

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

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2160
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 73-7-1, 73-7-2, 73-7-3, 73-7-7,
2 73-7-9, 73-7-11, 73-7-12, 73-7-13, 73-7-14, 73-7-15, 73-7-16,
3 73-7-17, 73-7-18, 73-7-19, 73-7-21, 73-7-23, 73-7-25, 73-7-27,
4 73-7-29, 73-7-33, 73-7-35, 73-7-37, 73-5-8, 73-5-11 AND 73-5-12,
5 MISSISSIPPI CODE OF 1972, TO MERGE THE STATE BOARD OF COSMETOLOGY
6 AND THE STATE BOARD OF BARBERING INTO THE STATE BOARD OF
7 COSMETOLOGY AND BARBERING; TO PROVIDE FOR THE MEMBERSHIP OF THE
8 BOARD; TO PROVIDE FOR THE APPOINTMENT OF THE EXECUTIVE DIRECTOR;
9 TO REVISE THE LICENSING REQUIREMENTS OF BARBERS AND
10 COSMETOLOGISTS; TO REQUIRE CERTAIN CONTINUING EDUCATION; TO SET
11 CERTAIN PROHIBITIONS; TO PROVIDE THAT THE BOARD MAY CHARGE A
12 LICENSE FEE; TO SET THE BARBERING AND COSMETOLOGY SCHOOL
13 REQUIREMENTS; TO SET CERTAIN VIOLATIONS, PENALTIES AND FINES; TO
14 MAKE TECHNICAL AMENDMENTS TO CONFORM; TO REPEAL SECTION 73-5-1,
15 MISSISSIPPI CODE OF 1972, WHICH CREATES THE STATE BOARD OF BARBER
16 EXAMINERS; TO REPEAL SECTION 73-5-3, MISSISSIPPI CODE OF 1972,
17 WHICH ADDRESSES THE STAFFING AND COMPENSATION OF THE STATE BOARD
18 OF BARBER EXAMINERS; TO REPEAL SECTION 73-5-7, MISSISSIPPI CODE OF
19 1972, WHICH ALLOWS THE STATE BOARD OF BARBER EXAMINERS THE
20 AUTHORITY TO CREATE AND ENFORCE RULES AND REGULATIONS; TO REPEAL
21 SECTION 73-5-9, MISSISSIPPI CODE OF 1972, WHICH ADDRESSES THE
22 REQUIREMENT FOR BARBERS TO BE REGISTERED WITH AND LICENSED BY THE
23 STATE BOARD OF BARBER EXAMINERS; TO REPEAL SECTION 73-5-15,
24 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES CERTAIN REQUIREMENTS
25 FOR THE ADMINISTRATION OF BARBER EXAMINATION; TO REPEAL SECTION
26 73-5-17, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES CERTAIN
27 REQUIREMENTS FOR THE ADMINISTRATION OF BARBER EXAMINATIONS; TO
28 REPEAL SECTION 73-5-21, MISSISSIPPI CODE OF 1972, WHICH CREATES
29 THE LICENSE PROCEDURES FOR PERSONS HAVING PRACTICED BARBERING IN
30 ANOTHER STATE OR COUNTRY OR IN MILITARY SERVICE FOR THE STATE
31 BOARD OF BARBER EXAMINERS; TO REPEAL SECTION 73-5-27, MISSISSIPPI
32 CODE OF 1972, WHICH CREATES THE HEARING PROCEDURES FOR THE STATE
33 BOARD OF BARBER EXAMINERS; TO REPEAL SECTION 73-5-29, MISSISSIPPI
34 CODE OF 1972, WHICH ESTABLISHES FEES FOR THE STATE BOARD OF BARBER



35 EXAMINERS; TO REPEAL SECTION 73-5-33, MISSISSIPPI CODE OF 1972,
36 WHICH CREATES LICENSURE PROCEDURES AND FEES FOR BARBERSHOPS, AND
37 THE ENFORCEMENT OF LICENSURE REQUIREMENTS FOR THE STATE BOARD OF
38 BARBER EXAMINER; TO REPEAL SECTION 73-5-35, MISSISSIPPI CODE OF
39 1972, WHICH CREATES LICENSURE PROCEDURES AND FEES FOR BARBER
40 SCHOOLS FOR THE STATE BOARD OF BARBER EXAMINERS; TO REPEAL SECTION
41 73-5-37, MISSISSIPPI CODE OF 1972, WHICH SETS AN ANNUAL CYCLE FOR
42 BARBER LICENSE RENEWAL FOR THE STATE BOARD OF BARBER EXAMINERS; TO
43 REPEAL SECTION 73-5-39, MISSISSIPPI CODE OF 1972, WHICH DEFINES
44 WHAT CONSTITUTES THE PRACTICE OF BARBERING; AND FOR RELATED
45 PURPOSES.

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

47 **SECTION 1.** Any reference to the State Board of Cosmetology
48 or the Board of Barber Examiners in Title 73, Chapters 5 and 7,
49 Mississippi Code of 1972, or any other provision of law, shall
50 mean the State Board of Cosmetology and Barbering created in
51 Section 73-7-1.

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

54 73-7-1. (1) There is hereby * * * created the State Board
55 of Cosmetology and Barbering, composed of the State Health
56 Officer, or his or her designee, and six (6) members to be
57 appointed by the Governor, with the advice and consent of the
58 Senate, and will consist of one (1) manicurist or esthetician, two
59 (2) cosmetologists, one (1) of whom is a salon owner, and three
60 (3) barbers. Two (2) members shall be appointed from each Supreme
61 Court District as they currently exist, and one (1) member from
62 each district shall be a barber. The initial term of office for
63 the first cosmetologist member and first barber member shall be
64 two (2) years and thereafter shall be six (6) years; the initial
65 term of office for the second cosmetologist member and second



66 barber member shall be four (4) years and thereafter shall be six
67 (6) years; and the initial term of office for the
68 manicurist/esthetician member and third barber member shall be six
69 (6) years. No member may serve more than two (2) consecutive
70 terms. The initial appointments must be made before September 1,
71 2023.

72 There shall be a president of the board and such other
73 officers as deemed necessary by the board elected by and from its
74 membership, provided that the member elected as president shall
75 have at least one (1) year of experience on the board. Any member
76 appointed by the Governor and confirmed by the Senate for a term
77 to begin on or after July 1, * * * 2023, who was designated by the
78 Governor to serve as president of the board, shall be fully
79 qualified to serve on the board for a full term of office, but
80 shall not serve as president of the board unless elected by the
81 membership of the board as provided under this paragraph.

82 To be eligible for appointment as a member of the State Board
83 of Cosmetology and Barbering, the person applying shall have been
84 a citizen of this state for a minimum of five (5) years
85 immediately prior to appointment. Such person shall be at least
86 thirty (30) years of age, possess a high school education or its
87 equivalent, and shall have been * * * licensed * * * by the board
88 with not less * * * than five (5) years' active practice in * * *
89 an occupation regulated by the board. No member of the board
90 shall be connected in any way with any school wherein cosmetology



91 is taught, nor shall any two (2) members of the board be graduates
92 of the same school of cosmetology or barbering.

93 However, in the event of vacancy by death or resignation of
94 any member of the board, the Governor shall, within thirty (30)
95 days, appoint a person possessing all qualifications required to
96 serve the remainder of the term. Any member who shall not attend
97 two (2) consecutive meetings of the board for reasons other than
98 illness of such member shall be subject to removal by the
99 Governor. The president of the board shall notify the Governor in
100 writing when any such member has failed to attend two (2)
101 consecutive regular meetings.

102 The salaries of all paid employees of the board shall be paid
103 out of funds in the board's special fund in the State Treasury.
104 Each member of the board, excepting the inspectors provided for
105 herein, shall receive per diem as authorized by Section 25-3-69,
106 and shall be reimbursed for such other expenses at the same rate
107 and under the same conditions as other state employees as provided
108 for in Section 25-3-41.

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

111 (2) In addition to any powers conferred upon the board in
112 other provisions of law, the State Board of Cosmetology and
113 Barbering shall appoint an individual to serve as the Executive
114 Director of the State Board of Cosmetology and Barbering. The
115 executive director shall possess the qualifications established by



116 the board, which shall be based on National Best Practices. The
117 executive director shall be considered a full-time position. The
118 executive director shall serve at the will and pleasure of the
119 board and shall devote his or her time to the proper
120 administration of the board and the duties assigned to him or her
121 by the board. The executive director shall be paid a salary
122 established by the board, subject to the approval of the State
123 Personnel Board. Subject to the availability of funding, the
124 executive director may employ such administrative staff as may be
125 necessary to assist the director and board in carrying out the
126 duties and directives of the State Board of Cosmetology and
127 Barbering.

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

130 73-7-2. As used in this chapter, the following terms shall
131 have the meanings ascribed herein unless the context otherwise
132 requires:

133 (a) "Board" means the State Board of Cosmetology and
134 Barbering.

135 (b) "Barbering" means the occupation of shaving or
136 trimming the beard, cutting or dressing the hair, giving facial or
137 scalp treatment with oils or creams or other cosmetic preparations
138 made for that purpose, antiseptics, powders, clays or lotions to
139 scalp, face, neck or upper part of the body either by hand or by
140 means of mechanical appliances, singeing and shampooing the hair,



141 dyeing the hair or permanently waving or straightening the hair
142 for compensation.

143 (c) "Barber" means a person, other than a student, who
144 performs barbering on the general public for compensation, and who
145 shall satisfy the qualifications and licensure requirements
146 provided in this chapter.

147 (* * *d) "Cosmetology" means any one (1) or a
148 combination of the following practices if they are performed on a
149 person's head, face, neck, shoulder, arms, hands, legs or feet for
150 cosmetic purposes:

151 (i) Cutting, clipping or trimming hair and hair
152 pieces.

153 (ii) Styling, arranging, dressing, curling,
154 waving, permanent waving, straightening, cleansing, bleaching,
155 tinting, coloring or similarly treating hair and hair pieces.

156 (iii) Cleansing, stimulating, manipulating,
157 beautifying or applying oils, antiseptics, clays, lotions or other
158 preparations, either by hand or by mechanical or electrical
159 apparatus.

160 (iv) Arching eyebrows, to include tweezing,
161 waxing, threading or any other methods of epilation, or tinting
162 eyebrows and eyelashes.

163 (v) Removing superfluous hair by the use of
164 depilation.

165 (vi) Manicuring and pedicuring.



166 For regulation purposes, the terms "cosmetology" * * * and
167 "barbering" do not include persons whose practice is limited to
168 only performing makeup artistry, threading or applying or removing
169 eyelash extensions; however, a person may perform a combination of
170 not more than three (3) such practices and still be exempt from
171 this chapter.

172 (* * * d) "Cosmetologist" means a person who for
173 compensation, whether direct or indirect, engages in the practice
174 of cosmetology.

175 (* * * e) "Esthetics" means any one (1) or a
176 combination of the following practices:

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

178 (ii) Arching eyebrows to include trimming,
179 tweezing, waxing, threading or any other method of epilation or
180 tinting eyebrows and eyelashes.

181 (iii) Tinting eyelashes or eyebrows.

182 (iv) Waxing, stimulating, cleaning or beautifying
183 the face, neck, arms or legs of a person by any method with the
184 aid of the hands or any mechanical or electrical apparatus, or by
185 the use of a cosmetic preparation.

186 The term "esthetics" shall not include the diagnosis,
187 treatment or therapy of any dermatological condition. For
188 regulation purposes, the term "esthetics" does not include persons
189 whose practice is limited to only performing makeup artistry,
190 threading or applying or removing eyelash extensions; however, a



191 person may perform a combination of not more than three (3) such
192 practices and still be exempt from this chapter.

193 (* * *f) "Esthetician" means any person who, for
194 compensation, either direct or indirect, engages in the practice
195 of esthetics.

196 (* * *g) "Instructor" means a person licensed to teach
197 cosmetology, or manicuring and pedicuring, or esthetics, or all of
198 those, pursuant to this chapter, and shall include those persons
199 engaged in the instruction of student instructors.

200 (* * *h) "Manicuring and pedicuring" means any one (1)
201 or a combination of the following practices:

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

204 (ii) Applying artificial nails.

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

207 (* * *i) "Manicurist" means a person who for
208 compensation, either direct or indirect, engages in the practice
209 of manicuring and pedicuring.

210 (* * *j) "Master" means a person holding a
211 cosmetology, manicuring, barbering and esthetics license who has
212 completed the minimum course of continuing education prescribed by
213 Section 73-7-14.

214 (* * *k) "Salon" or "barber business" means an
215 establishment operated for the purpose of engaging in the practice



216 of cosmetology, barbering, or manicuring and pedicuring,
217 esthetics, * * * or all of those.

218 (* * * 1) "School" means an establishment, public or
219 private, operated for the purpose of teaching cosmetology,
220 barbering, or manicuring and pedicuring, or esthetics, * * * or
221 all of those.

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

224 73-7-3. (1) The board shall be authorized to employ such
225 clerical and stenographic assistance, bookkeepers, investigators
226 and other agents as they may deem necessary to carry out the
227 provisions of this chapter, and to fix their tenure of employment
228 and compensation therefor. The members of the board shall file a
229 bond with the Secretary of State in the sum of not less than Five
230 Thousand Dollars (\$5,000.00) payable to the State of Mississippi
231 for the faithful performance of their duties. The bond shall be
232 made by a surety company authorized to do business in this state,
233 the premium of the bond to be paid out of any money in the board's
234 special fund in the State Treasury.

235 (2) The office of the board shall be located in the greater
236 metropolitan area of the City of Jackson, Mississippi, and in the
237 event office space cannot be obtained in any state-owned building,
238 the board is authorized to rent suitable office space and to pay
239 therefor out of funds in the board's special fund. The board
240 shall employ inspectors as needed, not to exceed * * * twelve



241 (12), who shall be full-time employees and whose salaries and
242 duties shall be fixed by the board.

243 (3) The salaries of all paid employees of the board shall be
244 paid out of the funds in the board's special fund. The inspectors
245 shall, in addition to their salaries, be reimbursed for such
246 expenses as are allowed other state employees under the provisions
247 of Section 25-3-41. In addition to the paying of office rent, the
248 board is authorized to purchase necessary office furniture and
249 equipment, stationery, books, certificates and any other equipment
250 necessary for the proper administration of this chapter.

251 **SECTION 5.** Section 73-7-7, Mississippi Code of 1972, is
252 amended as follows:

253 73-7-7. (1) The board shall have authority to make
254 reasonable rules and regulations for the administration of the
255 provisions of this chapter. The board shall set up a curriculum
256 for operation of schools of cosmetology, barbering and the other
257 professions it is charged to regulate in this state. The board
258 shall receive and consider for adoption recommendations for rules
259 and regulations, school curriculum, and related matters from the
260 Mississippi Cosmetology and Barbering Council, whose membership
261 shall consist of, in addition to the board members, five (5)
262 elected delegates from the Mississippi Cosmetology and Barbering
263 Association, five (5) elected delegates from the Mississippi
264 Cosmetology and Barbering School Association, five (5) elected
265 delegates from the Mississippi Independent Beauticians



266 Association, and five (5) elected delegates from the School Owners
267 and Teachers Association. The board may revoke the license of any
268 cosmetologist, barber, esthetician, manicurist, instructor, school
269 of cosmetology or barbering, or salon and/or barber business, or
270 may refuse to issue a license to any cosmetologist, barber,
271 esthetician, manicurist, instructor, school of cosmetology or
272 barbering, or salon and/or barber business that fails or refuses
273 to comply with the provisions of this chapter and the rules and
274 regulations of the board in carrying out the provisions of this
275 chapter.

276 (2) The board shall have authority to prescribe reasonable
277 rules and regulations governing sanitation of schools of
278 cosmetology and barbering and beauty salons and barber businesses
279 for the guidance of persons licensed under this chapter in the
280 operation of schools of cosmetology and barbering, or a beauty
281 salon and/or barber business, and in the practice of cosmetology,
282 barbering, esthetics, manicuring and pedicuring * * *. However,
283 any and all rules and regulations relating to sanitation shall,
284 before adoption by the board, have the written approval of the
285 State Board of Health. When the board has reason to believe that
286 any of the provisions of this chapter or of the rules and
287 regulations of the board have been violated, either upon receipt
288 of a written complaint alleging such violations or upon the
289 board's own initiative, the board, or any of its authorized
290 agents, shall investigate same and shall have authority to enter



291 upon the premises of a school of cosmetology or barbering or salon
292 and/or barber business at any time during the regular business
293 hours of that school or salon and/or barber business to conduct
294 the investigation. Such investigation may include, but not be
295 limited to, conducting oral interviews with the complaining party,
296 school or salon and/or barber business owner(s) and/or students of
297 the school, and reviewing records of the school or salon and/or
298 barber business pertinent to the complaint and related to an area
299 subject to the authority of the board. Such investigation shall
300 not include written interviews or surveys of school employees or
301 students, and the privacy of patrons shall be respected by any
302 person making such investigation.

303 (3) On or before July 1, 2001, the board shall adopt
304 regulations to ensure that all fingernail service products used by
305 licensed cosmetologists, manicurists and other licensees do not
306 contain methyl methacrylate (MMA) as a monomer agent for cosmetic
307 nail applications.

308 (4) If the board finds that a violation of the provisions of
309 this chapter or the rules and regulations of the board has
310 occurred, it may cause a hearing to be held as set forth in
311 Section 73-7-27.

312 **SECTION 6.** Section 73-7-9, Mississippi Code of 1972, is
313 amended as follows:

314 73-7-9. No person required by this chapter to have a license
315 shall conduct a beauty salon, barber business or school of



316 cosmetology or barbering, or practice cosmetology, barbering,
317 esthetics, manicuring and pedicuring, or practice as an
318 instructor, unless such person has received a license or temporary
319 permit therefor from the board. * * * Anyone determined to have
320 violated any of these rules or regulations prior to being licensed
321 by the board shall be subject to the same discipline by the board
322 as licensees. They may be disciplined and fined accordingly.

323 **SECTION 7.** Section 73-7-11, Mississippi Code of 1972, is
324 amended as follows:

325 73-7-11. Each owner of a license issued by the board under
326 the provisions of this chapter shall display the license in a
327 conspicuous place in his or her principal office, place of
328 business or employment, at all times.

329 Each practitioner and instructor license shall contain a head
330 photograph of the license holder, the person's name, and the type
331 of license held by the person. The requirements of this section
332 shall apply at the time of issuance of a new license or at the
333 time of renewal of an existing license.

334 A barber pole can only be displayed if the business carries a
335 barber business license or is dual licensed as a cosmetology and
336 barber business.

337 **SECTION 8.** Section 73-7-12, Mississippi Code of 1972, is
338 amended as follows:

339 73-7-12. Effective January 1, * * * 2024, the State Board of
340 Cosmetology and Barbering shall terminate its student testing



341 contract with proper notice and shall conduct examinations for
342 cosmetologists, barbers, estheticians, manicurists and instructors
343 at such times and locations as determined by the board. The
344 members of the board shall not personally administer or monitor
345 the examinations, but the board shall contract for administrators
346 of the examinations. A member of the board shall not receive any
347 per diem compensation for any day that the member is present at
348 the site where the examinations are being administered.

349 **SECTION 9.** Section 73-7-13, Mississippi Code of 1972, is
350 amended as follows:

351 73-7-13. (1) The * * * State Board of Cosmetology and
352 Barbering shall admit to examination for a cosmetology license any
353 person who has made application to the * * * State Board of
354 Cosmetology and Barbering in proper form, has paid the required
355 fee, and who (a) is at least * * * sixteen (16) years of age,
356 (b) * * * has successfully completed no less than fifteen hundred
357 (1500) hours over a period of no less than nine (9) months in a
358 licensed school of cosmetology or in an apprenticeship program for
359 three thousand (3,000) hours certified by the State Board of
360 Cosmetology and Barbering, and (* * * c) has a high school
361 tenth-grade education or its equivalent or has been successfully
362 enrolled in a community college. Apprenticeships provided for in
363 this subsection may be monitored or mentored by a licensed
364 cosmetology instructor. Only one (1) apprentice may be mentored
365 by any person at the same time.



366 (* * *2) The * * * State Board of Cosmetology and Barbering
367 may, in its discretion, issue to any student who has completed the
368 prescribed hours in a licensed school and paid the required fee a
369 temporary permit until such time as the next examination may be
370 held, but such student shall be issued only one (1) temporary
371 permit. Application for an examination and license shall be
372 accompanied by two (2) passport photographs of the applicant. No
373 temporary permit will be issued to an applicant from any other
374 state to operate a beauty salon or school of cosmetology in this
375 state unless in case of emergency.

376 (* * *3) Applicants for the cosmetologist examination,
377 after having satisfactorily passed the prescribed examination,
378 shall be issued a cosmetology license which until June 30, 2001,
379 shall be valid for one (1) year, and after July 1, 2001, shall be
380 valid for two (2) years, and all those licenses shall be subject
381 to renewal.

382 (* * *4) Any barber who * * * has successfully completed no
383 less than fifteen hundred (1500) hours in a licensed barber
384 school, and who holds a current valid certificate of registration
385 to practice barbering and who holds a current valid license, is
386 eligible to take the cosmetology examination to secure a
387 cosmetology license upon successfully completing * * * six hundred
388 (600) hours in a licensed school of cosmetology. All fees for
389 application, examination, registration and renewal thereof shall
390 be the same as provided for cosmetologists.



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

394 (* * *6) Any licensed cosmetologist, barbers, esthetician,
395 or manicurist who is registered but not actively practicing in the
396 State of Mississippi at the time of making application for
397 renewal, may apply for registration on the "inactive" list. Such
398 "inactive" list shall be maintained by the * * * State Board of
399 Cosmetology and Barbering and shall set out the names and post
400 office addresses of all persons registered but not actively
401 practicing in this state, arranged alphabetically by name and also
402 by the municipalities and states of their last-known professional
403 or residential address. Only the cosmetologists, barbers,
404 estheticians and manicurists registered on the appropriate list as
405 actively practicing in the State of Mississippi shall be
406 authorized to practice those professions. For the purpose of this
407 section, any licensed cosmetologist, barber, esthetician or
408 manicurist who has actively practiced his or her profession for at
409 least three (3) months of the immediately preceding license
410 renewal period shall be considered inactive practice. No
411 cosmetologist, barber, esthetician, or manicurist shall be
412 registered on the "inactive" list until the person has furnished a
413 statement of intent to take such action to the board. Any
414 licensed cosmetologist, barber, esthetician, or manicurist * * *
415 registered on the "inactive" list shall not be eligible for



416 registration on the active list until either of the following
417 conditions have been satisfied:

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

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

428 (c) Payment of the fee for processing such inactive
429 license shall be paid biennially in accordance to * * * State
430 Board of Cosmetology and Barbering rules.

431 **SECTION 10.** Section 73-7-14, Mississippi Code of 1972, is
432 amended as follows:

433 73-7-14. (1) Any person who holds a current, valid
434 cosmetology, barber, manicuring or esthetics license may be
435 licensed as a master cosmetologist, barber, manicurist or
436 esthetician if he or she has been a licensed cosmetologist,
437 barber, manicurist or esthetician in this state for a period of
438 not less than twelve (12) months, and has completed a minimum
439 course of sixteen (16) hours' study in continuing education
440 approved by the board within the licensing period preceding



441 initial application for the license, and has paid the original
442 license fee. Master cosmetologist, barber, manicurist or
443 esthetician licenses shall be renewable upon completion of a
444 minimum course of eight (8) hours' study in continuing education
445 approved by the board within a licensing period and payment of the
446 required renewal fee. This is an optional license and persons who
447 do not wish to complete the continuing education requirement may
448 obtain a cosmetology license when renewing their license.

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

452 **SECTION 11.** Section 73-7-15, Mississippi Code of 1972, is
453 amended as follows:

454 73-7-15. (1) The board shall admit to examination for a
455 cosmetology instructor's license any person who has made
456 application to the board in proper form, has paid the required
457 fee, and who:

458 (a) Is not less than twenty-one (21) years of age;

459 * * *

460 (* * *b) Is a graduate of a licensed cosmetology
461 school;

462 (* * *c) Has a high school education or its
463 equivalent;



464 (* * *d) Has successfully completed one thousand
465 (1,000) hours of instructor training in a licensed school of
466 cosmetology;

467 (* * *e) Has successfully completed six (6) semester
468 hours in college courses approved by the board;

469 (* * *f) Holds a current, valid Mississippi
470 cosmetology license; and

471 (* * *g) Has at least one (1) year active practical
472 experience as a cosmetologist or, as an alternative to such
473 experience, has successfully completed one thousand (1,000) hours
474 of instructor training in a licensed school of cosmetology.

475 (2) The board shall admit to examination for an esthetics
476 instructor's license any person who has made application to the
477 board in proper form, has paid the required fee, and who:

478 (a) Is not less than twenty-one (21) years of age;

479 * * *

480 (* * *b) Has a high school education or its
481 equivalent;

482 (* * *c) Has successfully completed one thousand
483 (1,000) hours of instructor training in a licensed school in which
484 the practice of esthetics is taught;

485 (* * *d) Has successfully completed six (6) semester
486 hours in college courses approved by the board;

487 (* * *e) Holds a current, valid Mississippi
488 esthetician's license; and



489 (* * *f) Has had one (1) year of active practical
490 experience as an esthetician or, as an alternative to such
491 experience, has successfully completed one thousand (1,000) hours
492 of instructor training in a licensed school in which the practice
493 of esthetics is taught.

494 (3) The board shall admit to examination for a manicurist
495 instructor's license any person who has made application to the
496 board in proper form, has paid the required fee, and who:

497 (a) Is not less than twenty-one (21) years of age;

498 * * *

499 (* * *b) Has a high school education or its
500 equivalent;

501 (* * *c) Has successfully completed one thousand
502 (1,000) hours of instructor training in a licensed school in which
503 the practice of manicuring is taught;

504 (* * *d) Has successfully completed six (6) semester
505 hours in college courses approved by the board;

506 (* * *e) Holds a current, valid Mississippi
507 manicurist's license; and

508 (* * *f) Has had one (1) year of active practical
509 experience as a manicurist or, as an alternative to such
510 experience, has successfully completed one thousand (1,000) hours
511 of instructor training in a licensed school in which the practice
512 of manicuring is taught.



513 (4) Applicants shall satisfactorily pass the examination
514 prescribed by the board for licensing instructors prior to the
515 issuance of the licenses provided for in this section. However,
516 the board may, in its discretion, issue a temporary instructor's
517 permit until such time as the next examination may be held, but
518 such applicant shall be issued only one (1) temporary permit. All
519 applications for an instructor's examination shall be accompanied
520 by two (2) recent head photographs of the applicant.

521 (5) All instructors licensed pursuant to this section shall
522 biennially obtain twenty-four (24) clock hours of continuing
523 education in teacher training instruction in cosmetology or
524 esthetics or manicuring, as the case may be, as approved by the
525 board. Any instructor who fails to obtain the continuing
526 education required by this subsection shall not be allowed to
527 instruct nor enroll students under his or her license until such
528 education requirement has been met. The board may issue an
529 inactive instructor's license to such instructors, and an inactive
530 license may be converted into an active license after proof
531 satisfactory to the board of completion of at least twenty-four
532 (24) clock hours of approved continuing education required for
533 teacher training instruction.

534 (6) Each application or filing made under this section shall
535 include the social security number(s) of the applicant in
536 accordance with Section 93-11-64.



537 **SECTION 12.** Section 73-7-16, Mississippi Code of 1972, is
538 amended as follows:

539 73-7-16. (1) * * * All schools of cosmetology or barbering
540 or school owners shall have a school license and shall pay to the
541 board the required license fee. The board is hereby authorized
542 and empowered to promulgate necessary and reasonable rules and
543 regulations for the issuance of school licensees.

544 (2) * * * Any school making application for a license under
545 this act shall not be transferable for any cause and shall include
546 a surety bond in the penal sum of Fifty Thousand Dollars
547 (\$50,000.00) in favor of the Mississippi State Board of
548 Cosmetology and Barbering on a bond form completed by the
549 insurance company or agency. The applicant may file in lieu of
550 the bond, cash or a certificate of deposit or government bonds in
551 the amount of Fifty Thousand Dollars (\$50,000.00).

552 (3) * * * The school applicant shall maintain a professional
553 liability insurance policy covering any aspect of the facility,
554 personnel and/or students.

555 (4) The school shall meet all applicable health and safety
556 standards that may be required by local, state and federal
557 agencies.

558 (5) Private business and vocational schools that have
559 obtained national accreditation from an accrediting agency
560 designated by the United States Department of Education must
561 submit evidence of current accreditation.



562 (6) The course content and length of instruction shall be of
563 such nature and quality as to assure that the students will
564 adequately develop the job skills and knowledge necessary for
565 passing any and all examinations required for licensure.

566 (7) Schools shall provide favorable conditions for effective
567 classroom instruction. A total pattern of successful instruction
568 includes:

569 (a) Well-defined instructional objectives;

570 (b) Systematic planning;

571 (c) Selection and use of varied types of learning
572 materials and experiences;

573 (d) Adaptation of organization and instructional
574 procedures to student needs;

575 (e) Use of varied evaluation instruments and
576 procedures; and

577 (f) Good student and teacher morale.

578 (8) Each board-approved school of cosmetology, barbering,
579 esthetics or manicuring must provide proof to the board of an
580 annual pass rate that meets or exceeds the current minimum
581 standard as established by the board.

582 (9) The Board of Cosmetology and Barbering will evaluate
583 school curriculum for conformance with educational requirements
584 set forth by the Mississippi Cosmetology and Barbering Act.



585 (10) There shall be no automatic renewal of school licenses
586 and each licensee shall be audited for conformity prior to the
587 issuance of any a new license.

588 (11) The licensee shall notify the board at least thirty
589 (30) days in advance of closure and provide a teach-out plan for
590 existing students which must be approved by the board.

591 (12) In the event that a school closes a facility, the
592 licensee must notify the board within sixty (60) days prior to
593 closing and provide proof of the reason for the closure; proof of
594 method developed to assist students with the completion of their
595 program of study and individual courses; proof of notice sent to
596 all currently enrolled students, notifying them of the closure;
597 proof of notice given to students indicating where they may obtain
598 any of their records; proof of disposition of student records,
599 with a contact person, complete address and telephone number and
600 how students' information may be obtained; proof of notice sent to
601 all students who have paid for any tuition and/or fees for future
602 enrollment in a program of study or individual course informing
603 them of the closure, and refund information; proof of certified
604 transcripts for each currently enrolled student who has paid for
605 and completed coursework in lieu of receiving a full or partial
606 refund. In the event a school files a bankruptcy petition, a
607 certified copy must be filed with the Board of Cosmetology and
608 Barbering.

609 (13) School licenses may be issued, as follows:



610 (a) Temporary licenses may be issued for a one-year
611 period. These licenses may be issued to new schools with less
612 than two (2) graduating classes. Schools shall submit annual
613 reports by July 16 of each year unless otherwise specified.
614 Prospective students prior to enrolling and enrolled students
615 shall be notified in writing of the school's temporary status.

616 (b) Probationary licenses shall indicate warning status
617 and may be issued for a one-year period. These licenses may be
618 issued to new schools with less than two (2) graduating classes
619 and with any significant violation(s) in the most recent year.
620 Such schools shall submit annual reports by July 16 of each year
621 unless otherwise specified. Such schools shall notify both
622 prospective students prior to their enrolling and enrolled
623 students in writing of the school's probationary status.

624 (c) Conditional licenses may be issued to schools for a
625 one-year period. Conditional license status for schools that
626 previously held a nonconditional license shall not exceed two (2)
627 years. Such schools shall submit annual reports by July 16 of
628 each year unless otherwise specified. Such schools shall notify
629 both prospective students prior to their enrolling and enrolled
630 students in writing of the school's conditional status.
631 These licenses may be issued to schools with two (2) or more
632 graduating classes and with any of the following:

633 (i) Any significant violation(s) in the most
634 recent year; and



635 (ii) Either the school's annual pass rate or the
636 school's comprehensive pass rate does not meet or exceed the
637 board's current minimum standard.

638 (d) Nonconditional licenses may be issued for a
639 two-year period. Such schools shall submit annual reports by July
640 16 of each year unless otherwise specified. These licenses may be
641 issued to schools with two (2) or more graduating classes and with
642 all of the following:

643 (i) No significant violation(s) in the most recent
644 year; and

645 (ii) Either an annual pass rate or a comprehensive
646 pass rate that meets or exceeds the board's current minimum
647 standard.

648 (14) The combined temporary, probationary and/or conditional
649 license status for schools shall not exceed a
650 five-year-consecutive period before moving to a nonconditional
651 license status.

652 (15) Cosmetology and barber school owners, instructors,
653 and/or employees or contractors of the school shall adhere to the
654 Mississippi Board of Cosmetology and Barbering statute and
655 relative rules and regulations and shall regard students with the
656 same care and consideration as clients.

657 (16) The Board of Cosmetology and Barbering will evaluate
658 school curriculum for conformance with educational requirements
659 set forth by the Mississippi Cosmetology and Barbering Act.



660 (17) There shall be no automatic renewal of school licenses
661 and each licensee shall be audited for conformity. Prior to the
662 issuance of any such license, the board shall inspect the premises
663 to determine if same qualifies with the law.

664 (18) Each application made under this section shall include
665 the social security number of the applicant, owners or agents in
666 accordance with Section 93-11-64.

667 **SECTION 13.** Section 73-7-17, Mississippi Code of 1972, is
668 amended as follows:

669 73-7-17. (1) All salon and/or barber business owners shall
670 have a salon and/or barber business license and shall pay to the
671 board the required license fee therefor and pay the required
672 renewal fee for renewal thereof. A grace period of sixty (60)
673 days will be given in which to renew the license, and upon the
674 expiration of the grace period of sixty (60) days any applicant
675 for the renewal of a salon and/or barber business license will be
676 required to pay a delinquent fee in addition to the renewal fee.
677 A salon and/or barber business license that has been expired for
678 over one (1) year is nonrenewable and requires a new application.
679 Prior to the initial issuance of such license, the board shall
680 inspect the premises to determine if same qualifies with the law,
681 upon payment by the applicant of the required inspection fee.

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



685 **SECTION 14.** Section 73-7-18, Mississippi Code of 1972, is
686 amended as follows:

687 73-7-18. (1) The * * * State Board of Cosmetology and
688 Barbering shall admit to examination for an esthetician's license
689 any person who has made application to the board in proper form,
690 has paid the required fee, and who:

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

692 * * *

693 (* * * b) Has a high school education or its
694 equivalent; and

695 (* * * c) Has successfully completed a course of
696 training in esthetics of not less than six hundred (600) hours in
697 an accredited school in which the practice of esthetics is taught,
698 including not less than one hundred (100) hours of theory and five
699 hundred (500) hours of skill practice or an apprenticeship program
700 of twelve hundred (1200) hours certified by the State Board of
701 Cosmetology and Barbering. Apprenticeships provided for in this
702 section may be monitored or mentored by a person with an
703 instructor license in cosmetology or esthetics. Only one (1)
704 apprentice may be mentored by any person at the same time.

705 Licensed estheticians desiring to pursue additional hours to
706 be eligible for a license as a cosmetologists may be credited with
707 any hours acquired in studying and training to be an esthetician,
708 which may be applied to the number of hours required for a
709 cosmetology license examination.



710 * * *

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

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

722 **SECTION 15.** Section 73-7-19, Mississippi Code of 1972, is
723 amended as follows:

724 73-7-19. (1) Except as provided in Section 33-1-39, all
725 licenses shall be renewed biennially under the fee schedule in
726 Section 73-7-29. Applications for renewal of licenses for
727 cosmetologists, barbers, estheticians, manicurists and instructors
728 must be accompanied by the required renewal fee. A grace period
729 of sixty (60) days will be given in which to renew the license;
730 and upon the expiration of the grace period of sixty (60) days,
731 any applicant for the renewal of a license will be required to pay
732 the required renewal fee and a delinquent fee in addition to the
733 renewal fee. The fees may be paid by either personal or certified
734 check, cash or money order, under such safeguards, rules and



735 regulations as the board may prescribe. Checks returned to the
736 board because of insufficient funds shall result in nonrenewal of
737 the license, which will require the penalty fee for insufficient
738 fund checks plus all other amounts due for renewal of the license
739 before the license may be renewed. After one (1) year has passed
740 from the expiration date of the license, a delinquent fee must be
741 paid for each year up to three (3) years, after which the required
742 examination must be taken. All applications for examination
743 required by this chapter shall expire ninety (90) days from the
744 date thereof.

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

748 **SECTION 16.** Section 73-7-21, Mississippi Code of 1972, is
749 amended as follows:

750 73-7-21. (1) The * * * State Board of Cosmetology and
751 Barbering shall admit to examination for a manicurist's license
752 any person who has made application to the board in proper form,
753 has paid the required fee, and who:

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

755 * * *

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



760 state, or in an apprenticeship program of seven hundred (700)
761 hours certified by the State Board of Cosmetology and Barbering.
762 Apprenticeships provided for in this section may be monitored or
763 mentored by a person with an instructor license in cosmetology or
764 manicuring. Only one (1) apprentice may be mentored by any person
765 at the same time; and

766 (d) Has a high school tenth-grade education or its
767 equivalent, or has been successfully enrolled in a community
768 college.

769 (2) Licensed manicurists desiring to pursue additional hours
770 to be eligible for a license as a cosmetologist may be credited
771 with * * * any hours acquired in studying and training to be a
772 manicurist which may be applied to the number of hours required
773 for a cosmetology license examination.

774 (3) The * * * State Board of Cosmetology and Barbering shall
775 adopt regulations governing the use of electric nail files for the
776 purpose of filing false or natural nails.

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

780 **SECTION 17.** Section 73-7-23, Mississippi Code of 1972, is
781 amended as follows:

782 73-7-23. (1) The board may, upon application, issue a
783 license by reciprocity to any cosmetologist, esthetician or
784 manicurist over the age of * * * sixteen (16) years from any other



785 state who has satisfactorily completed the required number of
786 accredited hours in that state, provided the State Board from
787 which the applicant comes issues to cosmetologists, barbers,
788 estheticians or manicurists, as the case may be, from the State of
789 Mississippi a license under the same conditions and the other
790 state has entered into a written reciprocal agreement between
791 participating states. Applications must be accompanied by (a)
792 proof satisfactory to the board that the required hours have been
793 completed, and (b) the required reciprocity fee, which shall be
794 paid to the board.

795 (2) An instructor from any other state may be qualified for
796 a Mississippi instructor's license upon presenting a valid
797 instructor's license and proof of a high school education or its
798 equivalent, provided that the instructor (a) is not less than
799 twenty-one (21) years of age, (b) has completed training
800 equivalent to the State of Mississippi's training as provided in
801 Section 73-7-15 or has three (3) years or more of experience as a
802 licensed instructor prior to application, (c) * * * has completed
803 twelve (12) semester hours in college courses approved by the
804 board, and (* * *d) has completed a minimum of five (5)
805 continuing education hours in Mississippi board laws, rules and
806 regulations. Such application must be accompanied by two (2)
807 recent passport photographs of the applicant. Applicants shall
808 pay the required license fee.



809 (3) An applicant for a Mississippi instructor's license by
810 reciprocity who has not completed the college courses requirement
811 at the time of application may apply for a onetime temporary
812 teaching permit, which shall be valid for six (6) months and shall
813 be nonrenewable. Such application must be accompanied by proof of
814 enrollment in college course(s), required permit fee, two (2)
815 recent passport photographs of the applicant and other
816 documentation as required for application for a Mississippi
817 instructor's license by reciprocity. Upon proof of completion of
818 college courses and payment of the required license fee, a
819 Mississippi instructor's license shall be issued.

820 (4) The issuance of a license by reciprocity to a
821 military-trained applicant, military spouse or person who
822 establishes residence in this state shall be subject to the
823 provisions of Section 73-50-1 or 73-50-2, as applicable.

824 **SECTION 18.** Section 73-7-25, Mississippi Code of 1972, is
825 amended as follows:

826 73-7-25. Every demonstrator in the field of cosmetology or
827 barbering shall, before making demonstrations in a salon and/or
828 barber business or school, apply for and obtain a permit from the
829 board. For such permit, which shall be for one (1) year, the
830 required fee shall be paid to the board. This section shall be
831 construed to apply to demonstrators in salons and barber
832 businesses and schools.



833 **SECTION 19.** Section 73-7-27, Mississippi Code of 1972, is
834 amended as follows:

835 73-7-27. (1) Any complaint may be filed with the board by a
836 member or agent of the board or by any person charging any
837 licensee of the board with the commission of any of the offenses
838 enumerated in subsection (2) of this section. Such complaint
839 shall be in writing, signed by the accuser or accusers, and
840 verified under oath, and such complaints shall be investigated as
841 set forth in Section 73-7-7. If, after the investigation, the
842 board through its administrative review agents determines that
843 there is not substantial justification to believe that the accused
844 licensee has committed any of the offenses enumerated, it may
845 dismiss the complaint or may prepare a formal complaint proceeding
846 against the licensee as hereinafter provided. When used with
847 reference to any complaint filed against a licensee herein, the
848 term "not substantial justification" means a complaint that is
849 frivolous, groundless in fact or law, or vexatious, as determined
850 by unanimous vote of the board. In the event of a dismissal, the
851 person filing the accusation and the accused licensee shall be
852 given written notice of the board's determination. If the board
853 determines there is reasonable cause to believe the accused has
854 committed any of those offenses, the secretary of the board shall
855 give written notice of such determination to the accused licensee
856 and set a day for a hearing as provided in subsection (3) of this
857 section.



858 (2) The board shall have the power to revoke, suspend or
859 refuse to issue or renew any license or certificate provided for
860 in this chapter, and to fine, place on probation and/or otherwise
861 discipline a student or licensee or holder of a certificate, upon
862 proof that such person: (a) has not complied with an order,
863 decision or ruling of the board or has violated any of the rules
864 and regulations promulgated by the board; (b) has not complied
865 with or has violated any of the sections of this chapter; (c) has
866 committed fraud or dishonest conduct in the taking of the
867 examination herein provided for; (d) has been convicted of a
868 felony; (e) has committed grossly unprofessional or dishonest
869 conduct; (f) is addicted to the excessive use of intoxicating
870 liquors or to the use of drugs to such an extent as to render him
871 or her unfit to practice in any of the practices or occupations
872 set forth in this chapter; (g) has advertised by means of
873 knowingly false or deceptive statements; or (h) has failed to
874 display the license or certificate issued to him or her as
875 provided for in this chapter; or (i) has been convicted of
876 violating any of the provisions of this chapter. A conviction of
877 violating any of the provisions of this chapter shall be grounds
878 for automatic suspension of the license or certificate of such
879 person.

880 (3) (a) The board shall not revoke, suspend or refuse to
881 issue or renew any license or certificate, or fine, place on
882 probation or otherwise discipline any person in a disciplinary



883 matter except after a hearing of which the applicant or licensee
884 or holder of the certificate affected shall be given at least
885 twenty (20) days' notice in writing, specifying the reason or
886 reasons for denying the applicant a license or certificate of
887 registration, or in the case of any other disciplinary action, the
888 offense or offenses of which the licensee or holder of a
889 certificate of registration is charged. Such notice may be served
890 by mailing a copy thereof by United States first-class certified
891 mail, postage prepaid, to the last-known residence or business
892 address of such applicant, licensee or holder of a certificate.
893 The hearing on such charges shall be at such time and place as the
894 board may prescribe. The provisions of this paragraph (a) shall
895 not apply to the board's collection of a civil penalty or fine
896 imposed by the board under paragraph (b) of this subsection.

897 (b) Any civil penalty or fine imposed by the board
898 under this chapter shall become due and payable when the person
899 incurring the penalty receives a notice in writing from the board
900 of the penalty. The notice shall be sent by registered or
901 certified mail. The person to whom the notice is addressed shall
902 have thirty (30) days from the date of mailing of the notice in
903 which to make written application for a hearing. Any person who
904 makes that application shall be entitled to a hearing. The
905 hearing shall be conducted as a contested case hearing. When an
906 order assessing a civil penalty under this section becomes final
907 by operation of law or on appeal, unless the amount of penalty is



908 paid within ten (10) days after the order becomes final, it may be
909 recorded with the circuit clerk in any county of this state. The
910 clerk shall then record the name of the person incurring the
911 penalty and the amount of the penalty in his lien record book.

912 (4) At such hearings, all witnesses shall be sworn by a
913 member of the board or court reporter, and stenographic notes of
914 the proceedings shall be taken. Any party to the proceedings
915 desiring it shall be furnished with a copy of such stenographic
916 notes upon payment to the board of such fees as it shall
917 prescribe, not exceeding, however, the actual costs of
918 transcription.

919 (5) The board is hereby authorized and empowered to issue
920 subpoenas for the attendance of witnesses and the production of
921 books and papers. The process issued by the board shall extend to
922 all parts of the state and such process shall be served by any
923 person designated by the board for such service. The person
924 serving such process shall receive such compensation as may be
925 allowed by the board, not to exceed the fee prescribed by law for
926 similar services. All witnesses who shall be subpoenaed, and who
927 shall appear in any proceedings before the board, shall receive
928 the same fees and mileage as allowed by law.

929 (6) Where in any proceeding before the board any witness
930 shall fail or refuse to attend upon subpoena issued by the board,
931 shall refuse to testify, or shall refuse to produce any books and
932 papers, the production of which is called for by the subpoena, the



933 attendance of such witness and the giving of his testimony and the
934 production of the books and papers shall be enforced by any court
935 of competent jurisdiction of this state, in the same manner as are
936 enforced for the attendance and testimony of witnesses in civil
937 cases in the courts of this state.

938 (7) The board shall conduct the hearing in an orderly and
939 continuous manner, granting continuances only when the ends of
940 justice may be served. The board shall, within sixty (60) days
941 after conclusion of the hearing, reduce its decision to writing
942 and forward an attested true copy thereof to the last-known
943 residence or business address of such applicant, licensee or
944 holder of a certificate, by way of United States first-class
945 certified mail, postage prepaid. Such applicant, licensee, holder
946 of a certificate, or person aggrieved shall have the right of
947 appeal from an adverse ruling, or order, or decision of the board
948 to the Chancery Court of the First Judicial District of Hinds
949 County, Mississippi, upon forwarding notice of appeal to the board
950 within thirty (30) days after the decision of the board is mailed
951 in the manner here contemplated. An appeal will not be allowed in
952 the event notice of appeal, together with the appeal bond
953 hereinafter required, shall not have been forwarded to the board
954 within the thirty-day period. Appeal shall be to the Chancery
955 Court of the First Judicial District of Hinds County, Mississippi.
956 The appeal shall thereupon be heard in due course by the court
957 which shall review the record and make its determination thereon.



958 (8) The appellant shall, together with the notice of
959 appeal, * * * first pay the costs for the transcription of the
960 record of the hearing(s) and proceeding(s) before the board in
961 which the adverse ruling, order or decision of the board was made.

962 (9) In the event of an appeal, the court shall dispose of
963 the appeal and enter its decision promptly. The hearing on the
964 appeal may, in the discretion of the chancellor, be tried in
965 vacation. If there is an appeal, such appeal may, in the
966 discretion of and on motion to the chancery court, act as a
967 supersedeas. However, any fine imposed by the board under the
968 provisions of this chapter shall not take effect until after the
969 time for appeal has expired, and an appeal of the imposition of
970 such a fine shall act as a supersedeas.

971 (10) Any fine imposed by the board upon a licensee or holder
972 of a certificate shall be in accordance with the following * * *
973 class designation of fines:

974 (a) * * * Class A. Class A violations shall be set at
975 no less than Five Hundred Dollars (\$500.00) nor more than One
976 Thousand Dollars (\$1,000.00). Class A violations are specific to
977 the following:

978 (i) Unlicensed practice or the use of fraudulent
979 statements to obtain any benefits or privileges under this chapter
980 or practicing one (1) of the professions without a license. These
981 violations will be handled in accordance with the requirements of
982 Section 73-7-27 or 73-7-37, as applicable; and



983 (ii) Extremely dangerous to the health and safety
984 of the general public.

985 (b) Class B. Class B violations shall be set at no
986 less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven
987 Hundred Fifty Dollars (\$750.00). Class B violations are major
988 health and safety concerns that are detrimental to public safety
989 and welfare.

990 (c) Class C. Class C violations shall be set at no
991 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
992 Dollars (\$500.00). Class C violations are minor health and safety
993 violations that are detrimental to public safety and welfare.

994 The power and authority of the board to impose such fines
995 under this section shall not be affected or diminished by any
996 other proceeding, civil or criminal, concerning the same violation
997 or violations.

998 (11) In addition to the reasons specified in subsection (2)
999 of this section, the board shall be authorized to suspend the
1000 license of any licensee for being out of compliance with an order
1001 for support, as defined in Section 93-11-153. The procedure for
1002 suspension of a license for being out of compliance with an order
1003 for support, and the procedure for the reissuance or reinstatement
1004 of a license suspended for that purpose, and the payment of any
1005 fees for the reissuance or reinstatement of a license suspended
1006 for that purpose, shall be governed by Section 93-11-157 or
1007 93-11-163, as the case may be. Actions taken by the board in



1008 suspending a license when required by Section 93-11-157 or
1009 93-11-163 are not actions from which an appeal may be taken under
1010 this section. Any appeal of a license suspension that is required
1011 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1012 with the appeal procedure specified in Section 93-11-157 or
1013 93-11-163, as the case may be, rather than the procedure specified
1014 in this section. If there is any conflict between any provision
1015 of Section 93-11-157 or 93-11-163 and any provision of this
1016 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1017 case may be, shall control.

1018 **SECTION 20.** Section 73-7-29, Mississippi Code of 1972, is
1019 amended as follows:

1020 73-7-29. The State Board of Cosmetology and Barbering shall
1021 assess fees in the following amounts and for the following
1022 purposes:

- 1023 (a) Initial license/renewal for cosmetologist, barber,
1024 manicurist * * * or esthetician * * *\$ 50.00
1025 (b) Instructor initial license/renewal..... 80.00
1026 (c) Master cosmetologist or barber license/renewal.... 70.00
1027 (d) Delinquent renewal penalty - cosmetologist, barber,
1028 manicurist * * * or esthetician * * * and instructor..... 50.00

1029 There shall be no renewal fee for any licensee seventy (70)
1030 years of age or older.

- 1031 (e) Salon/barber business application and
1032 initial inspection..... 85.00



1033	(f)	Salon/ <u>barber business</u> reinspection.....	35.00
1034	(g)	Salon/ <u>barber business</u> change of ownership or	
1035		location, or both.....	85.00
1036	(h)	Salon/ <u>barber business</u> renewal.....	60.00
1037	(i)	Salon/ <u>barber business</u> delinquent renewal	
1038		penalty.....	50.00
1039	(j)	Application and initial inspection for a	
1040		new school.....	300.00
1041	(k)	New school reinspection.....	100.00
1042	(l)	School change of ownership.....	300.00
1043	(m)	School relocation.....	150.00
1044	(n)	School renewal.....	75.00
1045	(o)	School delinquent renewal penalty.....	100.00
1046	(p)	Duplicate license.....	10.00
1047	(q)	Penalty for insufficient fund checks.....	20.00
1048	(r)	Affidavit processing.....	15.00

1049 The State Board of Cosmetology and Barbering may charge
1050 additional fees for services which the board deems appropriate to
1051 carry out its intent and purpose. These additional fees shall not
1052 exceed the cost of rendering the service.

1053 The board is fully authorized to make refunds of any deposits
1054 received by the board for services which are not rendered.
1055 Refunds will automatically be made on overpayment of fees.
1056 Refunds will be made on underpayments by written requests from



1057 applicants. If no request for refund is made within sixty (60)
1058 days, the fees will be forfeited.

1059 **SECTION 21.** Section 73-7-33, Mississippi Code of 1972, is
1060 amended as follows:

1061 73-7-33. In addition to the rules and regulations that may
1062 be prescribed and promulgated by the board under authority of this
1063 chapter, the following rules and regulations shall be observed:

1064 Every establishment must be kept sanitary, including all
1065 utensils and equipment, must be well ventilated and properly
1066 lighted. Each salon and/or barber business must be provided with
1067 hot and cold running water. Electrical appliances must be
1068 properly installed and grounded.

1069 Cosmetologists shall be allowed to wear any type of clothing
1070 or apparel while at work as long as such clothing or apparel is
1071 sanitary.

1072 Cosmetologists shall be allowed to use any type of hair
1073 roller as long as they do so in a sanitary manner.

1074 Persons with a communicable disease or parasitic infection
1075 that is medically recognized to be a direct threat of transmission
1076 by the type of contact that practitioners have with clients are
1077 not to be permitted to practice in an establishment until their
1078 condition is no longer communicable under those circumstances. No
1079 work shall be performed on any patron having a visible disease
1080 unless the patron shall produce a certificate from a practicing
1081 physician stating that the patron is free from infectious,



1082 contagious or communicable disease. A cosmetologist's license
1083 does not authorize such person to treat or prescribe for an
1084 infectious, contagious or any other disease.

1085 A home salon and/or barbering business must have a solid wall
1086 to the ceiling with an outside entrance, or if a door exists
1087 between the salon and the remainder of the house, the door must be
1088 kept closed at all times while service is being rendered.

1089 **SECTION 22.** Section 73-7-35, Mississippi Code of 1972, is
1090 amended as follows:

1091 73-7-35. (1) No person licensed pursuant to this chapter
1092 shall practice his or her profession except within the physical
1093 confines of a salon and/or barber business possessing and
1094 displaying a properly executed license issued pursuant to Section
1095 73-7-17. However, this requirement shall not prevent a person
1096 from rendering his or her services to any person who may be
1097 confined to his or her home, a hospital, or other place as a
1098 result of illness, and cosmetologists and barbers shall be
1099 permitted to render their services to deceased persons away from
1100 their salons and/or barber business.

1101 (2) No salon and/or barber business owner licensed pursuant
1102 to this chapter shall allow a cosmetologist, barber, esthetician,
1103 or manicurist to practice his/her profession in the salon and/or
1104 barber business without possessing a valid license issued pursuant
1105 to this chapter.



1106 **SECTION 23.** Section 73-7-37, Mississippi Code of 1972, is
1107 amended as follows:

1108 73-7-37. (1) The violation of any of the provisions of this
1109 chapter, including the use of fraudulent statements to obtain any
1110 benefits or privileges under this chapter or practicing one (1) of
1111 these professions without a license, shall constitute a
1112 misdemeanor, punishable in any court of competent jurisdiction at
1113 the seat of government, and any person or firm convicted of the
1114 violation of any of the provisions of this chapter shall be fined
1115 not less than * * * Five Hundred Dollars (\$500.00) nor more than
1116 One Thousand Dollars (\$1,000.00). The court shall not be
1117 authorized to suspend or suspend the execution of the fine
1118 required under this section.

1119 (2) If any person, * * * salon, school or other type of
1120 business entity engaged in the practice or teaching of the
1121 provisions governed by this chapter violates any of the provisions
1122 of this chapter, the secretary of the board, upon direction of a
1123 majority of the board and in the name of the board, acting through
1124 the Attorney General or an attorney employed by the board, shall
1125 apply in the Chancery Court of the * * * county in which the
1126 person or licensee resides or in the county in which the person or
1127 licensee practices, or the county in which the salon, school or
1128 other type of business entity is located, for an order enjoining
1129 such violation or for an order enforcing compliance with the
1130 provisions of this chapter. Upon the filing of a verified



1131 petition in the chancery court and after notice as provided under
1132 the Mississippi Rules of Civil Procedure, such court, if satisfied
1133 by the sworn petition, by affidavit or otherwise, that such person
1134 or entity has violated any of the provisions of this chapter, may
1135 issue an injunction without notice or bond, enjoining such
1136 continued violation and such injunction shall remain in force and
1137 effect until a final hearing. If at such hearing it is
1138 established that such person or entity has violated or is
1139 violating any of the provisions of this chapter, the court may
1140 enter a decree permanently enjoining such violation or enforcing
1141 compliance with this chapter. In addition, the court may enter a
1142 judgment against such person or entity for attorney's fees, court
1143 costs and the actual costs incurred by the board in investigating
1144 the actions of such person or entity for which the board brought
1145 the suit for an injunction. In case of violation of any decree
1146 issued in compliance with this subsection, the court may punish
1147 the offender for contempt of court and the court shall proceed as
1148 in other cases.

1149 (3) The proceedings in this section shall be in addition to
1150 and not in lieu of the other remedies and penalties provided in
1151 this chapter.

1152 **SECTION 24.** Section 73-5-8, Mississippi Code of 1972, is
1153 amended as follows:

1154 73-5-8. Any person is qualified to receive a certificate of
1155 registration as a barber instructor who:



1156 (a) Is * * * twenty-one (21) years of age or older;

1157 (b) Is of good moral and temperate habits;

1158 * * *

1159 (* * *c) Possesses a high school tenth-grade education
1160 or its equivalent;

1161 (* * *d) Has successfully completed not less than
1162 fifteen hundred (1500) hours at a barbering school approved by the
1163 State Board of Barber Examiners and holds a valid certificate of
1164 registration to practice barbering;

1165 (* * *e) Has (i) not less than two (2) years of active
1166 experience as a registered barber and has successfully completed
1167 not less than six hundred (600) hours of barber instructor
1168 training at a school approved by the board, or (ii) less than two
1169 (2) years of active experience as a registered barber and has
1170 successfully completed not less than one thousand (1,000) hours of
1171 barber instructor training at a school approved by the board; and

1172 (* * *f) Has passed a satisfactory examination
1173 conducted by the board to determine his fitness to practice as a
1174 barber instructor.

1175 All instructors licensed pursuant to this section shall
1176 biennially obtain twenty four (24) hours of continuing education
1177 in teacher training instruction in barbering. Such education
1178 shall be acquired in classes or trade show teaching materials that
1179 are approved by the board. Any instructor who fails to obtain the
1180 continuing education required by this subsection shall not be



1181 allowed to instruct nor enroll students under his or her license
1182 until such education requirement have been met. The board may
1183 issue an inactive instructor's license to such instructors, and an
1184 inactive license may be converted into an active license after
1185 proof satisfactory to the board of completion of at least twenty
1186 four (24) hours of approved continuing education required for
1187 teacher training instruction.

1188 All persons who have received a certificate of registration
1189 as a barber instructor from the board before July 1, 2002, shall
1190 be considered to have met the requirements of this section, and
1191 all those certificates of registration shall be renewable as
1192 otherwise provided in this chapter.

1193 The board will implement an active and inactive instructor
1194 license. In order to renew an active license, instructors holding
1195 an active license shall be required to submit proof of twelve (12)
1196 hours of continuing education each year to the Board of Barber
1197 Examiners. That education shall be acquired in classes or trade
1198 shows teaching materials that are approved by the board.
1199 Instructors holding an inactive license shall be required to
1200 submit proof of twelve (12) hours continuing education before
1201 upgrading to an active status.

1202 **SECTION 25.** Section 73-5-11, Mississippi Code of 1972, is
1203 amended as follows:

1204 73-5-11. (1) To be eligible for enrollment at a barbering
1205 school approved by the * * * State Board of Cosmetology and



1206 Barbering, a person shall * * * be at least sixteen (16) years of
1207 age, have a minimum education of tenth grade or its equivalent,
1208 and/or shall have satisfactorily passed the Ability-to-Benefit
1209 Test (ATB) approved by the U.S. Department of Education.

1210 (2) Any person is qualified to receive a certificate of
1211 registration to practice barbering:

1212 (a) Who is qualified under the provisions of this
1213 chapter;

1214 (b) Who is of good moral character and temperate
1215 habits;

1216 (c) Who has completed not less than fifteen hundred
1217 (1500) hours at a barbering school approved by the * * * State
1218 Board of Cosmetology and Barbering or three thousand (3,000) hours
1219 of State Board of Cosmetology and Barbering-approved
1220 apprenticeship training. Apprenticeships shall only be monitored
1221 and mentored by those with an instructor license and there shall
1222 be only one (1) apprentice per mentor; and

1223 (d) Who has passed a satisfactory examination conducted
1224 by the board * * * to determine his fitness to practice barbering.

1225 (3) A temporary permit to practice barbering until the next
1226 examination is given may be issued to a student who has completed
1227 not less than fifteen hundred (1500) hours at a barbering school
1228 approved by the * * * State Board of Cosmetology and Barbering or
1229 three thousand (3,000) hours of State Board of Cosmetology and
1230 Barbering-approved apprenticeship training. In no event shall a



1231 person be allowed to practice barbering on a temporary permit
1232 beyond the date the next examination is given, except because of
1233 personal illness.

1234 (4) The ability to read, write and speak English shall not
1235 be a requirement for licensure as a registered barber.

1236 **SECTION 26.** Section 73-5-12, Mississippi Code of 1972, is
1237 amended as follows:

1238 73-5-12. Any cosmetologist who * * * has successfully
1239 completed not less than fifteen hundred (1500) hours in an
1240 accredited school of cosmetology, and holds a valid, current
1241 license, shall be eligible to take the barber examination to
1242 secure a certificate of registration as a barber upon successfully
1243 completing six hundred (600) hours in a barber school approved by
1244 the Board of Barber Examiners.

1245 All fees for application, examination, registration and
1246 renewal thereof shall be the same as provided for in this chapter.

1247 **SECTION 27.** On or before December 15, 2024, the PEER
1248 Committee shall conduct a review of the operations of the board
1249 and report its findings to the Legislature with recommendation on
1250 whether or not the board has carried out its mandate effectively
1251 and efficiently. PEER shall also make recommendations to the
1252 Legislature on improvements that need to be made to ensure
1253 effective and efficient operations in the future.

1254 **SECTION 28.** The Department of Finance and Administration,
1255 the Department of Information Technology Services, and the State



1256 Personnel Board, shall assist the boards in carrying out the
1257 consolidation required by this act. This section shall become
1258 effective from and after passage, and shall stand repealed on July
1259 1, 2024.

1260 **SECTION 29.** Section 73-5-1, Mississippi Code of 1972, which
1261 creates the State Board of Barber Examiners, is hereby repealed.

1262 **SECTION 30.** Section 73-5-3, Mississippi Code of 1972, which
1263 addresses the staffing and compensation of the State Board of
1264 Barber Examiners, is hereby repealed.

1265 **SECTION 31.** Section 73-5-7, Mississippi Code of 1972, which
1266 allows the State Board of Barber Examiners the authority to create
1267 and enforce rules and regulations, is hereby repealed.

1268 **SECTION 32.** Section 73-5-9, Mississippi Code of 1972, which
1269 addresses the requirement for barbers to be registered with and
1270 licensed by the State Board of Barber Examiners, is hereby
1271 repealed.

1272 **SECTION 33.** Section 73-5-15, Mississippi Code of 1972, which
1273 establishes certain requirements for the administration of barber
1274 examinations, is hereby repealed.

1275 **SECTION 34.** Section 73-5-17, Mississippi Code of 1972, which
1276 establishes certain requirements for the administration of barber
1277 examinations, is hereby repealed.

1278 **SECTION 35.** Section 73-5-21, Mississippi Code of 1972, which
1279 creates the license procedures for persons having practiced



1280 barbering in another state or country or in military service for
1281 the State Board of Barber Examiners, is hereby repealed.

1282 **SECTION 36.** Section 73-5-27, Mississippi Code of 1972, which
1283 creates the hearing procedures for the State Board of Barber
1284 Examiners, is hereby repealed.

1285 **SECTION 37.** Section 73-5-29, Mississippi Code of 1972, which
1286 establishes fees for the State Board of Barber Examiners, is
1287 hereby repealed.

1288 **SECTION 38.** Section 73-5-33, Mississippi Code of 1972, which
1289 creates licensure procedures and fees for barbershops, and the
1290 enforcement of licensure requirements for the State Board of
1291 Barber Examiners, is hereby repealed.

1292 **SECTION 39.** Section 73-5-35, Mississippi Code of 1972, which
1293 creates licensure procedures and fees for barber schools for the
1294 State Board of Barber Examiners, is hereby repealed.

1295 **SECTION 40.** Section 73-5-37, Mississippi Code of 1972, which
1296 sets an annual cycle for barber license renewal for the State
1297 Board of Barber Examiners, is hereby repealed.

1298 **SECTION 41.** Section 73-5-39, Mississippi Code of 1972, which
1299 defines what constitutes the practice of barbering, is hereby
1300 repealed.

1301 **SECTION 42.** Sections 1 through 27 of this act shall take
1302 effect and be in force from and after July 1, 2023, and shall
1303 stand repealed on June 30, 2025. Sections 29 through 41 of this
1304 act shall take effect and be in force from and after July 1, 2023.

