

By: Representative Currie

To: Public Health and Human Services

HOUSE BILL NO. 1188

1 AN ACT TO AMEND SECTION 73-7-1, MISSISSIPPI CODE OF 1972, TO  
 2 RECONSTITUTE THE MEMBERSHIP OF THE STATE BOARD OF COSMETOLOGY TO  
 3 EXPAND THE BOARD TO SEVEN MEMBERS WITH STAGGERED TERMS; TO PROVIDE  
 4 THAT THE BOARD MEMBERS SHALL BE PERSONS WHO ARE IN OCCUPATIONS  
 5 REGULATED BY THE BOARD AND ONE MEMBER OF THE PUBLIC; TO REDUCE THE  
 6 MEMBERS' EXPERIENCE REQUIREMENT FROM TEN YEARS TO FIVE YEARS; TO  
 7 DELETE THE PROHIBITION ON MEMBERS BEING CONNECTED IN ANY WAY WITH  
 8 A COSMETOLOGY SCHOOL; TO AMEND SECTION 73-7-3, MISSISSIPPI CODE OF  
 9 1972, TO PROVIDE THAT THE BOARD SHALL APPOINT AN EXECUTIVE  
 10 DIRECTOR OF THE BOARD, WHO WILL BE A FULL-TIME EMPLOYEE OF THE  
 11 BOARD; TO AMEND SECTIONS 73-7-13, 73-7-18 AND 73-7-21, MISSISSIPPI  
 12 CODE OF 1972, TO REVISE CERTAIN REQUIREMENTS FOR THE LICENSING OF  
 13 COSMETOLOGISTS, ESTHETICIANS AND MANICURISTS; TO REDUCE THE  
 14 MINIMUM AGE AND EDUCATION REQUIREMENTS, REMOVE THE REQUIREMENT FOR  
 15 ENGLISH FLUENCY, AND ALLOW FOR APPRENTICESHIP HOURS IN LIEU OF  
 16 SCHOOLING HOURS; TO AMEND SECTION 25-3-92, MISSISSIPPI CODE OF  
 17 1972, TO REQUIRE THE STATE PERSONNEL BOARD TO DEVELOP RECOMMENDED  
 18 STANDARDS FOR STATE AGENCIES TO USE IN DETERMINING WHETHER OR NOT  
 19 AN AGENCY'S EXECUTIVE DIRECTOR MAY RECEIVE COMPENSATORY LEAVE, AND  
 20 PROVIDE THAT AGENCIES MAY USE SUCH STANDARDS WHEN ADDRESSING THE  
 21 CONDITIONS UNDER WHICH AN EXECUTIVE DIRECTOR SHOULD RECEIVE  
 22 COMPENSATORY LEAVE; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Section 73-7-1, Mississippi Code of 1972, is  
 25 amended as follows:

26 73-7-1. There is \* \* \* continued and reconstituted a State  
 27 Board of Cosmetology, composed of \* \* \* seven (7) members, six (6)  
 28 of which shall \* \* \* be appointed by the Governor, with the advice



29 and consent of the Senate \* \* \*. The members of the board shall  
30 consist of two (2) cosmetologists, at least one (1) of which is a  
31 salon owner, one (1) manicurist, one (1) esthetician, one (1)  
32 cosmetology school owner, one (1) member of the public not related  
33 to cosmetology or related professions, and the State Health  
34 Officer or his or her designee. No more than two (2) members  
35 shall be appointed from each Supreme Court district.

36 The initial term of office for the two (2) members appointed  
37 from the First Supreme Court District shall be two (2) years  
38 ending on June 30, 2024; the initial term of office for the two  
39 (2) members appointed from the Second Supreme Court District shall  
40 be three (3) years ending on June 30, 2025; and the initial term  
41 of office for the two (2) members appointed from the Third Supreme  
42 Court District shall be four (4) years ending on June 30, 2026.  
43 After the expiration of the initial terms of offices, all later  
44 appointments shall be for terms of four (4) years from the  
45 expiration date of the previous term. No member may serve more  
46 than two (2) consecutive terms. The initial appointments must be  
47 made before July 1, 2022.

48 There shall be a president of the board and such other  
49 officers as deemed necessary by the board elected by and from its  
50 membership, provided that the member elected as president shall  
51 have at least one (1) year of experience on the board. Any member  
52 appointed by the Governor and confirmed by the Senate for a term  
53 to begin on or after July 1, \* \* \* 2022, who was designated by the



54 Governor to serve as president of the board, shall be fully  
55 qualified to serve on the board for a full term of office, but  
56 shall not serve as president of the board unless elected by the  
57 membership of the board as provided under this paragraph.

58 To be eligible for appointment as a member of the State Board  
59 of Cosmetology, the person applying shall have been a citizen of  
60 this state for a minimum of five (5) years immediately prior to  
61 appointment. Such person shall \* \* \* possess a high school  
62 education or its equivalent, and shall have been \* \* \* licensed by  
63 the board with not less than \* \* \* five (5) years' active practice  
64 in \* \* \* an occupation regulated by the board. No \* \* \* two (2)  
65 members of the board may be graduates of the same school of  
66 cosmetology. The public member shall not be required to be  
67 licensed by the board.

68 \* \* \* If there is a vacancy by death or resignation of any  
69 member of the board, the Governor shall, within thirty (30) days,  
70 appoint a person possessing all qualifications required to serve  
71 the remainder of the term. Any member who shall not attend two  
72 (2) consecutive meetings of the board for reasons other than  
73 illness of such member shall be subject to removal by the  
74 Governor. The president of the board shall notify the Governor in  
75 writing when any such member has failed to attend two (2)  
76 consecutive regular meetings.

77 The salaries of all paid employees of the board shall be paid  
78 out of funds in the board's special fund in the State Treasury.



79 Each member of the board, excepting the inspectors provided for  
80 herein, shall receive per diem as authorized by Section 25-3-69,  
81 and shall be reimbursed for such other expenses at the same rate  
82 and under the same conditions as other state employees as provided  
83 for in Section 25-3-41.

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

86 **SECTION 2.** Section 73-7-3, Mississippi Code of 1972, is  
87 amended as follows:

88 73-7-3. (1) The State Board of Cosmetology shall appoint an  
89 individual to serve as the executive director of the board. The  
90 executive director shall possess the qualifications established by  
91 the board that are based on national best practices, and shall  
92 serve at the will and pleasure of the board. The executive  
93 director shall devote his or her full time to the proper  
94 administration of the board and the duties assigned to him or her  
95 by the board, and shall be paid a salary established by the board,  
96 subject to the approval of the State Personnel Board. Subject to  
97 the availability of funding, the executive director may employ  
98 such administrative staff as may be necessary to assist the  
99 executive director and the board in carrying out the provisions of  
100 this chapter and the duties and directives of the board, and  
101 \* \* \* shall fix their tenure of employment and  
102 compensation \* \* \*.



103       (2) The members of the board shall file a bond with the  
104 Secretary of State in the sum of not less than Five Thousand  
105 Dollars (\$5,000.00) payable to the State of Mississippi for the  
106 faithful performance of their duties. The bond shall be made by a  
107 surety company authorized to do business in this state, the  
108 premium of the bond to be paid out of any money in the board's  
109 special fund in the State Treasury.

110       (3) The office of the board shall be located in the greater  
111 metropolitan area of the City of Jackson, Mississippi, and in the  
112 event office space cannot be obtained in any state-owned building,  
113 the board is authorized to rent suitable office space and to pay  
114 therefor out of funds in the board's special fund. The board  
115 shall employ inspectors as needed, not to exceed seven (7), who  
116 shall be full-time employees and whose salaries and duties shall  
117 be fixed by the board.

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

126       **SECTION 3.** Section 73-7-13, Mississippi Code of 1972, is  
127 amended as follows:



128           73-7-13. (1) The board shall admit to examination for a  
129 cosmetology license any person who has made application to the  
130 board in proper form, has paid the required fee, and who (a) is at  
131 least seventeen (17) years of age, (b) \* \* \* has successfully  
132 completed no less than fifteen hundred (1500) hours over a period  
133 of no less than nine (9) months in a licensed school of  
134 cosmetology or in an apprenticeship program of three thousand  
135 (3,000) hours certified by the board, and ( \* \* \*c) has a \* \* \*  
136 tenth (10th) grade education or its equivalent or has been  
137 successfully enrolled in a community college.

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

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



152           (c) Any barber who can read, write and speak English  
153 and has successfully completed no less than fifteen hundred (1500)  
154 hours in a licensed barber school, and who holds a current valid  
155 certificate of registration to practice barbering and who holds a  
156 current valid license, is eligible to take the cosmetology  
157 examination to secure a cosmetology license upon successfully  
158 completing five hundred (500) hours in a licensed school of  
159 cosmetology. All fees for application, examination, registration  
160 and renewal thereof shall be the same as provided for  
161 cosmetologists.

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

165           (3) Any licensed cosmetologist, esthetician, or manicurist  
166 who is registered but not actively practicing in the State of  
167 Mississippi at the time of making application for renewal, may  
168 apply for registration on the "inactive" list. Such "inactive"  
169 list shall be maintained by the board and shall set out the names  
170 and post office addresses of all persons registered but not  
171 actively practicing in this state, arranged alphabetically by name  
172 and also by the municipalities and states of their last-known  
173 professional or residential address. Only the cosmetologists,  
174 estheticians and manicurists registered on the appropriate list as  
175 actively practicing in the State of Mississippi shall be  
176 authorized to practice those professions. For the purpose of this



177 section, any licensed cosmetologist, esthetician or manicurist who  
178 has actively practiced his or her profession for at least three  
179 (3) months of the immediately preceding license renewal period  
180 shall be considered inactive practice. No cosmetologist,  
181 esthetician, or manicurist shall be registered on the "inactive"  
182 list until the person has furnished a statement of intent to take  
183 such action to the board. Any licensed cosmetologist,  
184 esthetician, manicurist or wigologist registered on the "inactive"  
185 list shall not be eligible for registration on the active list  
186 until either of the following conditions have been satisfied:

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

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

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

199 **SECTION 4.** Section 73-7-18, Mississippi Code of 1972, is  
200 amended as follows:





201           73-7-18. (1) The board shall admit to examination for an  
202 esthetician's license any person who has made application to the  
203 board in proper form, has paid the required fee, and who:

204           (a) Is not less than \* \* \* sixteen (16) years of age;

205           \* \* \*

206           ( \* \* \* b) Has a \* \* \* tenth (10th) grade education or  
207 its equivalent or has successfully enrolled in a community  
208 college; and

209           ( \* \* \* c) Has successfully completed a course of  
210 training in esthetics of not less than six hundred (600) hours in  
211 an accredited school in which the practice of esthetics is taught,  
212 including not less than one hundred (100) hours of theory and five  
213 hundred (500) hours of skill practice, or in an apprenticeship  
214 program of one thousand two hundred (1,200) hours certified by the  
215 board.

216           \* \* \*

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



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

228 **SECTION 5.** Section 73-7-21, Mississippi Code of 1972, is  
229 amended as follows:

230 73-7-21. (1) The board shall admit to examination for a  
231 manicurist's license any person who has made application to the  
232 board in proper form, has paid the required fee, and who:

233 (a) Is at least \* \* \* sixteen (16) years of age;

234 \* \* \*

235 ( \* \* \*b) Has successfully completed no less than three  
236 hundred fifty (350) hours of practice and related theory in  
237 manicuring and pedicuring over a period of no less than nine (9)  
238 weeks in an accredited school of cosmetology in this or any other  
239 state or in an apprenticeship program of seven hundred (700) hours  
240 certified by the board; and

241 ( \* \* \*c) Has a \* \* \* tenth (10th) grade education or  
242 its equivalent or has successfully enrolled in a community  
243 college.

244 (2) Licensed manicurists desiring to pursue additional hours  
245 to be eligible for a license as a cosmetologist may be credited  
246 with \* \* \* any hours acquired in studying and training to be a  
247 manicurist which may be applied to the number of hours required  
248 for a cosmetology license examination.



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

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

255 **SECTION 6.** Section 25-3-92, Mississippi Code of 1972, is  
256 amended as follows:

257 25-3-92. (1) (a) When, in the opinion of the appointing  
258 authority, it is essential that a state employee work after normal  
259 working hours, the employee may receive credit for compensatory  
260 leave. Except as otherwise provided in Section 37-13-89, when, in  
261 the opinion of the appointing authority, it is essential that a  
262 state employee work during an official state holiday, the employee  
263 shall receive credit for compensatory leave.

264 (b) The State Personnel Board shall develop recommended  
265 standards for state agencies to use in determining whether or not  
266 an agency's executive director may receive compensatory leave.  
267 State agencies may use such standards when addressing the  
268 conditions under which an executive director should receive  
269 compensatory leave.

270 (2) State employees may be granted administrative leave with  
271 pay. For the purposes of this section, "administrative leave"  
272 means discretionary leave with pay, other than personal leave or  
273 major medical leave.



274           (a) The appointing authority may grant administrative  
275 leave to any employee serving as a witness or juror or party  
276 litigant, as verified by the clerk of the court, in addition to  
277 any fees paid for such services, and such services or necessary  
278 appearance in any court shall not be counted as personal leave.

279           (b) The Governor or the appointing authority may grant  
280 administrative leave with pay to state employees on a local or  
281 statewide basis in the event of extreme weather conditions or in  
282 the event of a man-made, technological or natural disaster or  
283 emergency. Any employee on a previously approved leave during the  
284 affected period shall be eligible for such administrative leave  
285 granted by the Governor or appointing authority, and shall not be  
286 charged for his previously approved leave during the affected  
287 period.

288           (c) The appointing authority may grant administrative  
289 leave with pay to any employee who is a certified disaster service  
290 volunteer of the American Red Cross who participates in  
291 specialized disaster relief services for the American Red Cross in  
292 this state and in states contiguous to this state when the  
293 American Red Cross requests the employee's participation.  
294 Administrative leave granted under this paragraph shall not exceed  
295 twenty (20) days in any twelve-month period. An employee on leave  
296 under this paragraph shall not be deemed to be an employee of the  
297 state for purposes of workers' compensation or for purposes of  
298 claims against the state allowed under Chapter 46, Title 11,



299 Mississippi Code of 1972. As used in this paragraph, the term  
300 "disaster" includes disasters designated at Level II and above in  
301 American Red Cross national regulations and procedures.

302       **SECTION 7.** This act shall take effect and be in force from  
303 and after July 1, 2022, except for Section 1, which shall take  
304 effect and be in force from and after the passage of this act.

