

By: Senator(s) Bryan

To: Public Health and  
Welfare

SENATE BILL NO. 2417

1 AN ACT TO REENACT SECTIONS 73-7-1, 73-7-2, 73-7-3, 73-7-5,  
2 73-7-7, 73-7-9, 73-7-11, 73-7-12, 73-7-14, 73-7-15, 73-7-16,  
3 73-7-17, 73-7-18, 73-7-19, 73-7-21, 73-7-23, 73-7-25, 73-7-27,  
4 73-7-29, 73-7-31, 73-7-33, 73-7-35, 73-7-37, MISSISSIPPI CODE OF  
5 1972, WHICH CREATE THE STATE BOARD OF COSMETOLOGY AND PRESCRIBE  
6 ITS DUTIES AND POWERS; TO AMEND REENACTED SECTION 73-7-12,  
7 MISSISSIPPI CODE OF 1972, TO REMOVE THE AUTOMATIC REPEALER IN THAT  
8 SECTION; TO AMEND SECTION 73-7-63, MISSISSIPPI CODE OF 1972, TO  
9 EXTEND THE AUTOMATIC REPEALER ON THOSE SECTIONS; AND FOR RELATED  
10 PURPOSES.

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

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

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

21 There shall be a president of the board and such other  
22 officers as deemed necessary by the board elected by and from its



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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

83 (vi) Manicuring and pedicuring.

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

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

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

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

93 (iii) Tinting eyelashes or eyebrows.

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



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

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

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

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

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

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

(ii) Applying artificial nails.

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

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

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



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

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

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

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

The office of the board shall be located in the greater metropolitan area of the City of Jackson, Mississippi, and in the event office space cannot be obtained in any state-owned building, the board is authorized to rent suitable office space and to pay therefor out of funds in the board's special fund. The board shall employ inspectors as needed, not to exceed seven (7), who



shall be full-time employees and whose salaries and duties shall be fixed by the board.

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

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

73-7-5. (1) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and shall be disbursed by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the president of the board or another board member designated by the president, and countersigned by the secretary of the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any



unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund.

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

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

73-7-7. (1) The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter. The board shall set up a curriculum for operation of schools of cosmetology and the other professions it is charged to regulate in this state. The board shall receive and consider for adoption recommendations for rules and regulations, school curriculum, and related matters from the Mississippi Cosmetology Council, whose membership shall consist





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

(2) The board shall have authority to prescribe reasonable rules and regulations governing sanitation of schools of cosmetology and beauty salons for the guidance of persons licensed under this chapter in the operation of schools of cosmetology, or a beauty salon, and in the practice of cosmetology, esthetics, manicuring and pedicuring, and wigology. However, any and all rules and regulations relating to sanitation shall, before adoption by the board, have the written approval of the State Board of Health. When the board has reason to believe that any of the provisions of this chapter or of the rules and regulations of the board have been violated, either upon receipt of a written complaint alleging such violations or upon the board's own initiative, the board, or any of its authorized agents, shall



investigate same and shall have authority to enter upon the premises of a school of cosmetology or salon at any time during the regular business hours of that school or salon to conduct the investigation. Such investigation may include, but not be limited to, conducting oral interviews with the complaining party, school or salon owner(s) and/or students of the school, and reviewing records of the school or salon pertinent to the complaint and related to an area subject to the authority of the board. Such investigation shall not include written interviews or surveys of school employees or students, and the privacy of patrons shall be respected by any person making such investigation.

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

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

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

73-7-9. No person required by this chapter to have a license shall conduct a beauty salon or school of cosmetology, or practice cosmetology, esthetics, manicuring and pedicuring, or practice as



an instructor, unless such person has received a license or temporary permit therefor from the board. Students determined to have violated any of these rules or regulations prior to being licensed by the board shall be subject to the same discipline by the board as licensees. They may be disciplined and fined accordingly.

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

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

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

**SECTION 8.** Section 73-7-14, Mississippi Code of 1972, is reenacted as follows:

73-7-14. (1) Any person who holds a current, valid cosmetology, manicuring or esthetics license may be licensed as a master cosmetologist, manicurist or esthetician if he or she has been a licensed cosmetologist, manicurist or esthetician in this state for a period of not less than twelve (12) months, and has completed a minimum course of sixteen (16) hours' study in



continuing education approved by the board within the licensing period preceding initial application for the license, and has paid the original license fee. Master cosmetologist, manicurist or esthetician licenses shall be renewable upon completion of a minimum course of eight (8) hours' study in continuing education approved by the board within a licensing period and payment of the required renewal fee. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a cosmetology license when renewing their license.

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

**SECTION 9.** Section 73-7-15, Mississippi Code of 1972, is reenacted as follows:

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

- (a) Is not less than twenty-one (21) years of age;
- (b) Can read, write and speak English;
- (c) Is a graduate of a licensed cosmetology school;
- (d) Has a high school education or its equivalent;
- (e) Has successfully completed one thousand (1,000) hours of instructor training in a licensed school of cosmetology;



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

296           (g) Holds a current, valid Mississippi cosmetology  
297 license; and

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

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

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

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

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

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

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

313           (f) Holds a current, valid Mississippi esthetician's  
314 license; and

315           (g) Has had one (1) year of active practical experience  
316 as an esthetician or, as an alternative to such experience, has  
317 successfully completed one thousand (1,000) hours of instructor



training in a licensed school in which the practice of esthetics is taught.

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

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

(b) Can read, write and speak English;

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

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

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

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

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

(4) Applicants shall satisfactorily pass the examination prescribed by the board for licensing instructors prior to the issuance of the licenses provided for in this section. However, the board may, in its discretion, issue a temporary instructor's permit until such time as the next examination may be held, but



such applicant shall be issued only one (1) temporary permit. All applications for an instructor's examination shall be accompanied by two (2) recent head photographs of the applicant.

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

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

**SECTION 10.** Section 73-7-16, Mississippi Code of 1972, is reenacted as follows:

73-7-16. (1) All schools of cosmetology or school owners shall have a school license and shall pay to the board the required license fee biennially therefor. A grace period of sixty (60) days will be given in which to renew the license, and upon



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

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

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

**SECTION 11.** Section 73-7-17, Mississippi Code of 1972, is reenacted as follows:

73-7-17. (1) All salon owners shall have a salon license and shall pay to the board the required license fee therefor and pay the required renewal fee for renewal thereof. A grace period of sixty (60) days will be given in which to renew the license, and upon the expiration of the grace period of sixty (60) days any applicant for the renewal of a salon license will be required to pay a delinquent fee in addition to the renewal fee. A salon license that has been expired for over one (1) year is





nonrenewable and requires a new application. Prior to the initial issuance of such license, the board shall inspect the premises to determine if same qualifies with the law, upon payment by the applicant of the required inspection fee.

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

**SECTION 12.** Section 73-7-18, Mississippi Code of 1972, is reenacted as follows:

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

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

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

(2) Every person who has completed not less than three hundred fifty (350) hours of training in esthetics approved by the



board in this or any other state prior to July 1, 1987, shall be registered with the board within a period not exceeding six (6) months after July 1, 1987, and shall be granted an esthetician's license by the board if such person presents satisfactory evidence to the board that he or she has fulfilled all the requirements to be admitted to examination except the training hours requirement.

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

**SECTION 13.** Section 73-7-19, Mississippi Code of 1972, is reenacted as follows:

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



fund checks plus all other amounts due for renewal of the license before the license may be renewed. After one (1) year has passed from the expiration date of the license, a delinquent fee must be paid for each year up to three (3) years, after which the required examination must be taken. All applications for examination required by this chapter shall expire ninety (90) days from the date thereof.

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

**SECTION 14.** Section 73-7-21, Mississippi Code of 1972, is reenacted as follows:

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

- (a) Is at least seventeen (17) years of age;
- (b) Can read, write and speak English;
- (c) Has successfully completed no less than three hundred fifty (350) hours of practice and related theory in manicuring and pedicuring over a period of no less than nine (9) weeks in an accredited school of cosmetology in this or any other state; and
- (d) Has a high school education or its equivalent.

(2) Licensed manicurists desiring to pursue additional hours to be eligible for a license as a cosmetologist may be credited



with the three hundred fifty (350) hours acquired in studying and training to be a manicurist which may be applied to the number of hours required for a cosmetology license examination.

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

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

**SECTION 15.** Section 73-7-23, Mississippi Code of 1972, is reenacted as follows:

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

(2) An instructor from any other state may be qualified for a Mississippi instructor's license upon presenting a valid instructor's license and proof of a high school education or its



equivalent, provided that the instructor (a) is not less than twenty-one (21) years of age, (b) has completed training equivalent to the State of Mississippi's training as provided in Section 73-7-15 or has three (3) years or more of experience as a licensed instructor prior to application, (c) can read, write and speak English, (d) has completed twelve (12) semester hours in college courses approved by the board, and (e) has completed a minimum of five (5) continuing education hours in Mississippi board laws, rules and regulations. Such application must be accompanied by two (2) recent passport photographs of the applicant. Applicants shall pay the required license fee.

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

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



518           **SECTION 16.** Section 73-7-25, Mississippi Code of 1972, is  
519 reenacted as follows:

520           73-7-25. Every demonstrator in the field of cosmetology  
521 shall, before making demonstrations in a salon or school, apply  
522 for and obtain a permit from the board. For such permit, which  
523 shall be for one (1) year, the required fee shall be paid to the  
524 board. This section shall be construed to apply to demonstrators  
525 in salons and schools.

526           **SECTION 17.** Section 73-7-27, Mississippi Code of 1972, is  
527 reenacted as follows:

528           73-7-27. (1) Any complaint may be filed with the board by a  
529 member or agent of the board or by any person charging any  
530 licensee of the board with the commission of any of the offenses  
531 enumerated in subsection (2) of this section. Such complaint  
532 shall be in writing, signed by the accuser or accusers, and  
533 verified under oath, and such complaints shall be investigated as  
534 set forth in Section 73-7-7. If, after the investigation, the  
535 board through its administrative review agents determines that  
536 there is not substantial justification to believe that the accused  
537 licensee has committed any of the offenses enumerated, it may  
538 dismiss the complaint or may prepare a formal complaint proceeding  
539 against the licensee as hereinafter provided. When used with  
540 reference to any complaint filed against a licensee herein, the  
541 term "not substantial justification" means a complaint that is  
542 frivolous, groundless in fact or law, or vexatious, as determined



by unanimous vote of the board. In the event of a dismissal, the person filing the accusation and the accused licensee shall be given written notice of the board's determination. If the board determines there is reasonable cause to believe the accused has committed any of those offenses, the secretary of the board shall give written notice of such determination to the accused licensee and set a day for a hearing as provided in subsection (3) of this section.

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



violating any of the provisions of this chapter. A conviction of violating any of the provisions of this chapter shall be grounds for automatic suspension of the license or certificate of such person.

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

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





592           (5) The board is hereby authorized and empowered to issue  
593 subpoenas for the attendance of witnesses and the production of  
594 books and papers. The process issued by the board shall extend to  
595 all parts of the state and such process shall be served by any  
596 person designated by the board for such service. The person  
597 serving such process shall receive such compensation as may be  
598 allowed by the board, not to exceed the fee prescribed by law for  
599 similar services. All witnesses who shall be subpoenaed, and who  
600 shall appear in any proceedings before the board, shall receive  
601 the same fees and mileage as allowed by law.

602           (6) Where in any proceeding before the board any witness  
603 shall fail or refuse to attend upon subpoena issued by the board,  
604 shall refuse to testify, or shall refuse to produce any books and  
605 papers, the production of which is called for by the subpoena, the  
606 attendance of such witness and the giving of his testimony and the  
607 production of the books and papers shall be enforced by any court  
608 of competent jurisdiction of this state, in the same manner as are  
609 enforced for the attendance and testimony of witnesses in civil  
610 cases in the courts of this state.

611           (7) The board shall conduct the hearing in an orderly and  
612 continuous manner, granting continuances only when the ends of  
613 justice may be served. The board shall, within sixty (60) days  
614 after conclusion of the hearing, reduce its decision to writing  
615 and forward an attested true copy thereof to the last-known  
616 residence or business address of such applicant, licensee or



holder of a certificate, by way of United States first-class certified mail, postage prepaid. Such applicant, licensee, holder of a certificate, or person aggrieved shall have the right of appeal from an adverse ruling, or order, or decision of the board to the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon forwarding notice of appeal to the board within thirty (30) days after the decision of the board is mailed in the manner here contemplated. An appeal will not be allowed in the event notice of appeal, together with the appeal bond hereinafter required, shall not have been forwarded to the board within the thirty-day period. Appeal shall be to the Chancery Court of the First Judicial District of Hinds County, Mississippi. The appeal shall thereupon be heard in due course by the court which shall review the record and make its determination thereon.

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

(9) In the event of an appeal, the court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. If there is an appeal, such appeal may, in the discretion of and on motion to the chancery court, act as a supersedeas. However, any fine imposed by the board under the provisions of this chapter shall not take effect until after the



time for appeal has expired, and an appeal of the imposition of such a fine shall act as a supersedeas.

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

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

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

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

(11) In addition to the reasons specified in subsection (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in



667 suspending a license when required by Section 93-11-157 or  
668 93-11-163 are not actions from which an appeal may be taken under  
669 this section. Any appeal of a license suspension that is required  
670 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
671 with the appeal procedure specified in Section 93-11-157 or  
672 93-11-163, as the case may be, rather than the procedure specified  
673 in this section. If there is any conflict between any provision  
674 of Section 93-11-157 or 93-11-163 and any provision of this  
675 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
676 case may be, shall control.

677 **SECTION 18.** Section 73-7-29, Mississippi Code of 1972, is  
678 reenacted as follows:

679 73-7-29. The State Board of Cosmetology shall assess fees in  
680 the following amounts and for the following purposes:

- 681 (a) Initial license/renewal for cosmetologist,  
682 manicurist, esthetician, or wig specialist.....\$ 50.00  
683 (b) Instructor initial license/renewal..... 80.00  
684 (c) Master cosmetologist license/renewal..... 70.00  
685 (d) Delinquent renewal penalty - cosmetologist,  
686 manicurist, esthetician, wig specialist and instructor..... 50.00

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

- 689 (e) Salon application and initial inspection.... 85.00  
690 (f) Salon reinspection..... 35.00  
691 (g) Salon change of ownership or location,



692	or both.....	85.00
693	(h) Salon renewal.....	60.00
694	(i) Salon delinquent renewal penalty.....	50.00
695	(j) Application and initial inspection for a	
696	new school.....	300.00
697	(k) New school reinspection.....	100.00
698	(l) School change of ownership.....	300.00
699	(m) School relocation.....	150.00
700	(n) School renewal.....	75.00
701	(o) School delinquent renewal penalty.....	100.00
702	(p) Duplicate license.....	10.00
703	(q) Penalty for insufficient fund checks.....	20.00
704	(r) Affidavit processing.....	15.00

705       The State Board of Cosmetology may charge additional fees for  
706 services which the board deems appropriate to carry out its intent  
707 and purpose. These additional fees shall not exceed the cost of  
708 rendering the service.

709       The board is fully authorized to make refunds of any deposits  
710 received by the board for services which are not rendered.  
711 Refunds will automatically be made on overpayment of fees.  
712 Refunds will be made on underpayments by written requests from  
713 applicants. If no request for refund is made within sixty (60)  
714 days, the fees will be forfeited.

715       **SECTION 19.** Section 73-7-31, Mississippi Code of 1972, is  
716 reenacted as follows:



717 73-7-31. Nothing in this chapter shall apply to:

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

721 (b) Persons whose practice is limited to the  
722 application of cosmetic products to another person in connection  
723 with the sale, or attempted sale, of such products at retail,  
724 without compensation from such other person other than the regular  
725 retail price of such merchandise.

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

728 (d) Persons engaged in the practice of hair braiding as  
729 defined in Section 73-7-71 who have completed the self-test part  
730 of the brochure on infection control techniques prepared by the  
731 State Department of Health and who keep the brochure and completed  
732 self-test available at the location at which the person is engaged  
733 in hair braiding.

734 **SECTION 20.** Section 73-7-33, Mississippi Code of 1972, is  
735 reenacted as follows:

736 73-7-33. In addition to the rules and regulations that may  
737 be prescribed and promulgated by the board under authority of this  
738 chapter, the following rules and regulations shall be observed:

739 Every establishment must be kept sanitary, including all  
740 utensils and equipment, must be well ventilated and properly  
741 lighted. Each salon must be provided with hot and cold running



water. Electrical appliances must be properly installed and grounded.

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

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

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

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

**SECTION 21.** Section 73-7-35, Mississippi Code of 1972, is reenacted as follows:



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

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

**SECTION 22.** Section 73-7-37, Mississippi Code of 1972, is reenacted as follows:

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





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

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



815 punish the offender for contempt of court and the court shall  
816 proceed as in other cases.

817 (3) The proceedings in this section shall be in addition to  
818 and not in lieu of the other remedies and penalties provided in  
819 this chapter.

820 **SECTION 23.** Section 73-7-12, Mississippi Code of 1972, is  
821 reenacted and amended as follows:

822 73-7-12. (1) Effective January 1, 2020, the State Board of  
823 Cosmetology shall terminate its student testing contract with  
824 proper notice and shall conduct examinations for cosmetologists,  
825 estheticians, manicurists and instructors at such times and  
826 locations as determined by the board. The members of the board  
827 shall not personally administer or monitor the examinations, but  
828 the board shall contract for administrators of the examinations.  
829 A member of the board shall not receive any per diem compensation  
830 for any day that the member is present at the site where the  
831 examinations are being administered.

832 \* \* \*

833 **SECTION 24.** Section 73-7-63, Mississippi Code of 1972, is  
834 amended as follows:

835 73-7-63. Sections 73-7-1 through 73-7-37, which create the  
836 State Board of Cosmetology and prescribe its duties and powers,  
837 shall stand repealed as of July 1, \* \* \* 2023.

838 **SECTION 25.** This act shall take effect and be in force from  
839 and after July 1, 2021.

