

By: Representative Turner

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1312
(As Sent to Governor)

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
4 REENACTED SECTION 73-7-2, MISSISSIPPI CODE OF 1972, TO AMEND THE
5 DEFINITIONS OF "COSMETOLOGY" AND "ESTHETICS" TO REMOVE PERSONS
6 WHOSE PRACTICE IS LIMITED TO ONLY PERFORMING MAKEUP ARTISTRY,
7 THREADING OR APPLYING OR REMOVING EYELASH EXTENSIONS FROM THE
8 COSMETOLOGY LICENSING LAW; TO AMEND REENACTED SECTION 73-7-12,
9 MISSISSIPPI CODE OF 1972, TO DELETE THE DUPLICATE REPEALER ON THE
10 STATUTE REQUIRING THE STATE BOARD OF COSMETOLOGY TO CONDUCT
11 STUDENT EXAMINATIONS INSTEAD OF CONTRACTING WITH A TESTING
12 SERVICE; TO AMEND REENACTED SECTION 73-7-31, MISSISSIPPI CODE OF
13 1972, TO EXEMPT FROM THE COSMETOLOGY LICENSURE LAW PERSONS WHOSE
14 PRACTICE IS LIMITED TO ONLY PERFORMING MAKEUP ARTISTRY, THREADING
15 OR APPLYING OR REMOVING EYELASH EXTENSIONS; TO AMEND SECTION
16 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE
17 REPEALER ON THOSE REENACTED SECTIONS; TO AMEND SECTION 73-5-41,
18 MISSISSIPPI CODE OF 1972, TO EXEMPT PERSONS WHOSE PRACTICE IS
19 LIMITED TO ONLY MAKEUP ARTISTRY, THREADING OR APPLYING OR REMOVING
20 EYELASH EXTENSIONS FROM LICENSING UNDER THE STATE BOARD OF BARBER
21 EXAMINERS; AND FOR RELATED PURPOSES.

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

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

25 73-7-1. There is hereby continued and reconstituted a State
26 Board of Cosmetology, composed of five (5) members to be appointed
27 by the Governor, with the advice and consent of the Senate, and



28 whose term of office shall be four (4) years from the date of
29 appointment except as otherwise provided herein. However, no more
30 than two (2) members shall be appointed from each Supreme Court
31 district.

32 There shall be a president of the board and such other
33 officers as deemed necessary by the board elected by and from its
34 membership, provided that the member elected as president shall
35 have at least one (1) year of experience on the board. Any member
36 appointed by the Governor and confirmed by the Senate for a term
37 to begin on or after July 1, 1997, who was designated by the
38 Governor to serve as president of the board, shall be fully
39 qualified to serve on the board for a full term of office, but
40 shall not serve as president of the board unless elected by the
41 membership of the board as provided under this paragraph.

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



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

61 The salaries of all paid employees of the board shall be paid
62 out of funds in the board's special fund in the State Treasury.
63 Each member of the board, excepting the inspectors provided for
64 herein, shall receive per diem as authorized by Section 25-3-69,
65 and shall be reimbursed for such other expenses at the same rate
66 and under the same conditions as other state employees as provided
67 for in Section 25-3-41.

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

70 **SECTION 2.** Section 73-7-2, Mississippi Code of 1972, is
71 reenacted and amended as follows:

72 73-7-2. As used in this chapter, the following terms shall
73 have the meanings ascribed herein unless the context otherwise
74 requires:

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



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

80 (i) Cutting, clipping or trimming hair and hair
81 pieces.

82 (ii) Styling, arranging, dressing, curling,
83 waving, permanent waving, straightening, cleansing, bleaching,
84 tinting, coloring or similarly treating hair and hair pieces.

85 (iii) Cleansing, stimulating, manipulating,
86 beautifying or applying oils, antiseptics, clays, lotions or other
87 preparations, either by hand or by mechanical or electrical
88 apparatus.

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

92 (v) Removing superfluous hair by the use of
93 depilation.

94 (vi) Manicuring and pedicuring.

95 For regulation purposes, the term "cosmetology" does not
96 include persons whose practice is limited to only performing
97 makeup artistry, threading or applying or removing eyelash
98 extensions; however, a person may perform a combination of not
99 more than three (3) such practices and still be exempt from this
100 chapter.



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

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

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

107 (ii) Arching eyebrows to include trimming,
108 tweezing, waxing, threading or any other method of epilation or
109 tinting eyebrows and eyelashes.

110 (iii) Tinting eyelashes or eyebrows.

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

115 The term "esthetics" shall not include the diagnosis,
116 treatment or therapy of any dermatological condition. For
117 regulation purposes, the term "esthetics" does not include persons
118 whose practice is limited to only performing makeup artistry,
119 threading or applying or removing eyelash extension; however, a
120 person may perform a combination of not more than three (3) such
121 practices and still be exempt from this chapter.

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



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

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

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

133 (ii) Applying artificial nails.

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

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

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

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

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

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



150 73-7-3. The board shall be authorized to employ such
151 clerical and stenographic assistance, bookkeepers, investigators
152 and other agents as they may deem necessary to carry out the
153 provisions of this chapter, and to fix their tenure of employment
154 and compensation therefor. The members of the board shall file a
155 bond with the Secretary of State in the sum of not less than Five
156 Thousand Dollars (\$5,000.00) payable to the State of Mississippi
157 for the faithful performance of their duties. The bond shall be
158 made by a surety company authorized to do business in this state,
159 the premium of the bond to be paid out of any money in the board's
160 special fund in the State Treasury.

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

169 The salaries of all paid employees of the board shall be paid
170 out of the funds in the board's special fund. The inspectors
171 shall, in addition to their salaries, be reimbursed for such
172 expenses as are allowed other state employees under the provisions
173 of Section 25-3-41. In addition to the paying of office rent, the
174 board is authorized to purchase necessary office furniture and



175 equipment, stationery, books, certificates and any other equipment
176 necessary for the proper administration of this chapter.

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

179 73-7-5. (1) All fees and any other monies received by the
180 board shall be deposited in a special fund that is created in the
181 State Treasury and shall be used for the implementation and
182 administration of this chapter when appropriated by the
183 Legislature for such purpose. The monies in the special fund
184 shall be subject to all provisions of the state budget laws that
185 are applicable to special fund agencies, and shall be disbursed by
186 the State Treasurer only upon warrants issued by the State Fiscal
187 Officer upon requisitions signed by the president of the board or
188 another board member designated by the president, and
189 countersigned by the secretary of the board. Any interest earned
190 on this special fund shall be credited by the State Treasurer to
191 the fund and shall not be paid into the State General Fund. Any
192 unexpended monies remaining in the special fund at the end of a
193 fiscal year shall not lapse into the State General Fund.

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



200 of the Governor. The Governor shall have the power to suspend any
201 member of the board who shall be found in default in any account
202 until such time as it shall be determined whether such default was
203 a result of an act of dishonesty on the part of the member, and in
204 the event it is found that such default is an act of dishonesty,
205 misfeasance or nonfeasance on the part of the member, such member
206 shall be immediately removed by the Governor from office.

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

209 73-7-7. (1) The board shall have authority to make
210 reasonable rules and regulations for the administration of the
211 provisions of this chapter. The board shall set up a curriculum
212 for operation of schools of cosmetology and the other professions
213 it is charged to regulate in this state. The board shall receive
214 and consider for adoption recommendations for rules and
215 regulations, school curriculum, and related matters from the
216 Mississippi Cosmetology Council, whose membership shall consist
217 of, in addition to the board members, five (5) elected delegates
218 from the Mississippi Cosmetology Association, five (5) elected
219 delegates from the Mississippi Cosmetology School Association,
220 five (5) elected delegates from the Mississippi Independent
221 Beauticians Association, and five (5) elected delegates from the
222 School Owners and Teachers Association. The board may revoke the
223 license of any cosmetologist, esthetician, manicurist, instructor,
224 school of cosmetology, or salon, or may refuse to issue a license



225 to any cosmetologist, esthetician, manicurist, instructor, school
226 of cosmetology, or salon that fails or refuses to comply with the
227 provisions of this chapter and the rules and regulations of the
228 board in carrying out the provisions of this chapter.

229 (2) The board shall have authority to prescribe reasonable
230 rules and regulations governing sanitation of schools of
231 cosmetology and beauty salons for the guidance of persons licensed
232 under this chapter in the operation of schools of cosmetology, or
233 a beauty salon, and in the practice of cosmetology, esthetics,
234 manicuring and pedicuring, and wigology. However, any and all
235 rules and regulations relating to sanitation shall, before
236 adoption by the board, have the written approval of the State
237 Board of Health. When the board has reason to believe that any of
238 the provisions of this chapter or of the rules and regulations of
239 the board have been violated, either upon receipt of a written
240 complaint alleging such violations or upon the board's own
241 initiative, the board, or any of its authorized agents, shall
242 investigate same and shall have authority to enter upon the
243 premises of a school of cosmetology or salon at any time during
244 the regular business hours of that school or salon to conduct the
245 investigation. Such investigation may include, but not be limited
246 to, conducting oral interviews with the complaining party, school
247 or salon owner(s) and/or students of the school, and reviewing
248 records of the school or salon pertinent to the complaint and
249 related to an area subject to the authority of the board. Such



250 investigation shall not include written interviews or surveys of
251 school employees or students, and the privacy of patrons shall be
252 respected by any person making such investigation.

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

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

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

264 73-7-9. No person required by this chapter to have a license
265 shall conduct a beauty salon or school of cosmetology, or practice
266 cosmetology, esthetics, manicuring and pedicuring, or practice as
267 an instructor, unless such person has received a license or
268 temporary permit therefor from the board. Students determined to
269 have violated any of these rules or regulations prior to being
270 licensed by the board shall be subject to the same discipline by
271 the board as licensees. They may be disciplined and fined
272 accordingly.

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



275 73-7-11. Each owner of a license issued by the board under
276 the provisions of this chapter shall display the license in a
277 conspicuous place in his or her principal office, place of
278 business or employment, at all times.

279 Each practitioner and instructor license shall contain a head
280 photograph of the license holder, the person's name, and the type
281 of license held by the person. The requirements of this section
282 shall apply at the time of issuance of a new license or at the
283 time of renewal of an existing license.

284 **SECTION 8.** Section 73-7-12, Mississippi Code of 1972, is
285 reenacted and amended as follows:

286 73-7-12. * * * ~~1~~) Effective January 1, 2020, the State Board
287 of Cosmetology shall terminate its student testing contract with
288 proper notice and shall conduct examinations for cosmetologists,
289 estheticians, manicurists and instructors at such times and
290 locations as determined by the board. The members of the board
291 shall not personally administer or monitor the examinations, but
292 the board shall contract for administrators of the examinations.
293 A member of the board shall not receive any per diem compensation
294 for any day that the member is present at the site where the
295 examinations are being administered.

296 * * * ~~(2) This section shall stand repealed on July 1, 2021.~~

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



299 73-7-13. (1) The board shall admit to examination for a
300 cosmetology license any person who has made application to the
301 board in proper form, has paid the required fee, and who (a) is at
302 least seventeen (17) years of age, (b) can read, write and speak
303 English, (c) has successfully completed no less than fifteen
304 hundred (1500) hours over a period of no less than nine (9) months
305 in a licensed school of cosmetology, and (d) has a high school
306 education or its equivalent or has been successfully enrolled in a
307 community college.

308 (a) The board may, in its discretion, issue to any
309 student who has completed the prescribed hours in a licensed
310 school and paid the required fee a temporary permit until such
311 time as the next examination may be held, but such student shall
312 be issued only one (1) temporary permit. Application for an
313 examination and license shall be accompanied by two (2) passport
314 photographs of the applicant. No temporary permit will be issued
315 to an applicant from any other state to operate a beauty salon or
316 school of cosmetology in this state unless in case of emergency.

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

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



324 hours in a licensed barber school, and who holds a current valid
325 certificate of registration to practice barbering and who holds a
326 current valid license, is eligible to take the cosmetology
327 examination to secure a cosmetology license upon successfully
328 completing five hundred (500) hours in a licensed school of
329 cosmetology. All fees for application, examination, registration
330 and renewal thereof shall be the same as provided for
331 cosmetologists.

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

335 (3) Any licensed cosmetologist, esthetician, or manicurist
336 who is registered but not actively practicing in the State of
337 Mississippi at the time of making application for renewal, may
338 apply for registration on the "inactive" list. Such "inactive"
339 list shall be maintained by the board and shall set out the names
340 and post office addresses of all persons registered but not
341 actively practicing in this state, arranged alphabetically by name
342 and also by the municipalities and states of their last-known
343 professional or residential address. Only the cosmetologists,
344 estheticians and manicurists registered on the appropriate list as
345 actively practicing in the State of Mississippi shall be
346 authorized to practice those professions. For the purpose of this
347 section, any licensed cosmetologist, esthetician or manicurist
348 who has actively practiced his or her profession for at least



349 three (3) months of the immediately preceding license renewal
350 period shall be considered inactive practice. No cosmetologist,
351 esthetician, or manicurist shall be registered on the "inactive"
352 list until the person has furnished a statement of intent to take
353 such action to the board. Any licensed cosmetologist,
354 esthetician, manicurist or wigologist registered on the "inactive"
355 list shall not be eligible for registration on the active list
356 until either of the following conditions have been satisfied:

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

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

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

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

371 73-7-14. (1) Any person who holds a current, valid
372 cosmetology, manicuring or esthetics license may be licensed as a
373 master cosmetologist, manicurist or esthetician if he or she has



374 been a licensed cosmetologist, manicurist or esthetician in this
375 state for a period of not less than twelve (12) months, and has
376 completed a minimum course of sixteen (16) hours' study in
377 continuing education approved by the board within the licensing
378 period preceding initial application for the license, and has paid
379 the original license fee. Master cosmetologist, manicurist or
380 esthetician licenses shall be renewable upon completion of a
381 minimum course of eight (8) hours' study in continuing education
382 approved by the board within a licensing period and payment of the
383 required renewal fee. This is an optional license and persons who
384 do not wish to complete the continuing education requirement may
385 obtain a cosmetology license when renewing their license.

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

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

391 73-7-15. (1) The board shall admit to examination for a
392 cosmetology instructor's license any person who has made
393 application to the board in proper form, has paid the required
394 fee, and who:

- 395 (a) Is not less than twenty-one (21) years of age;
- 396 (b) Can read, write and speak English;
- 397 (c) Is a graduate of a licensed cosmetology school;
- 398 (d) Has a high school education or its equivalent;



399 (e) Has successfully completed one thousand (1,000)
400 hours of instructor training in a licensed school of cosmetology;

401 (f) Has successfully completed six (6) semester hours
402 in college courses approved by the board;

403 (g) Holds a current, valid Mississippi cosmetology
404 license; and

405 (h) Has at least one (1) year active practical
406 experience as a cosmetologist or, as an alternative to such
407 experience, has successfully completed one thousand (1,000) hours
408 of instructor training in a licensed school of cosmetology.

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

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

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

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

415 (d) Has successfully completed one thousand (1,000)
416 hours of instructor training in a licensed school in which the
417 practice of esthetics is taught;

418 (e) Has successfully completed six (6) semester hours
419 in college courses approved by the board;

420 (f) Holds a current, valid Mississippi esthetician's
421 license; and

422 (g) Has had one (1) year of active practical experience
423 as an esthetician or, as an alternative to such experience, has



424 successfully completed one thousand (1,000) hours of instructor
425 training in a licensed school in which the practice of esthetics
426 is taught.

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

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

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

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

433 (d) Has successfully completed one thousand (1,000)
434 hours of instructor training in a licensed school in which the
435 practice of manicuring is taught;

436 (e) Has successfully completed six (6) semester hours
437 in college courses approved by the board;

438 (f) Holds a current, valid Mississippi manicurist's
439 license; and

440 (g) Has had one (1) year of active practical experience
441 as a manicurist or, as an alternative to such experience, has
442 successfully completed one thousand (1,000) hours of instructor
443 training in a licensed school in which the practice of manicuring
444 is taught.

445 (4) Applicants shall satisfactorily pass the examination
446 prescribed by the board for licensing instructors prior to the
447 issuance of the licenses provided for in this section. However,
448 the board may, in its discretion, issue a temporary instructor's



449 permit until such time as the next examination may be held, but
450 such applicant shall be issued only one (1) temporary permit. All
451 applications for an instructor's examination shall be accompanied
452 by two (2) recent head photographs of the applicant.

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

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

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

471 73-7-16. (1) All schools of cosmetology or school owners
472 shall have a school license and shall pay to the board the
473 required license fee biennially therefor. A grace period of sixty



474 (60) days will be given in which to renew the license, and upon
475 the expiration of the grace period of sixty (60) days, any
476 applicant for the renewal of a school license will be required to
477 pay a delinquent fee in addition to the renewal fee. The board is
478 hereby authorized and empowered to promulgate necessary and
479 reasonable rules and regulations for the issuance and renewal of
480 school licenses. However, the board shall not refuse to issue or
481 renew a school's license because of the number of schools already
482 in that area of the state, and any rule promulgated by the board
483 for that purpose shall be null and void.

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

487 (3) The board shall require all schools of cosmetology to
488 only admit students who have not less than a tenth-grade education
489 or a high school diploma or its equivalency.

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

492 73-7-17. (1) All salon owners shall have a salon license
493 and shall pay to the board the required license fee therefor and
494 pay the required renewal fee for renewal thereof. A grace period
495 of sixty (60) days will be given in which to renew the license,
496 and upon the expiration of the grace period of sixty (60) days any
497 applicant for the renewal of a salon license will be required to
498 pay a delinquent fee in addition to the renewal fee. A salon



499 license that has been expired for over one (1) year is
500 nonrenewable and requires a new application. Prior to the initial
501 issuance of such license, the board shall inspect the premises to
502 determine if same qualifies with the law, upon payment by the
503 applicant of the required inspection fee.

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

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

509 73-7-18. (1) The board shall admit to examination for an
510 esthetician's license any person who has made application to the
511 board in proper form, has paid the required fee, and who:

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

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

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

515 (d) Has successfully completed a course of training in

516 esthetics of not less than six hundred (600) hours in an
517 accredited school in which the practice of esthetics is taught,
518 including not less than one hundred (100) hours of theory and five
519 hundred (500) hours of skill practice.

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



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

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

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

536 73-7-19. (1) Except as provided in Section 33-1-39, all
537 licenses shall be renewed biennially under the fee schedule in
538 Section 73-7-29. Applications for renewal of licenses for
539 cosmetologists, estheticians, manicurists and instructors must be
540 accompanied by the required renewal fee. A grace period of sixty
541 (60) days will be given in which to renew the license; and upon
542 the expiration of the grace period of sixty (60) days, any
543 applicant for the renewal of a license will be required to pay the
544 required renewal fee and a delinquent fee in addition to the
545 renewal fee. The fees may be paid by either personal or certified
546 check, cash or money order, under such safeguards, rules and
547 regulations as the board may prescribe. Checks returned to the



548 board because of insufficient funds shall result in nonrenewal of
549 the license, which will require the penalty fee for insufficient
550 fund checks plus all other amounts due for renewal of the license
551 before the license may be renewed. After one (1) year has passed
552 from the expiration date of the license, a delinquent fee must be
553 paid for each year up to three (3) years, after which the required
554 examination must be taken. All applications for examination
555 required by this chapter shall expire ninety (90) days from the
556 date thereof.

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

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

562 73-7-21. (1) The board shall admit to examination for a
563 manicurist's license any person who has made application to the
564 board in proper form, has paid the required fee, and who:

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

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

567 (c) Has successfully completed no less than three
568 hundred fifty (350) hours of practice and related theory in
569 manicuring and pedicuring over a period of no less than nine (9)
570 weeks in an accredited school of cosmetology in this or any other
571 state; and

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



573 (2) Licensed manicurists desiring to pursue additional hours
574 to be eligible for a license as a cosmetologist may be credited
575 with the three hundred fifty (350) hours acquired in studying and
576 training to be a manicurist which may be applied to the number of
577 hours required for a cosmetology license examination.

578 (3) The board shall adopt regulations governing the use of
579 electric nail files for the purpose of filing false or natural
580 nails.

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

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

586 73-7-23. (1) The board may, upon application, issue a
587 license by reciprocity to any cosmetologist, esthetician or
588 manicurist over the age of seventeen (17) years from any other
589 state who has satisfactorily completed the required number of
590 accredited hours in that state, provided the state board from
591 which the applicant comes issues to cosmetologists, estheticians
592 or manicurists, as the case may be, from the State of Mississippi
593 a license under the same conditions. Applications must be
594 accompanied by (a) proof satisfactory to the board that the
595 required hours have been completed, and (b) the required
596 reciprocity fee, which shall be paid to the board.



597 (2) An instructor from any other state may be qualified for
598 a Mississippi instructor's license upon presenting a valid
599 instructor's license and proof of a high school education or its
600 equivalent, provided that the instructor (a) is not less than
601 twenty-one (21) years of age, (b) has completed training
602 equivalent to the State of Mississippi's training as provided in
603 Section 73-7-15 or has three (3) years or more of experience as a
604 licensed instructor prior to application, (c) can read, write and
605 speak English, (d) has completed twelve (12) semester hours in
606 college courses approved by the board, and (e) has completed a
607 minimum of five (5) continuing education hours in Mississippi
608 board laws, rules and regulations. Such application must be
609 accompanied by two (2) recent passport photographs of the
610 applicant. Applicants shall pay the required license fee.

611 (3) An applicant for a Mississippi instructor's license by
612 reciprocity who has not completed the college courses requirement
613 at the time of application may apply for a onetime temporary
614 teaching permit, which shall be valid for six (6) months and shall
615 be nonrenewable. Such application must be accompanied by proof of
616 enrollment in college course(s), required permit fee, two (2)
617 recent passport photographs of the applicant and other
618 documentation as required for application for a Mississippi
619 instructor's license by reciprocity. Upon proof of completion of
620 college courses and payment of the required license fee, a
621 Mississippi instructor's license shall be issued.



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

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

627 73-7-25. Every demonstrator in the field of cosmetology
628 shall, before making demonstrations in a salon or school, apply
629 for and obtain a permit from the board. For such permit, which
630 shall be for one (1) year, the required fee shall be paid to the
631 board. This section shall be construed to apply to demonstrators
632 in salons and schools.

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

635 73-7-27. (1) Any complaint may be filed with the board by a
636 member or agent of the board or by any person charging any
637 licensee of the board with the commission of any of the offenses
638 enumerated in subsection (2) of this section. Such complaint
639 shall be in writing, signed by the accuser or accusers, and
640 verified under oath, and such complaints shall be investigated as
641 set forth in Section 73-7-7. If, after the investigation, the
642 board through its administrative review agents determines that
643 there is not substantial justification to believe that the accused
644 licensee has committed any of the offenses enumerated, it may
645 dismiss the complaint or may prepare a formal complaint proceeding
646 against the licensee as hereinafter provided. When used with



647 reference to any complaint filed against a licensee herein, the
648 term "not substantial justification" means a complaint that is
649 frivolous, groundless in fact or law, or vexatious, as determined
650 by unanimous vote of the board. In the event of a dismissal, the
651 person filing the accusation and the accused licensee shall be
652 given written notice of the board's determination. If the board
653 determines there is reasonable cause to believe the accused has
654 committed any of those offenses, the secretary of the board shall
655 give written notice of such determination to the accused licensee
656 and set a day for a hearing as provided in subsection (3) of this
657 section.

658 (2) The board shall have the power to revoke, suspend or
659 refuse to issue or renew any license or certificate provided for
660 in this chapter, and to fine, place on probation and/or otherwise
661 discipline a student or licensee or holder of a certificate, upon
662 proof that such person: (a) has not complied with or has violated
663 any of the rules and regulations promulgated by the board; (b) has
664 not complied with or has violated any of the sections of this
665 chapter; (c) has committed fraud or dishonest conduct in the
666 taking of the examination herein provided for; (d) has been
667 convicted of a felony; (e) has committed grossly unprofessional or
668 dishonest conduct; (f) is addicted to the excessive use of
669 intoxicating liquors or to the use of drugs to such an extent as
670 to render him or her unfit to practice in any of the practices or
671 occupations set forth in this chapter; (g) has advertised by means



672 of knowingly false or deceptive statements; or (h) has failed to
673 display the license or certificate issued to him or her as
674 provided for in this chapter; or (i) has been convicted of
675 violating any of the provisions of this chapter. A conviction of
676 violating any of the provisions of this chapter shall be grounds
677 for automatic suspension of the license or certificate of such
678 person.

679 (3) The board shall not revoke, suspend or refuse to issue
680 or renew any license or certificate, or fine, place on probation
681 or otherwise discipline any person in a disciplinary matter except
682 after a hearing of which the applicant or licensee or holder of
683 the certificate affected shall be given at least twenty (20) days'
684 notice in writing, specifying the reason or reasons for denying
685 the applicant a license or certificate of registration, or in the
686 case of any other disciplinary action, the offense or offenses of
687 which the licensee or holder of a certificate of registration is
688 charged. Such notice may be served by mailing a copy thereof by
689 United States first-class certified mail, postage prepaid, to the
690 last-known residence or business address of such applicant,
691 licensee or holder of a certificate. The hearing on such charges
692 shall be at such time and place as the board may prescribe.

693 (4) At such hearings, all witnesses shall be sworn by a
694 member of the board, and stenographic notes of the proceedings
695 shall be taken. Any party to the proceedings desiring it shall be
696 furnished with a copy of such stenographic notes upon payment to



697 the board of such fees as it shall prescribe, not exceeding,
698 however, the actual costs of transcription.

699 (5) The board is hereby authorized and empowered to issue
700 subpoenas for the attendance of witnesses and the production of
701 books and papers. The process issued by the board shall extend to
702 all parts of the state and such process shall be served by any
703 person designated by the board for such service. The person
704 serving such process shall receive such compensation as may be
705 allowed by the board, not to exceed the fee prescribed by law for
706 similar services. All witnesses who shall be subpoenaed, and who
707 shall appear in any proceedings before the board, shall receive
708 the same fees and mileage as allowed by law.

709 (6) Where in any proceeding before the board any witness
710 shall fail or refuse to attend upon subpoena issued by the board,
711 shall refuse to testify, or shall refuse to produce any books and
712 papers, the production of which is called for by the subpoena, the
713 attendance of such witness and the giving of his testimony and the
714 production of the books and papers shall be enforced by any court
715 of competent jurisdiction of this state, in the same manner as are
716 enforced for the attendance and testimony of witnesses in civil
717 cases in the courts of this state.

718 (7) The board shall conduct the hearing in an orderly and
719 continuous manner, granting continuances only when the ends of
720 justice may be served. The board shall, within sixty (60) days
721 after conclusion of the hearing, reduce its decision to writing



722 and forward an attested true copy thereof to the last-known
723 residence or business address of such applicant, licensee or
724 holder of a certificate, by way of United States first-class
725 certified mail, postage prepaid. Such applicant, licensee, holder
726 of a certificate, or person aggrieved shall have the right of
727 appeal from an adverse ruling, or order, or decision of the board
728 to the Chancery Court of the First Judicial District of Hinds
729 County, Mississippi, upon forwarding notice of appeal to the board
730 within thirty (30) days after the decision of the board is mailed
731 in the manner here contemplated. An appeal will not be allowed in
732 the event notice of appeal, together with the appeal bond
733 hereinafter required, shall not have been forwarded to the board
734 within the thirty-day period. Appeal shall be to the Chancery
735 Court of the First Judicial District of Hinds County, Mississippi.
736 The appeal shall thereupon be heard in due course by the court
737 which shall review the record and make its determination thereon.

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

742 (9) In the event of an appeal, the court shall dispose of
743 the appeal and enter its decision promptly. The hearing on the
744 appeal may, in the discretion of the chancellor, be tried in
745 vacation. If there is an appeal, such appeal may, in the
746 discretion of and on motion to the chancery court, act as a



747 supersedeas. However, any fine imposed by the board under the
748 provisions of this chapter shall not take effect until after the
749 time for appeal has expired, and an appeal of the imposition of
750 such a fine shall act as a supersedeas.

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

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

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

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

764 (11) In addition to the reasons specified in subsection (2)
765 of this section, the board shall be authorized to suspend the
766 license of any licensee for being out of compliance with an order
767 for support, as defined in Section 93-11-153. The procedure for
768 suspension of a license for being out of compliance with an order
769 for support, and the procedure for the reissuance or reinstatement
770 of a license suspended for that purpose, and the payment of any
771 fees for the reissuance or reinstatement of a license suspended



772 for that purpose, shall be governed by Section 93-11-157 or
773 93-11-163, as the case may be. Actions taken by the board in
774 suspending a license when required by Section 93-11-157 or
775 93-11-163 are not actions from which an appeal may be taken under
776 this section. Any appeal of a license suspension that is required
777 by Section 93-11-157 or 93-11-163 shall be taken in accordance
778 with the appeal procedure specified in Section 93-11-157 or
779 93-11-163, as the case may be, rather than the procedure specified
780 in this section. If there is any conflict between any provision
781 of Section 93-11-157 or 93-11-163 and any provision of this
782 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
783 case may be, shall control.

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

786 73-7-29. The State Board of Cosmetology shall assess fees in
787 the following amounts and for the following purposes:

- 788 (a) Initial license/renewal for cosmetologist,
789 manicurist, esthetician, or wig specialist.....\$ 50.00
790 (b) Instructor initial license/renewal..... 80.00
791 (c) Master cosmetologist license/renewal..... 70.00
792 (d) Delinquent renewal penalty - cosmetologist,
793 manicurist, esthetician, wig specialist and instructor..... 50.00
794 There shall be no renewal fee for any licensee seventy (70)
795 years of age or older.
796 (e) Salon application and initial inspection.... 85.00



797	(f) Salon reinspection.....	35.00
798	(g) Salon change of ownership or location,	
799	or both.....	85.00
800	(h) Salon renewal.....	60.00
801	(i) Salon delinquent renewal penalty.....	50.00
802	(j) Application and initial inspection for a	
803	new school.....	300.00
804	(k) New school reinspection.....	100.00
805	(l) School change of ownership.....	300.00
806	(m) School relocation.....	150.00
807	(n) School renewal.....	75.00
808	(o) School delinquent renewal penalty.....	100.00
809	(p) Duplicate license.....	10.00
810	(q) Penalty for insufficient fund checks.....	20.00
811	(r) Affidavit processing.....	15.00

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

816 The board is fully authorized to make refunds of any deposits
817 received by the board for services which are not rendered.
818 Refunds will automatically be made on overpayment of fees.
819 Refunds will be made on underpayments by written requests from
820 applicants. If no request for refund is made within sixty (60)
821 days, the fees will be forfeited.



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

824 73-7-31. Nothing in this chapter shall apply to:

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

828 (b) Persons whose practice is limited to * * *~~the~~
829 ~~application of cosmetic products to another person in connection~~
830 ~~with the sale, or attempted sale, of such products at retail,~~
831 ~~without compensation from such other person other than the regular~~
832 ~~retail price of such merchandise~~ only performing makeup artistry,
833 threading or applying or removing eyelash extensions; however, a
834 person may perform a combination of not more than three (3) such
835 practices and still be exempt from this chapter.

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

838 (d) Persons engaged in the practice of hair braiding as
839 defined in Section 73-7-71 who have completed the self-test part
840 of the brochure on infection control techniques prepared by the
841 State Department of Health and who keep the brochure and completed
842 self-test available at the location at which the person is engaged
843 in hair braiding.

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



846 73-7-33. In addition to the rules and regulations that may
847 be prescribed and promulgated by the board under authority of this
848 chapter, the following rules and regulations shall be observed:

849 Every establishment must be kept sanitary, including all
850 utensils and equipment, must be well ventilated and properly
851 lighted. Each salon must be provided with hot and cold running
852 water. Electrical appliances must be properly installed and
853 grounded.

854 Cosmetologists shall be allowed to wear any type of clothing
855 or apparel while at work as long as such clothing or apparel is
856 sanitary.

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

859 Persons with a communicable disease or parasitic infection
860 that is medically recognized to be a direct threat of transmission
861 by the type of contact that practitioners have with clients are
862 not to be permitted to practice in an establishment until their
863 condition is no longer communicable under those circumstances. No
864 work shall be performed on any patron having a visible disease
865 unless the patron shall produce a certificate from a practicing
866 physician stating that the patron is free from infectious,
867 contagious or communicable disease. A cosmetologist's license
868 does not authorize such person to treat or prescribe for an
869 infectious, contagious or any other disease.



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

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

876 73-7-35. (1) No person licensed pursuant to this chapter
877 shall practice his or her profession except within the physical
878 confines of a salon possessing and displaying a properly executed
879 license issued pursuant to Section 73-7-17. However, this
880 requirement shall not prevent a person from rendering his or her
881 services to any person who may be confined to his or her home, a
882 hospital, or other place as a result of illness, and
883 cosmetologists shall be permitted to render their services to
884 deceased persons away from their salons.

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

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

891 73-7-37. (1) The violation of any of the provisions of this
892 chapter, including the use of fraudulent statements to obtain any
893 benefits or privileges under this chapter or practicing one (1) of
894 these professions without a license, shall constitute a



895 misdemeanor, punishable in any court of competent jurisdiction at
896 the seat of government, and any person or firm convicted of the
897 violation of any of the provisions of this chapter shall be fined
898 not less than One Hundred Dollars (\$100.00) nor more than Five
899 Hundred Dollars (\$500.00). The court shall not be authorized to
900 suspend or suspend the execution of the fine required under this
901 section.

902 (2) If any person, firm or corporation violates any of the
903 provisions of this chapter, the secretary of the board, upon
904 direction of a majority of the board and in the name of the board,
905 acting through the Attorney General or an attorney employed by the
906 board, shall apply in the Chancery Court of the First Judicial
907 District of Hinds County, Mississippi, for an order enjoining such
908 violation or for an order enforcing compliance with the provisions
909 of this chapter. Upon the filing of a verified petition in the
910 chancery court and after notice as provided under the Mississippi
911 Rules of Civil Procedure, such court, if satisfied by the sworn
912 petition, by affidavit or otherwise, that such person has violated
913 any of the provisions of this chapter, may issue an injunction
914 without notice or bond, enjoining such continued violation and
915 such injunction shall remain in force and effect until a final
916 hearing. If at such hearing it is established that such person
917 has violated or is violating any of the provisions of this
918 chapter, the court may enter a decree permanently enjoining such
919 violation or enforcing compliance with this chapter. In addition,



920 the court may enter a judgment against such person for attorney's
921 fees, court costs and the actual costs incurred by the board in
922 investigating the actions of such person for which the board
923 brought the suit for an injunction. In case of violation of any
924 decree issued in compliance with this subsection, the court may
925 punish the offender for contempt of court and the court shall
926 proceed as in other cases.

927 (3) The proceedings in this section shall be in addition to
928 and not in lieu of the other remedies and penalties provided in
929 this chapter.

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

932 73-7-63. Sections 73-7-1 through 73-7-37, which create the
933 State Board of Cosmetology and prescribe its duties and powers,
934 shall stand repealed * * * ~~as of~~ on July 1, * * * ~~2021~~ 2024.

935 **SECTION 26.** Section 73-5-41, Mississippi Code of 1972, is
936 amended as follows:

937 73-5-41. (1) The following persons are exempt from the
938 provisions of this chapter, wholly in the proper discharge of
939 their professional duties, to wit:

940 (a) Persons authorized by the law of Mississippi to
941 practice medicine and surgery.

942 (b) Commissioned medical or surgical officers of the
943 United States Army, Navy or Marine hospital service.

944 (c) Registered nurses.



945 (d) Cosmetologists, and nothing in this chapter shall
946 affect the jurisdiction of the State Board of Cosmetology.

947 (e) Persons whose practice is limited to only makeup
948 artistry, threading or applying or removing eyelash extensions.

949 (2) The provision of this section shall not be construed to
950 authorize any of the persons exempted to shave, trim the beard, or
951 cut the hair of any person, or perform any other act that
952 constitutes barbering, for cosmetic purposes, with the exception
953 of persons licensed by the State Board of Cosmetology or persons
954 whose practice is limited to only makeup artistry, threading or
955 applying or removing eyelash extensions.

956 **SECTION 27.** This act shall take effect and be in force from
957 and after its passage.

