

**Replace By Substitute
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1312

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

13 **SECTION 1.** Section 73-7-1, Mississippi Code of 1972, is
14 reenacted as follows:
15 73-7-1. There is hereby continued and reconstituted a State
16 Board of Cosmetology, composed of five (5) members to be appointed
17 by the Governor, with the advice and consent of the Senate, and
18 whose term of office shall be four (4) years from the date of
19 appointment except as otherwise provided herein. However, no more
20 than two (2) members shall be appointed from each Supreme Court
21 district.



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

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

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



47 illness of such member shall be subject to removal by the
48 Governor. The president of the board shall notify the Governor in
49 writing when any such member has failed to attend two (2)
50 consecutive regular meetings.

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

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

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

62 73-7-2. As used in this chapter, the following terms shall
63 have the meanings ascribed herein unless the context otherwise
64 requires:

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

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

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



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

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

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

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

84 (vi) Manicuring and pedicuring.

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

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

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

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

94 (iii) Tinting eyelashes or eyebrows.

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



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

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

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

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

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

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

112 (ii) Applying artificial nails.

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

188 73-7-7. (1) The board shall have authority to make
189 reasonable rules and regulations for the administration of the
190 provisions of this chapter. The board shall set up a curriculum
191 for operation of schools of cosmetology and the other professions
192 it is charged to regulate in this state. The board shall receive
193 and consider for adoption recommendations for rules and
194 regulations, school curriculum, and related matters from the
195 Mississippi Cosmetology Council, whose membership shall consist



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

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



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

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

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

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

243 73-7-9. No person required by this chapter to have a license
244 shall conduct a beauty salon or school of cosmetology, or practice
245 cosmetology, esthetics, manicuring and pedicuring, or practice as



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

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

254 73-7-11. Each owner of a license issued by the board under
255 the provisions of this chapter shall display the license in a
256 conspicuous place in his or her principal office, place of
257 business or employment, at all times.

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

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

265 73-7-12. * * * Effective January 1, 2020, the State Board of
266 Cosmetology shall terminate its student testing contract with
267 proper notice and shall conduct examinations for cosmetologists,
268 estheticians, manicurists and instructors at such times and
269 locations as determined by the board. The members of the board
270 shall not personally administer or monitor the examinations, but



271 the board shall contract for administrators of the examinations.
272 A member of the board shall not receive any per diem compensation
273 for any day that the member is present at the site where the
274 examinations are being administered.

275 * * *

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

278 73-7-13. (1) The board shall admit to examination for a
279 cosmetology license any person who has made application to the
280 board in proper form, has paid the required fee, and who (a) is at
281 least seventeen (17) years of age, (b) can read, write and speak
282 English, (c) has successfully completed no less than fifteen
283 hundred (1500) hours over a period of no less than nine (9) months
284 in a licensed school of cosmetology, and (d) has a high school
285 education or its equivalent or has been successfully enrolled in a
286 community college.

287 (a) The board may, in its discretion, issue to any
288 student who has completed the prescribed hours in a licensed
289 school and paid the required fee a temporary permit until such
290 time as the next examination may be held, but such student shall
291 be issued only one (1) temporary permit. Application for an
292 examination and license shall be accompanied by two (2) passport
293 photographs of the applicant. No temporary permit will be issued
294 to an applicant from any other state to operate a beauty salon or
295 school of cosmetology in this state unless in case of emergency.



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

301 (c) Any barber who can read, write and speak English
302 and has successfully completed no less than fifteen hundred (1500)
303 hours in a licensed barber school, and who holds a current valid
304 certificate of registration to practice barbering and who holds a
305 current valid license, is eligible to take the cosmetology
306 examination to secure a cosmetology license upon successfully
307 completing five hundred (500) hours in a licensed school of
308 cosmetology. All fees for application, examination, registration
309 and renewal thereof shall be the same as provided for
310 cosmetologists.

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

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



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

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

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



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

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

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

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

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



370 73-7-15. (1) The board shall admit to examination for a
371 cosmetology instructor's license any person who has made
372 application to the board in proper form, has paid the required
373 fee, and who:

- 374 (a) Is not less than twenty-one (21) years of age;
- 375 (b) Can read, write and speak English;
- 376 (c) Is a graduate of a licensed cosmetology school;
- 377 (d) Has a high school education or its equivalent;
- 378 (e) Has successfully completed one thousand (1,000)
379 hours of instructor training in a licensed school of cosmetology;
- 380 (f) Has successfully completed six (6) semester hours
381 in college courses approved by the board;
- 382 (g) Holds a current, valid Mississippi cosmetology
383 license; and
- 384 (h) Has at least one (1) year active practical
385 experience as a cosmetologist or, as an alternative to such
386 experience, has successfully completed one thousand (1,000) hours
387 of instructor training in a licensed school of cosmetology.

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

- 391 (a) Is not less than twenty-one (21) years of age;
- 392 (b) Can read, write and speak English;
- 393 (c) Has a high school education or its equivalent;



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

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

399 (f) Holds a current, valid Mississippi esthetician's
400 license; and

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

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

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

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

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

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

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

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



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

424 (4) Applicants shall satisfactorily pass the examination
425 prescribed by the board for licensing instructors prior to the
426 issuance of the licenses provided for in this section. However,
427 the board may, in its discretion, issue a temporary instructor's
428 permit until such time as the next examination may be held, but
429 such applicant shall be issued only one (1) temporary permit. All
430 applications for an instructor's examination shall be accompanied
431 by two (2) recent head photographs of the applicant.

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



443 (24) clock hours of approved continuing education required for
444 teacher training instruction.

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

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

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

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



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

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

471 73-7-17. (1) All salon owners shall have a salon license
472 and shall pay to the board the required license fee therefor and
473 pay the required renewal fee for renewal thereof. A grace period
474 of sixty (60) days will be given in which to renew the license,
475 and upon the expiration of the grace period of sixty (60) days any
476 applicant for the renewal of a salon license will be required to
477 pay a delinquent fee in addition to the renewal fee. A salon
478 license that has been expired for over one (1) year is
479 nonrenewable and requires a new application. Prior to the initial
480 issuance of such license, the board shall inspect the premises to
481 determine if same qualifies with the law, upon payment by the
482 applicant of the required inspection fee.

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

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

488 73-7-18. (1) The board shall admit to examination for an
489 esthetician's license any person who has made application to the
490 board in proper form, has paid the required fee, and who:



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

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

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

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

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



515 73-7-19. (1) Except as provided in Section 33-1-39, all
516 licenses shall be renewed biennially under the fee schedule in
517 Section 73-7-29. Applications for renewal of licenses for
518 cosmetologists, estheticians, manicurists and instructors must be
519 accompanied by the required renewal fee. A grace period of sixty
520 (60) days will be given in which to renew the license; and upon
521 the expiration of the grace period of sixty (60) days, any
522 applicant for the renewal of a license will be required to pay the
523 required renewal fee and a delinquent fee in addition to the
524 renewal fee. The fees may be paid by either personal or certified
525 check, cash or money order, under such safeguards, rules and
526 regulations as the board may prescribe. Checks returned to the
527 board because of insufficient funds shall result in nonrenewal of
528 the license, which will require the penalty fee for insufficient
529 fund checks plus all other amounts due for renewal of the license
530 before the license may be renewed. After one (1) year has passed
531 from the expiration date of the license, a delinquent fee must be
532 paid for each year up to three (3) years, after which the required
533 examination must be taken. All applications for examination
534 required by this chapter shall expire ninety (90) days from the
535 date thereof.

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



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

541 73-7-21. (1) The board shall admit to examination for a
542 manicurist's license any person who has made application to the
543 board in proper form, has paid the required fee, and who:

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

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

546 (c) Has successfully completed no less than three
547 hundred fifty (350) hours of practice and related theory in
548 manicuring and pedicuring over a period of no less than nine (9)
549 weeks in an accredited school of cosmetology in this or any other
550 state; and

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

552 (2) Licensed manicurists desiring to pursue additional hours
553 to be eligible for a license as a cosmetologist may be credited
554 with the three hundred fifty (350) hours acquired in studying and
555 training to be a manicurist which may be applied to the number of
556 hours required for a cosmetology license examination.

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

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



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

565 73-7-23. (1) The board may, upon application, issue a
566 license by reciprocity to any cosmetologist, esthetician or
567 manicurist over the age of seventeen (17) years from any other
568 state who has satisfactorily completed the required number of
569 accredited hours in that state, provided the state board from
570 which the applicant comes issues to cosmetologists, estheticians
571 or manicurists, as the case may be, from the State of Mississippi
572 a license under the same conditions. Applications must be
573 accompanied by (a) proof satisfactory to the board that the
574 required hours have been completed, and (b) the required
575 reciprocity fee, which shall be paid to the board.

576 (2) An instructor from any other state may be qualified for
577 a Mississippi instructor's license upon presenting a valid
578 instructor's license and proof of a high school education or its
579 equivalent, provided that the instructor (a) is not less than
580 twenty-one (21) years of age, (b) has completed training
581 equivalent to the State of Mississippi's training as provided in
582 Section 73-7-15 or has three (3) years or more of experience as a
583 licensed instructor prior to application, (c) can read, write and
584 speak English, (d) has completed twelve (12) semester hours in
585 college courses approved by the board, and (e) has completed a
586 minimum of five (5) continuing education hours in Mississippi
587 board laws, rules and regulations. Such application must be



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

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

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

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

606 73-7-25. Every demonstrator in the field of cosmetology
607 shall, before making demonstrations in a salon or school, apply
608 for and obtain a permit from the board. For such permit, which
609 shall be for one (1) year, the required fee shall be paid to the
610 board. This section shall be construed to apply to demonstrators
611 in salons and schools.



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

614 73-7-27. (1) Any complaint may be filed with the board by a
615 member or agent of the board or by any person charging any
616 licensee of the board with the commission of any of the offenses
617 enumerated in subsection (2) of this section. Such complaint
618 shall be in writing, signed by the accuser or accusers, and
619 verified under oath, and such complaints shall be investigated as
620 set forth in Section 73-7-7. If, after the investigation, the
621 board through its administrative review agents determines that
622 there is not substantial justification to believe that the accused
623 licensee has committed any of the offenses enumerated, it may
624 dismiss the complaint or may prepare a formal complaint proceeding
625 against the licensee as hereinafter provided. When used with
626 reference to any complaint filed against a licensee herein, the
627 term "not substantial justification" means a complaint that is
628 frivolous, groundless in fact or law, or vexatious, as determined
629 by unanimous vote of the board. In the event of a dismissal, the
630 person filing the accusation and the accused licensee shall be
631 given written notice of the board's determination. If the board
632 determines there is reasonable cause to believe the accused has
633 committed any of those offenses, the secretary of the board shall
634 give written notice of such determination to the accused licensee
635 and set a day for a hearing as provided in subsection (3) of this
636 section.



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

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



662 the certificate affected shall be given at least twenty (20) days'
663 notice in writing, specifying the reason or reasons for denying
664 the applicant a license or certificate of registration, or in the
665 case of any other disciplinary action, the offense or offenses of
666 which the licensee or holder of a certificate of registration is
667 charged. Such notice may be served by mailing a copy thereof by
668 United States first-class certified mail, postage prepaid, to the
669 last-known residence or business address of such applicant,
670 licensee or holder of a certificate. The hearing on such charges
671 shall be at such time and place as the board may prescribe.

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

678 (5) The board is hereby authorized and empowered to issue
679 subpoenas for the attendance of witnesses and the production of
680 books and papers. The process issued by the board shall extend to
681 all parts of the state and such process shall be served by any
682 person designated by the board for such service. The person
683 serving such process shall receive such compensation as may be
684 allowed by the board, not to exceed the fee prescribed by law for
685 similar services. All witnesses who shall be subpoenaed, and who



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

688 (6) Where in any proceeding before the board any witness
689 shall fail or refuse to attend upon subpoena issued by the board,
690 shall refuse to testify, or shall refuse to produce any books and
691 papers, the production of which is called for by the subpoena, the
692 attendance of such witness and the giving of his testimony and the
693 production of the books and papers shall be enforced by any court
694 of competent jurisdiction of this state, in the same manner as are
695 enforced for the attendance and testimony of witnesses in civil
696 cases in the courts of this state.

697 (7) The board shall conduct the hearing in an orderly and
698 continuous manner, granting continuances only when the ends of
699 justice may be served. The board shall, within sixty (60) days
700 after conclusion of the hearing, reduce its decision to writing
701 and forward an attested true copy thereof to the last-known
702 residence or business address of such applicant, licensee or
703 holder of a certificate, by way of United States first-class
704 certified mail, postage prepaid. Such applicant, licensee, holder
705 of a certificate, or person aggrieved shall have the right of
706 appeal from an adverse ruling, or order, or decision of the board
707 to the Chancery Court of the First Judicial District of Hinds
708 County, Mississippi, upon forwarding notice of appeal to the board
709 within thirty (30) days after the decision of the board is mailed
710 in the manner here contemplated. An appeal will not be allowed in



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

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

721 (9) In the event of an appeal, the court shall dispose of
722 the appeal and enter its decision promptly. The hearing on the
723 appeal may, in the discretion of the chancellor, be tried in
724 vacation. If there is an appeal, such appeal may, in the
725 discretion of and on motion to the chancery court, act as a
726 supersedeas. However, any fine imposed by the board under the
727 provisions of this chapter shall not take effect until after the
728 time for appeal has expired, and an appeal of the imposition of
729 such a fine shall act as a supersedeas.

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

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



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

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

743 (11) In addition to the reasons specified in subsection (2)
744 of this section, the board shall be authorized to suspend the
745 license of any licensee for being out of compliance with an order
746 for support, as defined in Section 93-11-153. The procedure for
747 suspension of a license for being out of compliance with an order
748 for support, and the procedure for the reissuance or reinstatement
749 of a license suspended for that purpose, and the payment of any
750 fees for the reissuance or reinstatement of a license suspended
751 for that purpose, shall be governed by Section 93-11-157 or
752 93-11-163, as the case may be. Actions taken by the board in
753 suspending a license when required by Section 93-11-157 or
754 93-11-163 are not actions from which an appeal may be taken under
755 this section. Any appeal of a license suspension that is required
756 by Section 93-11-157 or 93-11-163 shall be taken in accordance
757 with the appeal procedure specified in Section 93-11-157 or
758 93-11-163, as the case may be, rather than the procedure specified
759 in this section. If there is any conflict between any provision
760 of Section 93-11-157 or 93-11-163 and any provision of this



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

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

765 73-7-29. The State Board of Cosmetology shall assess fees in
766 the following amounts and for the following purposes:

- 767 (a) Initial license/renewal for cosmetologist,
768 manicurist, esthetician, or wig specialist.....\$ 50.00
- 769 (b) Instructor initial license/renewal..... 80.00
- 770 (c) Master cosmetologist license/renewal..... 70.00
- 771 (d) Delinquent renewal penalty - cosmetologist,
772 manicurist, esthetician, wig specialist and instructor..... 50.00
- 773 There shall be no renewal fee for any licensee seventy (70)
774 years of age or older.
- 775 (e) Salon application and initial inspection.... 85.00
- 776 (f) Salon reinspection..... 35.00
- 777 (g) Salon change of ownership or location,
778 or both 85.00
- 779 (h) Salon renewal 60.00
- 780 (i) Salon delinquent renewal penalty..... 50.00
- 781 (j) Application and initial inspection for a
782 new school 300.00
- 783 (k) New school reinspection..... 100.00
- 784 (l) School change of ownership..... 300.00
- 785 (m) School relocation 150.00



| | | | |
|-----|-----|---|--------|
| 786 | (n) | School renewal | 75.00 |
| 787 | (o) | School delinquent renewal penalty..... | 100.00 |
| 788 | (p) | Duplicate license | 10.00 |
| 789 | (q) | Penalty for insufficient fund checks..... | 20.00 |
| 790 | (r) | Affidavit processing | 15.00 |

791 The State Board of Cosmetology may charge additional fees for
792 services which the board deems appropriate to carry out its intent
793 and purpose. These additional fees shall not exceed the cost of
794 rendering the service.

795 The board is fully authorized to make refunds of any deposits
796 received by the board for services which are not rendered.
797 Refunds will automatically be made on overpayment of fees.
798 Refunds will be made on underpayments by written requests from
799 applicants. If no request for refund is made within sixty (60)
800 days, the fees will be forfeited.

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

803 73-7-31. Nothing in this * * * title shall apply to:

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

807 (b) Persons whose practice is limited to * * * makeup
808 artistry standing alone, limited to practice of threading standing
809 alone, or limited to the practice of applying or removing eyelash
810 extensions standing alone.



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

813 (d) Persons engaged in the practice of hair braiding as
814 defined in Section 73-7-71 who have completed the self-test part
815 of the brochure on infection control techniques prepared by the
816 State Department of Health and who keep the brochure and completed
817 self-test available at the location at which the person is engaged
818 in hair braiding.

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

821 73-7-33. In addition to the rules and regulations that may
822 be prescribed and promulgated by the board under authority of this
823 chapter, the following rules and regulations shall be observed:

824 Every establishment must be kept sanitary, including all
825 utensils and equipment, must be well ventilated and properly
826 lighted. Each salon must be provided with hot and cold running
827 water. Electrical appliances must be properly installed and
828 grounded.

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

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

834 Persons with a communicable disease or parasitic infection
835 that is medically recognized to be a direct threat of transmission



836 by the type of contact that practitioners have with clients are
837 not to be permitted to practice in an establishment until their
838 condition is no longer communicable under those circumstances. No
839 work shall be performed on any patron having a visible disease
840 unless the patron shall produce a certificate from a practicing
841 physician stating that the patron is free from infectious,
842 contagious or communicable disease. A cosmetologist's license
843 does not authorize such person to treat or prescribe for an
844 infectious, contagious or any other disease.

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

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

851 73-7-35. (1) No person licensed pursuant to this chapter
852 shall practice his or her profession except within the physical
853 confines of a salon possessing and displaying a properly executed
854 license issued pursuant to Section 73-7-17. However, this
855 requirement shall not prevent a person from rendering his or her
856 services to any person who may be confined to his or her home, a
857 hospital, or other place as a result of illness, and
858 cosmetologists shall be permitted to render their services to
859 deceased persons away from their salons.



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

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

866 73-7-37. (1) The violation of any of the provisions of this
867 chapter, including the use of fraudulent statements to obtain any
868 benefits or privileges under this chapter or practicing one (1) of
869 these professions without a license, shall constitute a
870 misdemeanor, punishable in any court of competent jurisdiction at
871 the seat of government, and any person or firm convicted of the
872 violation of any of the provisions of this chapter shall be fined
873 not less than One Hundred Dollars (\$100.00) nor more than Five
874 Hundred Dollars (\$500.00). The court shall not be authorized to
875 suspend or suspend the execution of the fine required under this
876 section.

877 (2) If any person, firm or corporation violates any of the
878 provisions of this chapter, the secretary of the board, upon
879 direction of a majority of the board and in the name of the board,
880 acting through the Attorney General or an attorney employed by the
881 board, shall apply in the Chancery Court of the First Judicial
882 District of Hinds County, Mississippi, for an order enjoining such
883 violation or for an order enforcing compliance with the provisions
884 of this chapter. Upon the filing of a verified petition in the



885 chancery court and after notice as provided under the Mississippi
886 Rules of Civil Procedure, such court, if satisfied by the sworn
887 petition, by affidavit or otherwise, that such person has violated
888 any of the provisions of this chapter, may issue an injunction
889 without notice or bond, enjoining such continued violation and
890 such injunction shall remain in force and effect until a final
891 hearing. If at such hearing it is established that such person
892 has violated or is violating any of the provisions of this
893 chapter, the court may enter a decree permanently enjoining such
894 violation or enforcing compliance with this chapter. In addition,
895 the court may enter a judgment against such person for attorney's
896 fees, court costs and the actual costs incurred by the board in
897 investigating the actions of such person for which the board
898 brought the suit for an injunction. In case of violation of any
899 decree issued in compliance with this subsection, the court may
900 punish the offender for contempt of court and the court shall
901 proceed as in other cases.

902 (3) The proceedings in this section shall be in addition to
903 and not in lieu of the other remedies and penalties provided in
904 this chapter.

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

907 73-7-63. Sections 73-7-1 through 73-7-37, which create the
908 State Board of Cosmetology and prescribe its duties and powers,
909 shall stand repealed * * * on July 1, * * * 2024.



910 **SECTION 26.** This act shall take effect and be in force from
911 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF
3 COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND
4 REENACTED SECTION 73-7-12, MISSISSIPPI CODE OF 1972, TO DELETE THE
5 DUPLICATE REPEALER ON THE STATUTE REQUIRING THE STATE BOARD OF
6 COSMETOLOGY TO CONDUCT STUDENT EXAMINATIONS INSTEAD OF CONTRACTING
7 WITH A TESTING SERVICE; TO AMEND REENACTED SECTION 73-7-31,
8 MISSISSIPPI CODE OF 1972, TO REVISE THE EXCEPTIONS TO THE
9 APPLICABILITY OF TITLE 73; TO AMEND SECTION 73-7-63, MISSISSIPPI
10 CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE
11 REENACTED SECTIONS; AND FOR RELATED PURPOSES.

