

By: Senator(s) Blackwell, Younger, Norwood,
Chassaniol, Polk, Kirby

To: Accountability,
Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2647

1 AN ACT TO CREATE THE BOARD OF COSMETOLOGY AND BARBERING; TO
2 AMEND SECTION 73-7-1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
3 MEMBERS OF THE STATE BOARD OF COSMETOLOGY AND BARBERING; TO
4 PROVIDE FOR THE QUALIFICATIONS OF THE EXECUTIVE DIRECTOR OF THE
5 BOARD; TO AMEND SECTIONS 73-7-13, 73-7-18 AND 73-7-21, MISSISSIPPI
6 CODE OF 1972, TO REVISE CERTAIN REQUIREMENTS FOR THE LICENSING OF
7 COSMETOLOGISTS, ESTHETICIANS AND MANICURISTS; TO REDUCE THE
8 MINIMUM AGE AND EDUCATION REQUIREMENTS, REMOVE THE REQUIREMENT FOR
9 ENGLISH FLUENCY, AND ALLOW FOR APPRENTICESHIP HOURS IN LIEU OF
10 SCHOOLING HOURS; TO AMEND SECTION 73-5-12, MISSISSIPPI CODE OF
11 1972, TO REMOVE THE REQUIREMENT FOR ENGLISH FLUENCY FOR
12 COSMETOLOGISTS; TO AMEND SECTION 25-3-92, MISSISSIPPI CODE OF
13 1972, TO ALLOW THE STATE PERSONNEL BOARD TO DEVELOP RECOMMENDED
14 STANDARDS FOR STATE AGENCIES TO USE IN DETERMINING WHETHER AN
15 AGENCY'S EXECUTIVE DIRECTOR MAY RECEIVE COMPENSATORY LEAVE; TO
16 AMEND SECTIONS 73-7-2, 73-7-29, 73-7-31, 73-5-1, 73-5-7, 73-5-8,
17 73-5-11, 73-5-15, 73-5-17, 73-5-19, 73-5-25, 73-5-27, 73-5-33,
18 73-5-35 AND 73-5-41, MISSISSIPPI CODE OF 1972, TO CONFORM THERETO;
19 TO REPEAL SECTIONS 73-5-3 AND 73-5-5, MISSISSIPPI CODE OF 1972,
20 WHICH PROVIDE FOR THE ELECTION OF OFFICERS AND FOR THE SPECIAL
21 FUND FOR DEPOSITS FOR THE BOARD OF BARBER EXAMINERS, RESPECTIVELY;
22 AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Any reference to the State Board of Cosmetology
25 or the Board of Barber Examiners in Title 73, Chapters 5 and 7,
26 Mississippi Code of 1972, or any other provision of law, shall
27 mean the State Board of Cosmetology and Barbering created in
28 Section 73-7-1.



29 **SECTION 2.** Section 73-7-1, Mississippi Code of 1972, is
30 amended as follows:

31 73-7-1. (1) There is hereby * * * created the State Board
32 of Cosmetology and Barbering, composed of * * * nine (9) members
33 to be appointed by the Governor, with the advice and consent of
34 the Senate, * * * and will consist of one (1) cosmetologist who is
35 a salon owner, two (2) barbers, one (1) cosmetology or barber
36 school owner, one (1) manicurist, one (1) esthetician, one (1)
37 member of the public who is not a cosmetologist, barber or related
38 profession and the State Health Officer, or his or her
39 designee. * * * Two (2) members shall be appointed from each
40 Supreme Court district and two (2) members from the state at
41 large.

42 The initial term of office for the two (2) members appointed
43 from the First Supreme Court District shall be two (2) years and
44 thereafter shall be six (6) years; the initial term of office for
45 the two (2) members appointed from the Second Supreme Court
46 District shall be three (3) years and thereafter shall be six (6)
47 years; and the initial term of office for the two (2) members
48 appointed from the Third Supreme Court District shall be four (4)
49 years and thereafter shall be six (6) years. The two (2) members
50 from the state at large will be appointed for terms of six (6)
51 years. No member may serve more than two (2) consecutive terms.
52 The initial appointments must be made before September 1, 2022.



53 There shall be a president of the board and such other
54 officers as deemed necessary by the board elected by and from its
55 membership, provided that the member elected as president shall
56 have at least one (1) year of experience on the board. Any member
57 appointed by the Governor and confirmed by the Senate for a term
58 to begin on or after July 1, * * * 2022, who was designated by the
59 Governor to serve as president of the board, shall be fully
60 qualified to serve on the board for a full term of office, but
61 shall not serve as president of the board unless elected by the
62 membership of the board as provided under this paragraph.

63 To be eligible for appointment as a member of the State Board
64 of Cosmetology and Barbering, the person applying shall have been
65 a citizen of this state for a minimum of five (5) years
66 immediately prior to appointment. Such person shall be at least
67 thirty (30) years of age, possess a high school education or its
68 equivalent, and shall have been * * * licensed * * * by the board
69 with not less than * * * five (5) years' active practice in * * *
70 an occupation regulated by the board. No member of the board
71 shall be connected in any way with any school wherein cosmetology
72 is taught, excepting of those members who are specifically
73 appointed as representatives of instructors and school owners, nor
74 shall any two (2) members of the board be graduates of the same
75 school of cosmetology. The consumer representative shall not be
76 required to be licensed by the board.



77 However, in the event of vacancy by death or resignation of
78 any member of the board, the Governor shall, within thirty (30)
79 days, appoint a person possessing all qualifications required to
80 serve the remainder of the term. Any member who shall not attend
81 two (2) consecutive meetings of the board for reasons other than
82 illness of such member shall be subject to removal by the
83 Governor. The president of the board shall notify the Governor in
84 writing when any such member has failed to attend two (2)
85 consecutive regular meetings.

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

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

95 (2) In addition to any powers conferred upon the board in
96 other provisions of law, the State Board of Cosmetology and
97 Barbering shall appoint an individual to serve as the Executive
98 Director of the State Board of Cosmetology and Barbering. The
99 executive director shall possess the qualifications established by
100 the board, which shall be based on national best practices. The
101 executive director shall be considered a full-time position. The



102 executive director shall serve at the will and pleasure of the
103 board and shall devote his or her time to the proper
104 administration of the board and the duties assigned to him or her
105 by the board. The executive director shall be paid a salary
106 established by the board, subject to the approval of the State
107 Personnel Board. Subject to the availability of funding, the
108 executive director may employ such administrative staff as may be
109 necessary to assist the director and board in carrying out the
110 duties and directives of the State Board of Cosmetology and
111 Barbering.

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

114 73-7-2. As used in this chapter, the following terms shall
115 have the meanings ascribed herein unless the context otherwise
116 requires:

117 (a) "Board" means the State Board of Cosmetology and
118 Barbering.

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

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



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

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

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

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

137 (vi) Manicuring and pedicuring.

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

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

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

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



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

153 (iii) Tinting eyelashes or eyebrows.

154 (iv) Waxing, stimulating, cleaning or beautifying
155 the face, neck, arms or legs of a person by any method with the
156 aid of the hands or any mechanical or electrical apparatus, or by
157 the use of a cosmetic preparation.

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

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

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

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



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

176 (ii) Applying artificial nails.

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

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

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

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

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

191 **SECTION 4.** Section 73-7-12, Mississippi Code of 1972, is
192 amended as follows:

193 73-7-12. Effective January 1, 2020, the State Board of
194 Cosmetology and Barbering shall terminate its student testing
195 contract with proper notice and shall conduct examinations for
196 cosmetologists, estheticians, manicurists and instructors at such
197 times and locations as determined by the board. The members of
198 the board shall not personally administer or monitor the



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

203 **SECTION 5.** Section 73-7-13, Mississippi Code of 1972, is
204 amended as follows:

205 73-7-13. (1) The board shall admit to examination for a
206 cosmetology license any person who has made application to the
207 board in proper form, has paid the required fee, and who (a) is at
208 least * * * sixteen (16) years of age, (b) * * * has successfully
209 completed no less than fifteen hundred (1500) hours over a period
210 of no less than nine (9) months in a licensed school of
211 cosmetology or in an apprenticeship program for three thousand
212 (3,000) hours certified by the board for, and (* * * c) has a high
213 school tenth grade education or its equivalent or has been
214 successfully enrolled in a community college.

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



224 (* * *3) Applicants for the cosmetologist examination,
225 after having satisfactorily passed the prescribed examination,
226 shall be issued a cosmetology license which until June 30, 2001,
227 shall be valid for one (1) year, and after July 1, 2001, shall be
228 valid for two (2) years, and all those licenses shall be subject
229 to renewal.

230 (* * *4) Any barber who * * * has successfully completed no
231 less than fifteen hundred (1500) hours in a licensed barber
232 school, and who holds a current valid certificate of registration
233 to practice barbering and who holds a current valid license, is
234 eligible to take the cosmetology examination to secure a
235 cosmetology license upon successfully completing five hundred
236 (500) hours in a licensed school of cosmetology. All fees for
237 application, examination, registration and renewal thereof shall
238 be the same as provided for cosmetologists.

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

242 (* * *6) Any licensed cosmetologist, esthetician, or
243 manicurist who is registered but not actively practicing in the
244 State of Mississippi at the time of making application for
245 renewal, may apply for registration on the "inactive" list. Such
246 "inactive" list shall be maintained by the board and shall set out
247 the names and post office addresses of all persons registered but
248 not actively practicing in this state, arranged alphabetically by



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

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

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



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

276 **SECTION 6.** Section 73-7-18, Mississippi Code of 1972, is
277 amended as follows:

278 73-7-18. (1) The board shall admit to examination for an
279 esthetician's license any person who has made application to the
280 board in proper form, has paid the required fee, and who:

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

282 * * *

283 (* * *b) Has a * * * tenth-grade education or its
284 equivalent; and

285 (* * *c) Has successfully completed a course of
286 training in esthetics of not less than six hundred (600) hours in
287 an accredited school in which the practice of esthetics is taught,
288 including not less than one hundred (100) hours of theory and five
289 hundred (500) hours of skill practice or an apprenticeship program
290 of twelve hundred (1200) hours certified by the board. Licensed
291 estheticians desiring to pursue additional hours to be eligible
292 for a license as a cosmetologist may be credited with any hours
293 acquired in studying and training to be an esthetician, which may
294 be applied to the number of hours required for a cosmetology
295 license examination.

296 * * *

297 (2) Every person who has completed not less than three
298 hundred fifty (350) hours of training in esthetics approved by the



299 board in this or any other state prior to July 1, 1987, shall be
300 registered with the board within a period not exceeding six (6)
301 months after July 1, 1987, and shall be granted an esthetician's
302 license by the board if such person presents satisfactory evidence
303 to the board that he or she has fulfilled all the requirements to
304 be admitted to examination except the training hours requirement.

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

308 **SECTION 7.** Section 73-7-21, Mississippi Code of 1972, is
309 amended as follows:

310 73-7-21. (1) The board shall admit to examination for a
311 manicurist's license any person who has made application to the
312 board in proper form, has paid the required fee, and who:

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

314 * * *

315 (* * * b) Has successfully completed no less than three
316 hundred fifty (350) hours of practice and related theory in
317 manicuring and pedicuring over a period of no less than nine (9)
318 weeks in an accredited school of cosmetology in this or any other
319 state, or in an apprenticeship program of seven hundred (700)
320 hours certified by the board; and

321 (* * * c) Has a * * * tenth grade education or its
322 equivalent, or has been successfully enrolled in a community
323 college.



324 (2) Licensed manicurists desiring to pursue additional hours
325 to be eligible for a license as a cosmetologist may be credited
326 with * * * any hours acquired in studying and training to be a
327 manicurist which may be applied to the number of hours required
328 for a cosmetology license examination.

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

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

335 **SECTION 8.** Section 73-7-29, Mississippi Code of 1972, is
336 amended as follows:

337 73-7-29. The State Board of Cosmetology and Barbering shall
338 assess fees in the following amounts and for the following
339 purposes:

- 340 (a) Initial license/renewal for cosmetologist,
341 manicurist, esthetician, or wig specialist.....\$ 50.00
- 342 (b) Instructor initial license/renewal..... 80.00
- 343 (c) Master cosmetologist license/renewal..... 70.00
- 344 (d) Delinquent renewal penalty - cosmetologist,
345 manicurist, esthetician, wig specialist and instructor..... 50.00

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

- 348 (e) Salon application and initial inspection.... 85.00



349	(f) Salon reinspection	35.00
350	(g) Salon change of ownership or location,	
351	or both	85.00
352	(h) Salon renewal	60.00
353	(i) Salon delinquent renewal penalty.....	50.00
354	(j) Application and initial inspection for a	
355	new school	300.00
356	(k) New school reinspection.....	100.00
357	(l) School change of ownership.....	300.00
358	(m) School relocation	150.00
359	(n) School renewal	75.00
360	(o) School delinquent renewal penalty.....	100.00
361	(p) Duplicate license	10.00
362	(q) Penalty for insufficient fund checks.....	20.00
363	(r) Affidavit processing.....	15.00

364 The State Board of Cosmetology and Barbering may charge
365 additional fees for services which the board deems appropriate to
366 carry out its intent and purpose. These additional fees shall not
367 exceed the cost of rendering the service.

368 The board is fully authorized to make refunds of any deposits
369 received by the board for services which are not rendered.
370 Refunds will automatically be made on overpayment of fees.
371 Refunds will be made on underpayments by written requests from
372 applicants. If no request for refund is made within sixty (60)
373 days, the fees will be forfeited.



374 **SECTION 9.** Section 73-7-31, Mississippi Code of 1972, is
375 amended as follows:

376 73-7-31. Nothing in this chapter shall apply to:

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

380 (b) Persons whose practice is limited to only
381 performing makeup artistry, threading or applying or removing
382 eyelash extensions; however, a person may perform a combination of
383 not more than three (3) such practices and still be exempt from
384 this chapter.

385 (c) Barbers * * *.

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

392 **SECTION 10.** Section 73-5-12, Mississippi Code of 1972, is
393 amended as follows:

394 73-5-12. Any cosmetologist who * * * has successfully
395 completed not less than fifteen hundred (1500) hours in an
396 accredited school of cosmetology, and holds a valid, current
397 license, shall be eligible to take the barber examination to
398 secure a certificate of registration as a barber upon successfully



399 completing six hundred (600) hours in a barber school approved by
400 the * * * State Board of Cosmetology and Barbering.

401 All fees for application, examination, registration and
402 renewal thereof shall be the same as provided for in this chapter.

403 **SECTION 11.** Section 25-3-92, Mississippi Code of 1972, is
404 amended as follows:

405 25-3-92. (1) (a) When, in the opinion of the appointing
406 authority, it is essential that a state employee work after normal
407 working hours, the employee may receive credit for compensatory
408 leave. Except as otherwise provided in Section 37-13-89, when, in
409 the opinion of the appointing authority, it is essential that a
410 state employee work during an official state holiday, the employee
411 shall receive credit for compensatory leave.

412 (b) The State Personnel Board shall develop recommended
413 standards for state agencies to use in determining whether or not
414 an agency's executive director may receive compensatory leave.
415 State agencies may utilize such standards when addressing the
416 conditions under which an executive director should receive
417 compensatory leave.

418 (2) State employees may be granted administrative leave with
419 pay. For the purposes of this section, "administrative leave"
420 means discretionary leave with pay, other than personal leave or
421 major medical leave.

422 (a) The appointing authority may grant administrative
423 leave to any employee serving as a witness or juror or party



424 litigant, as verified by the clerk of the court, in addition to
425 any fees paid for such services, and such services or necessary
426 appearance in any court shall not be counted as personal leave.

427 (b) The Governor or the appointing authority may grant
428 administrative leave with pay to state employees on a local or
429 statewide basis in the event of extreme weather conditions or in
430 the event of a man-made, technological or natural disaster or
431 emergency. Any employee on a previously approved leave during the
432 affected period shall be eligible for such administrative leave
433 granted by the Governor or appointing authority, and shall not be
434 charged for his previously approved leave during the affected
435 period.

436 (c) The appointing authority may grant administrative
437 leave with pay to any employee who is a certified disaster service
438 volunteer of the American Red Cross who participates in
439 specialized disaster relief services for the American Red Cross in
440 this state and in states contiguous to this state when the
441 American Red Cross requests the employee's participation.
442 Administrative leave granted under this paragraph shall not exceed
443 twenty (20) days in any twelve-month period. An employee on leave
444 under this paragraph shall not be deemed to be an employee of the
445 state for purposes of workers' compensation or for purposes of
446 claims against the state allowed under Chapter 46, Title 11,
447 Mississippi Code of 1972. As used in this paragraph, the term



448 "disaster" includes disasters designated at Level II and above in
449 American Red Cross national regulations and procedures.

450 **SECTION 12.** Section 73-5-1, Mississippi Code of 1972, is
451 amended as follows:

452 73-5-1. * * * Any reference to the Board of Barber Examiners
453 in this chapter or any other provision of law, shall mean the
454 State Board of Cosmetology and Barbering created in Section
455 73-7-1.

456 **SECTION 13.** Section 73-5-7, Mississippi Code of 1972, is
457 amended as follows:

458 73-5-7. (1) The * * * State Board of Cosmetology and
459 Barbering shall have authority to make reasonable rules and
460 regulations for the administration of the provisions of this
461 chapter. Provided, however, that any and all rules and
462 regulations relating to sanitation shall, before adoption by the
463 board, have the written approval of the State Board of Health.
464 The * * * State Board of Cosmetology and Barbering shall adopt
465 regulations for the guidance of registered barbers in the
466 operation of a shop and in the practice of barbering except,
467 however, it shall be optional with the individual barber as to
468 whether he or she uses a mug. Any member or designee of the * * *
469 State Board of Cosmetology and Barbering shall have the authority
470 to enter upon and inspect any barbershop or barber school at
471 anytime during business hours. A copy of the rules and
472 regulations of the * * * State Board of Cosmetology and Barbering



473 shall be furnished to the owner or manager of each shop and barber
474 school affected by this chapter, and such copy shall be posted in
475 a conspicuous place in such barbershop or barber school.

476 (2) The board shall have authority to establish rules and
477 regulations governing schools of barbering in this state except
478 those schools operated by a state institution of higher learning
479 or by a public community or junior college. The board shall have
480 further authority to establish curriculum for such regulated
481 schools of barbering in this state.

482 Each regulated school of barbering shall submit the following
483 to the board before enrolling students:

484 (a) The address of proposed school, and the type and
485 size of building in which the school is to be located;

486 (b) The names and addresses of owners and officers of
487 such school, and the names, addresses and instructor license
488 number of managers, supervisors and instructors of such school;

489 (c) A list of equipment and teaching aids; and

490 (d) A copy of the contract to be used between the
491 school and the student.

492 All regulated schools of barbering in the State of
493 Mississippi shall be required to maintain a surety bond in the
494 amount of Twenty-five Thousand Dollars (\$25,000.00) to ensure that
495 in the event a school ceases operation, that all unused tuition
496 fees will be refunded to the students concerned. This bond shall
497 remain in effect for the duration of the school's operation.



498 (3) The * * * State Board of Cosmetology and Barbering shall
499 adopt rules and regulations establishing a procedure for the
500 processing and investigation of complaints filed with the board.
501 The board shall keep records of all complaints, and such records
502 shall indicate the action taken on the complaints.

503 (4) The * * * State Board of Cosmetology and Barbering shall
504 keep a record of its proceedings relating to the issuance,
505 refusal, suspension and revocation of certificates of
506 registration. The record shall also contain the name, place of
507 business and the residence of each registered barber, and the date
508 and number of his certificate of registration. The record shall
509 be open to public inspection at all reasonable times.

510 **SECTION 14.** Section 73-5-8, Mississippi Code of 1972, is
511 amended as follows:

512 73-5-8. Any person is qualified to receive a certificate of
513 registration as a barber instructor who:

514 (a) Is eighteen (18) years of age or older;
515 (b) Is of good moral and temperate habits;
516 (c) Is able to read, write and speak English;
517 (d) Possesses a high school education or its
518 equivalent;

519 (e) Has successfully completed not less than fifteen
520 hundred (1500) hours at a barbering school approved by the * * *
521 State Board of Cosmetology and Barbering and holds a valid
522 certificate of registration to practice barbering;



523 (f) Has (i) not less than two (2) years of active
524 experience as a registered barber and has successfully completed
525 not less than six hundred (600) hours of barber instructor
526 training at a school approved by the board, or (ii) less than two
527 (2) years of active experience as a registered barber and has
528 successfully completed not less than one thousand (1,000) hours of
529 barber instructor training at a school approved by the board; and
530 (g) Has passed a satisfactory examination conducted by
531 the board to determine his fitness to practice as a barber
532 instructor.

533 All persons who have received a certificate of registration
534 as a barber instructor from the board before July 1, 2002, shall
535 be considered to have met the requirements of this section, and
536 all those certificates of registration shall be renewable as
537 otherwise provided in this chapter.

538 The board will implement an active and inactive instructor
539 license. In order to renew an active license, instructors holding
540 an active license shall be required to submit proof of twelve (12)
541 hours of continuing education each year to the * * * State Board
542 of Cosmetology and Barbering. That education shall be acquired in
543 classes or trade shows teaching materials that are approved by the
544 board. Instructors holding an inactive license shall be required
545 to submit proof of twelve (12) hours continuing education before
546 upgrading to an active status.



547 **SECTION 15.** Section 73-5-11, Mississippi Code of 1972, is
548 amended as follows:

549 73-5-11. (1) To be eligible for enrollment at a barbering
550 school approved by the * * * State Board of Cosmetology and
551 Barbering, a person shall have a * * * tenth-grade education or
552 its equivalent, and/or shall have satisfactorily passed the
553 ability-to-benefit examinations approved by the U.S. Department of
554 Education.

555 (2) Any person is qualified to receive a certificate of
556 registration to practice barbering:

557 (a) Who is qualified under the provisions of this
558 chapter;

559 (b) Who is of good moral character and temperate
560 habits;

561 (c) Who has completed not less than fifteen hundred
562 (1500) hours at a barbering school or an apprenticeship program of
563 three thousand (3,000) hours approved by the * * * State Board of
564 Cosmetology and Barbering; and

565 (d) Who has passed a satisfactory examination conducted
566 by the board of examiners to determine his fitness to practice
567 barbering.

568 (3) A temporary permit to practice barbering until the next
569 examination is given may be issued to a student who has completed
570 not less than fifteen hundred (1500) hours at a barbering school
571 or an apprenticeship program of three thousand (3,000) hours



572 approved by the * * * State Board of Cosmetology and Barbering.
573 In no event shall a person be allowed to practice barbering on a
574 temporary permit beyond the date the next examination is given,
575 except because of personal illness.

576 **SECTION 16.** Section 73-5-15, Mississippi Code of 1972, is
577 amended as follows:

578 73-5-15. Each applicant for an examination shall:

579 Make application to the * * * State Board of Cosmetology and
580 Barbering on blank forms prepared and furnished by the board, such
581 application to contain proof under the applicant's oath for the
582 particular qualifications of the applicant; and,

583 Furnish to the board, at the time of the filing of such
584 application, two (2) five-inch (5") X three-inch (3") signed
585 photographs of the applicant, one (1) to accompany the
586 application, and one (1) to be returned to the applicant to be
587 presented to the board when the applicant appears for examination;
588 and,

589 Pay to the board the required fee.

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

593 **SECTION 17.** Section 73-5-17, Mississippi Code of 1972, is
594 amended as follows:

595 73-5-17. The * * * State Board of Cosmetology and Barbering
596 shall conduct examinations of applicants for certificates of



597 registration to practice as registered barbers not less than three
598 (3) times a year, which examination shall be had in some town or
599 city selected by the examining board. Examinations of applicants
600 for certificates of registration as barber instructors shall be
601 conducted at a time and place selected by the examining board.

602 The examination of applicants for certificates of
603 registration as registered barbers shall include both a practical
604 demonstration and a written and oral test, and shall embrace the
605 subjects usually practiced in a duly licensed shop of Mississippi
606 under the direct and personal supervision of a registered barber.
607 The examination of applicants for certificates of registration as
608 barber instructors shall include such subjects as the board deems
609 necessary to determine the applicant's fitness to practice as a
610 barber instructor.

611 **SECTION 18.** Section 73-5-19, Mississippi Code of 1972, is
612 amended as follows:

613 73-5-19. Whenever the applicable provisions of this chapter
614 have been complied with, the * * * State Board of Cosmetology and
615 Barbering shall issue a certificate of registration as a
616 registered barber or barber instructor, as the case may be.

617 **SECTION 19.** Section 73-5-25, Mississippi Code of 1972, is
618 amended as follows:

619 73-5-25. (1) The * * * State Board of Cosmetology and
620 Barbering may refuse to issue, or may suspend definitely or



621 indefinitely, or revoke any certificate of registration or license
622 for any one (1) or a combination of the following causes:

623 (a) Conviction of a felony shown by a certified copy of
624 the judgment of court in which such conviction is had, unless upon
625 a full and unconditional pardon of such convict, and upon
626 satisfactory showing that such convict will in the future conduct
627 himself in a law-abiding way.

628 (b) Gross malpractice or gross incompetency.

629 (c) Continued practice by a person knowingly having an
630 infectious or contagious disease.

631 (d) Advertising, practicing or attempting to practice
632 under a trade name or name other than one's own.

633 (e) Habitual drunkenness or habitual addiction to the
634 use of morphine, cocaine or habit-forming drug, or any other
635 illegal controlled substances.

636 (f) Immoral or unprofessional conduct.

637 (g) Violation of regulations that may be prescribed as
638 provided for in Sections 73-5-7 through 73-5-43.

639 (2) In addition to the causes specified in subsection (1) of
640 this section, the board shall be authorized to suspend the
641 certificate of registration of any person for being out of
642 compliance with an order for support, as defined in Section
643 93-11-153. The procedure for suspension of a certificate for
644 being out of compliance with an order for support, and the
645 procedure for the reissuance or reinstatement of a certificate



646 suspended for that purpose, and the payment of any fees for the
647 reissuance or reinstatement of a certificate suspended for that
648 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
649 there is any conflict between any provision of Section 93-11-157
650 or 93-11-163 and any provision of this chapter, the provisions of
651 Section 93-11-157 or 93-11-163, as the case may be, shall control.

652 **SECTION 20.** Section 73-5-27, Mississippi Code of 1972, is
653 amended as follows:

654 73-5-27. The * * * State Board of Cosmetology and Barbering
655 may neither refuse to suspend or revoke, nor revoke or suspend any
656 certificate of registration as a registered barber or barber
657 instructor, for any of the causes enumerated in this chapter,
658 unless the holder of such certificate has been given at least
659 twenty (20) days' notice, in writing by registered mail, signed by
660 the President and Secretary of the * * * State Board of
661 Cosmetology and Barbering, setting forth the charges against such
662 holder of such certificate and naming the time and place for a
663 hearing upon the charge or charges, and a public hearing thereof
664 by the * * * State Board of Cosmetology and Barbering. The person
665 shall return a written response within ten (10) business days
666 acknowledging receipt of the letter and confirmation of attendance
667 at the board hearing no later than the close of business of the
668 tenth day.

669 Upon the hearing of any such charge or charges the board may
670 issue all subpoenas for all necessary witnesses for and against



671 the accused, and require their attendance upon such hearing, may
672 administer oaths, and may procure by process the production of all
673 necessary books and papers, bearing or touching upon such charges
674 against the accused.

675 **SECTION 21.** Section 73-5-33, Mississippi Code of 1972, is
676 amended as follows:

677 73-5-33. (1) The board shall issue a license for each
678 barbershop in operation in the State of Mississippi, and the board
679 shall prescribe the rules and regulations and circulate the
680 information necessary to obtain a license for the barbershop. A
681 fee of not more than Fifteen Dollars (\$15.00) for each chair
682 manned by a registered barber located in the shop shall be
683 required for the issuance of the license, and the same fee shall
684 be required for a renewal of the license to the shop, the renewal
685 due on the anniversary date of each year. A fee of not more than
686 Twenty-five Dollars (\$25.00) in addition to the regular renewal
687 fee shall be required for restoration of any license that has
688 expired for more than thirty (30) days. Any barbershop license
689 having passed the second year anniversary date, in delinquency,
690 shall be required to have a new shop inspection and shall
691 hereafter pay an initial fee of not more than Forty-five Dollars
692 (\$45.00) in addition to all other fees required for restoration.

693 (2) All barbershop owners shall be responsible for employing
694 only licensed barbers in the shop. Any barbershop owner found by
695 the * * * State Board of Cosmetology and Barbering to employ an



696 unlicensed barber or barbers shall be fined Five Hundred Dollars
697 (\$500.00) payable into the State General Fund, and shall be
698 subject to closure until those violations are corrected. For any
699 later violation, the fine shall be One Thousand Dollars
700 (\$1,000.00). Any barbershop operating within the State of
701 Mississippi without a license after July 1, 1968, shall be
702 subjected to closing by a proper order of a court of competent
703 jurisdiction upon a proper showing that it has failed to comply
704 with the terms of this chapter.

705 (3) The board may assess against any barbershop owner found
706 to employ an unlicensed barber or barbers any of the following
707 costs that are expended by the board in the conduct of a
708 proceeding for violation of subsection (2): court filing fees,
709 court costs and the cost of serving process. Any monies collected
710 by the board under this subsection (3) shall be deposited into the
711 special fund operating account of the board.

712 (4) All new barbershops or change of ownership or location
713 of barbershops shall hereafter pay an initial fee of not more than
714 Twenty-five Dollars (\$25.00) in addition to all other fees
715 required before beginning business. The fee shall not be
716 transferable upon change of ownership or location.

717 (5) All licensees shall notify the * * * State Board of
718 Cosmetology and Barbering of the location of the barbershop at
719 which they are employed.



720 **SECTION 22.** Section 73-5-35, Mississippi Code of 1972, is
721 amended as follows:

722 73-5-35. All barber schools operated in this state shall pay
723 an annual license fee of One Hundred Dollars (\$100.00) and the
724 same fee shall be required for renewal of the license to each such
725 school on July 1 of each year. A fee of not more than Twenty-five
726 Dollars (\$25.00) shall be required for restoration of an expired
727 license that has been expired for a period of at least thirty (30)
728 days of the renewal date.

729 The license to operate those schools shall be issued by
730 the * * * State Board of Cosmetology and Barbering after approval
731 by the board. This license shall not be transferable for any
732 cause and must be renewed annually.

733 All barber schools operated in this state shall be under the
734 direct supervision of a registered barber instructor at all times.

735 **SECTION 23.** Section 73-5-41, Mississippi Code of 1972, is
736 amended as follows:

737 73-5-41. (1) The following persons are exempt from the
738 provisions of this chapter, wholly in the proper discharge of
739 their professional duties, to wit:

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

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

744 (c) Registered nurses.



745 (d) Cosmetologists * * *.

746 (e) Persons whose practice is limited to only makeup
747 artistry, threading or applying or removing eyelash extensions.

748 (2) The provision of this section shall not be construed to
749 authorize any of the persons exempted to shave, trim the beard, or
750 cut the hair of any person, or perform any other act that
751 constitutes barbering, for cosmetic purposes, with the exception
752 of persons licensed by the * * * board or persons whose practice
753 is limited to only makeup artistry, threading or applying or
754 removing eyelash extensions.

755 **SECTION 24.** Sections 73-5-3 and 73-5-5, Mississippi Code of
756 1972, which provide for election of officers and the special fund
757 for deposits for the board of barber examiners, respectively, are
758 repealed.

759 **SECTION 25.** This act shall take effect and be in force from
760 and after July 1, 2022.

