

By: Senator(s) Blackwell, Younger, Whaley,
Chassaniol

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2160

1 AN ACT TO PROVIDE THAT ON JULY 1, 2023, THE STATE DEPARTMENT
2 OF HEALTH SHALL ASSUME ALL RESPONSIBILITIES AND DUTIES OF THE
3 STATE BOARD OF BARBER EXAMINERS AND THE STATE BOARD OF
4 COSMETOLOGY; TO PROVIDE THAT ALL ASSETS, POSITIONS, FUNDS, FILES,
5 RECORDS, BANK ACCOUNTS OR OTHER PROPERTY OF THE STATE BOARD OF
6 BARBER EXAMINERS AND THE STATE BOARD OF COSMETOLOGY SHALL BE
7 TRANSFERRED TO THE STATE DEPARTMENT OF HEALTH; TO AMEND SECTION
8 41-3-15, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF
9 THE ACT; TO AMEND SECTION 73-5-1, MISSISSIPPI CODE OF 1972, TO
10 CREATE THE BARBER BOARD ADVISORY COUNCIL AND PROVIDE FOR ITS
11 MEMBERSHIP; TO AMEND SECTION 73-5-8, MISSISSIPPI CODE OF 1972, TO
12 REVISE THE LICENSING REQUIREMENTS FOR BARBER INSTRUCTORS; TO AMEND
13 SECTION 73-5-11, MISSISSIPPI CODE OF 1972, TO REVISE THE
14 ELIGIBILITY FOR ENROLLMENT AT BARBERING SCHOOLS AND LICENSING
15 REQUIREMENTS FOR BARBERS; TO AMEND SECTION 73-5-12, MISSISSIPPI
16 CODE OF 1972, TO DELETE THE REQUIREMENT THAT A COSMETOLOGIST MUST
17 READ, WRITE AND SPEAK ENGLISH; TO AMEND SECTION 73-5-17,
18 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF HEALTH
19 SHALL CONTRACT FOR ADMINISTRATORS OF THE BARBER EXAMINATIONS; TO
20 AMEND SECTION 73-7-1, MISSISSIPPI CODE OF 1972, TO CREATE THE
21 COSMETOLOGY ADVISORY COUNCIL AND PROVIDE FOR ITS MEMBERSHIP; TO
22 AMEND SECTION 73-7-2, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
23 PROVISIONS OF THE ACT; TO AMEND SECTION 73-7-13, MISSISSIPPI CODE
24 OF 1972, TO REVISE THE LICENSING REQUIREMENTS FOR COSMETOLOGISTS;
25 TO AMEND SECTION 73-7-18, MISSISSIPPI CODE OF 1972, TO REVISE THE
26 LICENSING REQUIREMENTS FOR ESTHETICIANS; TO AMEND SECTION 73-7-21,
27 MISSISSIPPI CODE OF 1972, TO REVISE THE LICENSING REQUIREMENTS FOR
28 MANICURISTS; AND FOR RELATED PURPOSES.

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

30 **SECTION 1.** (1) On July 1, 2023, the State Department of
31 Health shall assume all responsibilities and duties of the State



32 Board of Barber Examiners and the State Board of Cosmetology. On
33 such date, the State Department of Health shall be authorized to
34 perform all functions of the State Board of Barber Examiners and
35 the State Board of Cosmetology. Any reference in Title 73,
36 Chapter 5 of Mississippi Code of 1972, or in any other provision
37 of law to the State Board of Barber Examiners shall mean the State
38 Department of Health. Any reference in Title 73, Chapter 7,
39 Mississippi Code of 1972, or in any other provision of law to the
40 State Board of Cosmetology shall mean the State Department of
41 Health.

42 (2) On July 1, 2023, all assets, positions, funds, files,
43 records, bank accounts or other property of the State Board of
44 Barber Examiners and the State Board of Cosmetology shall be
45 transferred to the State Department of Health. The State Health
46 Officer shall be empowered to assign the functions and resources
47 of the boards to any office, division or other operational unit of
48 the Department of Health that the State Health Officer considers
49 appropriate.

50 **SECTION 2.** To facilitate the transfer of authority to the
51 State Department of Health provided for in Section 1 of this act,
52 the Department of Finance and Administration, the State Personnel
53 Board and the Department of Information Technology Services shall
54 provide assistance to ensure the orderly transfer of all functions
55 and assets set forth in Section 1 of this act.



56 **SECTION 3.** Section 41-3-15, Mississippi Code of 1972, is
57 amended as follows:

58 41-3-15. (1) (a) There shall be a State Department of
59 Health.

60 (b) The State Board of Health shall have the following
61 powers and duties:

62 (i) To formulate the policy of the State
63 Department of Health regarding public health matters within the
64 jurisdiction of the department;

65 (ii) To adopt, modify, repeal and promulgate,
66 after due notice and hearing, and enforce rules and regulations
67 implementing or effectuating the powers and duties of the
68 department under any and all statutes within the department's
69 jurisdiction, and as the board may deem necessary;

70 (iii) To apply for, receive, accept and expend any
71 federal or state funds or contributions, gifts, trusts, devises,
72 bequests, grants, endowments or funds from any other source or
73 transfers of property of any kind;

74 (iv) To enter into, and to authorize the executive
75 officer to execute contracts, grants and cooperative agreements
76 with any federal or state agency or subdivision thereof, or any
77 public or private institution located inside or outside the State
78 of Mississippi, or any person, corporation or association in
79 connection with carrying out the provisions of this chapter, if it
80 finds those actions to be in the public interest and the contracts



81 or agreements do not have a financial cost that exceeds the
82 amounts appropriated for those purposes by the Legislature;

83 (v) To appoint, upon recommendation of the
84 Executive Officer of the State Department of Health, a Director of
85 Internal Audit who shall be either a Certified Public Accountant
86 or Certified Internal Auditor, and whose employment shall be
87 continued at the discretion of the board, and who shall report
88 directly to the board, or its designee; and

89 (vi) To discharge such other duties,
90 responsibilities and powers as are necessary to implement the
91 provisions of this chapter.

92 (c) The Executive Officer of the State Department of
93 Health shall have the following powers and duties:

94 (i) To administer the policies of the State Board
95 of Health within the authority granted by the board;

96 (ii) To supervise and direct all administrative
97 and technical activities of the department, except that the
98 department's internal auditor shall be subject to the sole
99 supervision and direction of the board;

100 (iii) To organize the administrative units of the
101 department in accordance with the plan adopted by the board and,
102 with board approval, alter the organizational plan and reassign
103 responsibilities as he or she may deem necessary to carry out the
104 policies of the board;



105 (iv) To coordinate the activities of the various
106 offices of the department;

107 (v) To employ, subject to regulations of the State
108 Personnel Board, qualified professional personnel in the subject
109 matter or fields of each office, and such other technical and
110 clerical staff as may be required for the operation of the
111 department. The executive officer shall be the appointing
112 authority for the department, and shall have the power to delegate
113 the authority to appoint or dismiss employees to appropriate
114 subordinates, subject to the rules and regulations of the State
115 Personnel Board;

116 (vi) To recommend to the board such studies and
117 investigations as he or she may deem appropriate, and to carry out
118 the approved recommendations in conjunction with the various
119 offices;

120 (vii) To prepare and deliver to the Legislature
121 and the Governor on or before January 1 of each year, and at such
122 other times as may be required by the Legislature or Governor, a
123 full report of the work of the department and the offices thereof,
124 including a detailed statement of expenditures of the department
125 and any recommendations the board may have;

126 (viii) To prepare and deliver to the Chairmen of
127 the Public Health and Welfare/Human Services Committees of the
128 Senate and House on or before January 1 of each year, a plan for
129 monitoring infant mortality in Mississippi and a full report of



130 the work of the department on reducing Mississippi's infant
131 mortality and morbidity rates and improving the status of maternal
132 and infant health; * * *

133 (ix) To enter into contracts, grants and
134 cooperative agreements with any federal or state agency or
135 subdivision thereof, or any public or private institution located
136 inside or outside the State of Mississippi, or any person,
137 corporation or association in connection with carrying out the
138 provisions of this chapter, if he or she finds those actions to be
139 in the public interest and the contracts or agreements do not have
140 a financial cost that exceeds the amounts appropriated for those
141 purposes by the Legislature. Each contract or agreement entered
142 into by the executive officer shall be submitted to the board
143 before its next meeting * * *;

144 (x) To carry out the duties and responsibilities
145 set forth in Section 1 of this act.

146 (2) The State Board of Health shall have the authority to
147 establish an Office of Rural Health within the department. The
148 duties and responsibilities of this office shall include the
149 following:

150 (a) To collect and evaluate data on rural health
151 conditions and needs;

152 (b) To engage in policy analysis, policy development
153 and economic impact studies with regard to rural health issues;



154 (c) To develop and implement plans and provide
155 technical assistance to enable community health systems to respond
156 to various changes in their circumstances;

157 (d) To plan and assist in professional recruitment and
158 retention of medical professionals and assistants; and

159 (e) To establish information clearinghouses to improve
160 access to and sharing of rural health care information.

161 (3) The State Board of Health shall have general supervision
162 of the health interests of the people of the state and to exercise
163 the rights, powers and duties of those acts which it is authorized
164 by law to enforce.

165 (4) The State Board of Health shall have authority:

166 (a) To make investigations and inquiries with respect
167 to the causes of disease and death, and to investigate the effect
168 of environment, including conditions of employment and other
169 conditions that may affect health, and to make such other
170 investigations as it may deem necessary for the preservation and
171 improvement of health.

172 (b) To make such sanitary investigations as it may,
173 from time to time, deem necessary for the protection and
174 improvement of health and to investigate nuisance questions that
175 affect the security of life and health within the state.

176 (c) To direct and control sanitary and quarantine
177 measures for dealing with all diseases within the state possible
178 to suppress same and prevent their spread.



179 (d) To obtain, collect and preserve such information
180 relative to mortality, morbidity, disease and health as may be
181 useful in the discharge of its duties or may contribute to the
182 prevention of disease or the promotion of health in this state.

183 (e) To charge and collect reasonable fees for health
184 services, including immunizations, inspections and related
185 activities, and the board shall charge fees for those services;
186 however, if it is determined that a person receiving services is
187 unable to pay the total fee, the board shall collect any amount
188 that the person is able to pay. Any increase in the fees charged
189 by the board under this paragraph shall be in accordance with the
190 provisions of Section 41-3-65.

191 (f) (i) To establish standards for, issue permits and
192 exercise control over, any cafes, restaurants, food or drink
193 stands, sandwich manufacturing establishments, and all other
194 establishments, other than churches, church-related and private
195 schools, and other nonprofit or charitable organizations, where
196 food or drink is regularly prepared, handled and served for pay;
197 and

198 (ii) To require that a permit be obtained from the
199 Department of Health before those persons begin operation. If any
200 such person fails to obtain the permit required in this
201 subparagraph (ii), the State Board of Health, after due notice and
202 opportunity for a hearing, may impose a monetary penalty not to
203 exceed One Thousand Dollars (\$1,000.00) for each violation.



204 However, the department is not authorized to impose a monetary
205 penalty against any person whose gross annual prepared food sales
206 are less than Five Thousand Dollars (\$5,000.00). Money collected
207 by the board under this subparagraph (ii) shall be deposited to
208 the credit of the State General Fund of the State Treasury.

209 (g) To promulgate rules and regulations and exercise
210 control over the production and sale of milk pursuant to the
211 provisions of Sections 75-31-41 through 75-31-49.

212 (h) On presentation of proper authority, to enter into
213 and inspect any public place or building where the State Health
214 Officer or his representative deems it necessary and proper to
215 enter for the discovery and suppression of disease and for the
216 enforcement of any health or sanitary laws and regulations in the
217 state.

218 (i) To conduct investigations, inquiries and hearings,
219 and to issue subpoenas for the attendance of witnesses and the
220 production of books and records at any hearing when authorized and
221 required by statute to be conducted by the State Health Officer or
222 the State Board of Health.

223 (j) To promulgate rules and regulations, and to collect
224 data and information, on (i) the delivery of services through the
225 practice of telemedicine; and (ii) the use of electronic records
226 for the delivery of telemedicine services.

227 (k) To enforce and regulate domestic and imported fish
228 as authorized under Section 69-7-601 et seq.



229 (5) (a) The State Board of Health shall have the authority,
230 in its discretion, to establish programs to promote the public
231 health, to be administered by the State Department of Health.
232 Specifically, those programs may include, but shall not be limited
233 to, programs in the following areas:

- 234 (i) Maternal and child health;
- 235 (ii) Family planning;
- 236 (iii) Pediatric services;
- 237 (iv) Services to crippled and disabled children;
- 238 (v) Control of communicable and noncommunicable
239 disease;
- 240 (vi) Chronic disease;
- 241 (vii) Accidental deaths and injuries;
- 242 (viii) Child care licensure;
- 243 (ix) Radiological health;
- 244 (x) Dental health;
- 245 (xi) Milk sanitation;
- 246 (xii) Occupational safety and health;
- 247 (xiii) Food, vector control and general
248 sanitation;
- 249 (xiv) Protection of drinking water;
- 250 (xv) Sanitation in food handling establishments
251 open to the public;
- 252 (xvi) Registration of births and deaths and other
253 vital events;



254 (xvii) Such public health programs and services as
255 may be assigned to the State Board of Health by the Legislature or
256 by executive order; and

257 (xviii) Regulation of domestic and imported fish
258 for human consumption.

259 (b) The State Board of Health and State Department of
260 Health shall not be authorized to sell, transfer, alienate or
261 otherwise dispose of any of the home health agencies owned and
262 operated by the department on January 1, 1995, and shall not be
263 authorized to sell, transfer, assign, alienate or otherwise
264 dispose of the license of any of those home health agencies,
265 except upon the specific authorization of the Legislature by an
266 amendment to this section. However, this paragraph (b) shall not
267 prevent the board or the department from closing or terminating
268 the operation of any home health agency owned and operated by the
269 department, or closing or terminating any office, branch office or
270 clinic of any such home health agency, or otherwise discontinuing
271 the providing of home health services through any such home health
272 agency, office, branch office or clinic, if the board first
273 demonstrates that there are other providers of home health
274 services in the area being served by the department's home health
275 agency, office, branch office or clinic that will be able to
276 provide adequate home health services to the residents of the area
277 if the department's home health agency, office, branch office or
278 clinic is closed or otherwise discontinues the providing of home



279 health services. This demonstration by the board that there are
280 other providers of adequate home health services in the area shall
281 be spread at length upon the minutes of the board at a regular or
282 special meeting of the board at least thirty (30) days before a
283 home health agency, office, branch office or clinic is proposed to
284 be closed or otherwise discontinue the providing of home health
285 services.

286 (c) The State Department of Health may undertake such
287 technical programs and activities as may be required for the
288 support and operation of those programs, including maintaining
289 physical, chemical, bacteriological and radiological laboratories,
290 and may make such diagnostic tests for diseases and tests for the
291 evaluation of health hazards as may be deemed necessary for the
292 protection of the people of the state.

293 (6) (a) The State Board of Health shall administer the
294 local governments and rural water systems improvements loan
295 program in accordance with the provisions of Section 41-3-16.

296 (b) The State Board of Health shall have authority:

297 (i) To enter into capitalization grant agreements
298 with the United States Environmental Protection Agency, or any
299 successor agency thereto;

300 (ii) To accept capitalization grant awards made
301 under the federal Safe Drinking Water Act, as amended;



302 (iii) To provide annual reports and audits to the
303 United States Environmental Protection Agency, as may be required
304 by federal capitalization grant agreements; and

305 (iv) To establish and collect fees to defray the
306 reasonable costs of administering the revolving fund or emergency
307 fund if the State Board of Health determines that those costs will
308 exceed the limitations established in the federal Safe Drinking
309 Water Act, as amended. The administration fees may be included in
310 loan amounts to loan recipients for the purpose of facilitating
311 payment to the board; however, those fees may not exceed five
312 percent (5%) of the loan amount.

313 (7) Notwithstanding any other provision to the contrary, the
314 State Department of Health shall have the following specific
315 powers: The department shall issue a license to Alexander Milne
316 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
317 construction, conversion, expansion and operation of not more than
318 forty-five (45) beds for developmentally disabled adults who have
319 been displaced from New Orleans, Louisiana, with the beds to be
320 located in a certified ICF-MR facility in the City of Laurel,
321 Mississippi. There shall be no prohibition or restrictions on
322 participation in the Medicaid program for the person receiving the
323 license under this subsection (7). The license described in this
324 subsection shall expire five (5) years from the date of its issue.
325 The license authorized by this subsection shall be issued upon the
326 initial payment by the licensee of an application fee of



327 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
328 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
329 the license, to be paid as long as the licensee continues to
330 operate. The initial and monthly licensing fees shall be
331 deposited by the State Department of Health into the special fund
332 created under Section 41-7-188.

333 (8) Notwithstanding any other provision to the contrary, the
334 State Department of Health shall have the following specific
335 powers: The State Department of Health is authorized to issue a
336 license to an existing home health agency for the transfer of a
337 county from that agency to another existing home health agency,
338 and to charge a fee for reviewing and making a determination on
339 the application for such transfer not to exceed one-half (1/2) of
340 the authorized fee assessed for the original application for the
341 home health agency, with the revenue to be deposited by the State
342 Department of Health into the special fund created under Section
343 41-7-188.

344 (9) Notwithstanding any other provision to the contrary, the
345 State Department of Health shall have the following specific
346 powers: For the period beginning July 1, 2010, through July 1,
347 2017, the State Department of Health is authorized and empowered
348 to assess a fee in addition to the fee prescribed in Section
349 41-7-188 for reviewing applications for certificates of need in an
350 amount not to exceed twenty-five one-hundredths of one percent
351 (.25 of 1%) of the amount of a proposed capital expenditure, but



352 shall be not less than Two Hundred Fifty Dollars (\$250.00)
353 regardless of the amount of the proposed capital expenditure, and
354 the maximum additional fee permitted shall not exceed Fifty
355 Thousand Dollars (\$50,000.00). Provided that the total
356 assessments of fees for certificate of need applications under
357 Section 41-7-188 and this section shall not exceed the actual cost
358 of operating the certificate of need program.

359 (10) Notwithstanding any other provision to the contrary,
360 the State Department of Health shall have the following specific
361 powers: The State Department of Health is authorized to extend
362 and renew any certificate of need that has expired, and to charge
363 a fee for reviewing and making a determination on the application
364 for such action not to exceed one-half (1/2) of the authorized fee
365 assessed for the original application for the certificate of need,
366 with the revenue to be deposited by the State Department of Health
367 into the special fund created under Section 41-7-188.

368 (11) Notwithstanding any other provision to the contrary,
369 the State Department of Health shall have the following specific
370 powers: The State Department of Health is authorized and
371 empowered, to revoke, immediately, the license and require closure
372 of any institution for the aged or infirm, including any other
373 remedy less than closure to protect the health and safety of the
374 residents of said institution or the health and safety of the
375 general public.



376 (12) Notwithstanding any other provision to the contrary,
377 the State Department of Health shall have the following specific
378 powers: The State Department of Health is authorized and
379 empowered, to require the temporary detainment of individuals for
380 disease control purposes based upon violation of any order of the
381 State Health Officer, as provided in Section 41-23-5. For the
382 purpose of enforcing such orders of the State Health Officer,
383 persons employed by the department as investigators shall have
384 general arrest powers. All law enforcement officers are
385 authorized and directed to assist in the enforcement of such
386 orders of the State Health Officer.

387 **SECTION 4.** Section 73-5-1, Mississippi Code of 1972, is
388 amended as follows:

389 73-5-1. * * * (1) There is hereby created the Barber Board
390 Advisory Council. The * * * Barber Board Advisory Council shall
391 consist of * * * four (4) members, to be appointed by the
392 Governor, with the advice and consent of the Senate * * *. Each
393 member shall be a practical barber and a qualified elector of this
394 state. He shall have been engaged in the practice of barbering in
395 the State of Mississippi for at least five (5) years immediately
396 before the time of his appointment and shall be a person of good
397 moral character. * * * There shall be appointed one (1) member of
398 the * * * advisory council from each of the four (4) Mississippi
399 congressional districts as they currently exist * * *.

400 * * *



401 (2) In addition to the practical barber members provided for
402 in this section, there shall be one (1) consumer member of the
403 Barber Advisory Council who shall be appointed from the state at
404 large with the advice and consent of the Senate. The consumer
405 member shall have no interest in any barber school and shall have
406 no involvement in the profession of barbering.

407 (3) The Barber Advisory Council shall meet quarterly upon
408 the call of the State Health Officer to advise the State
409 Department of Health on matters pertinent to the admission to the
410 practice of barbers and the regulation of barbers and barbering
411 schools. The council shall have no power to regulate the
412 admission to practice or the practice of barbering or the
413 operation of barbering schools.

414 (4) Any reference in this chapter to the State Board of
415 Barber Examiners shall mean the State Department of Health.

416 **SECTION 5.** Section 73-5-8, Mississippi Code of 1972, is
417 amended as follows:

418 73-5-8. Any person is qualified to receive a certificate of
419 registration as a barber instructor who:

420 (a) Is * * * sixteen (16) years of age or older;

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

422 * * *

423 (* * *c) Possesses a high school tenth grade education
424 or its equivalent;



425 (* * *d) Has successfully completed not less than
426 fifteen hundred (1500) hours at a barbering school approved by the
427 State Board of Barber Examiners and holds a valid certificate of
428 registration to practice barbering;

429 (* * *e) Has (i) not less than two (2) years of active
430 experience as a registered barber and has successfully completed
431 not less than six hundred (600) hours of barber instructor
432 training at a school approved by the board, or (ii) less than two
433 (2) years of active experience as a registered barber and has
434 successfully completed not less than one thousand (1,000) hours of
435 barber instructor training at a school approved by the board; and

436 (* * *f) Has passed a satisfactory examination
437 conducted by the board to determine his fitness to practice as a
438 barber instructor.

439 All persons who have received a certificate of registration
440 as a barber instructor from the board before July 1, 2002, shall
441 be considered to have met the requirements of this section, and
442 all those certificates of registration shall be renewable as
443 otherwise provided in this chapter.

444 The board will implement an active and inactive instructor
445 license. In order to renew an active license, instructors holding
446 an active license shall be required to submit proof of twelve (12)
447 hours of continuing education each year to the Board of Barber
448 Examiners. That education shall be acquired in classes or trade
449 shows teaching materials that are approved by the board.



450 Instructors holding an inactive license shall be required to
451 submit proof of twelve (12) hours continuing education before
452 upgrading to an active status.

453 **SECTION 6.** Section 73-5-11, Mississippi Code of 1972, is
454 amended as follows:

455 73-5-11. (1) To be eligible for enrollment at a barbering
456 school approved by the * * * State Department of Health, a person
457 shall * * * be at least sixteen (16) years of age, have a minimum
458 education of tenth grade or its equivalent, and/or shall have
459 satisfactorily passed the Ability-to-Benefit * * * Test (ATB)
460 approved by the U.S. Department of Education.

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

463 (a) Who is qualified under the provisions of this
464 chapter;

465 (b) Who is of good moral character and temperate
466 habits;

467 (c) Who has completed not less than fifteen hundred
468 (1500) hours at a barbering school approved by the * * * State
469 Department of Health or three thousand (3,000) hours of State
470 Department of Health-approved apprenticeship training.

471 Apprenticeships shall only be monitored and mentored by those with
472 an instructor license and there shall be only one (1) apprentice
473 per mentor; and



474 (d) Who has passed a satisfactory examination conducted
475 by the board of examiners to determine his fitness to practice
476 barbering.

477 (3) A temporary permit to practice barbering until the next
478 examination is given may be issued to a student who has completed
479 not less than fifteen hundred (1500) hours at a barbering school
480 approved by the * * * State Department of Health or three thousand
481 (3,000) hours of State Department of Health-approved
482 apprenticeship training. In no event shall a person be allowed to
483 practice barbering on a temporary permit beyond the date the next
484 examination is given, except because of personal illness.

485 (4) The ability to read, write and speak English shall not
486 be a requirement for licensure as a registered barber.

487 **SECTION 7.** Section 73-5-12, Mississippi Code of 1972, is
488 amended as follows:

489 73-5-12. Any cosmetologist who * * * has successfully
490 completed not less than fifteen hundred (1500) hours in an
491 accredited school of cosmetology, and holds a valid, current
492 license, shall be eligible to take the barber examination to
493 secure a certificate of registration as a barber upon successfully
494 completing six hundred (600) hours in a barber school approved by
495 the Board of Barber Examiners.

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



498 **SECTION 8.** Section 73-5-17, Mississippi Code of 1972, is
499 amended as follows:

500 73-5-17. The * * * State Department of Health shall contract
501 for administrators of the examinations required by this section.
502 The selected contractor(s) shall conduct examinations of
503 applicants for certificates of registration to practice as
504 registered barbers not less than three (3) times a year, which
505 examination shall be had in some town or city selected by
506 the * * * department. Examinations of applicants for certificates
507 of registration as barber instructors shall be conducted at a time
508 and place selected by the * * * State Department of Health.

509 The examination of applicants for certificates of
510 registration as registered barbers shall include both a practical
511 demonstration and a written and oral test, and shall embrace the
512 subjects usually practiced in a duly licensed shop of Mississippi
513 under the direct and personal supervision of a registered barber.
514 The examination of applicants for certificates of registration as
515 barber instructors shall include such subjects as the board deems
516 necessary to determine the applicant's fitness to practice as a
517 barber instructor.

518 **SECTION 9.** Section 73-7-1, Mississippi Code of 1972, is
519 amended as follows:

520 73-7-1. (1) There is hereby * * * created a Cosmetology
521 Advisory Council, composed of five (5) members to be appointed by
522 the Governor, with the advice and consent of the Senate, and whose



523 term of office shall be four (4) years from the date of
524 appointment * * *. * * * Membership of the advisory council shall
525 consist of two (2) cosmetologists, one (1) of whom being a salon
526 owner, one (1) manicurist, one (1) esthetician, one (1) member of
527 the public who is not a cosmetologist, barber or related
528 profession, and shall have no interest in any activity related to
529 cosmetology. All licensed members of the advisory council shall
530 be appointed from the Congressional districts as presently
531 constituted. The consumer member shall be appointed from the
532 state at-large.

533 * * *

534 (2) The Cosmetology Advisory Council shall meet quarterly
535 upon the call of the State Health Officer to advise the State
536 Department of Health on matters pertinent to the regulation and
537 admission to the practice of cosmetologists, manicurists or
538 estheticians and the regulation of cosmetology schools, but shall
539 have no power to regulate the admissions to practice or the
540 practice of the professions set out herein or the operation of
541 cosmetology schools.

542 (3) Any reference in this chapter to the State Board of
543 Cosmetologist shall mean the State Department of Health.

544 **SECTION 10.** Section 73-7-2, Mississippi Code of 1972, is
545 amended as follows:



546 73-7-2. As used in this chapter, the following terms shall
547 have the meanings ascribed herein unless the context otherwise
548 requires:

549 (a) "Board" means the * * * State Department of Health.

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

554 (i) Cutting, clipping or trimming hair and hair
555 pieces.

556 (ii) Styling, arranging, dressing, curling,
557 waving, permanent waving, straightening, cleansing, bleaching,
558 tinting, coloring or similarly treating hair and hair pieces.

559 (iii) Cleansing, stimulating, manipulating,
560 beautifying or applying oils, antiseptics, clays, lotions or other
561 preparations, either by hand or by mechanical or electrical
562 apparatus.

563 (iv) Arching eyebrows, to include tweezing,
564 waxing, threading or any other methods of epilation, or tinting
565 eyebrows and eyelashes.

566 (v) Removing superfluous hair by the use of
567 depilation.

568 (vi) Manicuring and pedicuring.

569 For regulation purposes, the term "cosmetology" does not
570 include persons whose practice is limited to only performing



571 makeup artistry, threading or applying or removing eyelash
572 extensions; however, a person may perform a combination of not
573 more than three (3) such practices and still be exempt from this
574 chapter.

575 (c) "Cosmetologist" means a person who for
576 compensation, whether direct or indirect, engages in the practice
577 of cosmetology.

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

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

581 (ii) Arching eyebrows to include trimming,
582 tweezing, waxing, threading or any other method of epilation or
583 tinting eyebrows and eyelashes.

584 (iii) Tinting eyelashes or eyebrows.

585 (iv) Waxing, stimulating, cleaning or beautifying
586 the face, neck, arms or legs of a person by any method with the
587 aid of the hands or any mechanical or electrical apparatus, or by
588 the use of a cosmetic preparation.

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



596 (e) "Esthetician" means any person who, for
597 compensation, either direct or indirect, engages in the practice
598 of esthetics.

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

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

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

607 (ii) Applying artificial nails.

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

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

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

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



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

622 **SECTION 11.** Section 73-7-13, Mississippi Code of 1972, is
623 amended as follows:

624 73-7-13. (1) The * * * State Department of Health shall
625 admit to examination for a cosmetology license any person who has
626 made application to the * * * State Department of Health in proper
627 form, has paid the required fee, and who (a) is at least * * *
628 sixteen (16) years of age, (b) * * * has successfully completed no
629 less than fifteen hundred (1500) hours over a period of no less
630 than nine (9) months in a licensed school of cosmetology or in an
631 apprenticeship program for three thousand (3,000) hours certified
632 by the State Department of Health, and (* * *c) has a high school
633 tenth grade education or its equivalent or has been successfully
634 enrolled in a community college. Apprenticeships provided for in
635 this subsection may be monitored or mentored by a master
636 cosmetologist or a licensed cosmetology instructor. Only one (1)
637 apprentice may be mentored by any person at the same time.

638 (* * *2) The * * * State Department of Health may, in its
639 discretion, issue to any student who has completed the prescribed
640 hours in a licensed school and paid the required fee a temporary
641 permit until such time as the next examination may be held, but
642 such student shall be issued only one (1) temporary permit.

643 Application for an examination and license shall be accompanied by



644 two (2) passport photographs of the applicant. No temporary
645 permit will be issued to an applicant from any other state to
646 operate a beauty salon or school of cosmetology in this state
647 unless in case of emergency.

648 (* * *3) Applicants for the cosmetologist examination,
649 after having satisfactorily passed the prescribed examination,
650 shall be issued a cosmetology license which until June 30, 2001,
651 shall be valid for one (1) year, and after July 1, 2001, shall be
652 valid for two (2) years, and all those licenses shall be subject
653 to renewal.

654 (* * *4) Any barber who * * * has successfully completed no
655 less than fifteen hundred (1500) hours in a licensed barber
656 school, and who holds a current valid certificate of registration
657 to practice barbering and who holds a current valid license, is
658 eligible to take the cosmetology examination to secure a
659 cosmetology license upon successfully completing five hundred
660 (500) hours in a licensed school of cosmetology. All fees for
661 application, examination, registration and renewal thereof shall
662 be the same as provided for cosmetologists.

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

666 (* * *6) Any licensed cosmetologist, esthetician, or
667 manicurist who is registered but not actively practicing in the
668 State of Mississippi at the time of making application for



669 renewal, may apply for registration on the "inactive" list. Such
670 "inactive" list shall be maintained by the * * * State Department
671 of Health and shall set out the names and post office addresses of
672 all persons registered but not actively practicing in this state,
673 arranged alphabetically by name and also by the municipalities and
674 states of their last-known professional or residential address.
675 Only the cosmetologists, estheticians and manicurists registered
676 on the appropriate list as actively practicing in the State of
677 Mississippi shall be authorized to practice those professions.
678 For the purpose of this section, any licensed cosmetologist,
679 esthetician or manicurist who has actively practiced his or her
680 profession for at least three (3) months of the immediately
681 preceding license renewal period shall be considered inactive
682 practice. No cosmetologist, esthetician, or manicurist shall be
683 registered on the "inactive" list until the person has furnished a
684 statement of intent to take such action to the board. Any
685 licensed cosmetologist, esthetician, manicurist or wigologist
686 registered on the "inactive" list shall not be eligible for
687 registration on the active list until either of the following
688 conditions have been satisfied:

689 (a) Written application shall be submitted to the * * *
690 State Department of Health stating the reasons for such inactivity
691 and setting forth such other information as the board may require
692 on an individual basis and completion of the number of clock hours
693 of continuing education as approved by the board; or



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

699 (c) Payment of the fee for processing such inactive
700 license shall be paid biennially in accordance to * * * State
701 Department of Health rules.

702 **SECTION 12.** Section 73-7-18, Mississippi Code of 1972, is
703 amended as follows:

704 73-7-18. (1) The * * * State Department of Health shall
705 admit to examination for an esthetician's license any person who
706 has made application to the board in proper form, has paid the
707 required fee, and who:

708 (a) Is not less than * * * sixteen (16) years of age;
709 * * *

710 (* * * b) Has a high school tenth grade education or
711 its equivalent; and

712 (* * * c) Has successfully completed a course of
713 training in esthetics of not less than six hundred (600) hours in
714 an accredited school in which the practice of esthetics is taught,
715 including not less than one hundred (100) hours of theory and five
716 hundred (500) hours of skill practice or an apprenticeship program
717 of twelve hundred (1200) hours certified by the Department of
718 Health. Apprenticeships provided for in this section may be



719 monitored or mentored by a person with a master or instructor
720 license in cosmetology or esthetics. Only one (1) apprentice may
721 be mentored by any person at the same time.

722 * * * Licensed estheticians desiring to pursue additional
723 hours to be eligible for a license as a cosmetologists may be
724 credited with any hours acquired in studying and training to be an
725 esthetician, which may be applied to the number of hours required
726 for a cosmetology license examination.

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

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

738 **SECTION 13.** Section 73-7-21, Mississippi Code of 1972, is
739 amended as follows:

740 73-7-21. (1) The * * * State Department of Health shall
741 admit to examination for a manicurist's license any person who has
742 made application to the board in proper form, has paid the
743 required fee, and who:



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

745 * * *

746 (* * *b) Has successfully completed no less than three
747 hundred fifty (350) hours of practice and related theory in
748 manicuring and pedicuring over a period of no less than nine (9)
749 weeks in an accredited school of cosmetology in this or any other
750 state, or in an apprenticeship program of seven hundred (700)
751 hours certified by the State Department of Health.

752 Apprenticeships provided for in this section may be monitored or
753 mentored by a person with a master or instructor license in
754 cosmetology or manicuring. Only one (1) apprentice may be
755 mentored by any person at the same time; and

756 (* * *c) Has a high school tenth grade education or
757 its equivalent, or has been successfully enrolled in a community
758 college.

759 (2) Licensed manicurists desiring to pursue additional hours
760 to be eligible for a license as a cosmetologist may be credited
761 with * * * any hours acquired in studying and training to be a
762 manicurist which may be applied to the number of hours required
763 for a cosmetology license examination.

764 (3) The * * * State Department of Health shall adopt
765 regulations governing the use of electric nail files for the
766 purpose of filing false or natural nails.



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

770 **SECTION 14.** Section 2 of this act shall take effect and be
771 in force from and after its passage. Section 1 and Sections 3
772 through 13 of this act shall take effect and be in force from and
773 after July 1, 2023.

