-41. The following persons are exempt from the
573 provisions of this chapter, wholly in the proper discharge of
574 their professional duties * * *, ~~to wit:~~

575 Persons authorized by the law of Mississippi to practice
576 medicine and surgery.

577 Commissioned medical or surgical officers of the United
578 States Army, Navy or Marine hospital service.

579 Registered nurses.

580 Cosmetologists, * * * ~~and nothing in this chapter shall affect~~
581 ~~the jurisdiction of the State Board of Cosmetology~~ except where
582 the language of this chapter specifically refers to
583 cosmetologists.

584 The provisions of this section shall not be construed to
585 authorize any of the persons exempted to shave, trim the beard, or
586 cut the hair of any person, or perform any other act that
587 constitutes barbering, for cosmetic purposes, with the exception
588 of * * * ~~persons licensed * * * by the State Board of Cosmetology~~
589 cosmetologists.

590 **SECTION 23.** Section 73-5-43, Mississippi Code of 1972, is
591 amended as follows:

592 73-5-43. Each of the following constitutes a misdemeanor,
593 punishable in any court of competent jurisdiction, upon conviction



594 thereof, by a fine of not less than Twenty-five Dollars (\$25.00)
595 nor more than One Thousand Dollars (\$1,000.00):

596 The violation of any of the provisions of Sections 73-5-9,
597 73-5-33 and 73-5-23; or

598 Any acts or threats of violence against any members or
599 employees of the board; or

600 Obtaining or attempting to obtain a certificate of
601 registration for money other than the required fee, or any other
602 thing of value, or by fraudulent misrepresentation; or

603 Practicing or attempting to practice by
604 fraudulent * * *~~misrepresentations~~ misrepresentation; or

605 The willful failure to display a certificate of registration
606 as required by Section 73-5-23; or

607 The use of any room or place for barbering which is also used
608 for residential or business purpose (except for the sale of hair
609 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco
610 and such commodities as are used or sold in a barbershop) unless a
611 substantial partition of ceiling height separates the portion used
612 for the residence or business purpose from that in which such
613 practice of barbering is carried on.

614 **SECTION 24.** Section 73-5-45, Mississippi Code of 1972, is
615 amended as follows:

616 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code
617 of 1972, which create the State Board of Barber Examiners and
618 prescribe its duties and powers, and Sections 73-7-2 through



619 73-7-37, which provide for licensure and regulation of the
620 practice of cosmetology, shall stand repealed * * *~~as of~~ on July
621 1, 2016.

622 **SECTION 25.** Section 73-7-2, Mississippi Code of 1972, is
623 amended as follows:

624 73-7-2. As used in this chapter, the following terms shall
625 have the meanings ascribed herein unless the context otherwise
626 requires:

627 (a) "Board" means the State Board of Cosmetology and
628 Barbering created by Section 73-5-2.

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

633 (i) Cutting, clipping or trimming hair and hair
634 pieces.

635 (ii) Styling, arranging, dressing, curling,
636 waving, permanent waving, straightening, cleansing, bleaching,
637 tinting, coloring or similarly treating hair and hair pieces.

638 (iii) Cleansing, stimulating, manipulating,
639 beautifying or applying oils, antiseptics, clays, lotions or other
640 preparations, either by hand or by mechanical or electrical
641 apparatus.



642 (iv) Arching eyebrows, to include tweezing,
643 waxing, threading or any other methods of epilation, or tinting
644 eyebrows and eyelashes.

645 (v) Removing superfluous hair by the use of
646 depilation.

647 (vi) Manicuring and pedicuring.

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

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

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

654 (ii) Arching eyebrows to include trimming,
655 tweezing, waxing, threading or any other method of epilation or
656 tinting eyebrows and eyelashes.

657 (iii) Tinting eyelashes or eyebrows.

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

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

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



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

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

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

675 (ii) Applying artificial nails.

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

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

681 (i) "Master" means a person holding a cosmetology,
682 manicuring and esthetics license who has completed the minimum
683 course of continuing education prescribed by Section 73-7-14.

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

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

690 **SECTION 26.** Section 73-7-7, Mississippi Code of 1972, is
691 brought forward as follows:



692 73-7-7. (1) The board shall have authority to make
693 reasonable rules and regulations for the administration of the
694 provisions of this chapter. The board shall set up a curriculum
695 for operation of schools of cosmetology and the other professions
696 it is charged to regulate in this state. The board shall receive
697 and consider for adoption recommendations for rules and
698 regulations, school curriculum, and related matters from the
699 Mississippi Cosmetology Council, whose membership shall consist
700 of, in addition to the board members, five (5) elected delegates
701 from the Mississippi Cosmetology Association, five (5) elected
702 delegates from the Mississippi Cosmetology School Association,
703 five (5) elected delegates from the Mississippi Independent
704 Beauticians Association, and five (5) elected delegates from the
705 School Owners and Teachers Association. The board may revoke the
706 license of any cosmetologist, esthetician, manicurist, instructor,
707 school of cosmetology, or salon, or may refuse to issue a license
708 to any cosmetologist, esthetician, manicurist, instructor, school
709 of cosmetology, or salon that fails or refuses to comply with the
710 provisions of this chapter and the rules and regulations of the
711 board in carrying out the provisions of this chapter.

712 (2) The board shall have authority to prescribe reasonable
713 rules and regulations governing sanitation of schools of
714 cosmetology and beauty salons for the guidance of persons licensed
715 under this chapter in the operation of schools of cosmetology, or
716 a beauty salon, and in the practice of cosmetology, esthetics,



717 manicuring and pedicuring, and wigology. However, any and all
718 rules and regulations relating to sanitation shall, before
719 adoption by the board, have the written approval of the State
720 Board of Health. When the board has reason to believe that any of
721 the provisions of this chapter or of the rules and regulations of
722 the board have been violated, either upon receipt of a written
723 complaint alleging such violations or upon the board's own
724 initiative, the board, or any of its authorized agents, shall
725 investigate same and shall have authority to enter upon the
726 premises of a school of cosmetology or salon at any time during
727 the regular business hours of that school or salon to conduct the
728 investigation. Such investigation may include, but not be limited
729 to, conducting oral interviews with the complaining party, school
730 or salon owner(s) and/or students of the school, and reviewing
731 records of the school or salon pertinent to the complaint and
732 related to an area subject to the authority of the board. Such
733 investigation shall not include written interviews or surveys of
734 school employees or students, and the privacy of patrons shall be
735 respected by any person making such investigation.

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



741 (4) If the board finds that a violation of the provisions of
742 this chapter or the rules and regulations of the board has
743 occurred, it may cause a hearing to be held as set forth in
744 Section 73-7-27.

745 **SECTION 27.** Section 73-7-9, Mississippi Code of 1972, is
746 brought forward as follows:

747 73-7-9. No person required by this chapter to have a license
748 shall conduct a beauty salon or school of cosmetology, or practice
749 cosmetology, esthetics, manicuring and pedicuring, or practice as
750 an instructor, unless such person has received a license or
751 temporary permit therefor from the board. Students determined to
752 have violated any of these rules or regulations prior to being
753 licensed by the board shall be subject to the same discipline by
754 the board as licensees. They may be disciplined and fined
755 accordingly.

756 **SECTION 28.** Section 73-7-11, Mississippi Code of 1972, is
757 brought forward as follows:

758 73-7-11. Each owner of a license issued by the board under
759 the provisions of this chapter shall display the license in a
760 conspicuous place in his or her principal office, place of
761 business or employment, at all times.

762 Each license shall contain a head photograph of the license
763 holder, the person's name, and the type of license held by the
764 person. The requirements of this section shall apply at the time



765 of issuance of a new license or at the time of renewal of an
766 existing license.

767 **SECTION 29.** Section 73-7-12, Mississippi Code of 1972, is
768 amended as follows:

769 73-7-12. The * * *~~State board~~ * * *~~of Cosmetology~~ shall
770 contract with a recognized testing service to conduct examinations
771 for cosmetologists, estheticians, manicurists and instructors at
772 such times and locations as determined by the contracted testing
773 service. No member of the board shall be authorized to personally
774 administer the examinations.

775 **SECTION 30.** Section 73-7-13, Mississippi Code of 1972, is
776 amended as follows:

777 73-7-13. (1) The board shall admit to examination for a
778 cosmetology license any person who has made application to the
779 board in proper form, has paid the required fee, and who (a) is at
780 least seventeen (17) years of age, (b) can read, write and speak
781 English, (c) has successfully completed no less than fifteen
782 hundred (1500) hours over a period of no less than nine (9) months
783 in an accredited school of cosmetology, and (d) has a high school
784 education or its equivalent.

785 (a) The board may, in its discretion, issue to any
786 student who has completed the prescribed hours in a licensed
787 school and paid the required fee a temporary permit until such
788 time as the next examination may be held, but such student shall
789 be issued only one (1) temporary permit. Application for an



790 examination and license shall be accompanied by two (2) passport
791 photographs of the applicant. No temporary permit will be issued
792 an applicant from any other state to operate a beauty salon or
793 school of cosmetology in this state unless in case of emergency.

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

799 (c) Any barber who can read, write and speak English
800 and has successfully completed no less than fifteen hundred (1500)
801 hours in an accredited barber school, and who holds a current
802 valid certificate of registration to practice barbering and who
803 holds a current valid license, is eligible to take the cosmetology
804 examination to secure a cosmetology license upon successfully
805 completing five hundred (500) hours in an accredited school of
806 cosmetology. All fees for application, examination, registration
807 and renewal thereof shall be the same as provided for
808 cosmetologists.

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

812 (3) Any licensed cosmetologist, esthetician, or manicurist
813 who is registered but not actively practicing in the State of
814 Mississippi at the time of making application for renewal, may



815 apply for registration on the "inactive" list. Such "inactive"
816 list shall be maintained by the board and shall set out the names
817 and post office addresses of all persons registered but not
818 actively practicing in this state, arranged alphabetically by name
819 and also by the municipalities and states of their last-known
820 professional or residential address. Only the cosmetologists,
821 estheticians and manicurists registered on the appropriate list as
822 actively practicing in the State of Mississippi shall be
823 authorized to practice those professions. For the purpose of this
824 section, any licensed cosmetologist, esthetician or manicurist
825 who has actively practiced his or her profession for at least
826 three (3) months of the immediately preceding license renewal
827 period shall be considered in active practice. No cosmetologist,
828 esthetician, or manicurist shall be registered on the "inactive"
829 list until the person has furnished a statement of intent to take
830 such action to the board. Any licensed cosmetologist,
831 esthetician, manicurist or wigologist registered on the "inactive"
832 list shall not be eligible for registration on the active list
833 until either of the following conditions have been satisfied:

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



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

845 (c) Payment of the fee for processing such inactive
846 license shall be paid biennially in accordance to board rules.

847 **SECTION 31.** Section 73-7-14, Mississippi Code of 1972, is
848 brought forward as follows:

849 73-7-14. (1) Any person who holds a current, valid
850 cosmetology, manicuring or esthetics license may be licensed as a
851 master cosmetologist, manicurist or esthetician if he or she has
852 been a licensed cosmetologist, manicurist or esthetician in this
853 state for a period of not less than twelve (12) months, and has
854 completed a minimum course of sixteen (16) hours' study in
855 continuing education approved by the board within the licensing
856 period preceding initial application for the license, and has paid
857 the original license fee. Master cosmetologist, manicurist or
858 esthetician licenses shall be renewable upon completion of a
859 minimum course of eight (8) hours' study in continuing education
860 approved by the board within a licensing period and payment of the
861 required renewal fee. This is an optional license and persons who
862 do not wish to complete the continuing education requirement may
863 obtain a cosmetology license when renewing their license.



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

867 **SECTION 32.** Section 73-7-15, Mississippi Code of 1972, is
868 brought forward as follows:

869 73-7-15. (1) The board shall admit to examination for a
870 cosmetology instructor's license any person who has made
871 application to the board in proper form, has paid the required
872 fee, and who:

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



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

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

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

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

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

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

899 (f) Holds a current, valid Mississippi esthetician's
900 license; and

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

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

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

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

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



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

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

917 (f) Holds a current, valid Mississippi manicurist's
918 license; and

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

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

932 (5) All instructors licensed pursuant to this section shall
933 biennially obtain twenty-four (24) clock hours of continuing
934 education in teacher training instruction in cosmetology or
935 esthetics or manicuring, as the case may be, as approved by the
936 board. Any instructor who fails to obtain the continuing



937 education required by this subsection shall not be allowed to
938 instruct nor enroll students under his or her license until such
939 education requirement has been met. The board may issue an
940 inactive instructor's license to such instructors, and an inactive
941 license may be converted into an active license after proof
942 satisfactory to the board of completion of at least twenty-four
943 (24) clock hours of approved continuing education required for
944 teacher training instruction.

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

948 **SECTION 33.** Section 73-7-16, Mississippi Code of 1972, is
949 brought forward as follows:

950 73-7-16. (1) All schools of cosmetology or school owners
951 shall have a school license and shall pay to the board the
952 required license fee biennially therefor. A grace period of sixty
953 (60) days will be given in which to renew the license, and upon
954 the expiration of the grace period of sixty (60) days, any
955 applicant for the renewal of a school license will be required to
956 pay a delinquent fee in addition to the renewal fee. The board is
957 hereby authorized and empowered to promulgate necessary and
958 reasonable rules and regulations for the issuance and renewal of
959 school licenses. However, the board shall not refuse to issue or
960 renew a school's license because of the number of schools already



961 in that area of the state, and any rule promulgated by the board
962 for that purpose shall be null and void.

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

966 (3) The board shall require all schools of cosmetology to
967 only admit students who met minimum competencies on an acceptable
968 aptitude test unless enrolled in a high school cosmetology
969 program.

970 **SECTION 34.** Section 73-7-17, Mississippi Code of 1972, is
971 brought forward as follows:

972 73-7-17. (1) All salon owners shall have a salon license
973 and shall pay to the board the required license fee therefor and
974 pay the required renewal fee for renewal thereof. A grace period
975 of sixty (60) days will be given in which to renew the license,
976 and upon the expiration of the grace period of sixty (60) days any
977 applicant for the renewal of a salon license will be required to
978 pay a delinquent fee in addition to the renewal fee. A salon
979 license that has been expired for over one (1) year is
980 nonrenewable and requires a new application. Prior to the initial
981 issuance of such license, the board shall inspect the premises to
982 determine if same qualifies with the law, upon payment by the
983 applicant of the required inspection fee.



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

987 **SECTION 35.** Section 73-7-18, Mississippi Code of 1972, is
988 brought forward as follows:

989 73-7-18. (1) The board shall admit to examination for an
990 esthetician's license any person who has made application to the
991 board in proper form, has paid the required fee, and who:

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

1000 Any licensed esthetician wishing to acquire a cosmetology
1001 license may apply the six hundred (600) hours of esthetics
1002 training toward the requirements for a cosmetology license.

1003 (2) Every person who has completed not less than three
1004 hundred fifty (350) hours of training in esthetics approved by the
1005 board in this or any other state prior to July 1, 1987, shall be
1006 registered with the board within a period not exceeding six (6)
1007 months after July 1, 1987, and shall be granted an esthetician's
1008 license by the board if such person presents satisfactory evidence



1009 to the board that he or she has fulfilled all the requirements to
1010 be admitted to examination except the training hours requirement.

1011 (3) Each application or filing made under this section shall
1012 include the social security number(s) of the applicant in
1013 accordance with Section 93-11-64, Mississippi Code of 1972.

1014 **SECTION 36.** Section 73-7-19, Mississippi Code of 1972, is
1015 brought forward as follows:

1016 73-7-19. (1) Except as provided in Section 33-1-39, all
1017 licenses shall be renewed biennially under the fee schedule in
1018 Section 73-7-29. Applications for renewal of licenses for
1019 cosmetologists, estheticians, manicurists and instructors must be
1020 accompanied by the required renewal fee. A grace period of sixty
1021 (60) days will be given in which to renew the license; and upon
1022 the expiration of the grace period of sixty (60) days, any
1023 applicant for the renewal of a license will be required to pay the
1024 required renewal fee and a delinquent fee in addition to the
1025 renewal fee. The fees may be paid by either personal or certified
1026 check, cash or money order, under such safeguards, rules and
1027 regulations as the board may prescribe. Checks returned to the
1028 board because of insufficient funds shall result in nonrenewal of
1029 the license, which will require the penalty fee for insufficient
1030 fund checks plus all other amounts due for renewal of the license
1031 before the license may be renewed. After one (1) year has passed
1032 from the expiration date of the license, a delinquent fee must be
1033 paid for each year up to three (3) years, after which the required



1034 examination must be taken. All applications for examination
1035 required by this chapter shall expire ninety (90) days from the
1036 date thereof.

1037 (2) Each application or filing made under this section shall
1038 include the social security number(s) of the applicant in
1039 accordance with Section 93-11-64.

1040 **SECTION 37.** Section 73-7-21, Mississippi Code of 1972, is
1041 brought forward as follows:

1042 73-7-21. (1) The board shall admit to examination for a
1043 manicurist's license any person who has made application to the
1044 board in proper form, has paid the required fee, and who:

1045 (a) Is at least seventeen (17) years of age;

1046 (b) Can read, write and speak English;

1047 (c) Has successfully completed no less than three
1048 hundred fifty (350) hours of practice and related theory in
1049 manicuring and pedicuring over a period of no less than nine (9)
1050 weeks in an accredited school of cosmetology in this or any other
1051 state; and

1052 (d) Has a high school education or its equivalent.

1053 (2) Licensed manicurists desiring to pursue additional hours
1054 to be eligible for a license as a cosmetologist may be credited
1055 with the three hundred fifty (350) hours acquired in studying and
1056 training to be a manicurist which may be applied to the number of
1057 hours required for a cosmetology license examination.



1058 (3) The board shall adopt regulations governing the use of
1059 electric nail files for the purpose of filing false or natural
1060 nails.

1061 (4) Each application or filing made under this section shall
1062 include the social security number(s) of the applicant in
1063 accordance with Section 93-11-64.

1064 **SECTION 38.** Section 73-7-23, Mississippi Code of 1972, is
1065 brought forward as follows:

1066 73-7-23. (1) The board may, upon application, issue a
1067 license by reciprocity to any cosmetologist, esthetician or
1068 manicurist over the age of seventeen (17) years from any other
1069 state who has satisfactorily completed the required number of
1070 accredited hours in that state, provided the state board from
1071 which the applicant comes issues to cosmetologists, estheticians
1072 or manicurists, as the case may be, from the State of Mississippi
1073 a license under the same conditions. Applications must be
1074 accompanied by (a) proof satisfactory to the board that the
1075 required hours have been completed, and (b) the required
1076 reciprocity fee, which shall be paid to the board.

1077 (2) An instructor from any other state may be qualified for
1078 a Mississippi instructor's license upon presenting a valid
1079 instructor's license and proof of a high school education or its
1080 equivalent, provided that the instructor (a) is not less than
1081 twenty-one (21) years of age, (b) has completed training
1082 equivalent to the State of Mississippi's training as provided in



1083 Section 73-7-15 or has three (3) years or more of experience as a
1084 licensed instructor prior to application, (c) can read, write and
1085 speak English, (d) has completed twelve (12) semester hours in
1086 college courses approved by the board, and (e) has completed a
1087 minimum of five (5) continuing education hours in Mississippi
1088 board laws, rules and regulations. Such application must be
1089 accompanied by two (2) recent passport photographs of the
1090 applicant. Applicants shall pay the required license fee.

1091 (3) An applicant for a Mississippi instructor's license by
1092 reciprocity who has not completed the college courses requirement
1093 at the time of application may apply for a one-time temporary
1094 teaching permit, which shall be valid for six (6) months and shall
1095 be nonrenewable. Such application must be accompanied by proof of
1096 enrollment in college course(s), required permit fee, two (2)
1097 recent passport photographs of the applicant and other
1098 documentation as required for application for a Mississippi
1099 instructor's license by reciprocity. Upon proof of completion of
1100 college courses and payment of the required license fee, a
1101 Mississippi instructor's license shall be issued.

1102 (4) The issuance of a license by reciprocity to a
1103 military-trained applicant or military spouse shall be subject to
1104 the provisions of Section 73-50-1.

1105 **SECTION 39.** Section 73-7-25, Mississippi Code of 1972, is
1106 brought forward as follows:



1107 73-7-25. Every demonstrator in the field of cosmetology
1108 shall, before making demonstrations in a salon or school, apply
1109 for and obtain a permit from the board. For such permit, which
1110 shall be for one (1) year, the required fee shall be paid to the
1111 board. This section shall be construed to apply to demonstrators
1112 in salons and schools.

1113 **SECTION 40.** Section 73-7-27, Mississippi Code of 1972, is
1114 brought forward as follows:

1115 73-7-27. (1) Any complaint may be filed with the board by a
1116 member or agent of the board or by any person charging any
1117 licensee of the board with the commission of any of the offenses
1118 enumerated in subsection (2) of this section. Such complaint
1119 shall be in writing, signed by the accuser or accusers, and
1120 verified under oath, and such complaints shall be investigated as
1121 set forth in Section 73-7-7. If, after the investigation, the
1122 board through its administrative review agents determines that
1123 there is not substantial justification to believe that the accused
1124 licensee has committed any of the offenses enumerated, it may
1125 dismiss the complaint or may prepare a formal complaint proceeding
1126 against the licensee as hereinafter provided. When used with
1127 reference to any complaint filed against a licensee herein, the
1128 term "not substantial justification" means a complaint that is
1129 frivolous, groundless in fact or law, or vexatious, as determined
1130 by unanimous vote of the board. In the event of a dismissal, the
1131 person filing the accusation and the accused licensee shall be



1132 given written notice of the board's determination. If the board
1133 determines there is reasonable cause to believe the accused has
1134 committed any of those offenses, the secretary of the board shall
1135 give written notice of such determination to the accused licensee
1136 and set a day for a hearing as provided in subsection (3) of this
1137 section.

1138 (2) The board shall have the power to revoke, suspend or
1139 refuse to issue or renew any license or certificate provided for
1140 in this chapter, and to fine, place on probation and/or otherwise
1141 discipline a student or licensee or holder of a certificate, upon
1142 proof that such person: (a) has not complied with or has violated
1143 any of the rules and regulations promulgated by the board; (b) has
1144 not complied with or has violated any of the sections of this
1145 chapter; (c) has committed fraud or dishonest conduct in the
1146 taking of the examination herein provided for; (d) has been
1147 convicted of a felony; (e) has committed grossly unprofessional or
1148 dishonest conduct; (f) is addicted to the excessive use of
1149 intoxicating liquors or to the use of drugs to such an extent as
1150 to render him or her unfit to practice in any of the practices or
1151 occupations set forth in this chapter; (g) has advertised by means
1152 of knowingly false or deceptive statements; or (h) has failed to
1153 display the license or certificate issued to him or her as
1154 provided for in this chapter; or (i) has been convicted of
1155 violating any of the provisions of this chapter. A conviction of
1156 violating any of the provisions of this chapter shall be grounds



1157 for automatic suspension of the license or certificate of such
1158 person.

1159 (3) The board shall not revoke, suspend or refuse to issue
1160 or renew any license or certificate, or fine, place on probation
1161 or otherwise discipline any person in a disciplinary matter except
1162 after a hearing of which the applicant or licensee or holder of
1163 the certificate affected shall be given at least twenty (20) days'
1164 notice in writing, specifying the reason or reasons for denying
1165 the applicant a license or certificate of registration, or in the
1166 case of any other disciplinary action, the offense or offenses of
1167 which the licensee or holder of a certificate of registration is
1168 charged. Such notice may be served by mailing a copy thereof by
1169 United States first-class certified mail, postage prepaid, to the
1170 last-known residence or business address of such applicant,
1171 licensee or holder of a certificate. The hearing on such charges
1172 shall be at such time and place as the board may prescribe.

1173 (4) At such hearings, all witnesses shall be sworn by a
1174 member of the board, and stenographic notes of the proceedings
1175 shall be taken. Any party to the proceedings desiring it shall be
1176 furnished with a copy of such stenographic notes upon payment to
1177 the board of such fees as it shall prescribe, not exceeding,
1178 however, the actual costs of transcription.

1179 (5) The board is hereby authorized and empowered to issue
1180 subpoenas for the attendance of witnesses and the production of
1181 books and papers. The process issued by the board shall extend to



1182 all parts of the state and such process shall be served by any
1183 person designated by the board for such service. The person
1184 serving such process shall receive such compensation as may be
1185 allowed by the board, not to exceed the fee prescribed by law for
1186 similar services. All witnesses who shall be subpoenaed, and who
1187 shall appear in any proceedings before the board, shall receive
1188 the same fees and mileage as allowed by law.

1189 (6) Where in any proceeding before the board any witness
1190 shall fail or refuse to attend upon subpoena issued by the board,
1191 shall refuse to testify, or shall refuse to produce any books and
1192 papers, the production of which is called for by the subpoena, the
1193 attendance of such witness and the giving of his testimony and the
1194 production of the books and papers shall be enforced by any court
1195 of competent jurisdiction of this state, in the same manner as are
1196 enforced for the attendance and testimony of witnesses in civil
1197 cases in the courts of this state.

1198 (7) The board shall conduct the hearing in an orderly and
1199 continuous manner, granting continuances only when the ends of
1200 justice may be served. The board shall, within sixty (60) days
1201 after conclusion of the hearing, reduce its decision to writing
1202 and forward an attested true copy thereof to the last-known
1203 residence or business address of such applicant, licensee or
1204 holder of a certificate, by way of United States first-class
1205 certified mail, postage prepaid. Such applicant, licensee, holder
1206 of a certificate, or person aggrieved shall have the right of



1207 appeal from an adverse ruling, or order, or decision of the board
1208 to the Chancery Court of the First Judicial District of Hinds
1209 County, Mississippi, upon forwarding notice of appeal to the board
1210 within thirty (30) days after the decision of the board is mailed
1211 in the manner here contemplated. An appeal will not be allowed in
1212 the event notice of appeal, together with the appeal bond
1213 hereinafter required, shall not have been forwarded to the board
1214 within the thirty-day period. Appeal shall be to the Chancery
1215 Court of the First Judicial District of Hinds County, Mississippi.
1216 The appeal shall thereupon be heard in due course by the court
1217 which shall review the record and make its determination thereon.

1218 (8) The appellant shall, together with the notice of appeal,
1219 forward to and post with the board a satisfactory bond in the
1220 amount of Five Hundred Dollars (\$500.00) for the payment of any
1221 costs which may be adjudged against him.

1222 (9) In the event of an appeal, the court shall dispose of
1223 the appeal and enter its decision promptly. The hearing on the
1224 appeal may, in the discretion of the chancellor, be tried in
1225 vacation. If there is an appeal, such appeal may, in the
1226 discretion of and on motion to the chancery court, act as a
1227 supersedeas. However, any fine imposed by the board under the
1228 provisions of this chapter shall not take effect until after the
1229 time for appeal has expired, and an appeal of the imposition of
1230 such a fine shall act as a supersedeas.



1231 (10) Any fine imposed by the board upon a licensee or holder
1232 of a certificate shall be in accordance with the following
1233 schedule:

1234 (a) For the first violation, a fine of not less than
1235 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
1236 for each violation.

1237 (b) For the second and each subsequent violation, a
1238 fine of not less than One Hundred Dollars (\$100.00) nor more than
1239 Four Hundred Dollars (\$400.00) for each violation.

1240 The power and authority of the board to impose such fines
1241 under this section shall not be affected or diminished by any
1242 other proceeding, civil or criminal, concerning the same violation
1243 or violations.

1244 (11) In addition to the reasons specified in subsection (2)
1245 of this section, the board shall be authorized to suspend the
1246 license of any licensee for being out of compliance with an order
1247 for support, as defined in Section 93-11-153. The procedure for
1248 suspension of a license for being out of compliance with an order
1249 for support, and the procedure for the reissuance or reinstatement
1250 of a license suspended for that purpose, and the payment of any
1251 fees for the reissuance or reinstatement of a license suspended
1252 for that purpose, shall be governed by Section 93-11-157 or
1253 93-11-163, as the case may be. Actions taken by the board in
1254 suspending a license when required by Section 93-11-157 or
1255 93-11-163 are not actions from which an appeal may be taken under



1256 this section. Any appeal of a license suspension that is required
1257 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1258 with the appeal procedure specified in Section 93-11-157 or
1259 93-11-163, as the case may be, rather than the procedure specified
1260 in this section. If there is any conflict between any provision
1261 of Section 93-11-157 or 93-11-163 and any provision of this
1262 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1263 case may be, shall control.

1264 **SECTION 41.** Section 73-7-29, Mississippi Code of 1972, is
1265 amended as follows:

1266 73-7-29. The * * *~~State board~~ * * *~~of Cosmetology~~ shall
1267 assess fees in the following amounts and for the following
1268 purposes:

- 1269 (a) Initial license/renewal for cosmetologist,
1270 manicurist, esthetician, or wig specialist.....\$ 50.00
1271 (b) Instructor initial license/renewal..... 80.00
1272 (c) Master cosmetologist license/renewal..... 70.00
1273 (d) Delinquent renewal penalty - cosmetologist,
1274 manicurist, esthetician, wig specialist and instructor..... 50.00
1275 There shall be no renewal fee for any licensee seventy (70)
1276 years of age or older.
1277 (e) Salon application and initial inspection.... 85.00
1278 (f) Salon reinspection..... 35.00
1279 (g) Salon change of ownership or location,
1280 or both..... 85.00



| | | | |
|------|-----|---|--------|
| 1281 | (h) | Salon renewal..... | 60.00 |
| 1282 | (i) | Salon delinquent renewal penalty..... | 50.00 |
| 1283 | (j) | Application and initial inspection for a | |
| 1284 | | new school..... | 300.00 |
| 1285 | (k) | New school reinspection..... | 100.00 |
| 1286 | (l) | School change of ownership..... | 300.00 |
| 1287 | (m) | School relocation..... | 150.00 |
| 1288 | (n) | School renewal..... | 75.00 |
| 1289 | (o) | School delinquent renewal penalty..... | 100.00 |
| 1290 | (p) | Duplicate license..... | 10.00 |
| 1291 | (q) | Penalty for insufficient fund checks..... | 20.00 |
| 1292 | (r) | Affidavit processing..... | 15.00 |

1293 The * * *State board * * *of ~~Cosmetology~~ may charge
1294 additional fees for services which the board deems appropriate to
1295 carry out its intent and purpose. These additional fees shall not
1296 exceed the cost of rendering the service.

1297 The board is fully authorized to make refunds of any deposits
1298 received by the board for services which are not rendered.
1299 Refunds will automatically be made on overpayment of fees.
1300 Refunds will be made on underpayments by written requests from
1301 applicants. If no request for refund is made within sixty (60)
1302 days, the fees will be forfeited.

1303 **SECTION 42.** Section 73-7-31, Mississippi Code of 1972, is
1304 amended as follows:

1305 73-7-31. Nothing in this chapter shall apply to:



1306 (a) Hairdressing, manicuring or facial treatments given
1307 in the home to members of family or friends for which no charge is
1308 made.

1309 (b) Persons whose practice is limited to the
1310 application of cosmetic products to another person in connection
1311 with the sale, or attempted sale, of such products at retail,
1312 without compensation from such other person other than the regular
1313 retail price of such merchandise.

1314 (c) Barbers * * *, ~~and nothing in this chapter shall~~
1315 ~~affect the jurisdiction of the State Board of Barber Examiners.~~

1316 (d) Persons engaged in the practice of hair braiding as
1317 defined in Section 73-7-71 who have completed the self-test part
1318 of the brochure on infection control techniques prepared by the
1319 State Department of Health and who keep the brochure and completed
1320 self-test available at the location at which the person is engaged
1321 in hair braiding.

1322 **SECTION 43.** Section 73-7-33, Mississippi Code of 1972, is
1323 brought forward as follows:

1324 73-7-33. In addition to the rules and regulations that may
1325 be prescribed and promulgated by the board under authority of this
1326 chapter, the following rules and regulations shall be observed:

1327 Every establishment must be kept sanitary, including all
1328 utensils and equipment, must be well ventilated and properly
1329 lighted. Each salon must be provided with hot and cold running



1330 water. Electrical appliances must be properly installed and
1331 grounded.

1332 Cosmetologists shall be allowed to wear any type of clothing
1333 or apparel while at work as long as such clothing or apparel is
1334 sanitary.

1335 Cosmetologists shall be allowed to use any type of hair
1336 roller as long as they do so in a sanitary manner.

1337 Persons with a communicable disease or parasitic infection
1338 that is medically recognized to be a direct threat of transmission
1339 by the type of contact that practitioners have with clients are
1340 not to be permitted to practice in an establishment until their
1341 condition is no longer communicable under those circumstances. No
1342 work shall be performed on any patron having a visible disease
1343 unless the patron shall produce a certificate from a practicing
1344 physician stating that the patron is free from infectious,
1345 contagious or communicable disease. A cosmetologist's license
1346 does not authorize such person to treat or prescribe for an
1347 infectious, contagious or any other disease.

1348 A home salon must have a solid wall to the ceiling with an
1349 outside entrance, or if a door exists between the salon and the
1350 remainder of the house, the door must be kept closed at all times
1351 while service is being rendered.

1352 **SECTION 44.** Section 73-7-35, Mississippi Code of 1972, is
1353 brought forward as follows:



1354 73-7-35. (1) No person licensed pursuant to this chapter
1355 shall practice his or her profession except within the physical
1356 confines of a salon possessing and displaying a properly executed
1357 license issued pursuant to Section 73-7-17. However, this
1358 requirement shall not prevent a person from rendering his or her
1359 services to any person who may be confined to his or her home, a
1360 hospital, or other place as a result of illness, and
1361 cosmetologists shall be permitted to render their services to
1362 deceased persons away from their salons.

1363 (2) No salon owner licensed pursuant to this chapter shall
1364 allow a cosmetologist, esthetician, or manicurist to practice
1365 his/her profession in the salon without possessing a valid license
1366 issued pursuant to this chapter.

1367 **SECTION 45.** Section 73-7-37, Mississippi Code of 1972, is
1368 brought forward as follows:

1369 73-7-37. (1) The violation of any of the provisions of this
1370 chapter, including the use of fraudulent statements to obtain any
1371 benefits or privileges under this chapter or practicing one (1) of
1372 these professions without a license, shall constitute a
1373 misdemeanor, punishable in any court of competent jurisdiction at
1374 the seat of government, and any person or firm convicted of the
1375 violation of any of the provisions of this chapter shall be fined
1376 not less than One Hundred Dollars (\$100.00) nor more than Five
1377 Hundred Dollars (\$500.00). The court shall not be authorized to



1378 suspend or suspend the execution of the fine required under this
1379 section.

1380 (2) If any person, firm or corporation violates any of the
1381 provisions of this chapter, the secretary of the board, upon
1382 direction of a majority of the board and in the name of the board,
1383 acting through the Attorney General or an attorney employed by the
1384 board, shall apply in the Chancery Court of the First Judicial
1385 District of Hinds County, Mississippi, for an order enjoining such
1386 violation or for an order enforcing compliance with the provisions
1387 of this chapter. Upon the filing of a verified petition in the
1388 chancery court and after notice as provided under the Mississippi
1389 Rules of Civil Procedure, such court, if satisfied by the sworn
1390 petition, by affidavit or otherwise, that such person has violated
1391 any of the provisions of this chapter, may issue an injunction
1392 without notice or bond, enjoining such continued violation and
1393 such injunction shall remain in force and effect until a final
1394 hearing. If at such hearing it is established that such person
1395 has violated or is violating any of the provisions of this
1396 chapter, the court may enter a decree permanently enjoining such
1397 violation or enforcing compliance with this chapter. In addition,
1398 the court may enter a judgment against such person for attorney's
1399 fees, court costs and the actual costs incurred by the board in
1400 investigating the actions of such person for which the board
1401 brought the suit for an injunction. In case of violation of any
1402 decree issued in compliance with this subsection, the court may



1403 punish the offender for contempt of court and the court shall
1404 proceed as in other cases.

1405 (3) The proceedings in this section shall be in addition to
1406 and not in lieu of the other remedies and penalties provided in
1407 this chapter.

1408 **SECTION 46.** Sections 73-7-1, 73-7-3, 73-7-5 and 73-7-63,
1409 Mississippi Code of 1972, which create the State Board of
1410 Cosmetology, provide for employees of the board and compensation
1411 of board members, provide for a special fund for the operation of
1412 the board, and provide for the repeal of the statutes that create
1413 the board and prescribe its powers and duties, are repealed.

1414 **SECTION 47.** This act shall take effect and be in force from
1415 and after July 1, 2014.

