

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

To: Accountability,  
Efficiency, Transparency

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 SECTION 73-7-13, MISSISSIPPI CODE OF 1972, TO  
 6 ALLOW APPLICANTS FOR A COSMETOLOGY LICENSE TO COMPLETE AN  
 7 APPRENTICESHIP PROGRAM CERTIFIED BY THE BOARD; TO AMEND SECTION  
 8 73-7-21, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS TO  
 9 OBTAIN A MANICURIST LICENSE; TO AMEND SECTION 73-5-12, MISSISSIPPI  
 10 CODE OF 1972, TO ELIMINATE THE LITERACY REQUIREMENT FOR  
 11 COSMETOLOGIST; TO AMEND SECTION 25-3-92, MISSISSIPPI CODE OF 1972,  
 12 TO ALLOW THE STATE PERSONNEL BOARD TO DEVELOP RECOMMENDED  
 13 STANDARDS FOR STATE AGENCIES TO USE IN DETERMINING WHETHER AN  
 14 AGENCY'S EXECUTIVE DIRECTOR MAY RECEIVE COMPENSATORY LEAVE; TO  
 15 AMEND SECTIONS 73-7-2, 73-7-12, 73-7-18, 73-7-29, 73-7-31, 73-5-1,  
 16 73-5-7, 73-5-8, 73-5-11, 73-5-15, 73-5-17, 73-5-19, 73-5-25,  
 17 73-5-27, 73-5-33, 73-5-35 AND 73-5-41, MISSISSIPPI CODE OF 1972,  
 18 TO CONFORM THERETO; TO REPEAL SECTIONS 73-5-3 AND 73-5-5,  
 19 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF  
 20 OFFICERS AND FOR THE SPECIAL FUND FOR DEPOSITS FOR THE BOARD OF  
 21 BARBER EXAMINERS, RESPECTIVELY; AND FOR RELATED PURPOSES.

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

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



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

30           73-7-1. (1) There is hereby \* \* \* created the State Board  
31 of Cosmetology and Barbering, composed of \* \* \* nine (9) members  
32 to be appointed by the Governor, with the advice and consent of  
33 the Senate, \* \* \* and will consist of one (1) cosmetologist who is  
34 a salon owner, two (2) barbers, one (1) cosmetology or barber  
35 instructor, one (1) manicurist, one (1) esthetician, one (1)  
36 member of the public who is not a cosmetologist, barber or related  
37 profession and the State Health Officer, or his or her  
38 designee. \* \* \* Two (2) members shall be appointed from each  
39 Supreme Court district and two (2) members from the state at  
40 large.

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



52           There shall be a president of the board and such other  
53 officers as deemed necessary by the board elected by and from its  
54 membership, provided that the member elected as president shall  
55 have at least one (1) year of experience on the board. Any member  
56 appointed by the Governor and confirmed by the Senate for a term  
57 to begin on or after July 1, 1997, who was designated by the  
58 Governor to serve as president of the board, shall be fully  
59 qualified to serve on the board for a full term of office, but  
60 shall not serve as president of the board unless elected by the  
61 membership of the board as provided under this paragraph.

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

74           However, in the event of vacancy by death or resignation of  
75 any member of the board, the Governor shall, within thirty (30)  
76 days, appoint a person possessing all qualifications required to



77 serve the remainder of the term. Any member who shall not attend  
78 two (2) consecutive meetings of the board for reasons other than  
79 illness of such member shall be subject to removal by the  
80 Governor. The president of the board shall notify the Governor in  
81 writing when any such member has failed to attend two (2)  
82 consecutive regular meetings.

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

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

92 (2) In addition to any powers conferred upon the board in  
93 other provisions of law, the State Board of Cosmetology and  
94 Barbering shall appoint an individual to serve as the Executive  
95 Director of the State Board of Cosmetology and Barbering. The  
96 executive director shall possess the qualifications established by  
97 the board, which shall be based on national best practices. The  
98 executive director shall be considered a full-time position. The  
99 executive director shall serve at the will and pleasure of the  
100 board and shall devote his or her time to the proper  
101 administration of the board and the duties assigned to him or her



102 by the board. The executive director shall be paid a salary  
103 established by the board, subject to the approval of the State  
104 Personnel Board. Subject to the availability of funding, the  
105 executive director may employ such administrative staff as may be  
106 necessary to assist the director and board in carrying out the  
107 duties and directives of the State Board of Cosmetology and  
108 Barbering.

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

111 73-7-2. As used in this chapter, the following terms shall  
112 have the meanings ascribed herein unless the context otherwise  
113 requires:

114 (a) "Board" means the State Board of Cosmetology and  
115 Barbering.

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

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

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

125 (iii) Cleansing, stimulating, manipulating,  
126 beautifying or applying oils, antiseptics, clays, lotions or other



127 preparations, either by hand or by mechanical or electrical  
128 apparatus.

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

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

134 (vi) Manicuring and pedicuring.

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

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

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

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

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

150 (iii) Tinting eyelashes or eyebrows.



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

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

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

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

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

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

173 (ii) Applying artificial nails.

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



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

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

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

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

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

190 73-7-12. Effective January 1, 2020, the State Board of  
191 Cosmetology and Barbering shall terminate its student testing  
192 contract with proper notice and shall conduct examinations for  
193 cosmetologists, estheticians, manicurists and instructors at such  
194 times and locations as determined by the board. The members of  
195 the board shall not personally administer or monitor the  
196 examinations, but the board shall contract for administrators of  
197 the examinations. A member of the board shall not receive any per  
198 diem compensation for any day that the member is present at the  
199 site where the examinations are being administered.





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

202           73-7-13. (1) The board shall admit to examination for a  
203 cosmetology license any person who has made application to the  
204 board in proper form, has paid the required fee, and who (a) is at  
205 least seventeen (17) years of age, (b) \* \* \* has successfully  
206 completed no less than fifteen hundred (1500) hours over a period  
207 of no less than nine (9) months in a licensed school of  
208 cosmetology or in an apprenticeship program for three thousand  
209 (3000) hours certified by the board for, and ( \* \* \*c) has a high  
210 school tenth grade education or its equivalent or has been  
211 successfully enrolled in a community college.

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

221           ( \* \* \*3) Applicants for the cosmetologist examination,  
222 after having satisfactorily passed the prescribed examination,  
223 shall be issued a cosmetology license which until June 30, 2001,  
224 shall be valid for one (1) year, and after July 1, 2001, shall be



225 valid for two (2) years, and all those licenses shall be subject  
226 to renewal.

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

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

240 ( \* \* \*6) Any licensed cosmetologist, esthetician, or  
241 manicurist who is registered but not actively practicing in the  
242 State of Mississippi at the time of making application for  
243 renewal, may apply for registration on the "inactive" list. Such  
244 "inactive" list shall be maintained by the board and shall set out  
245 the names and post office addresses of all persons registered but  
246 not actively practicing in this state, arranged alphabetically by  
247 name and also by the municipalities and states of their last-known  
248 professional or residential address. Only the cosmetologists,  
249 estheticians and manicurists registered on the appropriate list as



250 actively practicing in the State of Mississippi shall be  
251 authorized to practice those professions. For the purpose of this  
252 section, any licensed cosmetologist, esthetician or manicurist who  
253 has actively practiced his or her profession for at least three  
254 (3) months of the immediately preceding license renewal period  
255 shall be considered inactive practice. No cosmetologist,  
256 esthetician, or manicurist shall be registered on the "inactive"  
257 list until the person has furnished a statement of intent to take  
258 such action to the board. Any licensed cosmetologist,  
259 esthetician, manicurist or wigologist registered on the "inactive"  
260 list shall not be eligible for registration on the active list  
261 until either of the following conditions have been satisfied:

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

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

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



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

276           73-7-18. (1) The board shall admit to examination for an  
277 esthetician's license any person who has made application to the  
278 board in proper form, has paid the required fee, and who:

279                   (a) Is not less than seventeen (17) years of age;

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

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

282                   (d) Has successfully completed a course of training in

283 esthetics of not less than six hundred (600) hours in an

284 accredited school in which the practice of esthetics is taught,

285 including not less than one hundred (100) hours of theory and five

286 hundred (500) hours of skill practice.

287           \* \* \*

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

290 board in this or any other state prior to July 1, 1987, shall be

291 registered with the board within a period not exceeding six (6)

292 months after July 1, 1987, and shall be granted an esthetician's

293 license by the board if such person presents satisfactory evidence

294 to the board that he or she has fulfilled all the requirements to

295 be admitted to examination except the training hours requirement.

296           (3) Each application or filing made under this section shall

297 include the social security number(s) of the applicant in

298 accordance with Section 93-11-64, Mississippi Code of 1972.



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

301           73-7-21. (1) The board shall admit to examination for a  
302 manicurist's license any person who has made application to the  
303 board in proper form, has paid the required fee, and who:

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

305           \* \* \*

306                   ( \* \* \*b) Has successfully completed no less than three  
307 hundred fifty (350) hours of practice and related theory in  
308 manicuring and pedicuring over a period of no less than nine (9)  
309 weeks in an accredited school of cosmetology in this or any other  
310 state, or in an apprenticeship program of seven hundred (700)  
311 hours certified by the board; and

312                   ( \* \* \*c) Has a \* \* \* tenth grade education or its  
313 equivalent, or has been successfully enrolled in a community  
314 college.

315           (2) Licensed manicurists desiring to pursue additional hours  
316 to be eligible for a license as a cosmetologist may be credited  
317 with \* \* \* any hours acquired in studying and training to be a  
318 manicurist which may be applied to the number of hours required  
319 for a cosmetology license examination.

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



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

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

328 73-7-29. The State Board of Cosmetology and Barbering shall  
329 assess fees in the following amounts and for the following  
330 purposes:

- 331 (a) Initial license/renewal for cosmetologist,  
332 manicurist, esthetician, or wig specialist.....\$ 50.00  
333 (b) Instructor initial license/renewal..... 80.00  
334 (c) Master cosmetologist license/renewal..... 70.00  
335 (d) Delinquent renewal penalty - cosmetologist,  
336 manicurist, esthetician, wig specialist and instructor..... 50.00  
337 There shall be no renewal fee for any licensee seventy (70)  
338 years of age or older.  
339 (e) Salon application and initial inspection.... 85.00  
340 (f) Salon reinspection..... 35.00  
341 (g) Salon change of ownership or location,  
342 or both..... 85.00  
343 (h) Salon renewal..... 60.00  
344 (i) Salon delinquent renewal penalty..... 50.00  
345 (j) Application and initial inspection for a  
346 new school..... 300.00  
347 (k) New school reinspection..... 100.00



348	(l)	School change of ownership.....	300.00
349	(m)	School relocation.....	150.00
350	(n)	School renewal.....	75.00
351	(o)	School delinquent renewal penalty.....	100.00
352	(p)	Duplicate license.....	10.00
353	(q)	Penalty for insufficient fund checks.....	20.00
354	(r)	Affidavit processing.....	15.00

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

359           The board is fully authorized to make refunds of any deposits  
360 received by the board for services which are not rendered.  
361 Refunds will automatically be made on overpayment of fees.  
362 Refunds will be made on underpayments by written requests from  
363 applicants. If no request for refund is made within sixty (60)  
364 days, the fees will be forfeited.

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

367           73-7-31. Nothing in this chapter shall apply to:

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

371           (b) Persons whose practice is limited to only  
372 performing makeup artistry, threading or applying or removing



373 eyelash extensions; however, a person may perform a combination of  
374 not more than three (3) such practices and still be exempt from  
375 this chapter.

376 (c) Barbers \* \* \*.

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

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

385 73-5-12. Any cosmetologist who \* \* \* has successfully  
386 completed not less than fifteen hundred (1500) hours in an  
387 accredited school of cosmetology, and holds a valid, current  
388 license, shall be eligible to take the barber examination to  
389 secure a certificate of registration as a barber upon successfully  
390 completing six hundred (600) hours in a barber school approved by  
391 the \* \* \* State Board of Cosmetology and Barbering.

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

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

396 25-3-92. (1) (a) When, in the opinion of the appointing  
397 authority, it is essential that a state employee work after normal





398 working hours, the employee may receive credit for compensatory  
399 leave. Except as otherwise provided in Section 37-13-89, when, in  
400 the opinion of the appointing authority, it is essential that a  
401 state employee work during an official state holiday, the employee  
402 shall receive credit for compensatory leave.

403 (b) The State Personnel Board shall develop recommended  
404 standards for state agencies to use in determining whether or not  
405 an agency's executive director may receive compensatory leave.  
406 State agencies may utilize such standards when addressing the  
407 conditions under which an executive director should receive  
408 compensatory leave.

409 (2) State employees may be granted administrative leave with  
410 pay. For the purposes of this section, "administrative leave"  
411 means discretionary leave with pay, other than personal leave or  
412 major medical leave.

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

418 (b) The Governor or the appointing authority may grant  
419 administrative leave with pay to state employees on a local or  
420 statewide basis in the event of extreme weather conditions or in  
421 the event of a man-made, technological or natural disaster or  
422 emergency. Any employee on a previously approved leave during the



423 affected period shall be eligible for such administrative leave  
424 granted by the Governor or appointing authority, and shall not be  
425 charged for his previously approved leave during the affected  
426 period.

427 (c) The appointing authority may grant administrative  
428 leave with pay to any employee who is a certified disaster service  
429 volunteer of the American Red Cross who participates in  
430 specialized disaster relief services for the American Red Cross in  
431 this state and in states contiguous to this state when the  
432 American Red Cross requests the employee's participation.  
433 Administrative leave granted under this paragraph shall not exceed  
434 twenty (20) days in any twelve-month period. An employee on leave  
435 under this paragraph shall not be deemed to be an employee of the  
436 state for purposes of workers' compensation or for purposes of  
437 claims against the state allowed under Chapter 46, Title 11,  
438 Mississippi Code of 1972. As used in this paragraph, the term  
439 "disaster" includes disasters designated at Level II and above in  
440 American Red Cross national regulations and procedures.

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

443 73-5-1. \* \* \* Any reference to the Board of Barber Examiners  
444 in this chapter or any other provision of law, shall mean the  
445 State Board of Cosmetology and Barbering created in Section  
446 73-7-1.



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

449           73-5-7. (1) The \* \* \* State Board of Cosmetology and  
450 Barbering shall have authority to make reasonable rules and  
451 regulations for the administration of the provisions of this  
452 chapter. Provided, however, that any and all rules and  
453 regulations relating to sanitation shall, before adoption by the  
454 board, have the written approval of the State Board of Health.  
455 The \* \* \* State Board of Cosmetology and Barbering shall adopt  
456 regulations for the guidance of registered barbers in the  
457 operation of a shop and in the practice of barbering except,  
458 however, it shall be optional with the individual barber as to  
459 whether he or she uses a mug. Any member or designee of the \* \* \*  
460 State Board of Cosmetology and Barbering shall have the authority  
461 to enter upon and inspect any barbershop or barber school at  
462 anytime during business hours. A copy of the rules and  
463 regulations of the \* \* \* State Board of Cosmetology and Barbering  
464 shall be furnished to the owner or manager of each shop and barber  
465 school affected by this chapter, and such copy shall be posted in  
466 a conspicuous place in such barbershop or barber school.

467           (2) The board shall have authority to establish rules and  
468 regulations governing schools of barbering in this state except  
469 those schools operated by a state institution of higher learning  
470 or by a public community or junior college. The board shall have



471 further authority to establish curriculum for such regulated  
472 schools of barbering in this state.

473 Each regulated school of barbering shall submit the following  
474 to the board before enrolling students:

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

477 (b) The names and addresses of owners and officers of  
478 such school, and the names, addresses and instructor license  
479 number of managers, supervisors and instructors of such school;

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

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

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

489 (3) The \* \* \* State Board of Cosmetology and Barbering shall  
490 adopt rules and regulations establishing a procedure for the  
491 processing and investigation of complaints filed with the board.  
492 The board shall keep records of all complaints, and such records  
493 shall indicate the action taken on the complaints.

494 (4) The \* \* \* State Board of Cosmetology and Barbering shall  
495 keep a record of its proceedings relating to the issuance,



496 refusal, suspension and revocation of certificates of  
497 registration. The record shall also contain the name, place of  
498 business and the residence of each registered barber, and the date  
499 and number of his certificate of registration. The record shall  
500 be open to public inspection at all reasonable times.

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

503 73-5-8. Any person is qualified to receive a certificate of  
504 registration as a barber instructor who:

505 (a) Is eighteen (18) years of age or older;

506 (b) Is of good moral and temperate habits;

507 (c) Is able to read, write and speak English;

508 (d) Possesses a high school education or its  
509 equivalent;

510 (e) Has successfully completed not less than fifteen  
511 hundred (1500) hours at a barbering school approved by the \* \* \*  
512 State Board of Cosmetology and Barbering and holds a valid  
513 certificate of registration to practice barbering;

514 (f) Has (i) not less than two (2) years of active  
515 experience as a registered barber and has successfully completed  
516 not less than six hundred (600) hours of barber instructor  
517 training at a school approved by the board, or (ii) less than two  
518 (2) years of active experience as a registered barber and has  
519 successfully completed not less than one thousand (1,000) hours of  
520 barber instructor training at a school approved by the board; and



521 (g) Has passed a satisfactory examination conducted by  
522 the board to determine his fitness to practice as a barber  
523 instructor.

524 All persons who have received a certificate of registration  
525 as a barber instructor from the board before July 1, 2002, shall  
526 be considered to have met the requirements of this section, and  
527 all those certificates of registration shall be renewable as  
528 otherwise provided in this chapter.

529 The board will implement an active and inactive instructor  
530 license. In order to renew an active license, instructors holding  
531 an active license shall be required to submit proof of twelve (12)  
532 hours of continuing education each year to the \* \* \* State Board  
533 of Cosmetology and Barbering. That education shall be acquired in  
534 classes or trade shows teaching materials that are approved by the  
535 board. Instructors holding an inactive license shall be required  
536 to submit proof of twelve (12) hours continuing education before  
537 upgrading to an active status.

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

540 73-5-11. (1) To be eligible for enrollment at a barbering  
541 school approved by the \* \* \* State Board of Cosmetology and  
542 Barbering, a person shall have a high school education or its  
543 equivalent, and/or shall have satisfactorily passed the  
544 ability-to-benefit examinations approved by the U.S. Department of  
545 Education.



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

548 (a) Who is qualified under the provisions of this  
549 chapter;

550 (b) Who is of good moral character and temperate  
551 habits;

552 (c) Who has completed not less than fifteen hundred  
553 (1500) hours at a barbering school approved by the \* \* \* State  
554 Board of Cosmetology and Barbering; and

555 (d) Who has passed a satisfactory examination conducted  
556 by the board of examiners to determine his fitness to practice  
557 barbering.

558 (3) A temporary permit to practice barbering until the next  
559 examination is given may be issued to a student who has completed  
560 not less than fifteen hundred (1500) hours at a barbering school  
561 approved by the \* \* \* State Board of Cosmetology and Barbering.

562 In no event shall a person be allowed to practice barbering on a  
563 temporary permit beyond the date the next examination is given,  
564 except because of personal illness.

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

567 73-5-15. Each applicant for an examination shall:

568 Make application to the \* \* \* State Board of Cosmetology and  
569 Barbering on blank forms prepared and furnished by the board, such



570 application to contain proof under the applicant's oath for the  
571 particular qualifications of the applicant; and,

572         Furnish to the board, at the time of the filing of such  
573 application, two (2) five-inch (5") X three-inch (3") signed  
574 photographs of the applicant, one (1) to accompany the  
575 application, and one (1) to be returned to the applicant to be  
576 presented to the board when the applicant appears for examination;  
577 and,

578         Pay to the board the required fee.

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

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

584         73-5-17. The \* \* \* State Board of Cosmetology and Barbering  
585 shall conduct examinations of applicants for certificates of  
586 registration to practice as registered barbers not less than three  
587 (3) times a year, which examination shall be had in some town or  
588 city selected by the examining board. Examinations of applicants  
589 for certificates of registration as barber instructors shall be  
590 conducted at a time and place selected by the examining board.

591         The examination of applicants for certificates of  
592 registration as registered barbers shall include both a practical  
593 demonstration and a written and oral test, and shall embrace the  
594 subjects usually practiced in a duly licensed shop of Mississippi





595 under the direct and personal supervision of a registered barber.  
596 The examination of applicants for certificates of registration as  
597 barber instructors shall include such subjects as the board deems  
598 necessary to determine the applicant's fitness to practice as a  
599 barber instructor.

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

602 73-5-19. Whenever the applicable provisions of this chapter  
603 have been complied with, the \* \* \* State Board of Cosmetology and  
604 Barbering shall issue a certificate of registration as a  
605 registered barber or barber instructor, as the case may be.

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

608 73-5-25. (1) The \* \* \* State Board of Cosmetology and  
609 Barbering may refuse to issue, or may suspend definitely or  
610 indefinitely, or revoke any certificate of registration or license  
611 for any one (1) or a combination of the following causes:

612 (a) Conviction of a felony shown by a certified copy of  
613 the judgment of court in which such conviction is had, unless upon  
614 a full and unconditional pardon of such convict, and upon  
615 satisfactory showing that such convict will in the future conduct  
616 himself in a law-abiding way.

617 (b) Gross malpractice or gross incompetency.

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



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

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

625 (f) Immoral or unprofessional conduct.

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

628 (2) In addition to the causes specified in subsection (1) of  
629 this section, the board shall be authorized to suspend the  
630 certificate of registration of any person for being out of  
631 compliance with an order for support, as defined in Section  
632 93-11-153. The procedure for suspension of a certificate for  
633 being out of compliance with an order for support, and the  
634 procedure for the reissuance or reinstatement of a certificate  
635 suspended for that purpose, and the payment of any fees for the  
636 reissuance or reinstatement of a certificate suspended for that  
637 purpose, shall be governed by Section 93-11-157 or 93-11-163. If  
638 there is any conflict between any provision of Section 93-11-157  
639 or 93-11-163 and any provision of this chapter, the provisions of  
640 Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

643 73-5-27. The \* \* \* State Board of Cosmetology and Barbering  
644 may neither refuse to suspend or revoke, nor revoke or suspend any



645 certificate of registration as a registered barber or barber  
646 instructor, for any of the causes enumerated in this chapter,  
647 unless the holder of such certificate has been given at least  
648 twenty (20) days' notice, in writing by registered mail, signed by  
649 the President and Secretary of the \* \* \* State Board of  
650 Cosmetology and Barbering, setting forth the charges against such  
651 holder of such certificate and naming the time and place for a  
652 hearing upon the charge or charges, and a public hearing thereof  
653 by the \* \* \* State Board of Cosmetology and Barbering. The person  
654 shall return a written response within ten (10) business days  
655 acknowledging receipt of the letter and confirmation of attendance  
656 at the board hearing no later than the close of business of the  
657 tenth day.

658       Upon the hearing of any such charge or charges the board may  
659 issue all subpoenas for all necessary witnesses for and against  
660 the accused, and require their attendance upon such hearing, may  
661 administer oaths, and may procure by process the production of all  
662 necessary books and papers, bearing or touching upon such charges  
663 against the accused.

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

666       73-5-33. (1) The board shall issue a license for each  
667 barbershop in operation in the State of Mississippi, and the board  
668 shall prescribe the rules and regulations and circulate the  
669 information necessary to obtain a license for the barbershop. A



670 fee of not more than Fifteen Dollars (\$15.00) for each chair  
671 manned by a registered barber located in the shop shall be  
672 required for the issuance of the license, and the same fee shall  
673 be required for a renewal of the license to the shop, the renewal  
674 due on the anniversary date of each year. A fee of not more than  
675 Twenty-five Dollars (\$25.00) in addition to the regular renewal  
676 fee shall be required for restoration of any license that has  
677 expired for more than thirty (30) days. Any barbershop license  
678 having passed the second year anniversary date, in delinquency,  
679 shall be required to have a new shop inspection and shall  
680 hereafter pay an initial fee of not more than Forty-five Dollars  
681 (\$45.00) in addition to all other fees required for restoration.

682 (2) All barbershop owners shall be responsible for employing  
683 only licensed barbers in the shop. Any barbershop owner found by  
684 the \* \* \* State Board of Cosmetology and Barbering to employ an  
685 unlicensed barber or barbers shall be fined Five Hundred Dollars  
686 (\$500.00) payable into the State General Fund, and shall be  
687 subject to closure until those violations are corrected. For any  
688 later violation, the fine shall be One Thousand Dollars  
689 (\$1,000.00). Any barbershop operating within the State of  
690 Mississippi without a license after July 1, 1968, shall be  
691 subjected to closing by a proper order of a court of competent  
692 jurisdiction upon a proper showing that it has failed to comply  
693 with the terms of this chapter.



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

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

706 (5) All licensees shall notify the \* \* \* State Board of  
707 Cosmetology and Barbering of the location of the barbershop at  
708 which they are employed.

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

711 73-5-35. All barber schools operated in this state shall pay  
712 an annual license fee of One Hundred Dollars (\$100.00) and the  
713 same fee shall be required for renewal of the license to each such  
714 school on July 1 of each year. A fee of not more than Twenty-five  
715 Dollars (\$25.00) shall be required for restoration of an expired  
716 license that has been expired for a period of at least thirty (30)  
717 days of the renewal date.



718           The license to operate those schools shall be issued by  
719 the \* \* \* State Board of Cosmetology and Barbering after approval  
720 by the board. This license shall not be transferable for any  
721 cause and must be renewed annually.

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

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

726           73-5-41. (1) The following persons are exempt from the  
727 provisions of this chapter, wholly in the proper discharge of  
728 their professional duties, to wit:

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

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

733                   (c) Registered nurses.

734                   (d) Cosmetologists \* \* \*.

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

737           (2) The provision of this section shall not be construed to  
738 authorize any of the persons exempted to shave, trim the beard, or  
739 cut the hair of any person, or perform any other act that  
740 constitutes barbering, for cosmetic purposes, with the exception  
741 of persons licensed by the \* \* \* board or persons whose practice



742 is limited to only makeup artistry, threading or applying or  
743 removing eyelash extensions.

744         **SECTION 24.** Sections 73-5-3 and 73-5-5, Mississippi Code of  
745 1972, which provide for election of officers and the special fund  
746 for deposits for the board of barber examiners, respectively, are  
747 repealed.

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

