

Senate Amendments to House Bill No. 1312

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

1 **AMEND** by striking all after the enacting clause and inserting
2 in lieu thereof the following:

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

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

12 There shall be a president of the board and such other
13 officers as deemed necessary by the board elected by and from its
14 membership, provided that the member elected as president shall
15 have at least one (1) year of experience on the board. Any member
16 appointed by the Governor and confirmed by the Senate for a term
17 to begin on or after July 1, 1997, who was designated by the
18 Governor to serve as president of the board, shall be fully
19 qualified to serve on the board for a full term of office, but

20 shall not serve as president of the board unless elected by the
21 membership of the board as provided under this paragraph.

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

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

41 The salaries of all paid employees of the board shall be paid
42 out of funds in the board's special fund in the State Treasury.
43 Each member of the board, excepting the inspectors provided for
44 herein, shall receive per diem as authorized by Section 25-3-69,

45 and shall be reimbursed for such other expenses at the same rate
46 and under the same conditions as other state employees as provided
47 for in Section 25-3-41.

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

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

52 73-7-2. As used in this chapter, the following terms shall
53 have the meanings ascribed herein unless the context otherwise
54 requires:

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

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

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

62 (ii) Styling, arranging, dressing, curling,
63 waving, permanent waving, straightening, cleansing, bleaching,
64 tinting, coloring or similarly treating hair and hair pieces.

65 (iii) Cleansing, stimulating, manipulating,
66 beautifying or applying oils, antiseptics, lotions or other

67 preparations, either by hand or by mechanical or electrical
68 apparatus.

69 (iv) Arching eyebrows, to include tweezing,
70 waxing, threading or any other methods of epilation, or tinting
71 eyebrows and eyelashes.

72 (v) Removing superfluous hair by the use of
73 depilation.

74 (vi) Manicuring and pedicuring.

75 (c) "Cosmetologist" means a person who for
76 compensation, whether direct or indirect, engages in the practice
77 of cosmetology.

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

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

81 (ii) Arching eyebrows to include trimming,
82 tweezing, waxing, threading or any other method of epilation or
83 tinting eyebrows and eyelashes.

84 (iii) Tinting eyelashes or eyebrows.

85 (iv) Waxing, stimulating, cleaning or beautifying
86 the face, neck, arms or legs of a person by any method with the
87 aid of the hands or any mechanical or electrical apparatus, or by
88 the use of a cosmetic preparation.

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

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

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

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

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

102 (ii) Applying artificial nails.

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

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

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

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

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

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

119 73-7-3. The board shall be authorized to employ such
120 clerical and stenographic assistance, bookkeepers, investigators
121 and other agents as they may deem necessary to carry out the
122 provisions of this chapter, and to fix their tenure of employment
123 and compensation therefor. The members of the board shall file a
124 bond with the Secretary of State in the sum of not less than Five
125 Thousand Dollars (\$5,000.00) payable to the State of Mississippi
126 for the faithful performance of their duties. The bond shall be
127 made by a surety company authorized to do business in this state,
128 the premium of the bond to be paid out of any money in the board's
129 special fund in the State Treasury.

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

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

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

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

148 73-7-5. (1) All fees and any other monies received by the
149 board shall be deposited in a special fund that is created in the
150 State Treasury and shall be used for the implementation and
151 administration of this chapter when appropriated by the
152 Legislature for such purpose. The monies in the special fund
153 shall be subject to all provisions of the state budget laws that
154 are applicable to special fund agencies, and shall be disbursed by
155 the State Treasurer only upon warrants issued by the State Fiscal
156 Officer upon requisitions signed by the president of the board or
157 another board member designated by the president, and
158 countersigned by the secretary of the board. Any interest earned
159 on this special fund shall be credited by the State Treasurer to
160 the fund and shall not be paid into the State General Fund. Any

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

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

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

178 73-7-7. (1) The board shall have authority to make
179 reasonable rules and regulations for the administration of the
180 provisions of this chapter. The board shall set up a curriculum
181 for operation of schools of cosmetology and the other professions
182 it is charged to regulate in this state. The board shall receive
183 and consider for adoption recommendations for rules and
184 regulations, school curriculum, and related matters from the
185 Mississippi Cosmetology Council, whose membership shall consist

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

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

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

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

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

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

233 73-7-9. No person required by this chapter to have a license
234 shall conduct a beauty salon or school of cosmetology, or practice
235 cosmetology, esthetics, manicuring and pedicuring, or practice as
236 an instructor, unless such person has received a license or

237 temporary permit therefor from the board. Students determined to
238 have violated any of these rules or regulations prior to being
239 licensed by the board shall be subject to the same discipline by
240 the board as licensees. They may be disciplined and fined
241 accordingly.

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

244 73-7-11. Each owner of a license issued by the board under
245 the provisions of this chapter shall display the license in a
246 conspicuous place in his or her principal office, place of
247 business or employment, at all times.

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

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

255 73-7-12. * * * Effective January 1, 2020, the State Board of
256 Cosmetology shall terminate its student testing contract with
257 proper notice and shall conduct examinations for cosmetologists,
258 estheticians, manicurists and instructors at such times and
259 locations as determined by the board. The members of the board
260 shall not personally administer or monitor the examinations, but

261 the board shall contract for administrators of the examinations.
262 A member of the board shall not receive any per diem compensation
263 for any day that the member is present at the site where the
264 examinations are being administered.

265 * * *

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

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

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

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

291 (c) Any barber who can read, write and speak English
292 and has successfully completed no less than fifteen hundred (1500)
293 hours in a licensed barber school, and who holds a current valid
294 certificate of registration to practice barbering and who holds a
295 current valid license, is eligible to take the cosmetology
296 examination to secure a cosmetology license upon successfully
297 completing five hundred (500) hours in a licensed school of
298 cosmetology. All fees for application, examination, registration
299 and renewal thereof shall be the same as provided for
300 cosmetologists.

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

304 (3) Any licensed cosmetologist, esthetician, or manicurist
305 who is registered but not actively practicing in the State of
306 Mississippi at the time of making application for renewal, may
307 apply for registration on the "inactive" list. Such "inactive"
308 list shall be maintained by the board and shall set out the names
309 and post office addresses of all persons registered but not
310 actively practicing in this state, arranged alphabetically by name

311 and also by the municipalities and states of their last-known
312 professional or residential address. Only the cosmetologists,
313 estheticians and manicurists registered on the appropriate list as
314 actively practicing in the State of Mississippi shall be
315 authorized to practice those professions. For the purpose of this
316 section, any licensed cosmetologist, esthetician or manicurist who
317 has actively practiced his or her profession for at least three
318 (3) months of the immediately preceding license renewal period
319 shall be considered inactive practice. No cosmetologist,
320 esthetician, or manicurist shall be registered on the "inactive"
321 list until the person has furnished a statement of intent to take
322 such action to the board. Any licensed cosmetologist,
323 esthetician, manicurist or wigologist registered on the "inactive"
324 list shall not be eligible for registration on the active list
325 until either of the following conditions have been satisfied:

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

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

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

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

340 73-7-14. (1) Any person who holds a current, valid
341 cosmetology, manicuring or esthetics license may be licensed as a
342 master cosmetologist, manicurist or esthetician if he or she has
343 been a licensed cosmetologist, manicurist or esthetician in this
344 state for a period of not less than twelve (12) months, and has
345 completed a minimum course of sixteen (16) hours' study in
346 continuing education approved by the board within the licensing
347 period preceding initial application for the license, and has paid
348 the original license fee. Master cosmetologist, manicurist or
349 esthetician licenses shall be renewable upon completion of a
350 minimum course of eight (8) hours' study in continuing education
351 approved by the board within a licensing period and payment of the
352 required renewal fee. This is an optional license and persons who
353 do not wish to complete the continuing education requirement may
354 obtain a cosmetology license when renewing their license.

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

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

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

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

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

366 (c) Is a graduate of a licensed cosmetology school;

367 (d) Has a high school education or its equivalent;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

422 (5) All instructors licensed pursuant to this section shall
423 biennially obtain twenty-four (24) clock hours of continuing
424 education in teacher training instruction in cosmetology or
425 esthetics or manicuring, as the case may be, as approved by the
426 board. Any instructor who fails to obtain the continuing
427 education required by this subsection shall not be allowed to
428 instruct nor enroll students under his or her license until such
429 education requirement has been met. The board may issue an

430 inactive instructor's license to such instructors, and an inactive
431 license may be converted into an active license after proof
432 satisfactory to the board of completion of at least twenty-four
433 (24) clock hours of approved continuing education required for
434 teacher training instruction.

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

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

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

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

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

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

461 73-7-17. (1) All salon owners shall have a salon license
462 and shall pay to the board the required license fee therefor and
463 pay the required renewal fee for renewal thereof. A grace period
464 of sixty (60) days will be given in which to renew the license,
465 and upon the expiration of the grace period of sixty (60) days any
466 applicant for the renewal of a salon license will be required to
467 pay a delinquent fee in addition to the renewal fee. A salon
468 license that has been expired for over one (1) year is
469 nonrenewable and requires a new application. Prior to the initial
470 issuance of such license, the board shall inspect the premises to
471 determine if same qualifies with the law, upon payment by the
472 applicant of the required inspection fee.

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

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

478 73-7-18. (1) The board shall admit to examination for an
479 esthetician's license any person who has made application to the
480 board in proper form, has paid the required fee, and who:

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

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

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

484 (d) Has successfully completed a course of training in
485 esthetics of not less than six hundred (600) hours in an
486 accredited school in which the practice of esthetics is taught,
487 including not less than one hundred (100) hours of theory and five
488 hundred (500) hours of skill practice.

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

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

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

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

505 73-7-19. (1) Except as provided in Section 33-1-39, all
506 licenses shall be renewed biennially under the fee schedule in
507 Section 73-7-29. Applications for renewal of licenses for
508 cosmetologists, estheticians, manicurists and instructors must be
509 accompanied by the required renewal fee. A grace period of sixty
510 (60) days will be given in which to renew the license; and upon
511 the expiration of the grace period of sixty (60) days, any
512 applicant for the renewal of a license will be required to pay the
513 required renewal fee and a delinquent fee in addition to the
514 renewal fee. The fees may be paid by either personal or certified
515 check, cash or money order, under such safeguards, rules and
516 regulations as the board may prescribe. Checks returned to the
517 board because of insufficient funds shall result in nonrenewal of
518 the license, which will require the penalty fee for insufficient
519 fund checks plus all other amounts due for renewal of the license
520 before the license may be renewed. After one (1) year has passed
521 from the expiration date of the license, a delinquent fee must be
522 paid for each year up to three (3) years, after which the required
523 examination must be taken. All applications for examination

524 required by this chapter shall expire ninety (90) days from the
525 date thereof.

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

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

531 73-7-21. (1) The board shall admit to examination for a
532 manicurist's license any person who has made application to the
533 board in proper form, has paid the required fee, and who:

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

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

536 (c) Has successfully completed no less than three
537 hundred fifty (350) hours of practice and related theory in
538 manicuring and pedicuring over a period of no less than nine (9)
539 weeks in an accredited school of cosmetology in this or any other
540 state; and

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

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

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

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

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

555 73-7-23. (1) The board may, upon application, issue a
556 license by reciprocity to any cosmetologist, esthetician or
557 manicurist over the age of seventeen (17) years from any other
558 state who has satisfactorily completed the required number of
559 accredited hours in that state, provided the state board from
560 which the applicant comes issues to cosmetologists, estheticians
561 or manicurists, as the case may be, from the State of Mississippi
562 a license under the same conditions. Applications must be
563 accompanied by (a) proof satisfactory to the board that the
564 required hours have been completed, and (b) the required
565 reciprocity fee, which shall be paid to the board.

566 (2) An instructor from any other state may be qualified for
567 a Mississippi instructor's license upon presenting a valid
568 instructor's license and proof of a high school education or its
569 equivalent, provided that the instructor (a) is not less than
570 twenty-one (21) years of age, (b) has completed training
571 equivalent to the State of Mississippi's training as provided in

572 Section 73-7-15 or has three (3) years or more of experience as a
573 licensed instructor prior to application, (c) can read, write and
574 speak English, (d) has completed twelve (12) semester hours in
575 college courses approved by the board, and (e) has completed a
576 minimum of five (5) continuing education hours in Mississippi
577 board laws, rules and regulations. Such application must be
578 accompanied by two (2) recent passport photographs of the
579 applicant. Applicants shall pay the required license fee.

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

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

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

596 73-7-25. Every demonstrator in the field of cosmetology
597 shall, before making demonstrations in a salon or school, apply
598 for and obtain a permit from the board. For such permit, which
599 shall be for one (1) year, the required fee shall be paid to the
600 board. This section shall be construed to apply to demonstrators
601 in salons and schools.

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

604 73-7-27. (1) Any complaint may be filed with the board by a
605 member or agent of the board or by any person charging any
606 licensee of the board with the commission of any of the offenses
607 enumerated in subsection (2) of this section. Such complaint
608 shall be in writing, signed by the accuser or accusers, and
609 verified under oath, and such complaints shall be investigated as
610 set forth in Section 73-7-7. If, after the investigation, the
611 board through its administrative review agents determines that
612 there is not substantial justification to believe that the accused
613 licensee has committed any of the offenses enumerated, it may
614 dismiss the complaint or may prepare a formal complaint proceeding
615 against the licensee as hereinafter provided. When used with
616 reference to any complaint filed against a licensee herein, the
617 term "not substantial justification" means a complaint that is
618 frivolous, groundless in fact or law, or vexatious, as determined
619 by unanimous vote of the board. In the event of a dismissal, the
620 person filing the accusation and the accused licensee shall be

621 given written notice of the board's determination. If the board
622 determines there is reasonable cause to believe the accused has
623 committed any of those offenses, the secretary of the board shall
624 give written notice of such determination to the accused licensee
625 and set a day for a hearing as provided in subsection (3) of this
626 section.

627 (2) The board shall have the power to revoke, suspend or
628 refuse to issue or renew any license or certificate provided for
629 in this chapter, and to fine, place on probation and/or otherwise
630 discipline a student or licensee or holder of a certificate, upon
631 proof that such person: (a) has not complied with or has violated
632 any of the rules and regulations promulgated by the board; (b) has
633 not complied with or has violated any of the sections of this
634 chapter; (c) has committed fraud or dishonest conduct in the
635 taking of the examination herein provided for; (d) has been
636 convicted of a felony; (e) has committed grossly unprofessional or
637 dishonest conduct; (f) is addicted to the excessive use of
638 intoxicating liquors or to the use of drugs to such an extent as
639 to render him or her unfit to practice in any of the practices or
640 occupations set forth in this chapter; (g) has advertised by means
641 of knowingly false or deceptive statements; or (h) has failed to
642 display the license or certificate issued to him or her as
643 provided for in this chapter; or (i) has been convicted of
644 violating any of the provisions of this chapter. A conviction of
645 violating any of the provisions of this chapter shall be grounds

646 for automatic suspension of the license or certificate of such
647 person.

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

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

668 (5) The board is hereby authorized and empowered to issue
669 subpoenas for the attendance of witnesses and the production of
670 books and papers. The process issued by the board shall extend to

671 all parts of the state and such process shall be served by any
672 person designated by the board for such service. The person
673 serving such process shall receive such compensation as may be
674 allowed by the board, not to exceed the fee prescribed by law for
675 similar services. All witnesses who shall be subpoenaed, and who
676 shall appear in any proceedings before the board, shall receive
677 the same fees and mileage as allowed by law.

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

687 (7) The board shall conduct the hearing in an orderly and
688 continuous manner, granting continuances only when the ends of
689 justice may be served. The board shall, within sixty (60) days
690 after conclusion of the hearing, reduce its decision to writing
691 and forward an attested true copy thereof to the last-known
692 residence or business address of such applicant, licensee or
693 holder of a certificate, by way of United States first-class
694 certified mail, postage prepaid. Such applicant, licensee, holder
695 of a certificate, or person aggrieved shall have the right of

696 appeal from an adverse ruling, or order, or decision of the board
697 to the Chancery Court of the First Judicial District of Hinds
698 County, Mississippi, upon forwarding notice of appeal to the board
699 within thirty (30) days after the decision of the board is mailed
700 in the manner here contemplated. An appeal will not be allowed in
701 the event notice of appeal, together with the appeal bond
702 hereinafter required, shall not have been forwarded to the board
703 within the thirty-day period. Appeal shall be to the Chancery
704 Court of the First Judicial District of Hinds County, Mississippi.
705 The appeal shall thereupon be heard in due course by the court
706 which shall review the record and make its determination thereon.

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

711 (9) In the event of an appeal, the court shall dispose of
712 the appeal and enter its decision promptly. The hearing on the
713 appeal may, in the discretion of the chancellor, be tried in
714 vacation. If there is an appeal, such appeal may, in the
715 discretion of and on motion to the chancery court, act as a
716 supersedeas. However, any fine imposed by the board under the
717 provisions of this chapter shall not take effect until after the
718 time for appeal has expired, and an appeal of the imposition of
719 such a fine shall act as a supersedeas.

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

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

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

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

733 (11) In addition to the reasons specified in subsection (2)
734 of this section, the board shall be authorized to suspend the
735 license of any licensee for being out of compliance with an order
736 for support, as defined in Section 93-11-153. The procedure for
737 suspension of a license for being out of compliance with an order
738 for support, and the procedure for the reissuance or reinstatement
739 of a license suspended for that purpose, and the payment of any
740 fees for the reissuance or reinstatement of a license suspended
741 for that purpose, shall be governed by Section 93-11-157 or
742 93-11-163, as the case may be. Actions taken by the board in
743 suspending a license when required by Section 93-11-157 or
744 93-11-163 are not actions from which an appeal may be taken under

745 this section. Any appeal of a license suspension that is required
746 by Section 93-11-157 or 93-11-163 shall be taken in accordance
747 with the appeal procedure specified in Section 93-11-157 or
748 93-11-163, as the case may be, rather than the procedure specified
749 in this section. If there is any conflict between any provision
750 of Section 93-11-157 or 93-11-163 and any provision of this
751 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
752 case may be, shall control.

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

755 73-7-29. The State Board of Cosmetology shall assess fees in
756 the following amounts and for the following purposes:

- 757 (a) Initial license/renewal for cosmetologist,
758 manicurist, esthetician, or wig specialist.....\$ 50.00
759 (b) Instructor initial license/renewal..... 80.00
760 (c) Master cosmetologist license/renewal..... 70.00
761 (d) Delinquent renewal penalty - cosmetologist,
762 manicurist, esthetician, wig specialist and instructor..... 50.00
763 There shall be no renewal fee for any licensee seventy (70)
764 years of age or older.
765 (e) Salon application and initial inspection.... 85.00
766 (f) Salon reinspection..... 35.00
767 (g) Salon change of ownership or location,
768 or both..... 85.00

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

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

785 The board is fully authorized to make refunds of any deposits
786 received by the board for services which are not rendered.
787 Refunds will automatically be made on overpayment of fees.
788 Refunds will be made on underpayments by written requests from
789 applicants. If no request for refund is made within sixty (60)
790 days, the fees will be forfeited.

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

793 73-7-31. Nothing in this chapter shall apply to:

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

797 (b) Persons whose practice is limited to * * * only
798 performing the following: makeup artistry, threading, or applying
799 or removing eyelash extensions; however, a person may perform a
800 combination of not more than three (3) such practices and still be
801 exempt from application of this chapter.

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

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

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

812 73-7-33. In addition to the rules and regulations that may
813 be prescribed and promulgated by the board under authority of this
814 chapter, the following rules and regulations shall be observed:

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

818 water. Electrical appliances must be properly installed and
819 grounded.

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

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

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

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

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

842 73-7-35. (1) No person licensed pursuant to this chapter
843 shall practice his or her profession except within the physical
844 confines of a salon possessing and displaying a properly executed
845 license issued pursuant to Section 73-7-17. However, this
846 requirement shall not prevent a person from rendering his or her
847 services to any person who may be confined to his or her home, a
848 hospital, or other place as a result of illness, and
849 cosmetologists shall be permitted to render their services to
850 deceased persons away from their salons.

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

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

857 73-7-37. (1) The violation of any of the provisions of this
858 chapter, including the use of fraudulent statements to obtain any
859 benefits or privileges under this chapter or practicing one (1) of
860 these professions without a license, shall constitute a
861 misdemeanor, punishable in any court of competent jurisdiction at
862 the seat of government, and any person or firm convicted of the
863 violation of any of the provisions of this chapter shall be fined
864 not less than One Hundred Dollars (\$100.00) nor more than Five
865 Hundred Dollars (\$500.00). The court shall not be authorized to

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

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

891 punish the offender for contempt of court and the court shall
892 proceed as in other cases.

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

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

898 73-7-63. Sections 73-7-1 through 73-7-37, which create the
899 State Board of Cosmetology and prescribe its duties and powers,
900 shall stand repealed * * * on July 1, * * * 2024.

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

903 73-5-41. (1) The following persons are exempt from the
904 provisions of this chapter, wholly in the proper discharge of
905 their professional duties, to wit:

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

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

910 (c) Registered nurses.

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

913 (e) Persons whose practice is limited to only makeup
914 artistry.

915 (2) The provision of this section shall not be construed to
916 authorize any of the persons exempted to shave, trim the beard, or
917 cut the hair of any person, or perform any other act that
918 constitutes barbering, for cosmetic purposes, with the exception
919 of persons licensed by the State Board of Cosmetology or persons
920 whose practice is limited to only makeup artistry as listed in
921 subsection (1) of this section.

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

924 **FURTHER, AMEND the title to conform.**

SS26\HB1312A.2J

Eugene S. Clarke
Secretary of the Senate