

By: Representatives White, Karriem

To: Public Health and Human Services

HOUSE BILL NO. 464

1 AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37,  
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF  
3 COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND SECTION  
4 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE  
5 REPEALER ON THOSE SECTIONS; AND FOR RELATED PURPOSES.

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

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

9 73-7-1. There is hereby continued and reconstituted a State  
10 Board of Cosmetology, composed of five (5) members to be appointed  
11 by the Governor, with the advice and consent of the Senate, and  
12 whose term of office shall be four (4) years from the date of  
13 appointment except as otherwise provided herein. However, no more  
14 than two (2) members shall be appointed from each Supreme Court  
15 district.

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



20 appointed by the Governor and confirmed by the Senate for a term  
21 to begin on or after July 1, 1997, who was designated by the  
22 Governor to serve as president of the board, shall be fully  
23 qualified to serve on the board for a full term of office, but  
24 shall not serve as president of the board unless elected by the  
25 membership of the board as provided under this paragraph.

26 To be eligible for appointment as a member of the State Board  
27 of Cosmetology, the person applying shall have been a citizen of  
28 this state for a minimum of five (5) years immediately prior to  
29 appointment. Such person shall be at least thirty (30) years of  
30 age, possess a high school education or its equivalent, and shall  
31 have been a licensed cosmetologist with not less than ten (10)  
32 years' active practice in cosmetology. No member of the board  
33 shall be connected in any way with any school wherein cosmetology  
34 is taught, nor shall any two (2) members of the board be graduates  
35 of the same school of cosmetology.

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



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

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

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

56           73-7-2. As used in this chapter, the following terms shall  
57 have the meanings ascribed herein unless the context otherwise  
58 requires:

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

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

64                           (i) Cutting, clipping or trimming hair and hair  
65 pieces.

66                           (ii) Styling, arranging, dressing, curling,  
67 waving, permanent waving, straightening, cleansing, bleaching,  
68 tinting, coloring or similarly treating hair and hair pieces.



69 (iii) Cleansing, stimulating, manipulating,  
70 beautifying or applying oils, antiseptics, clays, lotions or other  
71 preparations, either by hand or by mechanical or electrical  
72 apparatus.

73 (iv) Arching eyebrows, to include tweezing,  
74 waxing, threading or any other methods of epilation, or tinting  
75 eyebrows and eyelashes.

76 (v) Removing superfluous hair by the use of  
77 depilation.

78 (vi) Manicuring and pedicuring.

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

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

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

85 (ii) Arching eyebrows to include trimming,  
86 tweezing, waxing, threading or any other method of epilation or  
87 tinting eyebrows and eyelashes.

88 (iii) Tinting eyelashes or eyebrows.

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



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

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

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

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

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

106           (ii) Applying artificial nails.

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

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

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

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



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

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

123 73-7-3. The board shall be authorized to employ such  
124 clerical and stenographic assistance, bookkeepers, investigators  
125 and other agents as they may deem necessary to carry out the  
126 provisions of this chapter, and to fix their tenure of employment  
127 and compensation therefor. The members of the board shall file a  
128 bond with the Secretary of State in the sum of not less than Five  
129 Thousand Dollars (\$5,000.00) payable to the State of Mississippi  
130 for the faithful performance of their duties. The bond shall be  
131 made by a surety company authorized to do business in this state,  
132 the premium of the bond to be paid out of any money in the board's  
133 special fund in the State Treasury.

134 The office of the board shall be located in the greater  
135 metropolitan area of the City of Jackson, Mississippi, and in the  
136 event office space cannot be obtained in any state-owned building,  
137 the board is authorized to rent suitable office space and to pay  
138 therefor out of funds in the board's special fund. The board  
139 shall employ inspectors as needed, not to exceed seven (7), who  
140 shall be full-time employees and whose salaries and duties shall  
141 be fixed by the board.



142           The salaries of all paid employees of the board shall be paid  
143 out of the funds in the board's special fund. The inspectors  
144 shall, in addition to their salaries, be reimbursed for such  
145 expenses as are allowed other state employees under the provisions  
146 of Section 25-3-41. In addition to the paying of office rent, the  
147 board is authorized to purchase necessary office furniture and  
148 equipment, stationery, books, certificates and any other equipment  
149 necessary for the proper administration of this chapter.

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

152           73-7-5. (1) All fees and any other monies received by the  
153 board shall be deposited in a special fund that is created in the  
154 State Treasury and shall be used for the implementation and  
155 administration of this chapter when appropriated by the  
156 Legislature for such purpose. The monies in the special fund  
157 shall be subject to all provisions of the state budget laws that  
158 are applicable to special fund agencies, and shall be disbursed by  
159 the State Treasurer only upon warrants issued by the State Fiscal  
160 Officer upon requisitions signed by the president of the board or  
161 another board member designated by the president, and  
162 countersigned by the secretary of the board. Any interest earned  
163 on this special fund shall be credited by the State Treasurer to  
164 the fund and shall not be paid into the State General Fund. Any  
165 unexpended monies remaining in the special fund at the end of a  
166 fiscal year shall not lapse into the State General Fund.



167           (2) The State Auditor shall audit the financial affairs of  
168 the board and the transactions involving the special fund at least  
169 once a year in the same manner as for other special fund agencies.  
170 In addition, the Governor, in his discretion, shall have the power  
171 from time to time to require an audit of the financial affairs of  
172 the board, the same to be made by the State Auditor upon request  
173 of the Governor. The Governor shall have the power to suspend any  
174 member of the board who shall be found in default in any account  
175 until such time as it shall be determined whether such default was  
176 a result of an act of dishonesty on the part of the member, and in  
177 the event it is found that such default is an act of dishonesty,  
178 misfeasance or nonfeasance on the part of the member, such member  
179 shall be immediately removed by the Governor from office.

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

182           73-7-7. (1) The board shall have authority to make  
183 reasonable rules and regulations for the administration of the  
184 provisions of this chapter. The board shall set up a curriculum  
185 for operation of schools of cosmetology and the other professions  
186 it is charged to regulate in this state. The board shall receive  
187 and consider for adoption recommendations for rules and  
188 regulations, school curriculum, and related matters from the  
189 Mississippi Cosmetology Council, whose membership shall consist  
190 of, in addition to the board members, five (5) elected delegates  
191 from the Mississippi Cosmetology Association, five (5) elected





192 delegates from the Mississippi Cosmetology School Association,  
193 five (5) elected delegates from the Mississippi Independent  
194 Beauticians Association, and five (5) elected delegates from the  
195 School Owners and Teachers Association. The board may revoke the  
196 license of any cosmetologist, esthetician, manicurist, instructor,  
197 school of cosmetology, or salon, or may refuse to issue a license  
198 to any cosmetologist, esthetician, manicurist, instructor, school  
199 of cosmetology, or salon that fails or refuses to comply with the  
200 provisions of this chapter and the rules and regulations of the  
201 board in carrying out the provisions of this chapter.

202 (2) The board shall have authority to prescribe reasonable  
203 rules and regulations governing sanitation of schools of  
204 cosmetology and beauty salons for the guidance of persons licensed  
205 under this chapter in the operation of schools of cosmetology, or  
206 a beauty salon, and in the practice of cosmetology, esthetics,  
207 manicuring and pedicuring, and wigology. However, any and all  
208 rules and regulations relating to sanitation shall, before  
209 adoption by the board, have the written approval of the State  
210 Board of Health. When the board has reason to believe that any of  
211 the provisions of this chapter or of the rules and regulations of  
212 the board have been violated, either upon receipt of a written  
213 complaint alleging such violations or upon the board's own  
214 initiative, the board, or any of its authorized agents, shall  
215 investigate same and shall have authority to enter upon the  
216 premises of a school of cosmetology or salon at any time during



217 the regular business hours of that school or salon to conduct the  
218 investigation. Such investigation may include, but not be limited  
219 to, conducting oral interviews with the complaining party, school  
220 or salon owner(s) and/or students of the school, and reviewing  
221 records of the school or salon pertinent to the complaint and  
222 related to an area subject to the authority of the board. Such  
223 investigation shall not include written interviews or surveys of  
224 school employees or students, and the privacy of patrons shall be  
225 respected by any person making such investigation.

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

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

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

237 73-7-9. No person required by this chapter to have a license  
238 shall conduct a beauty salon or school of cosmetology, or practice  
239 cosmetology, esthetics, manicuring and pedicuring, or practice as  
240 an instructor, unless such person has received a license or  
241 temporary permit therefor from the board. Students determined to



242 have violated any of these rules or regulations prior to being  
243 licensed by the board shall be subject to the same discipline by  
244 the board as licensees. They may be disciplined and fined  
245 accordingly.

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

248 73-7-11. Each owner of a license issued by the board under  
249 the provisions of this chapter shall display the license in a  
250 conspicuous place in his or her principal office, place of  
251 business or employment, at all times.

252 Each license shall contain a head photograph of the license  
253 holder, the person's name, and the type of license held by the  
254 person. The requirements of this section shall apply at the time  
255 of issuance of a new license or at the time of renewal of an  
256 existing license.

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

259 73-7-12. The State Board of Cosmetology shall contract with  
260 a recognized testing service to conduct examinations for  
261 cosmetologists, estheticians, manicurists and instructors at such  
262 times and locations as determined by the contracted testing  
263 service. No member of the board shall be authorized to personally  
264 administer the examinations.

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



267           73-7-13. (1) The board shall admit to examination for a  
268 cosmetology license any person who has made application to the  
269 board in proper form, has paid the required fee, and who (a) is at  
270 least seventeen (17) years of age, (b) can read, write and speak  
271 English, (c) has successfully completed no less than fifteen  
272 hundred (1500) hours over a period of no less than nine (9) months  
273 in an accredited school of cosmetology, and (d) has a high school  
274 education or its equivalent or has been successfully enrolled in a  
275 community college.

276           (a) The board may, in its discretion, issue to any  
277 student who has completed the prescribed hours in a licensed  
278 school and paid the required fee a temporary permit until such  
279 time as the next examination may be held, but such student shall  
280 be issued only one (1) temporary permit. Application for an  
281 examination and license shall be accompanied by two (2) passport  
282 photographs of the applicant. No temporary permit will be issued  
283 to an applicant from any other state to operate a beauty salon or  
284 school of cosmetology in this state unless in case of emergency.

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

290           (c) Any barber who can read, write and speak English  
291 and has successfully completed no less than fifteen hundred (1500)



292 hours in an accredited barber school, and who holds a current  
293 valid certificate of registration to practice barbering and who  
294 holds a current valid license, is eligible to take the cosmetology  
295 examination to secure a cosmetology license upon successfully  
296 completing five hundred (500) hours in an accredited school of  
297 cosmetology. All fees for application, examination, registration  
298 and renewal thereof shall be the same as provided for  
299 cosmetologists.

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

303 (3) Any licensed cosmetologist, esthetician, or manicurist  
304 who is registered but not actively practicing in the State of  
305 Mississippi at the time of making application for renewal, may  
306 apply for registration on the "inactive" list. Such "inactive"  
307 list shall be maintained by the board and shall set out the names  
308 and post office addresses of all persons registered but not  
309 actively practicing in this state, arranged alphabetically by name  
310 and also by the municipalities and states of their last-known  
311 professional or residential address. Only the cosmetologists,  
312 estheticians and manicurists registered on the appropriate list as  
313 actively practicing in the State of Mississippi shall be  
314 authorized to practice those professions. For the purpose of this  
315 section, any licensed cosmetologist, esthetician or manicurist  
316 who has actively practiced his or her profession for at least



317 three (3) months of the immediately preceding license renewal  
318 period shall be considered inactive practice. No cosmetologist,  
319 esthetician, or manicurist shall be registered on the "inactive"  
320 list until the person has furnished a statement of intent to take  
321 such action to the board. Any licensed cosmetologist,  
322 esthetician, manicurist or wigologist registered on the "inactive"  
323 list shall not be eligible for registration on the active list  
324 until either of the following conditions have been satisfied:

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

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

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

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

339 73-7-14. (1) Any person who holds a current, valid  
340 cosmetology, manicuring or esthetics license may be licensed as a  
341 master cosmetologist, manicurist or esthetician if he or she has



342 been a licensed cosmetologist, manicurist or esthetician in this  
343 state for a period of not less than twelve (12) months, and has  
344 completed a minimum course of sixteen (16) hours' study in  
345 continuing education approved by the board within the licensing  
346 period preceding initial application for the license, and has paid  
347 the original license fee. Master cosmetologist, manicurist or  
348 esthetician licenses shall be renewable upon completion of a  
349 minimum course of eight (8) hours' study in continuing education  
350 approved by the board within a licensing period and payment of the  
351 required renewal fee. This is an optional license and persons who  
352 do not wish to complete the continuing education requirement may  
353 obtain a cosmetology license when renewing their license.

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

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

359 73-7-15. (1) The board shall admit to examination for a  
360 cosmetology instructor's license any person who has made  
361 application to the board in proper form, has paid the required  
362 fee, and who:

- 363 (a) Is not less than twenty-one (21) years of age;
- 364 (b) Can read, write and speak English;
- 365 (c) Is a graduate of an accredited cosmetology school;
- 366 (d) Has a high school education or its equivalent;



367 (e) Has successfully completed seven hundred fifty  
368 (750) hours of instructor training in an accredited school of  
369 cosmetology;

370 (f) Has successfully completed twelve (12) semester  
371 hours in college courses approved by the board;

372 (g) Holds a current, valid Mississippi cosmetology  
373 license; and

374 (h) Has at least two (2) years' active practical  
375 experience as a cosmetologist or, as an alternative to such  
376 experience, has successfully completed two thousand (2,000) hours  
377 of instructor training in an accredited school of cosmetology.

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

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

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

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

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

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

389 (f) Holds a current, valid Mississippi esthetician's  
390 license; and





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

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

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

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

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

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

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

407 (f) Holds a current, valid Mississippi manicurist's  
408 license; and

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

414 (4) Applicants shall satisfactorily pass the examination  
415 prescribed by the board for licensing instructors prior to the



416 issuance of the licenses provided for in this section. However,  
417 the board may, in its discretion, issue a temporary instructor's  
418 permit until such time as the next examination may be held, but  
419 such applicant shall be issued only one (1) temporary permit. All  
420 applications for an instructor's examination shall be accompanied  
421 by two (2) recent head photographs of the applicant.

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

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

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



440           73-7-16. (1) All schools of cosmetology or school owners  
441 shall have a school license and shall pay to the board the  
442 required license fee biennially therefor. A grace period of sixty  
443 (60) days will be given in which to renew the license, and upon  
444 the expiration of the grace period of sixty (60) days, any  
445 applicant for the renewal of a school license will be required to  
446 pay a delinquent fee in addition to the renewal fee. The board is  
447 hereby authorized and empowered to promulgate necessary and  
448 reasonable rules and regulations for the issuance and renewal of  
449 school licenses. However, the board shall not refuse to issue or  
450 renew a school's license because of the number of schools already  
451 in that area of the state, and any rule promulgated by the board  
452 for that purpose shall be null and void.

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

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

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

462           73-7-17. (1) All salon owners shall have a salon license  
463 and shall pay to the board the required license fee therefor and  
464 pay the required renewal fee for renewal thereof. A grace period



465 of sixty (60) days will be given in which to renew the license,  
466 and upon the expiration of the grace period of sixty (60) days any  
467 applicant for the renewal of a salon license will be required to  
468 pay a delinquent fee in addition to the renewal fee. A salon  
469 license that has been expired for over one (1) year is  
470 nonrenewable and requires a new application. Prior to the initial  
471 issuance of such license, the board shall inspect the premises to  
472 determine if same qualifies with the law, upon payment by the  
473 applicant of the required inspection fee.

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

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

479 73-7-18. (1) The board shall admit to examination for an  
480 esthetician's license any person who has made application to the  
481 board in proper form, has paid the required fee, and who:

- 482 (a) Is not less than seventeen (17) years of age;
- 483 (b) Can read, write and speak English;
- 484 (c) Has a high school education or its equivalent; and
- 485 (d) Has successfully completed a course of training in  
486 esthetics of not less than six hundred (600) hours in an  
487 accredited school in which the practice of esthetics is taught,  
488 including not less than one hundred (100) hours of theory and five  
489 hundred (500) hours of skill practice.



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

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

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

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

506 73-7-19. (1) Except as provided in Section 33-1-39, all  
507 licenses shall be renewed biennially under the fee schedule in  
508 Section 73-7-29. Applications for renewal of licenses for  
509 cosmetologists, estheticians, manicurists and instructors must be  
510 accompanied by the required renewal fee. A grace period of sixty  
511 (60) days will be given in which to renew the license; and upon  
512 the expiration of the grace period of sixty (60) days, any  
513 applicant for the renewal of a license will be required to pay the  
514 required renewal fee and a delinquent fee in addition to the



515 renewal fee. The fees may be paid by either personal or certified  
516 check, cash or money order, under such safeguards, rules and  
517 regulations as the board may prescribe. Checks returned to the  
518 board because of insufficient funds shall result in nonrenewal of  
519 the license, which will require the penalty fee for insufficient  
520 fund checks plus all other amounts due for renewal of the license  
521 before the license may be renewed. After one (1) year has passed  
522 from the expiration date of the license, a delinquent fee must be  
523 paid for each year up to three (3) years, after which the required  
524 examination must be taken. All applications for examination  
525 required by this chapter shall expire ninety (90) days from the  
526 date thereof.

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

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

532 73-7-21. (1) The board shall admit to examination for a  
533 manicurist's license any person who has made application to the  
534 board in proper form, has paid the required fee, and who:

- 535 (a) Is at least seventeen (17) years of age;
- 536 (b) Can read, write and speak English;
- 537 (c) Has successfully completed no less than three  
538 hundred fifty (350) hours of practice and related theory in  
539 manicuring and pedicuring over a period of no less than nine (9)



540 weeks in an accredited school of cosmetology in this or any other  
541 state; and

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

543 (2) Licensed manicurists desiring to pursue additional hours  
544 to be eligible for a license as a cosmetologist may be credited  
545 with the three hundred fifty (350) hours acquired in studying and  
546 training to be a manicurist which may be applied to the number of  
547 hours required for a cosmetology license examination.

548 (3) The board shall adopt regulations governing the use of  
549 electric nail files for the purpose of filing false or natural  
550 nails.

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

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

556 73-7-23. (1) The board may, upon application, issue a  
557 license by reciprocity to any cosmetologist, esthetician or  
558 manicurist over the age of seventeen (17) years from any other  
559 state who has satisfactorily completed the required number of  
560 accredited hours in that state, provided the state board from  
561 which the applicant comes issues to cosmetologists, estheticians  
562 or manicurists, as the case may be, from the State of Mississippi  
563 a license under the same conditions. Applications must be  
564 accompanied by (a) proof satisfactory to the board that the



565 required hours have been completed, and (b) the required  
566 reciprocity fee, which shall be paid to the board.

567 (2) An instructor from any other state may be qualified for  
568 a Mississippi instructor's license upon presenting a valid  
569 instructor's license and proof of a high school education or its  
570 equivalent, provided that the instructor (a) is not less than  
571 twenty-one (21) years of age, (b) has completed training  
572 equivalent to the State of Mississippi's training as provided in  
573 Section 73-7-15 or has three (3) years or more of experience as a  
574 licensed instructor prior to application, (c) can read, write and  
575 speak English, (d) has completed twelve (12) semester hours in  
576 college courses approved by the board, and (e) has completed a  
577 minimum of five (5) continuing education hours in Mississippi  
578 board laws, rules and regulations. Such application must be  
579 accompanied by two (2) recent passport photographs of the  
580 applicant. Applicants shall pay the required license fee.

581 (3) An applicant for a Mississippi instructor's license by  
582 reciprocity who has not completed the college courses requirement  
583 at the time of application may apply for a onetime temporary  
584 teaching permit, which shall be valid for six (6) months and shall  
585 be nonrenewable. Such application must be accompanied by proof of  
586 enrollment in college course(s), required permit fee, two (2)  
587 recent passport photographs of the applicant and other  
588 documentation as required for application for a Mississippi  
589 instructor's license by reciprocity. Upon proof of completion of





590 college courses and payment of the required license fee, a  
591 Mississippi instructor's license shall be issued.

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

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

597 73-7-25. Every demonstrator in the field of cosmetology  
598 shall, before making demonstrations in a salon or school, apply  
599 for and obtain a permit from the board. For such permit, which  
600 shall be for one (1) year, the required fee shall be paid to the  
601 board. This section shall be construed to apply to demonstrators  
602 in salons and schools.

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

605 73-7-27. (1) Any complaint may be filed with the board by a  
606 member or agent of the board or by any person charging any  
607 licensee of the board with the commission of any of the offenses  
608 enumerated in subsection (2) of this section. Such complaint  
609 shall be in writing, signed by the accuser or accusers, and  
610 verified under oath, and such complaints shall be investigated as  
611 set forth in Section 73-7-7. If, after the investigation, the  
612 board through its administrative review agents determines that  
613 there is not substantial justification to believe that the accused  
614 licensee has committed any of the offenses enumerated, it may



615 dismiss the complaint or may prepare a formal complaint proceeding  
616 against the licensee as hereinafter provided. When used with  
617 reference to any complaint filed against a licensee herein, the  
618 term "not substantial justification" means a complaint that is  
619 frivolous, groundless in fact or law, or vexatious, as determined  
620 by unanimous vote of the board. In the event of a dismissal, the  
621 person filing the accusation and the accused licensee shall be  
622 given written notice of the board's determination. If the board  
623 determines there is reasonable cause to believe the accused has  
624 committed any of those offenses, the secretary of the board shall  
625 give written notice of such determination to the accused licensee  
626 and set a day for a hearing as provided in subsection (3) of this  
627 section.

628 (2) The board shall have the power to revoke, suspend or  
629 refuse to issue or renew any license or certificate provided for  
630 in this chapter, and to fine, place on probation and/or otherwise  
631 discipline a student or licensee or holder of a certificate, upon  
632 proof that such person: (a) has not complied with or has violated  
633 any of the rules and regulations promulgated by the board; (b) has  
634 not complied with or has violated any of the sections of this  
635 chapter; (c) has committed fraud or dishonest conduct in the  
636 taking of the examination herein provided for; (d) has been  
637 convicted of a felony; (e) has committed grossly unprofessional or  
638 dishonest conduct; (f) is addicted to the excessive use of  
639 intoxicating liquors or to the use of drugs to such an extent as



640 to render him or her unfit to practice in any of the practices or  
641 occupations set forth in this chapter; (g) has advertised by means  
642 of knowingly false or deceptive statements; or (h) has failed to  
643 display the license or certificate issued to him or her as  
644 provided for in this chapter; or (i) has been convicted of  
645 violating any of the provisions of this chapter. A conviction of  
646 violating any of the provisions of this chapter shall be grounds  
647 for automatic suspension of the license or certificate of such  
648 person.

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

663 (4) At such hearings, all witnesses shall be sworn by a  
664 member of the board, and stenographic notes of the proceedings



665 shall be taken. Any party to the proceedings desiring it shall be  
666 furnished with a copy of such stenographic notes upon payment to  
667 the board of such fees as it shall prescribe, not exceeding,  
668 however, the actual costs of transcription.

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

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

688 (7) The board shall conduct the hearing in an orderly and  
689 continuous manner, granting continuances only when the ends of



690 justice may be served. The board shall, within sixty (60) days  
691 after conclusion of the hearing, reduce its decision to writing  
692 and forward an attested true copy thereof to the last-known  
693 residence or business address of such applicant, licensee or  
694 holder of a certificate, by way of United States first-class  
695 certified mail, postage prepaid. Such applicant, licensee, holder  
696 of a certificate, or person aggrieved shall have the right of  
697 appeal from an adverse ruling, or order, or decision of the board  
698 to the Chancery Court of the First Judicial District of Hinds  
699 County, Mississippi, upon forwarding notice of appeal to the board  
700 within thirty (30) days after the decision of the board is mailed  
701 in the manner here contemplated. An appeal will not be allowed in  
702 the event notice of appeal, together with the appeal bond  
703 hereinafter required, shall not have been forwarded to the board  
704 within the thirty-day period. Appeal shall be to the Chancery  
705 Court of the First Judicial District of Hinds County, Mississippi.  
706 The appeal shall thereupon be heard in due course by the court  
707 which shall review the record and make its determination thereon.

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

712 (9) In the event of an appeal, the court shall dispose of  
713 the appeal and enter its decision promptly. The hearing on the  
714 appeal may, in the discretion of the chancellor, be tried in



715 vacation. If there is an appeal, such appeal may, in the  
716 discretion of and on motion to the chancery court, act as a  
717 supersedeas. However, any fine imposed by the board under the  
718 provisions of this chapter shall not take effect until after the  
719 time for appeal has expired, and an appeal of the imposition of  
720 such a fine shall act as a supersedeas.

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

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

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

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

734 (11) In addition to the reasons specified in subsection (2)  
735 of this section, the board shall be authorized to suspend the  
736 license of any licensee for being out of compliance with an order  
737 for support, as defined in Section 93-11-153. The procedure for  
738 suspension of a license for being out of compliance with an order  
739 for support, and the procedure for the reissuance or reinstatement



740 of a license suspended for that purpose, and the payment of any  
741 fees for the reissuance or reinstatement of a license suspended  
742 for that purpose, shall be governed by Section 93-11-157 or  
743 93-11-163, as the case may be. Actions taken by the board in  
744 suspending a license when required by Section 93-11-157 or  
745 93-11-163 are not actions from which an appeal may be taken under  
746 this section. Any appeal of a license suspension that is required  
747 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
748 with the appeal procedure specified in Section 93-11-157 or  
749 93-11-163, as the case may be, rather than the procedure specified  
750 in this section. If there is any conflict between any provision  
751 of Section 93-11-157 or 93-11-163 and any provision of this  
752 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
753 case may be, shall control.

754       **SECTION 20.** Section 73-7-29, Mississippi Code of 1972, is  
755 reenacted as follows:

756       73-7-29. The State Board of Cosmetology shall assess fees in  
757 the following amounts and for the following purposes:

- 758           (a) Initial license/renewal for cosmetologist,  
759 manicurist, esthetician, or wig specialist.....\$ 50.00  
760           (b) Instructor initial license/renewal..... 80.00  
761           (c) Master cosmetologist license/renewal..... 70.00  
762           (d) Delinquent renewal penalty - cosmetologist,  
763 manicurist, esthetician, wig specialist and instructor..... 50.00



764           There shall be no renewal fee for any licensee seventy (70)  
765 years of age or older.

766	(e) Salon application and initial inspection....	85.00
767	(f) Salon reinspection.....	35.00
768	(g) Salon change of ownership or location,	
769	or both.....	85.00
770	(h) Salon renewal.....	60.00
771	(i) Salon delinquent renewal penalty.....	50.00
772	(j) Application and initial inspection for a	
773	new school.....	300.00
774	(k) New school reinspection.....	100.00
775	(l) School change of ownership.....	300.00
776	(m) School relocation.....	150.00
777	(n) School renewal.....	75.00
778	(o) School delinquent renewal penalty.....	100.00
779	(p) Duplicate license.....	10.00
780	(q) Penalty for insufficient fund checks.....	20.00
781	(r) Affidavit processing.....	15.00

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

786           The board is fully authorized to make refunds of any deposits  
787 received by the board for services which are not rendered.  
788 Refunds will automatically be made on overpayment of fees.





789 Refunds will be made on underpayments by written requests from  
790 applicants. If no request for refund is made within sixty (60)  
791 days, the fees will be forfeited.

792 **SECTION 21.** Section 73-7-31, Mississippi Code of 1972, is  
793 reenacted as follows:

794 73-7-31. Nothing in this chapter shall apply to:

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

798 (b) Persons whose practice is limited to the  
799 application of cosmetic products to another person in connection  
800 with the sale, or attempted sale, of such products at retail,  
801 without compensation from such other person other than the regular  
802 retail price of such merchandise.

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

805 (d) Persons engaged in the practice of hair braiding as  
806 defined in Section 73-7-71 who have completed the self-test part  
807 of the brochure on infection control techniques prepared by the  
808 State Department of Health and who keep the brochure and completed  
809 self-test available at the location at which the person is engaged  
810 in hair braiding.

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



813           73-7-33. In addition to the rules and regulations that may  
814 be prescribed and promulgated by the board under authority of this  
815 chapter, the following rules and regulations shall be observed:

816           Every establishment must be kept sanitary, including all  
817 utensils and equipment, must be well ventilated and properly  
818 lighted. Each salon must be provided with hot and cold running  
819 water. Electrical appliances must be properly installed and  
820 grounded.

821           Cosmetologists shall be allowed to wear any type of clothing  
822 or apparel while at work as long as such clothing or apparel is  
823 sanitary.

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

826           Persons with a communicable disease or parasitic infection  
827 that is medically recognized to be a direct threat of transmission  
828 by the type of contact that practitioners have with clients are  
829 not to be permitted to practice in an establishment until their  
830 condition is no longer communicable under those circumstances. No  
831 work shall be performed on any patron having a visible disease  
832 unless the patron shall produce a certificate from a practicing  
833 physician stating that the patron is free from infectious,  
834 contagious or communicable disease. A cosmetologist's license  
835 does not authorize such person to treat or prescribe for an  
836 infectious, contagious or any other disease.



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

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

843 73-7-35. (1) No person licensed pursuant to this chapter  
844 shall practice his or her profession except within the physical  
845 confines of a salon possessing and displaying a properly executed  
846 license issued pursuant to Section 73-7-17. However, this  
847 requirement shall not prevent a person from rendering his or her  
848 services to any person who may be confined to his or her home, a  
849 hospital, or other place as a result of illness, and  
850 cosmetologists shall be permitted to render their services to  
851 deceased persons away from their salons.

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

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

858 73-7-37. (1) The violation of any of the provisions of this  
859 chapter, including the use of fraudulent statements to obtain any  
860 benefits or privileges under this chapter or practicing one (1) of  
861 these professions without a license, shall constitute a



862 misdemeanor, punishable in any court of competent jurisdiction at  
863 the seat of government, and any person or firm convicted of the  
864 violation of any of the provisions of this chapter shall be fined  
865 not less than One Hundred Dollars (\$100.00) nor more than Five  
866 Hundred Dollars (\$500.00). The court shall not be authorized to  
867 suspend or suspend the execution of the fine required under this  
868 section.

869 (2) If any person, firm or corporation violates any of the  
870 provisions of this chapter, the secretary of the board, upon  
871 direction of a majority of the board and in the name of the board,  
872 acting through the Attorney General or an attorney employed by the  
873 board, shall apply in the Chancery Court of the First Judicial  
874 District of Hinds County, Mississippi, for an order enjoining such  
875 violation or for an order enforcing compliance with the provisions  
876 of this chapter. Upon the filing of a verified petition in the  
877 chancery court and after notice as provided under the Mississippi  
878 Rules of Civil Procedure, such court, if satisfied by the sworn  
879 petition, by affidavit or otherwise, that such person has violated  
880 any of the provisions of this chapter, may issue an injunction  
881 without notice or bond, enjoining such continued violation and  
882 such injunction shall remain in force and effect until a final  
883 hearing. If at such hearing it is established that such person  
884 has violated or is violating any of the provisions of this  
885 chapter, the court may enter a decree permanently enjoining such  
886 violation or enforcing compliance with this chapter. In addition,



887 the court may enter a judgment against such person for attorney's  
888 fees, court costs and the actual costs incurred by the board in  
889 investigating the actions of such person for which the board  
890 brought the suit for an injunction. In case of violation of any  
891 decree issued in compliance with this subsection, the court may  
892 punish the offender for contempt of court and the court shall  
893 proceed as in other cases.

894 (3) The proceedings in this section shall be in addition to  
895 and not in lieu of the other remedies and penalties provided in  
896 this chapter.

897 **SECTION 25.** Section 73-7-63, Mississippi Code of 1972, is  
898 amended as follows:

899 73-7-63. Sections 73-7-1 through 73-7-37, which create the  
900 State Board of Cosmetology and prescribe its duties and powers,  
901 shall stand repealed as of July 1, \* \* \*~~2017~~ 2020.

902 **SECTION 26.** This act shall take effect and be in force from  
903 and after July 1, 2017.

