

By: Representative Young

To: Public Health and Human
Services

HOUSE BILL NO. 816

1 AN ACT TO AMEND SECTION 73-7-21, MISSISSIPPI CODE OF 1972, TO
2 CHANGE THE NAME OF A MANICURIST LICENSE TO NAIL TECHNICIAN LICENSE
3 AND TO INCREASE THE NUMBER OF HOURS OF PRACTICE AND RELATED THEORY
4 REQUIRED TO BE ELIGIBLE TO RECEIVE A NAIL TECHNICIAN LICENSE; TO
5 AMEND SECTION 73-7-19, MISSISSIPPI CODE OF 1972, TO DELETE THE
6 AUTHORITY TO PAY FOR LICENSE RENEWALS UNDER THE COSMETOLOGY
7 LICENSURE LAW WITH CASH AND ADD THE AUTHORITY TO PAY FOR LICENSE
8 RENEWALS BY CREDIT CARD OR DEBIT CARD; TO AMEND SECTIONS 73-7-2,
9 73-7-7, 73-7-12, 73-7-13, 73-7-14, 73-7-15, 73-7-23, 73-7-29 AND
10 73-7-35, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
11 PROVISIONS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 73-7-21, Mississippi Code of 1972, is
14 amended as follows:

15 73-7-21. (1) The board shall admit to examination for
16 a * * * nail technician's license any person who has made
17 application to the board in proper form, has paid the required
18 fee, and who:

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

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

21 (c) Has successfully completed no less than * * * six

22 hundred (600) hours of practice and related theory in manicuring



and pedicuring over a period of no less than * * * fifteen (15) weeks in an accredited school of cosmetology in this or any other state; and

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

(2) Licensed * * * nail technicians desiring to pursue additional hours to be eligible for a license as a cosmetologist may be credited with the * * * qualifying hours acquired in studying and training to be a * * * nail technician, which may be applied to the number of hours required for a cosmetology license examination.

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

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

SECTION 2. Section 73-7-19, Mississippi Code of 1972, is amended 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, * * * nail technicians 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 * * * check, certified check, * * * money order, credit card or debit card, under such safeguards, rules and regulations as the board may prescribe. Checks returned to the board because of insufficient funds shall result in nonrenewal of the license, which will require the penalty fee for insufficient fund checks plus all other amounts due for renewal of the license before the license may be renewed. After one (1) year has passed from the expiration date of the license, a delinquent fee must be paid for each year up to three (3) years, after which the required examination must be taken. All applications for examination required by this chapter shall expire ninety (90) days from the date thereof.

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

SECTION 3. Section 73-7-2, Mississippi Code of 1972, is amended 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, clays, 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.

For regulation purposes, the term "cosmetology" does not include persons whose practice is limited to only performing makeup artistry, threading or applying or removing eyelash extensions; however, a person may perform a combination of not more than three (3) such practices and still be exempt from this chapter.



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

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

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

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

106 (iii) Tinting eyelashes or eyebrows.

107 (iv) Waxing, stimulating, cleaning or beautifying
108 the face, neck, arms or legs of a person by any method with the
109 aid of the hands or any mechanical or electrical apparatus, or by
110 the use of a cosmetic preparation.

111 The term "esthetics" shall not include the diagnosis,
112 treatment or therapy of any dermatological condition. For
113 regulation purposes, the term "esthetics" does not include persons
114 whose practice is limited to only performing makeup artistry,
115 threading or applying or removing eyelash extensions; however, a
116 person may perform a combination of not more than three (3) such
117 practices and still be exempt from this chapter.

118 (e) "Esthetician" means any person who, for
119 compensation, either direct or indirect, engages in the practice
120 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) " * * * Nail technician" 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, * * * nail technician or 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.



145 **SECTION 4.** Section 73-7-7, Mississippi Code of 1972, is
146 amended as follows:

147 73-7-7. (1) The board shall have authority to make
148 reasonable rules and regulations for the administration of the
149 provisions of this chapter. The board shall set up a curriculum
150 for operation of schools of cosmetology and the other professions
151 it is charged to regulate in this state. The board shall receive
152 and consider for adoption recommendations for rules and
153 regulations, school curriculum, and related matters from the
154 Mississippi Cosmetology Council, whose membership shall consist
155 of, in addition to the board members, five (5) elected delegates
156 from the Mississippi Cosmetology Association, five (5) elected
157 delegates from the Mississippi Cosmetology School Association,
158 five (5) elected delegates from the Mississippi Independent
159 Beauticians Association, and five (5) elected delegates from the
160 School Owners and Teachers Association. The board may revoke the
161 license of any cosmetologist, esthetician, * * * nail technician,
162 instructor, school of cosmetology, or salon, or may refuse to
163 issue a license to any cosmetologist, esthetician, * * * nail
164 technician, instructor, school of cosmetology, or salon that fails
165 or refuses to comply with the provisions of this chapter and the
166 rules and regulations of the board in carrying out the provisions
167 of this chapter.

168 (2) The board shall have authority to prescribe reasonable
169 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, * * * nail technicians 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 5. Section 73-7-12, Mississippi Code of 1972, is 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, * * * nail technicians 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 6. Section 73-7-13, Mississippi Code of 1972, is amended 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



220 hundred (1500) hours over a period of no less than nine (9) months
221 in a licensed school of cosmetology, and (d) has a high school
222 education or its equivalent or has been successfully enrolled in a
223 community college.

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

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

238 (c) Any barber who can read, write and speak English
239 and has successfully completed no less than fifteen hundred (1500)
240 hours in a licensed barber school, and who holds a current valid
241 certificate of registration to practice barbering and who holds a
242 current valid license, is eligible to take the cosmetology
243 examination to secure a cosmetology license upon successfully
244 completing five hundred (500) hours in a licensed school of



cosmetology. All fees for application, examination, registration and renewal thereof shall be the same as provided for cosmetologists.

(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) Any licensed cosmetologist, esthetician * * * or * * * nail technician who is registered but not actively practicing in the State of Mississippi at the time of making application for renewal, may apply for registration on the "inactive" list. Such "inactive" list shall be maintained by the board and shall set out the names and post office addresses of all persons registered but not 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 * * * nail technicians 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 * * * nail technician 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 * * * nail technician 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, * * * nail technician 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 * * *.

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

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

73-7-14. (1) Any person who holds a current, valid cosmetology, * * * nail technician or esthetics license may be licensed as a master cosmetologist, * * * nail technician or esthetician if he or she has been a licensed cosmetologist, * * * nail technician 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, * * * nail technician 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 * * *.

SECTION 8. Section 73-7-15, Mississippi Code of 1972, is amended 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;



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

321 (g) Holds a current, valid Mississippi cosmetology
322 license; and

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

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

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

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

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

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

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

338 (f) Holds a current, valid Mississippi esthetician's
339 license; and

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



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

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

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

(b) Can read, write and speak English;

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

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

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

(f) Holds a current, valid Mississippi * * * nail technician's license; and

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

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



368 permit until such time as the next examination may be held, but
369 such applicant shall be issued only one (1) temporary permit. All
370 applications for an instructor's examination shall be accompanied
371 by two (2) recent head photographs of the applicant.

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

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

388 **SECTION 9.** Section 73-7-23, Mississippi Code of 1972, is
389 amended as follows:

390 73-7-23. (1) The board may, upon application, issue a
391 license by reciprocity to any cosmetologist, esthetician or * * *
392 nail technician over the age of seventeen (17) years from any



393 other state who has satisfactorily completed the required number
394 of accredited hours in that state, provided the state board from
395 which the applicant comes issues to cosmetologists, estheticians
396 or * * * nail technicians, as the case may be, from the State of
397 Mississippi a license under the same conditions. Applications
398 must be accompanied by: (a) proof satisfactory to the board that
399 the required hours have been completed * * *; and (b) the required
400 reciprocity fee, which shall be paid to the board.

401 (2) An instructor from any other state may be qualified for
402 a Mississippi instructor's license upon presenting a valid
403 instructor's license and proof of a high school education or its
404 equivalent, provided that the instructor: (a) is not less than
405 twenty-one (21) years of age * * *; (b) has completed training
406 equivalent to the State of Mississippi's training as provided in
407 Section 73-7-15 or has three (3) years or more of experience as a
408 licensed instructor prior to application * * *; (c) can read,
409 write and speak English * * *; (d) has completed twelve (12)
410 semester hours in college courses approved by the board * * *; and
411 (e) has completed a minimum of five (5) continuing education hours
412 in Mississippi board laws, rules and regulations. Such
413 application must be accompanied by two (2) recent passport
414 photographs of the applicant. Applicants shall pay the required
415 license fee.

416 (3) An applicant for a Mississippi instructor's license by
417 reciprocity who has not completed the college courses requirement



418 at the time of application may apply for a onetime temporary
419 teaching permit, which shall be valid for six (6) months and shall
420 be nonrenewable. Such application must be accompanied by proof of
421 enrollment in college course(s), required permit fee, two (2)
422 recent passport photographs of the applicant and other
423 documentation as required for application for a Mississippi
424 instructor's license by reciprocity. Upon proof of completion of
425 college courses and payment of the required license fee, a
426 Mississippi instructor's license shall be issued.

427 (4) The issuance of a license by reciprocity to a
428 military-trained applicant, military spouse or person who
429 establishes residence in this state shall be subject to the
430 provisions of Section 73-50-1 or 73-50-2, as applicable.

431 **SECTION 10.** Section 73-7-29, Mississippi Code of 1972, is
432 amended as follows:

433 73-7-29. The State Board of Cosmetology shall assess fees in
434 the following amounts and for the following purposes:

435 (a) Initial license/renewal for cosmetologist,
436 * * * nail technician, esthetician, or wig
437 specialist.....\$ 50.00
438 (b) Instructor initial license/renewal..... 80.00
439 (c) Master cosmetologist license/renewal..... 70.00
440 (d) Delinquent renewal penalty - cosmetologist,
441 * * * nail technician, esthetician, wig specialist and instructor 50.00



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

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| 444 | (e) Salon application and initial inspection.... | 85.00 |
| 445 | (f) Salon reinspection..... | 35.00 |
| 446 | (g) Salon change of ownership or location, | |
| 447 | or both..... | 85.00 |
| 448 | (h) Salon renewal..... | 60.00 |
| 449 | (i) Salon delinquent renewal penalty..... | 50.00 |
| 450 | (j) Application and initial inspection for a | |
| 451 | new school..... | 300.00 |
| 452 | (k) New school reinspection..... | 100.00 |
| 453 | (l) School change of ownership..... | 300.00 |
| 454 | (m) School relocation..... | 150.00 |
| 455 | (n) School renewal..... | 75.00 |
| 456 | (o) School delinquent renewal penalty..... | 100.00 |
| 457 | (p) Duplicate license..... | 10.00 |
| 458 | (q) Penalty for insufficient fund checks..... | 20.00 |
| 459 | (r) Affidavit processing..... | 15.00 |

460 The State Board of Cosmetology may charge additional fees for
461 services which the board deems appropriate to carry out its intent
462 and purpose. These additional fees shall not exceed the cost of
463 rendering the service.

464 The board is fully authorized to make refunds of any deposits
465 received by the board for services which are not rendered.
466 Refunds will automatically be made on overpayment of fees.



467 Refunds will be made on underpayments by written requests from
468 applicants. If no request for refund is made within sixty (60)
469 days, the fees will be forfeited.

470 **SECTION 11.** Section 73-7-35, Mississippi Code of 1972, is
471 amended as follows:

472 73-7-35. (1) No person licensed pursuant to this chapter
473 shall practice his or her profession except within the physical
474 confines of a salon possessing and displaying a properly executed
475 license issued pursuant to Section 73-7-17. However, this
476 requirement shall not prevent a person from rendering his or her
477 services to any person who may be confined to his or her home, a
478 hospital, or other place as a result of illness, and
479 cosmetologists shall be permitted to render their services to
480 deceased persons away from their salons.

481 (2) No salon owner licensed pursuant to this chapter shall
482 allow a cosmetologist, esthetician, or * * * nail technician to
483 practice his/her profession in the salon without possessing a
484 valid license issued pursuant to this chapter.

485 **SECTION 12.** This act shall take effect and be in force from
486 and after July 1, 2022.

