

By: Representative Turner

To: Accountability,
Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1312

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 THREADING
6 AND MAKEUP ARTISTRY FROM THE COSMETOLOGY LICENSURE LAW; TO DEFINE
7 "MAKEUP ARTISTRY" IN THE COSMETOLOGY LICENSURE LAW; TO AMEND
8 REENACTED SECTION 73-7-12, MISSISSIPPI CODE OF 1972, TO DELETE THE
9 DUPLICATE REPEALER ON THE STATUTE REQUIRING THE STATE BOARD OF
10 COSMETOLOGY TO CONDUCT STUDENT EXAMINATIONS INSTEAD OF CONTRACTING
11 WITH A TESTING SERVICE; TO AMEND REENACTED SECTION 73-7-31,
12 MISSISSIPPI CODE OF 1972, TO EXEMPT FROM THE COSMETOLOGY LICENSURE
13 LAW PERSONS ENGAGED IN THE PRACTICE OF THREADING AND PERSONS
14 ENGAGED IN THE PRACTICE OF APPLYING OR REMOVING EYELASH
15 EXTENSIONS; TO AMEND REENACTED SECTION 73-7-35, MISSISSIPPI CODE
16 OF 1972, TO PROHIBIT PERSONS NOT LICENSED UNDER THE COSMETOLOGY
17 LICENSURE LAW FROM PRACTICING THEIR PROFESSION, INCLUDING HAIR
18 BRAIDING AND MAKEUP ARTISTRY, IN A LICENSED SALON; TO AMEND
19 SECTION 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF
20 THE REPEALER ON THOSE REENACTED SECTIONS; AND FOR RELATED
21 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 * * * 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 a practice limited to makeup artistry alone without being
97 licensed to offer any other cosmetology services through such
98 limited practice.



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

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

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

105 (ii) Arching eyebrows to include trimming,
106 tweezing, waxing * * * or any other method of epilation or tinting
107 eyebrows and eyelashes.

108 (iii) Tinting eyelashes or eyebrows.

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

113 The term "esthetics" shall not include the diagnosis,
114 treatment or therapy of any dermatological condition. For
115 regulation purposes, the term "esthetics" does not include a
116 practice limited to makeup artistry alone without being licensed
117 to offer any other cosmetology services through such limited
118 practice.

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

122 (f) "Instructor" means a person licensed to teach
123 cosmetology, or manicuring and pedicuring, or esthetics, or all of



124 those, pursuant to this chapter, and shall include those persons
125 engaged in the instruction of student instructors.

126 (g) "Makeup artistry" means the art of doing makeovers,
127 transforming, beautifying or improving the appearance of an
128 individual's face by using cosmetic preparations and applying
129 makeup on individuals for compensation. Makeup artistry can be
130 practiced for weddings and for other social events and for
131 individual or group photoshoots; and with the application of
132 makeup and at times, prosthetics, makeup artistry can be practiced
133 for theatre, television, film, fashion, magazines, the modeling
134 industry and other similar productions.

135 (* * *h) "Manicuring and pedicuring" means any one (1)
136 or a combination of the following practices:

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

139 (ii) Applying artificial nails.

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

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

145 (* * *j) "Master" means a person holding a
146 cosmetology, manicuring and esthetics license who has completed
147 the minimum course of continuing education prescribed by Section
148 73-7-14.



149 (* * *k) "Salon" means an establishment operated for
150 the purpose of engaging in the practice of cosmetology, or
151 manicuring and pedicuring, or esthetics, or wigology, or all of
152 those.

153 (* * *l) "School" means an establishment, public or
154 private, operated for the purpose of teaching cosmetology, or
155 manicuring and pedicuring, or esthetics, or wigology, or all of
156 those.

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

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

170 The office of the board shall be located in the greater
171 metropolitan area of the City of Jackson, Mississippi, and in the
172 event office space cannot be obtained in any state-owned building,
173 the board is authorized to rent suitable office space and to pay



174 therefor out of funds in the board's special fund. The board
175 shall employ inspectors as needed, not to exceed seven (7), who
176 shall be full-time employees and whose salaries and duties shall
177 be fixed by the board.

178 The salaries of all paid employees of the board shall be paid
179 out of the funds in the board's special fund. The inspectors
180 shall, in addition to their salaries, be reimbursed for such
181 expenses as are allowed other state employees under the provisions
182 of Section 25-3-41. In addition to the paying of office rent, the
183 board is authorized to purchase necessary office furniture and
184 equipment, stationery, books, certificates and any other equipment
185 necessary for the proper administration of this chapter.

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

188 73-7-5. (1) All fees and any other monies received by the
189 board shall be deposited in a special fund that is created in the
190 State Treasury and shall be used for the implementation and
191 administration of this chapter when appropriated by the
192 Legislature for such purpose. The monies in the special fund
193 shall be subject to all provisions of the state budget laws that
194 are applicable to special fund agencies, and shall be disbursed by
195 the State Treasurer only upon warrants issued by the State Fiscal
196 Officer upon requisitions signed by the president of the board or
197 another board member designated by the president, and
198 countersigned by the secretary of the board. Any interest earned



199 on this special fund shall be credited by the State Treasurer to
200 the fund and shall not be paid into the State General Fund. Any
201 unexpended monies remaining in the special fund at the end of a
202 fiscal year shall not lapse into the State General Fund.

203 (2) The State Auditor shall audit the financial affairs of
204 the board and the transactions involving the special fund at least
205 once a year in the same manner as for other special fund agencies.
206 In addition, the Governor, in his discretion, shall have the power
207 from time to time to require an audit of the financial affairs of
208 the board, the same to be made by the State Auditor upon request
209 of the Governor. The Governor shall have the power to suspend any
210 member of the board who shall be found in default in any account
211 until such time as it shall be determined whether such default was
212 a result of an act of dishonesty on the part of the member, and in
213 the event it is found that such default is an act of dishonesty,
214 misfeasance or nonfeasance on the part of the member, such member
215 shall be immediately removed by the Governor from office.

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

218 73-7-7. (1) The board shall have authority to make
219 reasonable rules and regulations for the administration of the
220 provisions of this chapter. The board shall set up a curriculum
221 for operation of schools of cosmetology and the other professions
222 it is charged to regulate in this state. The board shall receive
223 and consider for adoption recommendations for rules and



224 regulations, school curriculum, and related matters from the
225 Mississippi Cosmetology Council, whose membership shall consist
226 of, in addition to the board members, five (5) elected delegates
227 from the Mississippi Cosmetology Association, five (5) elected
228 delegates from the Mississippi Cosmetology School Association,
229 five (5) elected delegates from the Mississippi Independent
230 Beauticians Association, and five (5) elected delegates from the
231 School Owners and Teachers Association. The board may revoke the
232 license of any cosmetologist, esthetician, manicurist, instructor,
233 school of cosmetology, or salon, or may refuse to issue a license
234 to any cosmetologist, esthetician, manicurist, instructor, school
235 of cosmetology, or salon that fails or refuses to comply with the
236 provisions of this chapter and the rules and regulations of the
237 board in carrying out the provisions of this chapter.

238 (2) The board shall have authority to prescribe reasonable
239 rules and regulations governing sanitation of schools of
240 cosmetology and beauty salons for the guidance of persons licensed
241 under this chapter in the operation of schools of cosmetology, or
242 a beauty salon, and in the practice of cosmetology, esthetics,
243 manicuring and pedicuring, and wigology. However, any and all
244 rules and regulations relating to sanitation shall, before
245 adoption by the board, have the written approval of the State
246 Board of Health. When the board has reason to believe that any of
247 the provisions of this chapter or of the rules and regulations of
248 the board have been violated, either upon receipt of a written



249 complaint alleging such violations or upon the board's own
250 initiative, the board, or any of its authorized agents, shall
251 investigate same and shall have authority to enter upon the
252 premises of a school of cosmetology or salon at any time during
253 the regular business hours of that school or salon to conduct the
254 investigation. Such investigation may include, but not be limited
255 to, conducting oral interviews with the complaining party, school
256 or salon owner(s) and/or students of the school, and reviewing
257 records of the school or salon pertinent to the complaint and
258 related to an area subject to the authority of the board. Such
259 investigation shall not include written interviews or surveys of
260 school employees or students, and the privacy of patrons shall be
261 respected by any person making such investigation.

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

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

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



273 73-7-9. No person required by this chapter to have a license
274 shall conduct a beauty salon or school of cosmetology, or practice
275 cosmetology, esthetics, manicuring and pedicuring, or practice as
276 an instructor, unless such person has received a license or
277 temporary permit therefor from the board. Students determined to
278 have violated any of these rules or regulations prior to being
279 licensed by the board shall be subject to the same discipline by
280 the board as licensees. They may be disciplined and fined
281 accordingly.

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

284 73-7-11. Each owner of a license issued by the board under
285 the provisions of this chapter shall display the license in a
286 conspicuous place in his or her principal office, place of
287 business or employment, at all times.

288 Each practitioner and instructor license shall contain a head
289 photograph of the license holder, the person's name, and the type
290 of license held by the person. The requirements of this section
291 shall apply at the time of issuance of a new license or at the
292 time of renewal of an existing license.

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

295 73-7-12. * * * Effective January 1, 2020, the State Board of
296 Cosmetology shall terminate its student testing contract with
297 proper notice and shall conduct examinations for cosmetologists,



298 estheticians, manicurists and instructors at such times and
299 locations as determined by the board. The members of the board
300 shall not personally administer or monitor the examinations, but
301 the board shall contract for administrators of the examinations.
302 A member of the board shall not receive any per diem compensation
303 for any day that the member is present at the site where the
304 examinations are being administered.

305 * * *

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

308 73-7-13. (1) The board shall admit to examination for a
309 cosmetology license any person who has made application to the
310 board in proper form, has paid the required fee, and who (a) is at
311 least seventeen (17) years of age, (b) can read, write and speak
312 English, (c) has successfully completed no less than fifteen
313 hundred (1500) hours over a period of no less than nine (9) months
314 in a licensed school of cosmetology, and (d) has a high school
315 education or its equivalent or has been successfully enrolled in a
316 community college.

317 (a) The board may, in its discretion, issue to any
318 student who has completed the prescribed hours in a licensed
319 school and paid the required fee a temporary permit until such
320 time as the next examination may be held, but such student shall
321 be issued only one (1) temporary permit. Application for an
322 examination and license shall be accompanied by two (2) passport



323 photographs of the applicant. No temporary permit will be issued
324 to an applicant from any other state to operate a beauty salon or
325 school of cosmetology in this state unless in case of emergency.

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

331 (c) Any barber who can read, write and speak English
332 and has successfully completed no less than fifteen hundred (1500)
333 hours in a licensed barber school, and who holds a current valid
334 certificate of registration to practice barbering and who holds a
335 current valid license, is eligible to take the cosmetology
336 examination to secure a cosmetology license upon successfully
337 completing five hundred (500) hours in a licensed school of
338 cosmetology. All fees for application, examination, registration
339 and renewal thereof shall be the same as provided for
340 cosmetologists.

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

344 (3) Any licensed cosmetologist, esthetician, or manicurist
345 who is registered but not actively practicing in the State of
346 Mississippi at the time of making application for renewal, may
347 apply for registration on the "inactive" list. Such "inactive"



348 list shall be maintained by the board and shall set out the names
349 and post office addresses of all persons registered but not
350 actively practicing in this state, arranged alphabetically by name
351 and also by the municipalities and states of their last-known
352 professional or residential address. Only the cosmetologists,
353 estheticians and manicurists registered on the appropriate list as
354 actively practicing in the State of Mississippi shall be
355 authorized to practice those professions. For the purpose of this
356 section, any licensed cosmetologist, esthetician or manicurist who
357 has actively practiced his or her profession for at least three
358 (3) months of the immediately preceding license renewal period
359 shall be considered inactive practice. No cosmetologist,
360 esthetician, or manicurist shall be registered on the "inactive"
361 list until the person has furnished a statement of intent to take
362 such action to the board. Any licensed cosmetologist,
363 esthetician, manicurist or wigologist registered on the "inactive"
364 list shall not be eligible for registration on the active list
365 until either of the following conditions have been satisfied:

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

371 (b) Evidence to the satisfaction of the board shall be
372 submitted that they have actively practiced their profession in



373 good standing in another state and have not been guilty of conduct
374 that would warrant suspension or revocation as provided by
375 applicable law; and

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

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

380 73-7-14. (1) Any person who holds a current, valid
381 cosmetology, manicuring or esthetics license may be licensed as a
382 master cosmetologist, manicurist or esthetician if he or she has
383 been a licensed cosmetologist, manicurist or esthetician in this
384 state for a period of not less than twelve (12) months, and has
385 completed a minimum course of sixteen (16) hours' study in
386 continuing education approved by the board within the licensing
387 period preceding initial application for the license, and has paid
388 the original license fee. Master cosmetologist, manicurist or
389 esthetician licenses shall be renewable upon completion of a
390 minimum course of eight (8) hours' study in continuing education
391 approved by the board within a licensing period and payment of the
392 required renewal fee. This is an optional license and persons who
393 do not wish to complete the continuing education requirement may
394 obtain a cosmetology license when renewing their license.

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



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

400 73-7-15. (1) The board shall admit to examination for a
401 cosmetology instructor's license any person who has made
402 application to the board in proper form, has paid the required
403 fee, and who:

- 404 (a) Is not less than twenty-one (21) years of age;
- 405 (b) Can read, write and speak English;
- 406 (c) Is a graduate of a licensed cosmetology school;
- 407 (d) Has a high school education or its equivalent;
- 408 (e) Has successfully completed one thousand (1,000)
409 hours of instructor training in a licensed school of cosmetology;
- 410 (f) Has successfully completed six (6) semester hours
411 in college courses approved by the board;
- 412 (g) Holds a current, valid Mississippi cosmetology
413 license; and
- 414 (h) Has at least one (1) year active practical
415 experience as a cosmetologist or, as an alternative to such
416 experience, has successfully completed one thousand (1,000) hours
417 of instructor training in a licensed school of cosmetology.

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

- 421 (a) Is not less than twenty-one (21) years of age;
- 422 (b) Can read, write and speak English;



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

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

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

429 (f) Holds a current, valid Mississippi esthetician's
430 license; and

431 (g) Has had one (1) year of active practical experience
432 as an esthetician or, as an alternative to such experience, has
433 successfully completed one thousand (1,000) hours of instructor
434 training in a licensed school in which the practice of esthetics
435 is taught.

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

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

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

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

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

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



447 (f) Holds a current, valid Mississippi manicurist's
448 license; and

449 (g) Has had one (1) year of active practical experience
450 as a manicurist or, as an alternative to such experience, has
451 successfully completed one thousand (1,000) hours of instructor
452 training in a licensed school in which the practice of manicuring
453 is taught.

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

462 (5) All instructors licensed pursuant to this section shall
463 biennially obtain twenty-four (24) clock hours of continuing
464 education in teacher training instruction in cosmetology or
465 esthetics or manicuring, as the case may be, as approved by the
466 board. Any instructor who fails to obtain the continuing
467 education required by this subsection shall not be allowed to
468 instruct nor enroll students under his or her license until such
469 education requirement has been met. The board may issue an
470 inactive instructor's license to such instructors, and an inactive
471 license may be converted into an active license after proof



472 satisfactory to the board of completion of at least twenty-four
473 (24) clock hours of approved continuing education required for
474 teacher training instruction.

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

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

480 73-7-16. (1) All schools of cosmetology or school owners
481 shall have a school license and shall pay to the board the
482 required license fee biennially therefor. A grace period of sixty
483 (60) days will be given in which to renew the license, and upon
484 the expiration of the grace period of sixty (60) days, any
485 applicant for the renewal of a school license will be required to
486 pay a delinquent fee in addition to the renewal fee. The board is
487 hereby authorized and empowered to promulgate necessary and
488 reasonable rules and regulations for the issuance and renewal of
489 school licenses. However, the board shall not refuse to issue or
490 renew a school's license because of the number of schools already
491 in that area of the state, and any rule promulgated by the board
492 for that purpose shall be null and void.

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



496 (3) The board shall require all schools of cosmetology to
497 only admit students who have not less than a Tenth-Grade education
498 or a high school diploma or its equivalency.

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

501 73-7-17. (1) All salon owners shall have a salon license
502 and shall pay to the board the required license fee therefor and
503 pay the required renewal fee for renewal thereof. A grace period
504 of sixty (60) days will be given in which to renew the license,
505 and upon the expiration of the grace period of sixty (60) days any
506 applicant for the renewal of a salon license will be required to
507 pay a delinquent fee in addition to the renewal fee. A salon
508 license that has been expired for over one (1) year is
509 nonrenewable and requires a new application. Prior to the initial
510 issuance of such license, the board shall inspect the premises to
511 determine if same qualifies with the law, upon payment by the
512 applicant of the required inspection fee.

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

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

518 73-7-18. (1) The board shall admit to examination for an
519 esthetician's license any person who has made application to the
520 board in proper form, has paid the required fee, and who:



521 (a) Is not less than seventeen (17) years of age;
522 (b) Can read, write and speak English;
523 (c) Has a high school education or its equivalent; and
524 (d) Has successfully completed a course of training in
525 esthetics of not less than six hundred (600) hours in an
526 accredited school in which the practice of esthetics is taught,
527 including not less than one hundred (100) hours of theory and five
528 hundred (500) hours of skill practice.

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

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

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

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



545 73-7-19. (1) Except as provided in Section 33-1-39, all
546 licenses shall be renewed biennially under the fee schedule in
547 Section 73-7-29. Applications for renewal of licenses for
548 cosmetologists, estheticians, manicurists and instructors must be
549 accompanied by the required renewal fee. A grace period of sixty
550 (60) days will be given in which to renew the license; and upon
551 the expiration of the grace period of sixty (60) days, any
552 applicant for the renewal of a license will be required to pay the
553 required renewal fee and a delinquent fee in addition to the
554 renewal fee. The fees may be paid by either personal or certified
555 check, cash or money order, under such safeguards, rules and
556 regulations as the board may prescribe. Checks returned to the
557 board because of insufficient funds shall result in nonrenewal of
558 the license, which will require the penalty fee for insufficient
559 fund checks plus all other amounts due for renewal of the license
560 before the license may be renewed. After one (1) year has passed
561 from the expiration date of the license, a delinquent fee must be
562 paid for each year up to three (3) years, after which the required
563 examination must be taken. All applications for examination
564 required by this chapter shall expire ninety (90) days from the
565 date thereof.

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



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

571 73-7-21. (1) The board shall admit to examination for a
572 manicurist's license any person who has made application to the
573 board in proper form, has paid the required fee, and who:

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

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

576 (c) Has successfully completed no less than three
577 hundred fifty (350) hours of practice and related theory in
578 manicuring and pedicuring over a period of no less than nine (9)
579 weeks in an accredited school of cosmetology in this or any other
580 state; and

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

582 (2) Licensed manicurists desiring to pursue additional hours
583 to be eligible for a license as a cosmetologist may be credited
584 with the three hundred fifty (350) hours acquired in studying and
585 training to be a manicurist which may be applied to the number of
586 hours required for a cosmetology license examination.

587 (3) The board shall adopt regulations governing the use of
588 electric nail files for the purpose of filing false or natural
589 nails.

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



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

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

606 (2) An instructor from any other state may be qualified for
607 a Mississippi instructor's license upon presenting a valid
608 instructor's license and proof of a high school education or its
609 equivalent, provided that the instructor (a) is not less than
610 twenty-one (21) years of age, (b) has completed training
611 equivalent to the State of Mississippi's training as provided in
612 Section 73-7-15 or has three (3) years or more of experience as a
613 licensed instructor prior to application, (c) can read, write and
614 speak English, (d) has completed twelve (12) semester hours in
615 college courses approved by the board, and (e) has completed a
616 minimum of five (5) continuing education hours in Mississippi
617 board laws, rules and regulations. Such application must be



618 accompanied by two (2) recent passport photographs of the
619 applicant. Applicants shall pay the required license fee.

620 (3) An applicant for a Mississippi instructor's license by
621 reciprocity who has not completed the college courses requirement
622 at the time of application may apply for a onetime temporary
623 teaching permit, which shall be valid for six (6) months and shall
624 be nonrenewable. Such application must be accompanied by proof of
625 enrollment in college course(s), required permit fee, two (2)
626 recent passport photographs of the applicant and other
627 documentation as required for application for a Mississippi
628 instructor's license by reciprocity. Upon proof of completion of
629 college courses and payment of the required license fee, a
630 Mississippi instructor's license shall be issued.

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

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

636 73-7-25. Every demonstrator in the field of cosmetology
637 shall, before making demonstrations in a salon or school, apply
638 for and obtain a permit from the board. For such permit, which
639 shall be for one (1) year, the required fee shall be paid to the
640 board. This section shall be construed to apply to demonstrators
641 in salons and schools.



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

644 73-7-27. (1) Any complaint may be filed with the board by a
645 member or agent of the board or by any person charging any
646 licensee of the board with the commission of any of the offenses
647 enumerated in subsection (2) of this section. Such complaint
648 shall be in writing, signed by the accuser or accusers, and
649 verified under oath, and such complaints shall be investigated as
650 set forth in Section 73-7-7. If, after the investigation, the
651 board through its administrative review agents determines that
652 there is not substantial justification to believe that the accused
653 licensee has committed any of the offenses enumerated, it may
654 dismiss the complaint or may prepare a formal complaint proceeding
655 against the licensee as hereinafter provided. When used with
656 reference to any complaint filed against a licensee herein, the
657 term "not substantial justification" means a complaint that is
658 frivolous, groundless in fact or law, or vexatious, as determined
659 by unanimous vote of the board. In the event of a dismissal, the
660 person filing the accusation and the accused licensee shall be
661 given written notice of the board's determination. If the board
662 determines there is reasonable cause to believe the accused has
663 committed any of those offenses, the secretary of the board shall
664 give written notice of such determination to the accused licensee
665 and set a day for a hearing as provided in subsection (3) of this
666 section.



667 (2) The board shall have the power to revoke, suspend or
668 refuse to issue or renew any license or certificate provided for
669 in this chapter, and to fine, place on probation and/or otherwise
670 discipline a student or licensee or holder of a certificate, upon
671 proof that such person: (a) has not complied with or has violated
672 any of the rules and regulations promulgated by the board; (b) has
673 not complied with or has violated any of the sections of this
674 chapter; (c) has committed fraud or dishonest conduct in the
675 taking of the examination herein provided for; (d) has been
676 convicted of a felony; (e) has committed grossly unprofessional or
677 dishonest conduct; (f) is addicted to the excessive use of
678 intoxicating liquors or to the use of drugs to such an extent as
679 to render him or her unfit to practice in any of the practices or
680 occupations set forth in this chapter; (g) has advertised by means
681 of knowingly false or deceptive statements; or (h) has failed to
682 display the license or certificate issued to him or her as
683 provided for in this chapter; or (i) has been convicted of
684 violating any of the provisions of this chapter. A conviction of
685 violating any of the provisions of this chapter shall be grounds
686 for automatic suspension of the license or certificate of such
687 person.

688 (3) The board shall not revoke, suspend or refuse to issue
689 or renew any license or certificate, or fine, place on probation
690 or otherwise discipline any person in a disciplinary matter except
691 after a hearing of which the applicant or licensee or holder of



692 the certificate affected shall be given at least twenty (20) days'
693 notice in writing, specifying the reason or reasons for denying
694 the applicant a license or certificate of registration, or in the
695 case of any other disciplinary action, the offense or offenses of
696 which the licensee or holder of a certificate of registration is
697 charged. Such notice may be served by mailing a copy thereof by
698 United States first-class certified mail, postage prepaid, to the
699 last-known residence or business address of such applicant,
700 licensee or holder of a certificate. The hearing on such charges
701 shall be at such time and place as the board may prescribe.

702 (4) At such hearings, all witnesses shall be sworn by a
703 member of the board, and stenographic notes of the proceedings
704 shall be taken. Any party to the proceedings desiring it shall be
705 furnished with a copy of such stenographic notes upon payment to
706 the board of such fees as it shall prescribe, not exceeding,
707 however, the actual costs of transcription.

708 (5) The board is hereby authorized and empowered to issue
709 subpoenas for the attendance of witnesses and the production of
710 books and papers. The process issued by the board shall extend to
711 all parts of the state and such process shall be served by any
712 person designated by the board for such service. The person
713 serving such process shall receive such compensation as may be
714 allowed by the board, not to exceed the fee prescribed by law for
715 similar services. All witnesses who shall be subpoenaed, and who



716 shall appear in any proceedings before the board, shall receive
717 the same fees and mileage as allowed by law.

718 (6) Where in any proceeding before the board any witness
719 shall fail or refuse to attend upon subpoena issued by the board,
720 shall refuse to testify, or shall refuse to produce any books and
721 papers, the production of which is called for by the subpoena, the
722 attendance of such witness and the giving of his testimony and the
723 production of the books and papers shall be enforced by any court
724 of competent jurisdiction of this state, in the same manner as are
725 enforced for the attendance and testimony of witnesses in civil
726 cases in the courts of this state.

727 (7) The board shall conduct the hearing in an orderly and
728 continuous manner, granting continuances only when the ends of
729 justice may be served. The board shall, within sixty (60) days
730 after conclusion of the hearing, reduce its decision to writing
731 and forward an attested true copy thereof to the last-known
732 residence or business address of such applicant, licensee or
733 holder of a certificate, by way of United States first-class
734 certified mail, postage prepaid. Such applicant, licensee, holder
735 of a certificate, or person aggrieved shall have the right of
736 appeal from an adverse ruling, or order, or decision of the board
737 to the Chancery Court of the First Judicial District of Hinds
738 County, Mississippi, upon forwarding notice of appeal to the board
739 within thirty (30) days after the decision of the board is mailed
740 in the manner here contemplated. An appeal will not be allowed in



741 the event notice of appeal, together with the appeal bond
742 hereinafter required, shall not have been forwarded to the board
743 within the thirty-day period. Appeal shall be to the Chancery
744 Court of the First Judicial District of Hinds County, Mississippi.
745 The appeal shall thereupon be heard in due course by the court
746 which shall review the record and make its determination thereon.

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

751 (9) In the event of an appeal, the court shall dispose of
752 the appeal and enter its decision promptly. The hearing on the
753 appeal may, in the discretion of the chancellor, be tried in
754 vacation. If there is an appeal, such appeal may, in the
755 discretion of and on motion to the chancery court, act as a
756 supersedeas. However, any fine imposed by the board under the
757 provisions of this chapter shall not take effect until after the
758 time for appeal has expired, and an appeal of the imposition of
759 such a fine shall act as a supersedeas.

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

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



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

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

773 (11) In addition to the reasons specified in subsection (2)
774 of this section, the board shall be authorized to suspend the
775 license of any licensee for being out of compliance with an order
776 for support, as defined in Section 93-11-153. The procedure for
777 suspension of a license for being out of compliance with an order
778 for support, and the procedure for the reissuance or reinstatement
779 of a license suspended for that purpose, and the payment of any
780 fees for the reissuance or reinstatement of a license suspended
781 for that purpose, shall be governed by Section 93-11-157 or
782 93-11-163, as the case may be. Actions taken by the board in
783 suspending a license when required by Section 93-11-157 or
784 93-11-163 are not actions from which an appeal may be taken under
785 this section. Any appeal of a license suspension that is required
786 by Section 93-11-157 or 93-11-163 shall be taken in accordance
787 with the appeal procedure specified in Section 93-11-157 or
788 93-11-163, as the case may be, rather than the procedure specified
789 in this section. If there is any conflict between any provision
790 of Section 93-11-157 or 93-11-163 and any provision of this



791 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
792 case may be, shall control.

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

795 73-7-29. The State Board of Cosmetology shall assess fees in
796 the following amounts and for the following purposes:

- 797 (a) Initial license/renewal for cosmetologist,
798 manicurist, esthetician, or wig specialist.....\$ 50.00
799 (b) Instructor initial license/renewal..... 80.00
800 (c) Master cosmetologist license/renewal..... 70.00
801 (d) Delinquent renewal penalty - cosmetologist,
802 manicurist, esthetician, wig specialist and instructor..... 50.00
803 There shall be no renewal fee for any licensee seventy (70)
804 years of age or older.
- 805 (e) Salon application and initial inspection.... 85.00
806 (f) Salon reinspection..... 35.00
807 (g) Salon change of ownership or location,
808 or both..... 85.00
809 (h) Salon renewal..... 60.00
810 (i) Salon delinquent renewal penalty..... 50.00
811 (j) Application and initial inspection for a
812 new school..... 300.00
813 (k) New school reinspection..... 100.00
814 (l) School change of ownership..... 300.00
815 (m) School relocation..... 150.00



816	(n)	School renewal.....	75.00
817	(o)	School delinquent renewal penalty.....	100.00
818	(p)	Duplicate license.....	10.00
819	(q)	Penalty for insufficient fund checks.....	20.00
820	(r)	Affidavit processing.....	15.00

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

825 The board is fully authorized to make refunds of any deposits
826 received by the board for services which are not rendered.
827 Refunds will automatically be made on overpayment of fees.
828 Refunds will be made on underpayments by written requests from
829 applicants. If no request for refund is made within sixty (60)
830 days, the fees will be forfeited.

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

833 73-7-31. Nothing in this chapter shall apply to:

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

837 (b) Persons whose practice is limited to the
838 application of cosmetic products to another person in connection
839 with the sale, or attempted sale, of such products at retail,



840 without compensation from such other person other than the regular
841 retail price of such merchandise.

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

844 (d) Persons engaged in the practice of hair braiding as
845 defined in Section 73-7-71 who have completed the self-test part
846 of the brochure on infection control techniques prepared by the
847 State Department of Health and who keep the brochure and completed
848 self-test available at the location at which the person is engaged
849 in hair braiding.

850 (e) Persons engaged in the practice of threading, which
851 is defined as the removal of facial hair using a strand of thread.

852 (f) Persons engaged in the practice of applying or
853 removing eyelash extensions, which is defined as gluing artificial
854 eyelash extensions to natural eyelashes.

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

857 73-7-33. In addition to the rules and regulations that may
858 be prescribed and promulgated by the board under authority of this
859 chapter, the following rules and regulations shall be observed:

860 Every establishment must be kept sanitary, including all
861 utensils and equipment, must be well ventilated and properly
862 lighted. Each salon must be provided with hot and cold running
863 water. Electrical appliances must be properly installed and
864 grounded.



865 Cosmetologists shall be allowed to wear any type of clothing
866 or apparel while at work as long as such clothing or apparel is
867 sanitary.

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

870 Persons with a communicable disease or parasitic infection
871 that is medically recognized to be a direct threat of transmission
872 by the type of contact that practitioners have with clients are
873 not to be permitted to practice in an establishment until their
874 condition is no longer communicable under those circumstances. No
875 work shall be performed on any patron having a visible disease
876 unless the patron shall produce a certificate from a practicing
877 physician stating that the patron is free from infectious,
878 contagious or communicable disease. A cosmetologist's license
879 does not authorize such person to treat or prescribe for an
880 infectious, contagious or any other disease.

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

885 **SECTION 23.** Section 73-7-35, Mississippi Code of 1972, is
886 reenacted and amended as follows:

887 73-7-35. (1) No person licensed pursuant to this chapter
888 shall practice his or her profession except within the physical
889 confines of a salon possessing and displaying a properly executed



890 license issued pursuant to Section 73-7-17. However, this
891 requirement shall not prevent a person from rendering his or her
892 services to any person who may be confined to his or her home, a
893 hospital, or other place as a result of illness, and
894 cosmetologists shall be permitted to render their services to
895 deceased persons away from their salons.

896 (2) No salon owner licensed pursuant to this chapter shall
897 allow a cosmetologist, esthetician, or manicurist to practice
898 his/her profession in the salon without possessing a valid license
899 issued pursuant to this chapter. No unlicensed person may
900 practice his/her profession, including hair braiding, as defined
901 by Section 73-7-71, and makeup artistry, as defined in Section
902 73-7-2, in a licensed salon.

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

905 73-7-37. (1) The violation of any of the provisions of this
906 chapter, including the use of fraudulent statements to obtain any
907 benefits or privileges under this chapter or practicing one (1) of
908 these professions without a license, shall constitute a
909 misdemeanor, punishable in any court of competent jurisdiction at
910 the seat of government, and any person or firm convicted of the
911 violation of any of the provisions of this chapter shall be fined
912 not less than One Hundred Dollars (\$100.00) nor more than Five
913 Hundred Dollars (\$500.00). The court shall not be authorized to



914 suspend or suspend the execution of the fine required under this
915 section.

916 (2) If any person, firm or corporation violates any of the
917 provisions of this chapter, the secretary of the board, upon
918 direction of a majority of the board and in the name of the board,
919 acting through the Attorney General or an attorney employed by the
920 board, shall apply in the Chancery Court of the First Judicial
921 District of Hinds County, Mississippi, for an order enjoining such
922 violation or for an order enforcing compliance with the provisions
923 of this chapter. Upon the filing of a verified petition in the
924 chancery court and after notice as provided under the Mississippi
925 Rules of Civil Procedure, such court, if satisfied by the sworn
926 petition, by affidavit or otherwise, that such person has violated
927 any of the provisions of this chapter, may issue an injunction
928 without notice or bond, enjoining such continued violation and
929 such injunction shall remain in force and effect until a final
930 hearing. If at such hearing it is established that such person
931 has violated or is violating any of the provisions of this
932 chapter, the court may enter a decree permanently enjoining such
933 violation or enforcing compliance with this chapter. In addition,
934 the court may enter a judgment against such person for attorney's
935 fees, court costs and the actual costs incurred by the board in
936 investigating the actions of such person for which the board
937 brought the suit for an injunction. In case of violation of any
938 decree issued in compliance with this subsection, the court may



939 punish the offender for contempt of court and the court shall
940 proceed as in other cases.

941 (3) The proceedings in this section shall be in addition to
942 and not in lieu of the other remedies and penalties provided in
943 this chapter.

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

946 73-7-63. Sections 73-7-1 through 73-7-37, which create the
947 State Board of Cosmetology and prescribe its duties and powers,
948 shall stand repealed * * * on July 1, * * * 2024.

949 **SECTION 26.** This act shall take effect and be in force from
950 and after July 1, 2021.

