

By: Representative Currie

To: Public Health and Human Services

HOUSE BILL NO. 314

1 AN ACT TO AMEND SECTION 73-7-1, MISSISSIPPI CODE OF 1972, TO  
 2 CREATE THE STATE BOARD OF COSMETOLOGY AND BARBERING TO LICENSE AND  
 3 REGULATE THE PRACTICE OF COSMETOLOGY AND THE PRACTICE OF  
 4 BARBERING; TO AMEND SECTIONS 73-5-1, 73-5-45, 73-7-3 AND 73-7-63,  
 5 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION;  
 6 TO AMEND SECTIONS 73-7-13, 73-7-18 AND 73-7-21, MISSISSIPPI CODE  
 7 OF 1972, TO REVISE CERTAIN REQUIREMENTS FOR THE LICENSING OF  
 8 COSMETOLOGISTS, ESTHETICIANS AND MANICURISTS; TO REDUCE THE  
 9 MINIMUM AGE AND EDUCATION REQUIREMENTS, REMOVE THE REQUIREMENT FOR  
 10 ENGLISH FLUENCY, AND ALLOW FOR APPRENTICESHIP HOURS IN LIEU OF  
 11 SCHOOLING HOURS; TO AMEND SECTION 73-5-12, MISSISSIPPI CODE OF  
 12 1972, TO DELETE THE REQUIREMENT THAT COSMETOLOGISTS SEEKING A  
 13 BARBERING LICENSE BE FLUENT IN ENGLISH; TO REPEAL SECTION 73-5-3,  
 14 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE OFFICERS AND  
 15 EMPLOYEES OF THE STATE BOARD OF BARBER EXAMINERS; TO AMEND SECTION  
 16 25-3-92, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE PERSONNEL  
 17 BOARD TO DEVELOP RECOMMENDED STANDARDS FOR STATE AGENCIES TO USE  
 18 IN DETERMINING WHETHER OR NOT AN AGENCY'S EXECUTIVE DIRECTOR MAY  
 19 RECEIVE COMPENSATORY LEAVE, AND PROVIDE THAT AGENCIES MAY USE SUCH  
 20 STANDARDS WHEN ADDRESSING THE CONDITIONS UNDER WHICH AN EXECUTIVE  
 21 DIRECTOR SHOULD RECEIVE COMPENSATORY LEAVE; AND FOR RELATED  
 22 PURPOSES.

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

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

26 73-7-1. (1) There is \* \* \* created the State Board of  
 27 Cosmetology and Barbering, composed of \* \* \* nine (9) members,  
 28 eight (8) of which shall \* \* \* be appointed by the Governor, with



29 the advice and consent of the Senate \* \* \* . The board shall  
30 consist of one (1) cosmetologist who is a salon owner, two (2)  
31 barbers, one (1) cosmetology or barber school owner, one (1)  
32 cosmetology or barber instructor, one (1) manicurist, one (1)  
33 esthetician, one (1) member of the public not related to  
34 cosmetology, barbering or related professions, and the State  
35 Health Officer or his or her designee. \* \* \* Two (2) members  
36 shall be appointed from each Supreme Court district and two (2)  
37 members shall be appointed from the state at large.

38 (2) The initial term of office for the two (2) members  
39 appointed from the First Supreme Court District shall be two (2)  
40 years ending on June 30, 2025; the initial term of office for the  
41 two (2) members appointed from the Second Supreme Court District  
42 shall be three (3) years ending on June 30, 2026; the initial term  
43 of office for the two (2) members appointed from the Third Supreme  
44 Court District shall be four (4) years ending on June 30, 2027;  
45 and the initial term of office for the two (2) members appointed  
46 from the state at large shall be six (6) years ending on June 30,  
47 2029. After the expiration of the initial terms of offices, all  
48 later appointments shall be for terms of six (6) years from the  
49 expiration date of the previous term. No member may serve more  
50 than two (2) consecutive terms. The initial appointments must be  
51 made before September 1, 2023.

52 (2) 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, \* \* \* 2023, 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 (3) To be eligible for appointment as a member of the \* \* \*  
63 board, the person applying shall have been a citizen of this state  
64 for a minimum of five (5) years immediately prior to appointment.  
65 Such person shall be at least thirty (30) years of age, possess a  
66 high school education or its equivalent, and shall have been \* \* \*  
67 licensed by the board or either of its predecessor boards with not  
68 less than \* \* \* five (5) years' active practice in \* \* \* an  
69 occupation regulated by the board or either of its predecessor  
70 boards. No \* \* \* two (2) members of the board shall be graduates  
71 of the same school of cosmetology or barbering. The public member  
72 shall not be required to be licensed by the board.

73 (4) \* \* \* If there is a vacancy by death or resignation of  
74 any member of the board, the Governor shall, within thirty (30)  
75 days, appoint a person possessing all qualifications required to  
76 serve the remainder of the term. Any member who shall not attend  
77 two (2) consecutive meetings of the board for reasons other than  
78 illness of such member shall be subject to removal by the



79 Governor. The president of the board shall notify the Governor in  
80 writing when any such member has failed to attend two (2)  
81 consecutive regular meetings.

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

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

91 (7) In addition to any powers conferred upon the board in  
92 other provisions of law, the board shall appoint an individual to  
93 serve as the executive director of the board. The executive  
94 director shall possess the qualifications established by the board  
95 that are based on national best practices, and shall serve at the  
96 will and pleasure of the board. The executive director shall  
97 devote his or her full time to the proper administration of the  
98 board and the duties assigned to him or her by the board, and  
99 shall be paid a salary established by the board, subject to the  
100 approval of the State Personnel Board. Subject to the  
101 availability of funding, the executive director may employ such  
102 administrative staff as may be necessary to assist the executive  
103 director and board in carrying out the provisions of this chapter



104 and Chapter 5, Title 73, Mississippi Code of 1972, and the duties  
105 and directives of the board.

106 (8) The State Board of Cosmetology and Barbering created in  
107 this section shall be the State Board of Cosmetology and the State  
108 Board of Barber Examiners. Any reference to the State Board of  
109 Cosmetology or the State Board of Barber Examiners in Chapter 5 or  
110 Chapter 7, Title 73, Mississippi Code of 1972, or in any other  
111 provision of law, or any rule, regulation or document shall mean  
112 the State Board of Cosmetology and Barbering.

113 **SECTION 2.** Section 73-5-1, Mississippi Code of 1972, is  
114 amended as follows:

115 73-5-1. \* \* \* The State Board of Cosmetology and Barbering  
116 created under Section 73-7-1 shall license and regulate the  
117 practice of barbering under this chapter.

118 **SECTION 3.** Section 73-5-45, Mississippi Code of 1972, is  
119 amended as follows:

120 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code  
121 of 1972, which \* \* \* regulate the practice of barbering, shall  
122 stand repealed as of July 1, 2025.

123 **SECTION 4.** Section 73-7-3, Mississippi Code of 1972, is  
124 amended as follows:

125 73-7-3. \* \* \* The members of the board shall file a bond  
126 with the Secretary of State in the sum of not less than Five  
127 Thousand Dollars (\$5,000.00) payable to the State of Mississippi  
128 for the faithful performance of their duties. The bond shall be



129 made by a surety company authorized to do business in this state,  
130 the premium of the bond to be paid out of any money in the board's  
131 special fund in the State Treasury.

132 The office of the board shall be located in the greater  
133 metropolitan area of the City of Jackson, Mississippi, and in the  
134 event office space cannot be obtained in any state-owned building,  
135 the board is authorized to rent suitable office space and to pay  
136 therefor out of funds in the board's special fund. The board  
137 shall employ inspectors as needed, not to exceed seven (7), who  
138 shall be full-time employees and whose salaries and duties shall  
139 be fixed by the board.

140 The salaries of all paid employees of the board shall be paid  
141 out of the funds in the board's special fund. The inspectors  
142 shall, in addition to their salaries, be reimbursed for such  
143 expenses as are allowed other state employees under the provisions  
144 of Section 25-3-41. In addition to the paying of office rent, the  
145 board is authorized to purchase necessary office furniture and  
146 equipment, stationery, books, certificates and any other equipment  
147 necessary for the proper administration of this chapter.

148 **SECTION 5.** Section 73-7-63, Mississippi Code of 1972, is  
149 amended as follows:

150 73-7-63. Sections 73-7-1 through 73-7-37, which create the  
151 State Board of Cosmetology and Barbering and prescribe its duties  
152 and powers, shall stand repealed on July 1, 2024.



153           **SECTION 6.** Section 73-7-13, Mississippi Code of 1972, is  
154 amended as follows:

155           73-7-13. (1) The board shall admit to examination for a  
156 cosmetology license any person who has made application to the  
157 board in proper form, has paid the required fee, and who (a) is at  
158 least seventeen (17) years of age, (b) \* \* \* has successfully  
159 completed no less than fifteen hundred (1500) hours over a period  
160 of no less than nine (9) months in a licensed school of  
161 cosmetology or in an apprenticeship program of three thousand  
162 (3,000) hours certified by the board, and ( \* \* \*c) has a \* \* \*  
163 tenth (10th) grade education or its equivalent or has been  
164 successfully enrolled in a community college.

165           (a) The board may, in its discretion, issue to any  
166 student who has completed the prescribed hours in a licensed  
167 school and paid the required fee a temporary permit until such  
168 time as the next examination may be held, but such student shall  
169 be issued only one (1) temporary permit. Application for an  
170 examination and license shall be accompanied by two (2) passport  
171 photographs of the applicant. No temporary permit will be issued  
172 to an applicant from any other state to operate a beauty salon or  
173 school of cosmetology in this state unless in case of emergency.

174           (b) Applicants for the cosmetologist examination, after  
175 having satisfactorily passed the prescribed examination, shall be  
176 issued a cosmetology license which until June 30, 2001, shall be



177 valid for one (1) year, and after July 1, 2001, shall be valid for  
178 two (2) years, and all those licenses shall be subject to renewal.

179 (c) Any barber who can read, write and speak English  
180 and has successfully completed no less than fifteen hundred (1500)  
181 hours in a licensed barber school, and who holds a current valid  
182 certificate of registration to practice barbering and who holds a  
183 current valid license, is eligible to take the cosmetology  
184 examination to secure a cosmetology license upon successfully  
185 completing five hundred (500) hours in a licensed school of  
186 cosmetology. All fees for application, examination, registration  
187 and renewal thereof shall be the same as provided for  
188 cosmetologists.

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

192 (3) Any licensed cosmetologist, esthetician, or manicurist  
193 who is registered but not actively practicing in the State of  
194 Mississippi at the time of making application for renewal, may  
195 apply for registration on the "inactive" list. Such "inactive"  
196 list shall be maintained by the board and shall set out the names  
197 and post office addresses of all persons registered but not  
198 actively practicing in this state, arranged alphabetically by name  
199 and also by the municipalities and states of their last-known  
200 professional or residential address. Only the cosmetologists,  
201 estheticians and manicurists registered on the appropriate list as





202 actively practicing in the State of Mississippi shall be  
203 authorized to practice those professions. For the purpose of this  
204 section, any licensed cosmetologist, esthetician or manicurist who  
205 has actively practiced his or her profession for at least three  
206 (3) months of the immediately preceding license renewal period  
207 shall be considered inactive practice. No cosmetologist,  
208 esthetician, or manicurist shall be registered on the "inactive"  
209 list until the person has furnished a statement of intent to take  
210 such action to the board. Any licensed cosmetologist,  
211 esthetician, manicurist or wigologist registered on the "inactive"  
212 list shall not be eligible for registration on the active list  
213 until either of the following conditions have been satisfied:

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

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

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



226           **SECTION 7.** Section 73-7-18, Mississippi Code of 1972, is  
227 amended as follows:

228           73-7-18. (1) The board shall admit to examination for an  
229 esthetician's license any person who has made application to the  
230 board in proper form, has paid the required fee, and who:

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

232           \* \* \*

233           ( \* \* \* b) Has a \* \* \* tenth (10th) grade education or  
234 its equivalent or has successfully enrolled in a community  
235 college; and

236           ( \* \* \* c) Has successfully completed a course of  
237 training in esthetics of not less than six hundred (600) hours in  
238 an accredited school in which the practice of esthetics is taught,  
239 including not less than one hundred (100) hours of theory and five  
240 hundred (500) hours of skill practice, or in an apprenticeship  
241 program of one thousand two hundred (1,200) hours certified by the  
242 board.

243           \* \* \*

244           (2) Every person who has completed not less than three  
245 hundred fifty (350) hours of training in esthetics approved by the  
246 board in this or any other state prior to July 1, 1987, shall be  
247 registered with the board within a period not exceeding six (6)  
248 months after July 1, 1987, and shall be granted an esthetician's  
249 license by the board if such person presents satisfactory evidence



250 to the board that he or she has fulfilled all the requirements to  
251 be admitted to examination except the training hours requirement.

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

255 **SECTION 8.** Section 73-7-21, Mississippi Code of 1972, is  
256 amended as follows:

257 73-7-21. (1) The board shall admit to examination for a  
258 manicurist's license any person who has made application to the  
259 board in proper form, has paid the required fee, and who:

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

261 \* \* \*

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

268 ( \* \* \*c) Has a \* \* \* tenth (10th) grade education or  
269 its equivalent or has successfully enrolled in a community  
270 college.

271 (2) Licensed manicurists desiring to pursue additional hours  
272 to be eligible for a license as a cosmetologist may be credited  
273 with \* \* \* any hours acquired in studying and training to be a



274 manicurist which may be applied to the number of hours required  
275 for a cosmetology license examination.

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

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

282 **SECTION 9.** Section 73-5-12, Mississippi Code of 1972, is  
283 amended as follows:

284 73-5-12. Any cosmetologist who \* \* \* has successfully  
285 completed not less than fifteen hundred (1500) hours in an  
286 accredited school of cosmetology, and holds a valid, current  
287 license, shall be eligible to take the barber examination to  
288 secure a certificate of registration as a barber upon successfully  
289 completing six hundred (600) hours in a barber school approved by  
290 the Board of Barber Examiners.

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

293 **SECTION 10.** Section 73-5-3, Mississippi Code of 1972, which  
294 provides for the officers and employees of the State Board of  
295 Barber Examiners, is repealed.

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



298           25-3-92. (1) (a) When, in the opinion of the appointing  
299 authority, it is essential that a state employee work after normal  
300 working hours, the employee may receive credit for compensatory  
301 leave. Except as otherwise provided in Section 37-13-89, when, in  
302 the opinion of the appointing authority, it is essential that a  
303 state employee work during an official state holiday, the employee  
304 shall receive credit for compensatory leave.

305                   (b) The State Personnel Board shall develop recommended  
306 standards for state agencies to use in determining whether or not  
307 an agency's executive director may receive compensatory leave.  
308 State agencies may use such standards when addressing the  
309 conditions under which an executive director should receive  
310 compensatory leave.

311           (2) State employees may be granted administrative leave with  
312 pay. For the purposes of this section, "administrative leave"  
313 means discretionary leave with pay, other than personal leave or  
314 major medical leave.

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

320                   (b) The Governor or the appointing authority may grant  
321 administrative leave with pay to state employees on a local or  
322 statewide basis in the event of extreme weather conditions or in



323 the event of a man-made, technological or natural disaster or  
324 emergency. Any employee on a previously approved leave during the  
325 affected period shall be eligible for such administrative leave  
326 granted by the Governor or appointing authority, and shall not be  
327 charged for his previously approved leave during the affected  
328 period.

329 (c) The appointing authority may grant administrative  
330 leave with pay to any employee who is a certified disaster service  
331 volunteer of the American Red Cross who participates in  
332 specialized disaster relief services for the American Red Cross in  
333 this state and in states contiguous to this state when the  
334 American Red Cross requests the employee's participation.  
335 Administrative leave granted under this paragraph shall not exceed  
336 twenty (20) days in any twelve-month period. An employee on leave  
337 under this paragraph shall not be deemed to be an employee of the  
338 state for purposes of workers' compensation or for purposes of  
339 claims against the state allowed under Chapter 46, Title 11,  
340 Mississippi Code of 1972. As used in this paragraph, the term  
341 "disaster" includes disasters designated at Level II and above in  
342 American Red Cross national regulations and procedures.

343 **SECTION 12.** This act shall take effect and be in force from  
344 and after July 1, 2023.

