

Adopted
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED
TO

House Bill No. 1312

BY: Senator(s) Bryan

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



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

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

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

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

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

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

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

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



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

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

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

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

(vi) Manicuring and pedicuring.

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

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

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

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

(iii) Tinting eyelashes or eyebrows.

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



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

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

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

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

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

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

(ii) Applying artificial nails.

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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



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

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

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

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

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



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

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

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

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

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

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



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

* * *

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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



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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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



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.



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

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



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

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

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



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

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

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



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

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

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

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

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



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

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

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



combination of not more than three (3) such practices and still be exempt from application of this chapter.

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

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

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

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

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

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

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



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



cosmetologists shall be permitted to render their services to
deceased persons away from their salons.

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

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

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

(2) If any person, firm or corporation violates any of the
provisions of this chapter, the secretary of the board, upon
direction of a majority of the board and in the name of the board,
acting through the Attorney General or an attorney employed by the
board, shall apply in the Chancery Court of the First Judicial
District of Hinds County, Mississippi, for an order enjoining such



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

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

SECTION 25. Section 73-7-63, Mississippi Code of 1972, is 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.**

