

By: Senator(s) Parks

To: Public Health and
Welfare

SENATE BILL NO. 2582

1 AN ACT TO AMEND SECTION 73-7-7, MISSISSIPPI CODE OF 1972, TO
2 REMOVE CERTAIN OBSOLETE DEFINITIONS TO CONFORM TO EXISTING LAW; TO
3 AMEND SECTION 73-7-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
4 ANYONE DETERMINED TO HAVE VIOLATED RULES PRIOR TO BEING LICENSED
5 BY THE BOARD OF COSMETOLOGY SHALL BE SUBJECT TO THE SAME
6 DISCIPLINE AS LICENSEES; TO AMEND SECTION 73-7-15, MISSISSIPPI
7 CODE OF 1972, TO DELETE THE REQUIREMENT FOR A COSMETOLOGY
8 INSTRUCTOR LICENSEE TO READ, WRITE AND SPEAK ENGLISH; TO AMEND
9 SECTION 73-7-17, MISSISSIPPI CODE OF 1972, TO REQUIRE AN APPLICANT
10 WHO IS APPLYING FOR A COSMETOLOGY SCHOOL LICENSE TO PROVIDE A
11 \$50,000.00 SURETY BOND; TO SET CERTAIN REQUIREMENTS FOR SUCH
12 APPLICANTS, INCLUDING THAT THE APPLICANT HAVE PROFESSIONAL
13 LIABILITY INSURANCE, MEET CERTAIN HEALTH STANDARDS AND HAVE THE
14 CORRECT COURSE CONTENT; TO AMEND SECTION 73-7-18, MISSISSIPPI CODE
15 OF 1972, TO DELETE THE REQUIREMENT FOR AN ESTHETICIAN LICENSEE TO
16 READ, WRITE AND SPEAK ENGLISH; TO AMEND SECTION 73-7-21,
17 MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT FOR A
18 MANICURIST LICENSEE TO READ, WRITE AND SPEAK ENGLISH; TO AMEND
19 SECTION 73-7-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
20 BOARD MAY ISSUE A LICENSE BY RECIPROCITY IF THE OTHER STATE HAS
21 ENTERED INTO A WRITTEN RECIPROCAL AGREEMENT; TO AMEND SECTION
22 73-7-27, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE PROCEDURES
23 WHEN THE BOARD IMPOSES A CIVIL PENALTY OR FINE FOR VIOLATIONS,
24 INCLUDING A NOTICE AND HEARING REQUIREMENT; TO SET CERTAIN CLASSES
25 OF FINES FOR VIOLATIONS; TO AMEND SECTION 73-7-29, MISSISSIPPI
26 CODE OF 1972, TO REMOVE CERTAIN OBSOLETE TERMS TO CONFORM TO
27 EXISTING LAW; TO AMEND SECTION 73-7-37, MISSISSIPPI CODE OF 1972,
28 TO PROVIDE FOR THE JURISDICTION FOR THE BOARD TO FILE FOR AN ORDER
29 ENFORCING COMPLIANCE OF THE CHAPTER; AND FOR RELATED PURPOSES.

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



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

33 73-7-7. (1) The board shall have authority to make
34 reasonable rules and regulations for the administration of the
35 provisions of this chapter. The board shall set up a curriculum
36 for operation of schools of cosmetology and the other professions
37 it is charged to regulate in this state. The board shall receive
38 and consider for adoption recommendations for rules and
39 regulations, school curriculum, and related matters from the
40 Mississippi Cosmetology Council, whose membership shall consist
41 of, in addition to the board members, five (5) elected delegates
42 from the Mississippi Cosmetology Association, five (5) elected
43 delegates from the Mississippi Cosmetology School Association,
44 five (5) elected delegates from the Mississippi Independent
45 Beauticians Association, and five (5) elected delegates from the
46 School Owners and Teachers Association. The board may revoke the
47 license of any cosmetologist, esthetician, manicurist, instructor,
48 school of cosmetology, or salon, or may refuse to issue a license
49 to any cosmetologist, esthetician, manicurist, instructor, school
50 of cosmetology, or salon that fails or refuses to comply with the
51 provisions of this chapter and the rules and regulations of the
52 board in carrying out the provisions of this chapter.

53 (2) The board shall have authority to prescribe reasonable
54 rules and regulations governing sanitation of schools of
55 cosmetology and beauty salons for the guidance of persons licensed



56 under this chapter in the operation of schools of cosmetology, or
57 a beauty salon, and in the practice of cosmetology, esthetics,
58 manicuring and pedicuring * * *. However, any and all rules and
59 regulations relating to sanitation shall, before adoption by the
60 board, have the written approval of the State Board of Health.
61 When the board has reason to believe that any of the provisions of
62 this chapter or of the rules and regulations of the board have
63 been violated, either upon receipt of a written complaint alleging
64 such violations or upon the board's own initiative, the board, or
65 any of its authorized agents, shall investigate same and shall
66 have authority to enter upon the premises of a school of
67 cosmetology or salon at any time during the regular business hours
68 of that school or salon to conduct the investigation. Such
69 investigation may include, but not be limited to, conducting oral
70 interviews with the complaining party, school or salon owner(s)
71 and/or students of the school, and reviewing records of the school
72 or salon pertinent to the complaint and related to an area subject
73 to the authority of the board. Such investigation shall not
74 include written interviews or surveys of school employees or
75 students, and the privacy of patrons shall be respected by any
76 person making such investigation.

77 (3) On or before July 1, 2001, the board shall adopt
78 regulations to ensure that all fingernail service products used by
79 licensed cosmetologists, manicurists and other licensees do not



80 contain methyl methacrylate (MMA) as a monomer agent for cosmetic
81 nail applications.

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

86 **SECTION 2.** Section 73-7-9, Mississippi Code of 1972, is
87 amended as follows:

88 73-7-9. No person required by this chapter to have a license
89 shall conduct a beauty salon or school of cosmetology, or practice
90 cosmetology, esthetics, manicuring and pedicuring, or practice as
91 an instructor, unless such person has received a license or
92 temporary permit therefor from the board. * * * Anyone determined
93 to have violated any of these rules or regulations prior to being
94 licensed by the board shall be subject to the same discipline by
95 the board as licensees. They may be disciplined and fined
96 accordingly.

97 **SECTION 3.** Section 73-7-15, Mississippi Code of 1972, is
98 amended as follows:

99 73-7-15. (1) The board shall admit to examination for a
100 cosmetology instructor's license any person who has made
101 application to the board in proper form, has paid the required
102 fee, and who:

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

104 * * *



105 (* * *b) Is a graduate of a licensed cosmetology
106 school;

107 (* * *c) Has a high school education or its
108 equivalent;

109 (* * *d) Has successfully completed one thousand
110 (1,000) hours of instructor training in a licensed school of
111 cosmetology;

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

114 (* * *f) Holds a current, valid Mississippi
115 cosmetology license; and

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

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

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

124 * * *

125 (* * *b) Has a high school education or its
126 equivalent;

127 (* * *c) Has successfully completed one thousand
128 (1,000) hours of instructor training in a licensed school in which
129 the practice of esthetics is taught;



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

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

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

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

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

143 * * *

144 (* * *b) Has a high school education or its
145 equivalent;

146 (* * *c) Has successfully completed one thousand
147 (1,000) hours of instructor training in a licensed school in which
148 the practice of manicuring is taught;

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

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

153 (* * *f) Has had one (1) year of active practical
154 experience as a manicurist or, as an alternative to such



155 experience, has successfully completed one thousand (1,000) hours
156 of instructor training in a licensed school in which the practice
157 of manicuring is taught.

158 (4) Applicants shall satisfactorily pass the examination
159 prescribed by the board for licensing instructors prior to the
160 issuance of the licenses provided for in this section. However,
161 the board may, in its discretion, issue a temporary instructor's
162 permit until such time as the next examination may be held, but
163 such applicant shall be issued only one (1) temporary permit. All
164 applications for an instructor's examination shall be accompanied
165 by two (2) recent head photographs of the applicant.

166 (5) All instructors licensed pursuant to this section shall
167 biennially obtain twenty-four (24) clock hours of continuing
168 education in teacher training instruction in cosmetology or
169 esthetics or manicuring, as the case may be, as approved by the
170 board. Any instructor who fails to obtain the continuing
171 education required by this subsection shall not be allowed to
172 instruct nor enroll students under his or her license until such
173 education requirement has been met. The board may issue an
174 inactive instructor's license to such instructors, and an inactive
175 license may be converted into an active license after proof
176 satisfactory to the board of completion of at least twenty-four
177 (24) clock hours of approved continuing education required for
178 teacher training instruction.



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

182 **SECTION 4.** Section 73-7-17, Mississippi Code of 1972, is
183 amended as follows:

184 73-7-17. (1) * * * All schools of cosmetology or school
185 owners shall have a school license and shall pay to the board the
186 required license fee. The board is hereby authorized and
187 empowered to promulgate necessary and reasonable rules and
188 regulations for the issuance of school licensees.

189 (2) * * * Any school making application for a license under
190 this act shall not be transferable for any cause and shall include
191 a surety bond in the penal sum of Fifty Thousand Dollars
192 (\$50,000.00) in favor of the Mississippi State Board of
193 Cosmetology on a bond form completed by the insurance company or
194 agency. The applicant may file in lieu of the bond, cash or a
195 certificate of deposit or government bonds in the amount of Fifty
196 Thousand Dollars (\$50,000.00).

197 (3) The school applicant shall maintain a professional
198 liability insurance policy covering any aspect of the facility,
199 personnel and/or students.

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



203 (5) Private business and vocational schools that have
204 obtained national accreditation from an accrediting agency
205 designated by the United States Department of Education must
206 submit evidence of current accreditation. All licensed schools
207 not yet accredited may receive a temporary license annually for a
208 period not to exceed five (5) years until which time accreditation
209 has been granted by an accrediting body recognized by the
210 U.S. Department of Education.

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

215 (7) Schools shall provide favorable conditions for effective
216 classroom instruction. A total pattern of successful instruction
217 includes:

218 (a) Well-defined instructional objectives;

219 (b) Systematic planning;

220 (c) Selection and use of varied types of learning
221 materials and experiences;

222 (d) Adaptation of organization and instructional
223 procedures to student needs;

224 (e) Use of varied evaluation instruments and
225 procedures; and

226 (f) Good student and teacher morale.



227 (8) Each board-approved school of cosmetology, esthetics or
228 manicuring must provide proof to the board of an annual pass rate
229 that meets or exceeds the current minimum standard as established
230 by the board.

231 (9) The Board of Cosmetology will evaluate school curriculum
232 for conformance with educational requirements set forth by the
233 Mississippi Cosmetology Act.

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

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

240 (12) In the event that a school closes a facility, the
241 licensee must notify the board within sixty (60) days prior to
242 closing and provide proof of the reason for the closure; proof of
243 method developed to assist students with the completion of their
244 program of study and individual courses; proof of notice sent to
245 all currently enrolled students, notifying them of the closure;
246 proof of notice given to students indicating where they may obtain
247 any of their records; proof of disposition of student records,
248 with a contact person, complete address and telephone number and
249 how students' information may be obtained; proof of notice sent to
250 all students who have paid for any tuition and/or fees for future
251 enrollment in a program of study or individual course informing



252 them of the closure, and refund information; proof of certified
253 transcripts for each currently enrolled student who has paid for
254 and completed coursework in lieu of receiving a full or partial
255 refund. In the event a school files a bankruptcy petition, a
256 certified copy must be filed with the Board of Cosmetology.

257 **SECTION 5.** Section 73-7-18, Mississippi Code of 1972, is
258 amended as follows:

259 73-7-18. (1) The board shall admit to examination for an
260 esthetician's license any person who has made application to the
261 board in proper form, has paid the required fee, and who:

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

263 * * *

264 (* * *b) Has a high school education or its
265 equivalent; and

266 (* * *c) Has successfully completed a course of
267 training in esthetics of not less than six hundred (600) hours in
268 an accredited school in which the practice of esthetics is taught,
269 including not less than one hundred (100) hours of theory and five
270 hundred (500) hours of skill practice.

271 Any licensed esthetician wishing to acquire a cosmetology
272 license may apply the six hundred (600) hours of esthetics
273 training toward the requirements for a cosmetology license.

274 (2) Every person who has completed not less than three
275 hundred fifty (350) hours of training in esthetics approved by the
276 board in this or any other state prior to July 1, 1987, shall be



277 registered with the board within a period not exceeding six (6)
278 months after July 1, 1987, and shall be granted an esthetician's
279 license by the board if such person presents satisfactory evidence
280 to the board that he or she has fulfilled all the requirements to
281 be admitted to examination except the training hours requirement.

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

285 **SECTION 6.** Section 73-7-21, Mississippi Code of 1972, is
286 amended as follows:

287 73-7-21. (1) The board shall admit to examination for a
288 manicurist's license any person who has made application to the
289 board in proper form, has paid the required fee, and who:

290 (a) Is at least seventeen (17) years of age;

291 * * *

292 (* * *b) Has successfully completed no less than three
293 hundred fifty (350) hours of practice and related theory in
294 manicuring and pedicuring over a period of no less than nine (9)
295 weeks in an accredited school of cosmetology in this or any other
296 state; and

297 (* * *c) Has a high school education or its
298 equivalent.

299 (2) Licensed manicurists desiring to pursue additional hours
300 to be eligible for a license as a cosmetologist may be credited
301 with the three hundred fifty (350) hours acquired in studying and



302 training to be a manicurist which may be applied to the number of
303 hours required for a cosmetology license examination.

304 (3) The board shall adopt regulations governing the use of
305 electric nail files for the purpose of filing false or natural
306 nails.

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

310 **SECTION 7.** Section 73-7-23, Mississippi Code of 1972, is
311 amended as follows:

312 73-7-23. (1) The board may, upon application, issue a
313 license by reciprocity to any cosmetologist, esthetician or
314 manicurist over the age of seventeen (17) years from any other
315 state who has satisfactorily completed the required number of
316 accredited hours in that state, provided the state board from
317 which the applicant comes issues to cosmetologists, estheticians
318 or manicurists, as the case may be, from the State of Mississippi
319 a license under the same conditions and the other state has
320 entered into a written reciprocal agreement between participating
321 states. Applications must be accompanied by (a) proof
322 satisfactory to the board that the required hours have been
323 completed, and (b) the required reciprocity fee, which shall be
324 paid to the board.

325 (2) An instructor from any other state may be qualified for
326 a Mississippi instructor's license upon presenting a valid



327 instructor's license and proof of a high school education or its
328 equivalent, provided that the instructor (a) is not less than
329 twenty-one (21) years of age, (b) has completed training
330 equivalent to the State of Mississippi's training as provided in
331 Section 73-7-15 or has three (3) years or more of experience as a
332 licensed instructor prior to application, (c) can read, write and
333 speak English, (d) has completed twelve (12) semester hours in
334 college courses approved by the board, and (e) has completed a
335 minimum of five (5) continuing education hours in Mississippi
336 board laws, rules and regulations. Such application must be
337 accompanied by two (2) recent passport photographs of the
338 applicant. Applicants shall pay the required license fee.

339 (3) An applicant for a Mississippi instructor's license by
340 reciprocity who has not completed the college courses requirement
341 at the time of application may apply for a onetime temporary
342 teaching permit, which shall be valid for six (6) months and shall
343 be nonrenewable. Such application must be accompanied by proof of
344 enrollment in college course(s), required permit fee, two (2)
345 recent passport photographs of the applicant and other
346 documentation as required for application for a Mississippi
347 instructor's license by reciprocity. Upon proof of completion of
348 college courses and payment of the required license fee, a
349 Mississippi instructor's license shall be issued.

350 (4) The issuance of a license by reciprocity to a
351 military-trained applicant, military spouse or person who



352 establishes residence in this state shall be subject to the
353 provisions of Section 73-50-1 or 73-50-2, as applicable.

354 **SECTION 8.** Section 73-7-27, Mississippi Code of 1972, is
355 amended as follows:

356 73-7-27. (1) Any complaint may be filed with the board by a
357 member or agent of the board or by any person charging any
358 licensee of the board with the commission of any of the offenses
359 enumerated in subsection (2) of this section. Such complaint
360 shall be in writing, signed by the accuser or accusers, and
361 verified under oath, and such complaints shall be investigated as
362 set forth in Section 73-7-7. If, after the investigation, the
363 board through its administrative review agents determines that
364 there is not substantial justification to believe that the accused
365 licensee has committed any of the offenses enumerated, it may
366 dismiss the complaint or may prepare a formal complaint proceeding
367 against the licensee as hereinafter provided. When used with
368 reference to any complaint filed against a licensee herein, the
369 term "not substantial justification" means a complaint that is
370 frivolous, groundless in fact or law, or vexatious, as determined
371 by unanimous vote of the board. In the event of a dismissal, the
372 person filing the accusation and the accused licensee shall be
373 given written notice of the board's determination. If the board
374 determines there is reasonable cause to believe the accused has
375 committed any of those offenses, the secretary of the board shall
376 give written notice of such determination to the accused licensee



377 and set a day for a hearing as provided in subsection (3) of this
378 section.

379 (2) The board shall have the power to revoke, suspend or
380 refuse to issue or renew any license or certificate provided for
381 in this chapter, and to fine, place on probation and/or otherwise
382 discipline a student or licensee or holder of a certificate, upon
383 proof that such person: (a) has not complied with an order,
384 decision or ruling of the board or has violated any of the rules
385 and regulations promulgated by the board; (b) has not complied
386 with or has violated any of the sections of this chapter; (c) has
387 committed fraud or dishonest conduct in the taking of the
388 examination herein provided for; (d) has been convicted of a
389 felony; (e) has committed grossly unprofessional or dishonest
390 conduct; (f) is addicted to the excessive use of intoxicating
391 liquors or to the use of drugs to such an extent as to render him
392 or her unfit to practice in any of the practices or occupations
393 set forth in this chapter; (g) has advertised by means of
394 knowingly false or deceptive statements; or (h) has failed to
395 display the license or certificate issued to him or her as
396 provided for in this chapter; or (i) has been convicted of
397 violating any of the provisions of this chapter. A conviction of
398 violating any of the provisions of this chapter shall be grounds
399 for automatic suspension of the license or certificate of such
400 person.



401 (3) (a) The board shall not revoke, suspend or refuse to
402 issue or renew any license or certificate * * * in a disciplinary
403 matter except after a hearing of which the applicant or licensee
404 or holder of the certificate affected shall be given at least
405 twenty (20) days' notice in writing, specifying the reason or
406 reasons for denying the applicant a license or certificate of
407 registration, or in the case of any other disciplinary action, the
408 offense or offenses of which the licensee or holder of a
409 certificate of registration is charged. Such notice may be served
410 by mailing a copy thereof by United States first-class certified
411 mail, postage prepaid, to the last-known residence or business
412 address of such applicant, licensee or holder of a certificate.
413 The hearing on such charges shall be at such time and place as the
414 board may prescribe. The provisions of this paragraph (a) shall
415 not apply to the board's collection of a civil penalty or fine
416 imposed by the board under paragraph (b) of this subsection.

417 (b) Any civil penalty or fine imposed by the board
418 under this chapter shall become due and payable when the person
419 incurring the penalty receives a notice in writing from the board
420 of the penalty. The notice shall be sent by registered or
421 certified mail. The person to whom the notice is addressed shall
422 have thirty (30) days from the date of mailing of the notice in
423 which to make written application for a hearing. Any person who
424 makes that application shall be entitled to a hearing. The
425 hearing shall be conducted as a contested case hearing. When an



426 order assessing a civil penalty under this section becomes final
427 by operation of law or on appeal, unless the amount of penalty is
428 paid within ten (10) days after the order becomes final, it may be
429 recorded with the circuit clerk in any county of this state. The
430 clerk shall then record the name of the person incurring the
431 penalty and the amount of the penalty in his lien record book.

432 (4) At such hearings, all witnesses shall be sworn by a
433 member of the board or court reporter, and stenographic notes of
434 the proceedings shall be taken. Any party to the proceedings
435 desiring it shall be furnished with a copy of such stenographic
436 notes upon payment to the board of such fees as it shall
437 prescribe, not exceeding, however, the actual costs of
438 transcription.

439 (5) The board is hereby authorized and empowered to issue
440 subpoenas for the attendance of witnesses and the production of
441 books and papers. The process issued by the board shall extend to
442 all parts of the state and such process shall be served by any
443 person designated by the board for such service. The person
444 serving such process shall receive such compensation as may be
445 allowed by the board, not to exceed the fee prescribed by law for
446 similar services. All witnesses who shall be subpoenaed, and who
447 shall appear in any proceedings before the board, shall receive
448 the same fees and mileage as allowed by law.

449 (6) Where in any proceeding before the board any witness
450 shall fail or refuse to attend upon subpoena issued by the board,



451 shall refuse to testify, or shall refuse to produce any books and
452 papers, the production of which is called for by the subpoena, the
453 attendance of such witness and the giving of his testimony and the
454 production of the books and papers shall be enforced by any court
455 of competent jurisdiction of this state, in the same manner as are
456 enforced for the attendance and testimony of witnesses in civil
457 cases in the courts of this state.

458 (7) The board shall conduct the hearing in an orderly and
459 continuous manner, granting continuances only when the ends of
460 justice may be served. The board shall, within sixty (60) days
461 after conclusion of the hearing, reduce its decision to writing
462 and forward an attested true copy thereof to the last-known
463 residence or business address of such applicant, licensee or
464 holder of a certificate, by way of United States first-class
465 certified mail, postage prepaid. Such applicant, licensee, holder
466 of a certificate, or person aggrieved shall have the right of
467 appeal from an adverse ruling, or order, or decision of the board
468 to the Chancery Court of the First Judicial District of Hinds
469 County, Mississippi, upon forwarding notice of appeal to the board
470 within thirty (30) days after the decision of the board is mailed
471 in the manner here contemplated. An appeal will not be allowed in
472 the event notice of appeal, together with the appeal bond
473 hereinafter required, shall not have been forwarded to the board
474 within the thirty-day period. Appeal shall be to the Chancery
475 Court of the First Judicial District of Hinds County, Mississippi.



476 The appeal shall thereupon be heard in due course by the court
477 which shall review the record and make its determination thereon.

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

482 (9) In the event of an appeal, the court shall dispose of
483 the appeal and enter its decision promptly. The hearing on the
484 appeal may, in the discretion of the chancellor, be tried in
485 vacation. If there is an appeal, such appeal may, in the
486 discretion of and on motion to the chancery court, act as a
487 supersedeas. However, any fine imposed by the board under the
488 provisions of this chapter shall not take effect until after the
489 time for appeal has expired, and an appeal of the imposition of
490 such a fine shall act as a supersedeas.

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

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

498 (i) Unlicensed practice or the use of fraudulent
499 statements to obtain any benefits or privileges under this chapter
500 or practicing one (1) of the professions without a license. These



501 violations will be handled in accordance with the requirements of
502 Section 73-7-27 or 73-7-37, as applicable.

503 (ii) Extremely dangerous to the health and safety
504 of the general public.

505 (b) * * * Class B. Class B violations shall be set at
506 no more than Two Hundred Fifty Dollars (\$250.00) nor more than
507 Seven Hundred Fifty Dollars (\$750.00). Class B violations are
508 major health and safety concerns that are detrimental to public
509 safety and welfare.

510 (c) Class C. Class C violations shall be set at no
511 more than One Hundred Dollars (\$100.00) nor more than Five Hundred
512 Dollars (\$500.00). Class C violations are minor health and safety
513 violations that are detrimental to public safety and welfare.

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

518 (11) In addition to the reasons specified in subsection (2)
519 of this section, the board shall be authorized to suspend the
520 license of any licensee for being out of compliance with an order
521 for support, as defined in Section 93-11-153. The procedure for
522 suspension of a license for being out of compliance with an order
523 for support, and the procedure for the reissuance or reinstatement
524 of a license suspended for that purpose, and the payment of any
525 fees for the reissuance or reinstatement of a license suspended



526 for that purpose, shall be governed by Section 93-11-157 or
527 93-11-163, as the case may be. Actions taken by the board in
528 suspending a license when required by Section 93-11-157 or
529 93-11-163 are not actions from which an appeal may be taken under
530 this section. Any appeal of a license suspension that is required
531 by Section 93-11-157 or 93-11-163 shall be taken in accordance
532 with the appeal procedure specified in Section 93-11-157 or
533 93-11-163, as the case may be, rather than the procedure specified
534 in this section. If there is any conflict between any provision
535 of Section 93-11-157 or 93-11-163 and any provision of this
536 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
537 case may be, shall control.

538 **SECTION 9.** Section 73-7-29, Mississippi Code of 1972, is
539 amended as follows:

540 73-7-29. The State Board of Cosmetology shall assess fees in
541 the following amounts and for the following purposes:

- 542 (a) Initial license/renewal for cosmetologist,
543 manicurist * * * or esthetician * * *.....\$ 50.00
544 (b) Instructor initial license/renewal..... 80.00
545 (c) Master cosmetologist license/renewal..... 70.00
546 (d) Delinquent renewal penalty - cosmetologist,
547 manicurist, esthetician * * * and instructor..... 50.00
548 There shall be no renewal fee for any licensee
549 seventy (70) years of age or older.
550 (e) Salon application and initial inspection.... 85.00



551	(f)	Salon reinspection.....	35.00
552	(g)	Salon change of ownership or location,	
553		or both.....	85.00
554	(h)	Salon renewal.....	60.00
555	(i)	Salon delinquent renewal penalty.....	50.00
556	(j)	Application and initial inspection for a	
557		new school.....	300.00
558	(k)	New school reinspection.....	100.00
559	(l)	School change of ownership.....	300.00
560	(m)	School relocation.....	150.00
561	(n)	School renewal.....	75.00
562	(o)	School delinquent renewal penalty.....	100.00
563	(p)	Duplicate license.....	10.00
564	(q)	Penalty for insufficient fund checks.....	20.00
565	(r)	Affidavit processing.....	15.00

566 The State Board of Cosmetology may charge additional fees for
567 services which the board deems appropriate to carry out its intent
568 and purpose. These additional fees shall not exceed the cost of
569 rendering the service.

570 The board is fully authorized to make refunds of any deposits
571 received by the board for services which are not rendered.
572 Refunds will automatically be made on overpayment of fees.
573 Refunds will be made on underpayments by written requests from
574 applicants. If no request for refund is made within sixty (60)
575 days, the fees will be forfeited.



576 **SECTION 10.** Section 73-7-37, Mississippi Code of 1972, is
577 amended as follows:

578 73-7-37. (1) The violation of any of the provisions of this
579 chapter, including the use of fraudulent statements to obtain any
580 benefits or privileges under this chapter or practicing one (1) of
581 these professions without a license, shall constitute a
582 misdemeanor, punishable in any court of competent jurisdiction at
583 the seat of government, and any person or firm convicted of the
584 violation of any of the provisions of this chapter shall be fined
585 not less than * * * Five Hundred Dollars (\$500.00) nor more
586 than * * * One Thousand Dollars (\$1,000.00). The court shall not
587 be authorized to suspend or suspend the execution of the fine
588 required under this section.

589 (2) If any person, * * * salon, school or other type of
590 business entity engaged in the practice or teaching of the
591 provisions governed by this chapter violates any of the provisions
592 of this chapter, the secretary of the board, upon direction of a
593 majority of the board and in the name of the board, acting through
594 the Attorney General or an attorney employed by the board, shall
595 apply in the Chancery Court of the * * * county in which the
596 person or licensee resides or in the county which the person or
597 licensee practices, or the county in which the salon, school or
598 other type of business entity is located, for an order enjoining
599 such violation or for an order enforcing compliance with the
600 provisions of this chapter. Upon the filing of a verified



601 petition in the chancery court and after notice as provided under
602 the Mississippi Rules of Civil Procedure, such court, if satisfied
603 by the sworn petition, by affidavit or otherwise, that such person
604 or entity has violated any of the provisions of this chapter, may
605 issue an injunction without notice or bond, enjoining such
606 continued violation and such injunction shall remain in force and
607 effect until a final hearing. If at such hearing it is
608 established that such person or entity has violated or is
609 violating any of the provisions of this chapter, the court may
610 enter a decree permanently enjoining such violation or enforcing
611 compliance with this chapter. In addition, the court may enter a
612 judgment against such person or entity for attorney's fees, court
613 costs and the actual costs incurred by the board in investigating
614 the actions of such person or entity for which the board brought
615 the suit for an injunction. In case of violation of any decree
616 issued in compliance with this subsection, the court may punish
617 the offender for contempt of court and the court shall proceed as
618 in other cases.

619 (3) The proceedings in this section shall be in addition to
620 and not in lieu of the other remedies and penalties provided in
621 this chapter.

622 **SECTION 11.** This act shall take effect and be in force from
623 and after July 1, 2023.

