

By: Representative Gunn

To: Accountability,
Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1315

1 AN ACT TO REPEAL SECTIONS 73-65-1 THROUGH 73-65-17,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE PROFESSIONAL ART
3 THERAPISTS ADVISORY COUNCIL AND PROVIDE THE LICENSING REQUIREMENTS
4 FOR PROFESSIONAL ART THERAPISTS; TO REPEAL SECTIONS 73-4-1 THROUGH
5 73-4-51, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE MISSISSIPPI
6 AUCTIONEERS LICENSE ACT, CREATE THE MISSISSIPPI AUCTIONEER
7 COMMISSION AND PROVIDE THE LICENSING REQUIREMENTS FOR AUCTIONEERS;
8 TO AMEND SECTION 75-27-215, MISSISSIPPI CODE OF 1972, WHICH
9 PROVIDES THAT NO AUCTIONEER SHALL BE PERMITTED TO BUY CATTLE IN
10 HIS NAME DURING THE PERIOD WHILE ACTUALLY ENGAGED IN
11 AUCTIONEERING, TO CONFORM TO THE PRECEDING SECTION; TO REPEAL
12 SECTIONS 73-73-1 THROUGH 73-73-35, MISSISSIPPI CODE OF 1972, WHICH
13 ESTABLISH THE MISSISSIPPI CERTIFIED INTERIOR DESIGN ACT, CREATE
14 THE INTERIOR DESIGN ADVISORY COMMITTEE AND PROVIDE THE LICENSING
15 REQUIREMENTS FOR MISSISSIPPI CERTIFIED INTERIOR DESIGNERS; TO
16 AMEND SECTIONS 73-7-2, 73-7-7, 73-7-13 AND 73-7-29, MISSISSIPPI
17 CODE OF 1972, TO REMOVE ANY LICENSING REQUIREMENT OR REGULATION
18 FOR A WIGOLOGIST OR WIG SPECIALIST WITHIN THE COSMETOLOGIST
19 LICENSING LAW; TO BRING FORWARD SECTION 73-22-1, MISSISSIPPI CODE
20 OF 1972, WHICH PROVIDES DEFINITIONS IN THE ORTHOTICS AND
21 PROSTHETICS LICENSING LAW, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
22 TO REPEAL SECTIONS 73-67-1 THROUGH 73-67-39, MISSISSIPPI CODE OF
23 1972, WHICH CREATE THE MISSISSIPPI PROFESSIONAL MASSAGE THERAPY
24 ACT AND THE STATE BOARD OF MASSAGE THERAPY; TO AMEND SECTION
25 73-55-15, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE SCOPE OF
26 THE MISSISSIPPI ATHLETIC TRAINERS LICENSURE ACT, TO CONFORM TO THE
27 PRECEDING SECTION; TO AMEND SECTION 75-60-5, MISSISSIPPI CODE OF
28 1972, WHICH PROVIDES EXEMPTIONS TO THE COMMISSION ON PROPRIETARY
29 SCHOOL AND COLLEGE REGISTRATION, TO CONFORM TO THE PRECEDING
30 SECTIONS; AND FOR RELATED PURPOSES.

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



32 **SECTION 1.** Sections 73-65-1, 73-65-3, 73-65-5, 73-65-7,
33 73-65-9, 73-65-11, 73-65-13, 73-65-15 and 73-65-17, Mississippi
34 Code of 1972, which create the Professional Art Therapists
35 Advisory Council and provide the licensing requirements for
36 professional art therapists, are repealed.

37 **SECTION 2.** Sections 73-4-1, 73-4-3, 73-4-5, 73-4-7, 73-4-9,
38 73-4-11, 73-4-13, 73-4-15, 73-4-17, 73-4-19, 73-4-21, 73-4-23,
39 73-4-25, 73-4-27, 73-4-29, 73-4-31, 73-4-33, 73-4-35, 73-4-37,
40 73-4-39, 73-4-41, 73-4-43, 73-4-45, 73-4-47, 73-4-49 and 73-4-51,
41 Mississippi Code of 1972, which establish the Mississippi
42 Auctioneers License Act, create the Mississippi Auctioneer
43 Commission and provide the licensing requirements for auctioneers,
44 are repealed.

45 **SECTION 3.** Section 75-27-215, Mississippi Code of 1972, is
46 amended as follows:

47 75-27-215. * * * No auctioneer shall be permitted to buy
48 cattle in his or her name during the period while actually engaged
49 in auctioneering.

50 **SECTION 4.** Sections 73-73-1, 73-73-3, 73-73-5, 73-73-7,
51 73-73-9, 73-73-11, 73-73-13, 73-73-15, 73-73-17, 73-73-19,
52 73-73-21, 73-73-23, 73-73-25, 73-73-27, 73-73-29, 73-73-31,
53 73-73-33 and 73-73-35, Mississippi Code of 1972, which establish
54 the Mississippi Certified Interior Design Act, create the Interior
55 Design Advisory Committee and provide the licensing requirements
56 for Mississippi Certified Interior Designers, are repealed.



57 **SECTION 5.** Section 73-7-2, Mississippi Code of 1972, is
58 amended as follows:

59 73-7-2. As used in this chapter, the following terms shall
60 have the meanings ascribed herein unless the context otherwise
61 requires:

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

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

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

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

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

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

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

81 (vi) Manicuring and pedicuring.



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

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

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

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

91 (iii) Tinting eyelashes or eyebrows.

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

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

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

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

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



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

109 (ii) Applying artificial nails.

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

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

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

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

121 (k) "School" means an establishment, public or private,
122 operated for the purpose of teaching cosmetology, or manicuring
123 and pedicuring, or esthetics, * * * or all of those.

124 **SECTION 6.** Section 73-7-7, Mississippi Code of 1972, is
125 amended as follows:

126 73-7-7. (1) The board shall have authority to make
127 reasonable rules and regulations for the administration of the
128 provisions of this chapter. The board shall set up a curriculum
129 for operation of schools of cosmetology and the other professions
130 it is charged to regulate in this state. The board shall receive
131 and consider for adoption recommendations for rules and



132 regulations, school curriculum, and related matters from the
133 Mississippi Cosmetology Council, whose membership shall consist
134 of, in addition to the board members, five (5) elected delegates
135 from the Mississippi Cosmetology Association, five (5) elected
136 delegates from the Mississippi Cosmetology School Association,
137 five (5) elected delegates from the Mississippi Independent
138 Beauticians Association, and five (5) elected delegates from the
139 School Owners and Teachers Association. The board may revoke the
140 license of any cosmetologist, esthetician, manicurist, instructor,
141 school of cosmetology, or salon, or may refuse to issue a license
142 to any cosmetologist, esthetician, manicurist, instructor, school
143 of cosmetology, or salon that fails or refuses to comply with the
144 provisions of this chapter and the rules and regulations of the
145 board in carrying out the provisions of this chapter.

146 (2) The board shall have authority to prescribe reasonable
147 rules and regulations governing sanitation of schools of
148 cosmetology and beauty salons for the guidance of persons licensed
149 under this chapter in the operation of schools of cosmetology, or
150 a beauty salon, and in the practice of cosmetology, esthetics,
151 manicuring and pedicuring * * *. However, any and all rules and
152 regulations relating to sanitation shall, before adoption by the
153 board, have the written approval of the State Board of Health.
154 When the board has reason to believe that any of the provisions of
155 this chapter or of the rules and regulations of the board have
156 been violated, either upon receipt of a written complaint alleging



157 such violations or upon the board's own initiative, the board, or
158 any of its authorized agents, shall investigate same and shall
159 have authority to enter upon the premises of a school of
160 cosmetology or salon at any time during the regular business hours
161 of that school or salon to conduct the investigation. Such
162 investigation may include, but not be limited to, conducting oral
163 interviews with the complaining party, school or salon owner(s)
164 and/or students of the school, and reviewing records of the school
165 or salon pertinent to the complaint and related to an area subject
166 to the authority of the board. Such investigation shall not
167 include written interviews or surveys of school employees or
168 students, and the privacy of patrons shall be respected by any
169 person making such investigation.

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

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

179 **SECTION 7.** Section 73-7-13, Mississippi Code of 1972, is
180 amended as follows:



181 73-7-13. (1) The board shall admit to examination for a
182 cosmetology license any person who has made application to the
183 board in proper form, has paid the required fee, and who (a) is at
184 least seventeen (17) years of age, (b) can read, write and speak
185 English, (c) has successfully completed no less than fifteen
186 hundred (1500) hours over a period of no less than nine (9) months
187 in a licensed school of cosmetology, and (d) has a high school
188 education or its equivalent or has been successfully enrolled in a
189 community college.

190 (a) The board may, in its discretion, issue to any
191 student who has completed the prescribed hours in a licensed
192 school and paid the required fee a temporary permit until such
193 time as the next examination may be held, but such student shall
194 be issued only one (1) temporary permit. Application for an
195 examination and license shall be accompanied by two (2) passport
196 photographs of the applicant. No temporary permit will be issued
197 to an applicant from any other state to operate a beauty salon or
198 school of cosmetology in this state unless in case of emergency.

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

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



206 hours in a licensed barber school, and who holds a current valid
207 certificate of registration to practice barbering and who holds a
208 current valid license, is eligible to take the cosmetology
209 examination to secure a cosmetology license upon successfully
210 completing five hundred (500) hours in a licensed school of
211 cosmetology. All fees for application, examination, registration
212 and renewal thereof shall be the same as provided for
213 cosmetologists.

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

217 (3) Any licensed cosmetologist, esthetician, or manicurist
218 who is registered but not actively practicing in the State of
219 Mississippi at the time of making application for renewal, may
220 apply for registration on the "inactive" list. Such "inactive"
221 list shall be maintained by the board and shall set out the names
222 and post office addresses of all persons registered but not
223 actively practicing in this state, arranged alphabetically by name
224 and also by the municipalities and states of their last-known
225 professional or residential address. Only the cosmetologists,
226 estheticians and manicurists registered on the appropriate list as
227 actively practicing in the State of Mississippi shall be
228 authorized to practice those professions. For the purpose of this
229 section, any licensed cosmetologist, esthetician or manicurist who
230 has actively practiced his or her profession for at least three



231 (3) months of the immediately preceding license renewal period
232 shall be considered inactive practice. No cosmetologist,
233 esthetician, or manicurist shall be registered on the "inactive"
234 list until the person has furnished a statement of intent to take
235 such action to the board. Any licensed cosmetologist,
236 esthetician * * * or manicurist * * * registered on the "inactive"
237 list shall not be eligible for registration on the active list
238 until either of the following conditions have been satisfied:

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

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

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

251 **SECTION 8.** Section 73-7-29, Mississippi Code of 1972, is
252 amended as follows:

253 73-7-29. The State Board of Cosmetology shall assess fees in
254 the following amounts and for the following purposes:



255 (a) Initial license/renewal for cosmetologist,
 256 manicurist * * * or esthetician * * *\$ 50.00
 257 (b) Instructor initial license/renewal80.00
 258 (c) Master cosmetologist license/renewal70.00
 259 (d) Delinquent renewal penalty - cosmetologist,
 260 manicurist, esthetician * * * and instructor50.00
 261 There shall be no renewal fee for any licensee seventy (70)
 262 years of age or older.
 263 (e) Salon application and initial inspection85.00
 264 (f) Salon reinspection35.00
 265 (g) Salon change of ownership or location,
 266 or both85.00
 267 (h) Salon renewal60.00
 268 (i) Salon delinquent renewal penalty50.00
 269 (j) Application and initial inspection for a
 270 new school300.00
 271 (k) New school reinspection100.00
 272 (l) School change of ownership300.00
 273 (m) School relocation150.00
 274 (n) School renewal5.00
 275 (o) School delinquent renewal penalty100.00
 276 (p) Duplicate license10.00
 277 (q) Penalty for insufficient fund checks20.00
 278 (r) Affidavit processing15.00



279 The State Board of Cosmetology may charge additional fees for
280 services which the board deems appropriate to carry out its intent
281 and purpose. These additional fees shall not exceed the cost of
282 rendering the service.

283 The board is fully authorized to make refunds of any deposits
284 received by the board for services which are not rendered.
285 Refunds will automatically be made on overpayment of fees.
286 Refunds will be made on underpayments by written requests from
287 applicants. If no request for refund is made within sixty (60)
288 days, the fees will be forfeited.

289 **SECTION 9.** Section 73-22-1, Mississippi Code of 1972, is
290 brought forward as follows:

291 73-22-1. As used in this chapter:

292 (a) "Appropriately trained" means the satisfactory
293 completion of a course of study that covers fitting and patient
294 management of therapeutic diabetic shoes and inserts that is
295 approved by the National Commission for Orthotic and Prosthetic
296 Education (N.C.O.P.E.), or a course of study offered by a
297 manufacturer.

298 (b) "Orthotic device" means a brace or support, but
299 does not include fabric and elastic supports, corsets, arch
300 supports, trusses, elastic hose, canes, crutches, cervical
301 collars, dental appliances or other similar devices carried in
302 stock and sold by drug stores, department stores, corset shops or
303 surgical supply facilities.



304 (c) "Orthotics" means the science or practice of
305 measuring, designing, constructing, assembling, fitting, adjusting
306 or servicing orthotic devices for the support, correction or
307 alleviation of musculoskeletal diseases, injuries, disabilities or
308 deformities as permitted by prescriptions from a licensed doctor
309 of medicine.

310 (d) "Orthotist" means a person who is certified by the
311 American Board for Certification in Orthotics and Prosthetics or
312 the Board for Orthotist/Prosthetist Certification as a certified
313 orthotist.

314 (e) "Person" means any individual, corporation,
315 partnership, association or other organization.

316 (f) "Prosthetic device" means any artificial device
317 that is not surgically implanted and that is used to replace a
318 missing limb, appendage or any other external human body part,
319 including devices such as artificial limbs, hands, fingers, feet,
320 toes, but excluding artificial eyes or appliances for the eyes,
321 dental plates, and largely cosmetic devices such as wigs,
322 artificial breasts, eyelashes, ears and noses or other devices
323 which could not by their use have a significantly detrimental
324 impact upon the musculoskeletal functions of the body.

325 (g) "Prosthetics" means the science or practice of
326 measuring, designing, constructing, assembling, fitting, adjusting
327 or servicing prosthetic devices as permitted by prescriptions from
328 a licensed doctor of medicine.



329 (h) "Prosthetist" means a person who is certified by
330 the American Board for Certification in Orthotics and Prosthetics
331 or the Board for Orthotist/Prosthetist Certification as a
332 certified prosthetist.

333 **SECTION 10.** Sections 73-67-1, 73-67-3, 73-67-5, 73-67-7,
334 73-67-9, 73-67-11, 73-67-13, 73-67-15, 73-67-17, 73-67-19,
335 73-67-21, 73-67-23, 73-67-25, 73-67-27, 73-67-29, 73-67-31,
336 73-67-33, 73-67-35, 73-67-37 and 73-67-39, Mississippi Code of
337 1972, which create the Mississippi Professional Massage Therapy
338 Act and the State Board of Massage Therapy, are repealed.

339 **SECTION 11.** Section 73-55-15, Mississippi Code of 1972, is
340 amended as follows:

341 73-55-15. (1) Nothing in this chapter shall be construed to
342 authorize the practice of medicine or nursing by any person not
343 licensed by the State Board of Medical Licensure or the
344 Mississippi Board of Nursing.

345 (2) Nothing in this chapter shall be construed as preventing
346 or restricting any of the following persons from engaging in the
347 profession or occupation for which they are licensed:

348 (a) Physicians and surgeons licensed by the State Board
349 of Medical Licensure.

350 (b) Dentists licensed by the State Board of Dental
351 Examiners.

352 (c) Optometrists licensed by the State Board of
353 Optometry.



354 (d) Nurses licensed by the Mississippi Board of
355 Nursing.

356 (e) Chiropractors licensed by the State Board of
357 Chiropractic Examiners.

358 (f) Podiatrists licensed by the State Board of Medical
359 Licensure.

360 (g) Physical therapists licensed by the State Board of
361 Physical Therapy.

362 (h) Occupational therapists licensed by the State
363 Department of Health.

364 * * *

365 (3) The provisions of this chapter shall not restrict any of
366 the following persons:

367 (a) Coaches and physical education instructors in the
368 performance of their duties.

369 (b) Athletic trainers from other nations, states or
370 territories performing their duties for their respective teams or
371 organizations and only during the course of their team or
372 organization's stay in this state.

373 **SECTION 12.** Section 75-60-5, Mississippi Code of 1972, is
374 amended as follows:

375 75-60-5. The provisions of this chapter do not apply to the
376 following categories of courses, schools or colleges:

377 (a) Tuition-free courses or schools conducted by
378 employers exclusively for their own employees;



379 (b) Schools, colleges, technical institutes, community
380 colleges, junior colleges or universities under the jurisdiction
381 of the Board of Trustees of State Institutions of Higher Learning
382 or the Mississippi Community College Board;

383 (c) Schools or courses of instruction under the
384 jurisdiction of the State Board of Cosmetology, State Board of
385 Barber Examiners * * * or the State Board of Nursing;

386 (d) Courses of instruction required by law to be
387 approved or licensed, or given by institutions approved or
388 licensed, by a state board or agency other than the Commission on
389 Proprietary School and College Registration; however, a school so
390 approved or licensed may apply to the Commission on Proprietary
391 School and College Registration for a certificate of registration
392 to be issued in accordance with the provisions of this chapter;

393 (e) Correspondence education;

394 (f) Nonprofit private schools offering academic credits
395 at primary or secondary levels, or conducting classes for
396 exceptional education as defined by regulations of the State
397 Department of Education;

398 (g) Private nonprofit colleges and universities or any
399 private school offering academic credits at primary, secondary or
400 postsecondary levels;

401 (h) Courses of instruction conducted by a public school
402 district or a combination of public school districts;



403 (i) Courses of instruction conducted outside the United
404 States;

405 (j) A school that offers only instruction in subjects
406 that the Commission on Proprietary School and College Registration
407 determines are primarily for a vocational, personal improvement or
408 cultural * * * purpose and that does not represent to the public
409 that its course of study or instruction will or may produce income
410 for those who take that study or instruction;

411 (k) Courses conducted primarily on an individual
412 tutorial basis, where not more than one (1) student is involved at
413 any one time, except in those instances where the Commission on
414 Proprietary School and College Registration determines that the
415 course is for the purpose of preparing for a vocational objective;

416 (l) Kindergartens or similar programs for preschool-age
417 children.

418 **SECTION 13.** This act shall take effect and be in force from
419 and after July 1, 2021.

