

By: Senator(s) Kirby

To: Public Health and
Welfare

SENATE BILL NO. 2151

1 AN ACT TO AMEND SECTION 73-7-1, MISSISSIPPI CODE OF 1972, TO
 2 DELETE CERTAIN RESTRICTIONS ON MEMBERSHIP APPOINTMENT TO THE STATE
 3 BOARD OF COSMETOLOGY; TO AMEND SECTION 73-7-2, MISSISSIPPI CODE OF
 4 1972, TO REQUIRE PROOF THAT EDUCATION LEVELS OF COSMETOLOGY
 5 PROGRAMS BEING TAUGHT ARE SECONDARY OR POST-SECONDARY; TO AMEND
 6 73-7-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THE REQUIREMENT OF
 7 PHOTO HEAD SHOT LICENSES ISSUED BY THE STATE BOARD OF COSMETOLOGY;
 8 TO AMEND 73-7-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER
 9 OF CREDIT HOURS REQUIRED FOR BARBERS TO RECEIVE THEIR COSMETOLOGY
 10 LICENSE; TO AMEND SECTION 73-7-16, MISSISSIPPI CODE OF 1972, TO
 11 PRESCRIBE MINIMUM QUALIFICATIONS FOR ENROLLMENT IN SCHOOLS OF
 12 COSMETOLOGY; AND FOR RELATED PURPOSES.

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

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

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



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

33 To be eligible for appointment as a member of the State Board
34 of Cosmetology, the person applying shall have been a citizen of
35 this state for a minimum of five (5) years immediately prior to
36 appointment. Such person shall be at least thirty (30) years of
37 age, possess a high-school education or its equivalent, and shall
38 have been a licensed cosmetologist with not less than ten (10)
39 years' active practice in cosmetology. * * *

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



47 writing when any such member has failed to attend two (2)
48 consecutive regular meetings.

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

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

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

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

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

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

68 (i) Cutting, clipping or trimming hair and hair
69 pieces.



70 (ii) Styling, arranging, dressing, curling,
71 waving, permanent waving, straightening, cleansing, bleaching,
72 tinting, coloring or similarly treating hair and hair pieces.

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

77 (iv) Arching eyebrows, to include tweezing,
78 waxing, threading or any other methods of epilation, or tinting
79 eyebrows and eyelashes.

80 (v) Removing superfluous hair by the use of
81 depilation.

82 (vi) Manicuring and pedicuring.

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

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

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

89 (ii) Arching eyebrows to include trimming,
90 tweezing, waxing, threading or any other method of epilation or
91 tinting eyebrows and eyelashes.

92 (iii) Tinting eyelashes or eyebrows.

93 (iv) Waxing, stimulating, cleaning or beautifying
94 the face, neck, arms or legs of a person by any method with the



95 aid of the hands or any mechanical or electrical apparatus, or by
96 the use of a cosmetic preparation.

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

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

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

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

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

110 (ii) Applying artificial nails.

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

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

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



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

122 (k) "School" means an establishment, public or private,
123 secondary or post-secondary, operated for the purpose of teaching
124 cosmetology, or manicuring and pedicuring, or esthetics, or
125 wigology, or all of those.

126 **SECTION 3.** Section 73-7-11, Mississippi Code of 1972, is
127 amended as follows:

128 73-7-11. Each owner of a license issued by the board under
129 the provisions of this chapter shall display the license in a
130 conspicuous place in his or her principal office, place of
131 business or employment, at all times.

132 Each license shall contain a head photograph of the license
133 holder, the person's name, and the type of license held by the
134 person. The requirement of a head photograph shall apply only to
135 the practitioner license, but shall not apply to the cosmetology
136 school license and salon license. The requirements of this
137 section shall apply at the time of issuance of a new license or at
138 the time of renewal of an existing license.

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

141 73-7-13. (1) The board shall admit to examination for a
142 cosmetology license any person who has made application to the
143 board in proper form, has paid the required fee, and who (a) is at



144 least seventeen (17) years of age, (b) can read, write and speak
145 English, (c) has successfully completed no less than fifteen
146 hundred (1500) hours over a period of no less than nine (9) months
147 in an accredited school of cosmetology, and (d) has a high_ school
148 education or its equivalent.

149 (a) The board may, in its discretion, issue to any
150 student who has completed the prescribed hours in a licensed
151 school and paid the required fee a temporary permit until such
152 time as the next examination may be held, but such student shall
153 be issued only one (1) temporary permit. Application for an
154 examination and license shall be accompanied by two (2) passport
155 photographs of the applicant. No temporary permit will be issued
156 an applicant from any other state to operate a beauty salon or
157 school of cosmetology in this state unless in case of emergency.

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

163 (c) Any barber who can read, write and speak English
164 and has successfully completed no less than fifteen hundred (1500)
165 hours in an accredited barber school, and who holds a current
166 valid certificate of registration to practice barbering and who
167 holds a current valid license, is eligible to take the cosmetology
168 examination to secure a cosmetology license upon successfully



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

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

176 (3) Any licensed cosmetologist, esthetician, or manicurist
177 who is registered but not actively practicing in the State of
178 Mississippi at the time of making application for renewal, may
179 apply for registration on the "inactive" list. Such "inactive"
180 list shall be maintained by the board and shall set out the names
181 and post-office addresses of all persons registered but not
182 actively practicing in this state, arranged alphabetically by name
183 and also by the municipalities and states of their last-known
184 professional or residential address. Only the cosmetologists,
185 estheticians and manicurists registered on the appropriate list as
186 actively practicing in the State of Mississippi shall be
187 authorized to practice those professions. For the purpose of this
188 section, any licensed cosmetologist, esthetician or manicurist who
189 has actively practiced his or her profession for at least three
190 (3) months of the immediately preceding license renewal period
191 shall be considered in active practice. No cosmetologist,
192 esthetician, or manicurist shall be registered on the "inactive"
193 list until the person has furnished a statement of intent to take



194 such action to the board. Any licensed cosmetologist,
195 esthetician, manicurist or wigologist registered on the "inactive"
196 list shall not be eligible for registration on the active list
197 until either of the following conditions have been satisfied:

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

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

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

210 **SECTION 5.** Section 73-7-16, Mississippi Code of 1972, is
211 amended as follows:

212 73-7-16. (1) All schools of cosmetology or school owners
213 shall have a school license and shall pay to the board the
214 required license fee biennially therefor. A grace period of sixty
215 (60) days will be given in which to renew the license, and upon
216 the expiration of the grace period of sixty (60) days, any
217 applicant for the renewal of a school license will be required to
218 pay a delinquent fee in addition to the renewal fee. The board is



219 hereby authorized and empowered to promulgate necessary and
220 reasonable rules and regulations for the issuance and renewal of
221 school licenses. However, the board shall not refuse to issue or
222 renew a school's license because of the number of schools already
223 in that area of the state, and any rule promulgated by the board
224 for that purpose shall be null and void.

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

228 (3) The board shall require all schools of cosmetology to
229 only admit students who met minimum competencies on an acceptable
230 aptitude test, or the student has a high-school diploma or its
231 equivalent, or unless enrolled in a high-school cosmetology
232 program.

233 **SECTION 6.** This act shall take effect and be in force from
234 and after July 1, 2014.

