

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

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2901

1 AN ACT TO AMEND SECTION 73-7-1, MISSISSIPPI CODE OF 1972, TO  
2 CREATE THE POSITION OF EXECUTIVE DIRECTOR FOR THE STATE BOARD OF  
3 COSMETOLOGY; TO INCREASE THE NUMBER OF MEMBERS OF THE STATE BOARD  
4 OF COSMETOLOGY; TO REVISE THE REQUIREMENTS FOR MEMBERS OF THE  
5 BOARD OF COSMETOLOGY; TO AMEND SECTIONS 73-7-13, 73-7-18, AND  
6 73-7-21, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN REQUIREMENTS  
7 FOR THE LICENSURE OF COSMETOLOGISTS, MANICURISTS AND  
8 AESTHETICIANS; TO REMOVE THE LICENSURE REQUIREMENT FOR ENGLISH  
9 FLUENCY; TO REDUCE THE MINIMUM AGE AND EDUCATION FOR LICENSING; TO  
10 ALLOW FOR APPRENTICESHIP HOURS IN LIEU OF SCHOOLING HOURS FOR  
11 LICENSURE EXAMINATION QUALIFICATIONS; TO AMEND SECTION 25-3-92,  
12 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE MISSISSIPPI STATE  
13 PERSONNEL BOARD DEVELOP A RECOMMENDED POLICY FOR AGENCIES  
14 REGARDING THE APPROPRIATE PROCESS FOR THE REQUESTING, APPROVAL AND  
15 USE OF COMPENSATORY TIME; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The State Board of Cosmetology shall appoint an  
18 individual to serve as the Executive Director of the State Board  
19 of Cosmetology. The executive director shall possess  
20 qualifications established by the board which are based on  
21 national best practices. The executive director shall serve at  
22 the will and pleasure of the board and shall perform the duties  
23 assigned to him or her by the board. The executive director shall  
24 be paid a salary established by the board, subject to the approval



25 of the State Personnel Board. Subject to the availability of  
26 funding, the executive director may employ such administrative  
27 staff as may be necessary to assist the executive director and  
28 board in carrying out the duties and directives of the State Board  
29 of Cosmetology.

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

32 73-7-1. There is hereby continued and reconstituted a State  
33 Board of Cosmetology, composed of \* \* \* seven (7) members to be  
34 appointed by the Governor, with the advice and consent of the  
35 Senate, \* \* \* and will consist of two (2) cosmetologists, at least  
36 one (1) of which is a salon owner, one (1) manicurist, one (1)  
37 esthetician, one (1) cosmetology school owner, one (1) member of  
38 the public not related to cosmetology or related professions, and  
39 the State Health Officer or his designee. No more than two (2)  
40 members shall be appointed from each Supreme Court district.

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 four (4) 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 four (4)  
46 years; the initial term of office for the two (2) members  
47 appointed from the Third Supreme Court District shall be four (4)  
48 years. No member may serve more than two (2) consecutive terms.  
49 The initial appointments must be made before July 2, 2022.



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

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

70           However, in the event of vacancy by death or resignation of  
71 any member of the board, the Governor shall, within thirty (30)  
72 days, appoint a person possessing all qualifications required to  
73 serve the remainder of the term. Any member who shall not attend  
74 two (2) consecutive meetings of the board for reasons other than



75 illness of such member shall be subject to removal by the  
76 Governor. The president of the board shall notify the Governor in  
77 writing when any such member has failed to attend two (2)  
78 consecutive regular meetings.

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

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

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

90 73-7-13. (1) The board shall admit to examination for a  
91 cosmetology license any person who has made application to the  
92 board in proper form, has paid the required fee, and who (a) is at  
93 least seventeen (17) years of age, (b) \* \* \* has successfully  
94 completed no less than fifteen hundred (1500) hours over a period  
95 of no less than nine (9) months in a licensed school of  
96 cosmetology or in an apprenticeship program for three thousand  
97 (3000) hours certified by the board, and ( \* \* \*c) has a high  
98 school tenth grade education or its equivalent or has been  
99 successfully enrolled in a community college.



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

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

114           (c) Any barber who can read, write and speak English  
115 and has successfully completed no less than fifteen hundred (1500)  
116 hours in a licensed barber school, and who holds a current valid  
117 certificate of registration to practice barbering and who holds a  
118 current valid license, is eligible to take the cosmetology  
119 examination to secure a cosmetology license upon successfully  
120 completing five hundred (500) hours in a licensed school of  
121 cosmetology. All fees for application, examination, registration  
122 and renewal thereof shall be the same as provided for  
123 cosmetologists.



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

127 (3) Any licensed cosmetologist, esthetician, or manicurist  
128 who is registered but not actively practicing in the State of  
129 Mississippi at the time of making application for renewal, may  
130 apply for registration on the "inactive" list. Such "inactive"  
131 list shall be maintained by the board and shall set out the names  
132 and post office addresses of all persons registered but not  
133 actively practicing in this state, arranged alphabetically by name  
134 and also by the municipalities and states of their last-known  
135 professional or residential address. Only the cosmetologists,  
136 estheticians and manicurists registered on the appropriate list as  
137 actively practicing in the State of Mississippi shall be  
138 authorized to practice those professions. For the purpose of this  
139 section, any licensed cosmetologist, esthetician or manicurist who  
140 has actively practiced his or her profession for at least three  
141 (3) months of the immediately preceding license renewal period  
142 shall be considered inactive practice. No cosmetologist,  
143 esthetician, or manicurist shall be registered on the "inactive"  
144 list until the person has furnished a statement of intent to take  
145 such action to the board. Any licensed cosmetologist,  
146 esthetician, manicurist or wigologist registered on the "inactive"  
147 list shall not be eligible for registration on the active list  
148 until either of the following conditions have been satisfied:



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

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

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

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

163 73-7-18. (1) The board shall admit to examination for an  
164 esthetician's license any person who has made application to the  
165 board in proper form, has paid the required fee, and who:

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

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

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

169 (d) Has successfully completed a course of training in  
170 esthetics of not less than six hundred (600) hours in an  
171 accredited school in which the practice of esthetics is taught,  
172 including not less than one hundred (100) hours of theory and five



173 hundred (500) hours of skill practice, or an apprenticeship  
174 program certified by the board of twelve-hundred (1200) hours.

175 \* \* \*

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

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

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

189 73-7-21. (1) The board shall admit to examination for a  
190 manicurist's license any person who has made application to the  
191 board in proper form, has paid the required fee, and who:

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

193 \* \* \*

194 ( \* \* \*b) Has successfully completed no less than three  
195 hundred fifty (350) hours of practice and related theory in  
196 manicuring and pedicuring over a period of no less than nine (9)  
197 weeks in an accredited school of cosmetology in this or any other





198 state or in an apprenticeship program certified by the board of  
199 seven hundred (700) hours; and

200 ( \* \* \*c) Has a \* \* \* tenth grade education or its  
201 equivalent, or has been successfully enrolled in a community  
202 college.

203 (2) Licensed manicurists desiring to pursue additional hours  
204 to be eligible for a license as a cosmetologist may be credited  
205 with the three hundred fifty (350) hours acquired in studying and  
206 training to be a manicurist which may be applied to the number of  
207 hours required for a cosmetology license examination.

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

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

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

216 25-3-92. (1) (a) When, in the opinion of the appointing  
217 authority, it is essential that a state employee work after normal  
218 working hours, the employee may receive credit for compensatory  
219 leave. Except as otherwise provided in Section 37-13-89, when, in  
220 the opinion of the appointing authority, it is essential that a  
221 state employee work during an official state holiday, the employee  
222 shall receive credit for compensatory leave.



223           (b) The State Personnel Board shall develop recommended  
224 standards for state agencies to use in determining whether or not  
225 an agency's executive director may receive compensatory leave.  
226 State agencies may utilize such standards when addressing the  
227 conditions under which an executive director should receive  
228 compensatory leave.

229           (2) State employees may be granted administrative leave with  
230 pay. For the purposes of this section, "administrative leave"  
231 means discretionary leave with pay, other than personal leave or  
232 major medical leave.

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

238           (b) The Governor or the appointing authority may grant  
239 administrative leave with pay to state employees on a local or  
240 statewide basis in the event of extreme weather conditions or in  
241 the event of a man-made, technological or natural disaster or  
242 emergency. Any employee on a previously approved leave during the  
243 affected period shall be eligible for such administrative leave  
244 granted by the Governor or appointing authority, and shall not be  
245 charged for his previously approved leave during the affected  
246 period.



247 (c) The appointing authority may grant administrative  
248 leave with pay to any employee who is a certified disaster service  
249 volunteer of the American Red Cross who participates in  
250 specialized disaster relief services for the American Red Cross in  
251 this state and in states contiguous to this state when the  
252 American Red Cross requests the employee's participation.  
253 Administrative leave granted under this paragraph shall not exceed  
254 twenty (20) days in any twelve-month period. An employee on leave  
255 under this paragraph shall not be deemed to be an employee of the  
256 state for purposes of workers' compensation or for purposes of  
257 claims against the state allowed under Chapter 46, Title 11,  
258 Mississippi Code of 1972. As used in this paragraph, the term  
259 "disaster" includes disasters designated at Level II and above in  
260 American Red Cross national regulations and procedures.

261 **SECTION 7.** This act shall take effect and be in force from  
262 and after July 1, 2022.

