

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2160

BY: Senator(s) Blackwell

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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.

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

218 (* * * l) "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 Council, whose membership shall consist
261 of, in addition to the board members, five (5) elected delegates
262 from the Mississippi Cosmetology Association, five (5) elected
263 delegates from the Mississippi Cosmetology School Association,
264 five (5) elected delegates from the Mississippi Independent
265 Beauticians Association, and five (5) elected delegates from the
266 School Owners and Teachers Association. The board may revoke the
267 license of any cosmetologist, barber, esthetician, manicurist,
268 instructor, school of cosmetology or barbering, or salon and/or
269 barber business, or may refuse to issue a license to any
270 cosmetologist, barber, esthetician, manicurist, instructor, school
271 of cosmetology or barbering, or salon and/or barber business that
272 fails or refuses to comply with the provisions of this chapter and
273 the rules and regulations of the board in carrying out the
274 provisions of this chapter.



275 (2) The board shall have authority to prescribe reasonable
276 rules and regulations governing sanitation of schools of
277 cosmetology and barbering and beauty salons and barber businesses
278 for the guidance of persons licensed under this chapter in the
279 operation of schools of cosmetology and barbering, or a beauty
280 salon and/or barber business, and in the practice of cosmetology,
281 barbering, esthetics, manicuring and pedicuring * * *. However,
282 any and all rules and regulations relating to sanitation shall,
283 before adoption by the board, have the written approval of the
284 State Board of Health. When the board has reason to believe that
285 any of the provisions of this chapter or of the rules and
286 regulations of the board have been violated, either upon receipt
287 of a written complaint alleging such violations or upon the
288 board's own initiative, the board, or any of its authorized
289 agents, shall investigate same and shall have authority to enter
290 upon the premises of a school of cosmetology or barbering or salon
291 and/or barber business at any time during the regular business
292 hours of that school or salon and/or barber business to conduct
293 the investigation. Such investigation may include, but not be
294 limited to, conducting oral interviews with the complaining party,
295 school or salon and/or barber business owner(s) and/or students of
296 the school, and reviewing records of the school or salon and/or
297 barber business pertinent to the complaint and related to an area
298 subject to the authority of the board. Such investigation shall
299 not include written interviews or surveys of school employees or



300 students, and the privacy of patrons shall be respected by any
301 person making such investigation.

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

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

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

313 73-7-9. No person required by this chapter to have a license
314 shall conduct a beauty salon, barber business or school of
315 cosmetology or barbering, or practice cosmetology, barbering,
316 esthetics, manicuring and pedicuring, or practice as an
317 instructor, unless such person has received a license or temporary
318 permit therefor from the board. * * * Anyone determined to have
319 violated any of these rules or regulations prior to being licensed
320 by the board shall be subject to the same discipline by the board
321 as licensees. They may be disciplined and fined accordingly.

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



324 73-7-11. Each owner of a license issued by the board under
325 the provisions of this chapter shall display the license in a
326 conspicuous place in his or her principal office, place of
327 business or employment, at all times.

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

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

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

338 73-7-12. Effective January 1, * * * 2024, the State Board of
339 Cosmetology and Barbering shall terminate its student testing
340 contract with proper notice and shall conduct examinations for
341 cosmetologists, barbers, estheticians, manicurists and instructors
342 at such times and locations as determined by the board. The
343 members of the board shall not personally administer or monitor
344 the examinations, but the board shall contract for administrators
345 of the examinations. A member of the board shall not receive any
346 per diem compensation for any day that the member is present at
347 the site where the examinations are being administered.



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

350 73-7-13. (1) The * * * State Board of Cosmetology and
351 Barbering shall admit to examination for a cosmetology license any
352 person who has made application to the * * * State Board of
353 Cosmetology and Barbering in proper form, has paid the required
354 fee, and who (a) is at least * * * sixteen (16) years of age,
355 (b) * * * has successfully completed no less than fifteen hundred
356 (1500) hours over a period of no less than nine (9) months in a
357 licensed school of cosmetology or in an apprenticeship program for
358 three thousand (3,000) hours certified by the State Board of
359 Cosmetology and Barbering, and (* * * c) has a high school
360 tenth-grade education or its equivalent or has been successfully
361 enrolled in a community college. Apprenticeships provided for in
362 this subsection may be monitored or mentored by a licensed
363 cosmetology instructor. Only one (1) apprentice may be mentored
364 by any person at the same time.

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



373 state to operate a beauty salon or school of cosmetology in this
374 state unless in case of emergency.

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

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

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

393 (* * *6) Any licensed cosmetologist, barbers, esthetician,
394 or manicurist who is registered but not actively practicing in the
395 State of Mississippi at the time of making application for
396 renewal, may apply for registration on the "inactive" list. Such
397 "inactive" list shall be maintained by the * * * State Board of



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

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



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

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

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

432 73-7-14. (1) Any person who holds a current, valid
433 cosmetology, barber, manicuring or esthetics license may be
434 licensed as a master cosmetologist, barber, manicurist or
435 esthetician if he or she has been a licensed cosmetologist,
436 barber, manicurist or esthetician in this state for a period of
437 not less than twelve (12) months, and has completed a minimum
438 course of sixteen (16) hours' study in continuing education
439 approved by the board within the licensing period preceding
440 initial application for the license, and has paid the original
441 license fee. Master cosmetologist, barber, manicurist or
442 esthetician licenses shall be renewable upon completion of a
443 minimum course of eight (8) hours' study in continuing education
444 approved by the board within a licensing period and payment of the
445 required renewal fee. This is an optional license and persons who



446 do not wish to complete the continuing education requirement may
447 obtain a cosmetology license when renewing their license.

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

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

453 73-7-15. (1) The board shall admit to examination for a
454 cosmetology instructor's license any person who has made
455 application to the board in proper form, has paid the required
456 fee, and who:

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

458 * * *

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

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

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

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

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



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

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

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

478 * * *

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

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

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

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

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



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

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

497 * * *

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

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

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

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

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

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



518 applications for an instructor's examination shall be accompanied
519 by two (2) recent head photographs of the applicant.

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

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

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

538 73-7-16. (1) * * * All schools of cosmetology or barbering
539 or school owners shall have a school license and shall pay to the
540 board the required license fee. The board is hereby authorized
541 and empowered to promulgate necessary and reasonable rules and
542 regulations for the issuance of school licensees.



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

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

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

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

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

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



- 568 (a) Well-defined instructional objectives;
569 (b) Systematic planning;
570 (c) Selection and use of varied types of learning
571 materials and experiences;
572 (d) Adaptation of organization and instructional
573 procedures to student needs;
574 (e) Use of varied evaluation instruments and
575 procedures; and
576 (f) Good student and teacher morale.
- 577 (8) Each board-approved school of cosmetology, barbering,
578 esthetics or manicuring must provide proof to the board of an
579 annual pass rate that meets or exceeds the current minimum
580 standard as established by the board.
- 581 (9) The Board of Cosmetology and Barbering will evaluate
582 school curriculum for conformance with educational requirements
583 set forth by the Mississippi Cosmetology and Barbering Act.
- 584 (10) There shall be no automatic renewal of school licenses
585 and each licensee shall be audited for conformity prior to the
586 issuance of any a new license.
- 587 (11) The licensee shall notify the board at least thirty
588 (30) days in advance of closure and provide a teach-out plan for
589 existing students which must be approved by the board.
- 590 (12) In the event that a school closes a facility, the
591 licensee must notify the board within sixty (60) days prior to
592 closing and provide proof of the reason for the closure; proof of



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

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

609 (a) Temporary licenses may be issued for a one-year
610 period. These licenses may be issued to new schools with less
611 than two (2) graduating classes. Schools shall submit annual
612 reports by July 16 of each year unless otherwise specified.

613 Prospective students prior to enrolling and enrolled students
614 shall be notified in writing of the school's temporary status.

615 (b) Probationary licenses shall indicate warning status
616 and may be issued for a one-year period. These licenses may be
617 issued to new schools with less than two (2) graduating classes



618 and with any significant violation(s) in the most recent year.
619 Such schools shall submit annual reports by July 16 of each year
620 unless otherwise specified. Such schools shall notify both
621 prospective students prior to their enrolling and enrolled
622 students in writing of the school's probationary status.

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

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

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

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



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

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

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

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

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

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

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



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

668 73-7-17. (1) All salon and/or barber business owners shall
669 have a salon and/or barber business license and shall pay to the
670 board the required license fee therefor and pay the required
671 renewal fee for renewal thereof. A grace period of sixty (60)
672 days will be given in which to renew the license, and upon the
673 expiration of the grace period of sixty (60) days any applicant
674 for the renewal of a salon and/or barber business license will be
675 required to pay a delinquent fee in addition to the renewal fee.
676 A salon and/or barber business license that has been expired for
677 over one (1) year is nonrenewable and requires a new application.
678 Prior to the initial issuance of such license, the board shall
679 inspect the premises to determine if same qualifies with the law,
680 upon payment by the applicant of the required inspection fee.

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

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

686 73-7-18. (1) The * * * State Board of Cosmetology and
687 Barbering shall admit to examination for an esthetician's license
688 any person who has made application to the board in proper form,
689 has paid the required fee, and who:

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



691 (b) * * * Has a high school education or its
692 equivalent; and

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

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

708 * * *

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



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

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

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

722 73-7-19. (1) Except as provided in Section 33-1-39, all
723 licenses shall be renewed biennially under the fee schedule in
724 Section 73-7-29. Applications for renewal of licenses for
725 cosmetologists, barbers, estheticians, manicurists and instructors
726 must be accompanied by the required renewal fee. A grace period
727 of sixty (60) days will be given in which to renew the license;
728 and upon the expiration of the grace period of sixty (60) days,
729 any applicant for the renewal of a license will be required to pay
730 the required renewal fee and a delinquent fee in addition to the
731 renewal fee. The fees may be paid by either personal or certified
732 check, cash or money order, under such safeguards, rules and
733 regulations as the board may prescribe. Checks returned to the
734 board because of insufficient funds shall result in nonrenewal of
735 the license, which will require the penalty fee for insufficient
736 fund checks plus all other amounts due for renewal of the license
737 before the license may be renewed. After one (1) year has passed
738 from the expiration date of the license, a delinquent fee must be
739 paid for each year up to three (3) years, after which the required



740 examination must be taken. All applications for examination
741 required by this chapter shall expire ninety (90) days from the
742 date thereof.

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

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

748 73-7-21. (1) The * * * State Board of Cosmetology and
749 Barbering shall admit to examination for a manicurist's license
750 any person who has made application to the board in proper form,
751 has paid the required fee, and who:

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

753 * * *

754 (* * * b) Has successfully completed no less than three
755 hundred fifty (350) hours of practice and related theory in
756 manicuring and pedicuring over a period of no less than nine (9)
757 weeks in an accredited school of cosmetology in this or any other
758 state, or in an apprenticeship program of seven hundred (700)
759 hours certified by the State Board of Cosmetology and Barbering.
760 Apprenticeships provided for in this section may be monitored or
761 mentored by a person with an instructor license in cosmetology or
762 manicuring. Only one (1) apprentice may be mentored by any person
763 at the same time; and



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

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

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

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

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

780 73-7-23. (1) The board may, upon application, issue a
781 license by reciprocity to any cosmetologist, esthetician or
782 manicurist over the age of * * * sixteen (16) years from any other
783 state who has satisfactorily completed the required number of
784 accredited hours in that state, provided the State Board from
785 which the applicant comes issues to cosmetologists, barbers,
786 estheticians or manicurists, as the case may be, from the State of
787 Mississippi a license under the same conditions and the other
788 state has entered into a written reciprocal agreement between



789 participating states. Applications must be accompanied by (a)
790 proof satisfactory to the board that the required hours have been
791 completed, and (b) the required reciprocity fee, which shall be
792 paid to the board.

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

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



814 documentation as required for application for a Mississippi
815 instructor's license by reciprocity. Upon proof of completion of
816 college courses and payment of the required license fee, a
817 Mississippi instructor's license shall be issued.

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

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

824 73-7-25. Every demonstrator in the field of cosmetology or
825 barbering shall, before making demonstrations in a salon and/or
826 barber business or school, apply for and obtain a permit from the
827 board. For such permit, which shall be for one (1) year, the
828 required fee shall be paid to the board. This section shall be
829 construed to apply to demonstrators in salons and barber
830 businesses and schools.

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

833 73-7-27. (1) Any complaint may be filed with the board by a
834 member or agent of the board or by any person charging any
835 licensee of the board with the commission of any of the offenses
836 enumerated in subsection (2) of this section. Such complaint
837 shall be in writing, signed by the accuser or accusers, and
838 verified under oath, and such complaints shall be investigated as



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

856 (2) The board shall have the power to revoke, suspend or
857 refuse to issue or renew any license or certificate provided for
858 in this chapter, and to fine, place on probation and/or otherwise
859 discipline a student or licensee or holder of a certificate, upon
860 proof that such person: (a) has not complied with an order,
861 decision or ruling of the board or has violated any of the rules
862 and regulations promulgated by the board; (b) has not complied
863 with or has violated any of the sections of this chapter; (c) has



864 committed fraud or dishonest conduct in the taking of the
865 examination herein provided for; (d) has been convicted of a
866 felony; (e) has committed grossly unprofessional or dishonest
867 conduct; (f) is addicted to the excessive use of intoxicating
868 liquors or to the use of drugs to such an extent as to render him
869 or her unfit to practice in any of the practices or occupations
870 set forth in this chapter; (g) has advertised by means of
871 knowingly false or deceptive statements; or (h) has failed to
872 display the license or certificate issued to him or her as
873 provided for in this chapter; or (i) has been convicted of
874 violating any of the provisions of this chapter. A conviction of
875 violating any of the provisions of this chapter shall be grounds
876 for automatic suspension of the license or certificate of such
877 person.

878 (3) (a) The board shall not revoke, suspend or refuse to
879 issue or renew any license or certificate, or fine, place on
880 probation or otherwise discipline any person in a disciplinary
881 matter except after a hearing of which the applicant or licensee
882 or holder of the certificate affected shall be given at least
883 twenty (20) days' notice in writing, specifying the reason or
884 reasons for denying the applicant a license or certificate of
885 registration, or in the case of any other disciplinary action, the
886 offense or offenses of which the licensee or holder of a
887 certificate of registration is charged. Such notice may be served
888 by mailing a copy thereof by United States first-class certified



889 mail, postage prepaid, to the last-known residence or business
890 address of such applicant, licensee or holder of a certificate.
891 The hearing on such charges shall be at such time and place as the
892 board may prescribe. The provisions of this paragraph (a) shall
893 not apply to the board's collection of a civil penalty or fine
894 imposed by the board under paragraph (b) of this subsection.

895 (b) Any civil penalty or fine imposed by the board
896 under this chapter shall become due and payable when the person
897 incurring the penalty receives a notice in writing from the board
898 of the penalty. The notice shall be sent by registered or
899 certified mail. The person to whom the notice is addressed shall
900 have thirty (30) days from the date of mailing of the notice in
901 which to make written application for a hearing. Any person who
902 makes that application shall be entitled to a hearing. The
903 hearing shall be conducted as a contested case hearing. When an
904 order assessing a civil penalty under this section becomes final
905 by operation of law or on appeal, unless the amount of penalty is
906 paid within ten (10) days after the order becomes final, it may be
907 recorded with the circuit clerk in any county of this state. The
908 clerk shall then record the name of the person incurring the
909 penalty and the amount of the penalty in his lien record book.

910 (4) At such hearings, all witnesses shall be sworn by a
911 member of the board or court reporter, and stenographic notes of
912 the proceedings shall be taken. Any party to the proceedings
913 desiring it shall be furnished with a copy of such stenographic



914 notes upon payment to the board of such fees as it shall
915 prescribe, not exceeding, however, the actual costs of
916 transcription.

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

927 (6) Where in any proceeding before the board any witness
928 shall fail or refuse to attend upon subpoena issued by the board,
929 shall refuse to testify, or shall refuse to produce any books and
930 papers, the production of which is called for by the subpoena, the
931 attendance of such witness and the giving of his testimony and the
932 production of the books and papers shall be enforced by any court
933 of competent jurisdiction of this state, in the same manner as are
934 enforced for the attendance and testimony of witnesses in civil
935 cases in the courts of this state.

936 (7) The board shall conduct the hearing in an orderly and
937 continuous manner, granting continuances only when the ends of
938 justice may be served. The board shall, within sixty (60) days



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

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

960 (9) In the event of an appeal, the court shall dispose of
961 the appeal and enter its decision promptly. The hearing on the
962 appeal may, in the discretion of the chancellor, be tried in
963 vacation. If there is an appeal, such appeal may, in the



964 discretion of and on motion to the chancery court, act as a
965 supersedeas. However, any fine imposed by the board under the
966 provisions of this chapter shall not take effect until after the
967 time for appeal has expired, and an appeal of the imposition of
968 such a fine shall act as a supersedeas.

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

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

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

981 (ii) Extremely dangerous to the health and safety
982 of the general public.

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



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

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

996 (11) In addition to the reasons specified in subsection (2)
997 of this section, the board shall be authorized to suspend the
998 license of any licensee for being out of compliance with an order
999 for support, as defined in Section 93-11-153. The procedure for
1000 suspension of a license for being out of compliance with an order
1001 for support, and the procedure for the reissuance or reinstatement
1002 of a license suspended for that purpose, and the payment of any
1003 fees for the reissuance or reinstatement of a license suspended
1004 for that purpose, shall be governed by Section 93-11-157 or
1005 93-11-163, as the case may be. Actions taken by the board in
1006 suspending a license when required by Section 93-11-157 or
1007 93-11-163 are not actions from which an appeal may be taken under
1008 this section. Any appeal of a license suspension that is required
1009 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1010 with the appeal procedure specified in Section 93-11-157 or
1011 93-11-163, as the case may be, rather than the procedure specified
1012 in this section. If there is any conflict between any provision



1013 of Section 93-11-157 or 93-11-163 and any provision of this
1014 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1015 case may be, shall control.

1016 **SECTION 20.** Section 73-7-29, Mississippi Code of 1972, is
1017 amended as follows:

1018 73-7-29. The State Board of Cosmetology and Barbering shall
1019 assess fees in the following amounts and for the following
1020 purposes:

1021 (a) Initial license/renewal for cosmetologist, barber,
1022 manicurist * * * or esthetician * * *\$ 50.00

1023 (b) Instructor initial license/renewal..... 80.00

1024 (c) Master cosmetologist or barber license/renewal.... 70.00

1025 (d) Delinquent renewal penalty - cosmetologist, barber,
1026 manicurist * * * or esthetician * * * and instructor..... 50.00

1027 There shall be no renewal fee for any licensee seventy (70)
1028 years of age or older.

1029 (e) Salon/barber business application and
1030 initial inspection..... 85.00

1031 (f) Salon/barber business reinspection.....35.00

1032 (g) Salon/barber business change of ownership or
1033 location, or both..... 85.00

1034 (h) Salon/barber business renewal..... 60.00

1035 (i) Salon/barber business delinquent renewal
1036 penalty..... 50.00

1037 (j) Application and initial inspection for a



1038	new school.....	300.00
1039	(k) New school reinspection.....	100.00
1040	(l) School change of ownership.....	300.00
1041	(m) School relocation.....	150.00
1042	(n) School renewal.....	75.00
1043	(o) School delinquent renewal penalty.....	100.00
1044	(p) Duplicate license.....	10.00
1045	(q) Penalty for insufficient fund checks.....	20.00
1046	(r) Affidavit processing.....	15.00

1047 The State Board of Cosmetology and Barbering may charge
1048 additional fees for services which the board deems appropriate to
1049 carry out its intent and purpose. These additional fees shall not
1050 exceed the cost of rendering the service.

1051 The board is fully authorized to make refunds of any deposits
1052 received by the board for services which are not rendered.
1053 Refunds will automatically be made on overpayment of fees.
1054 Refunds will be made on underpayments by written requests from
1055 applicants. If no request for refund is made within sixty (60)
1056 days, the fees will be forfeited.

1057 **SECTION 21.** Section 73-7-33, Mississippi Code of 1972, is
1058 amended as follows:

1059 73-7-33. In addition to the rules and regulations that may
1060 be prescribed and promulgated by the board under authority of this
1061 chapter, the following rules and regulations shall be observed:



1062 Every establishment must be kept sanitary, including all
1063 utensils and equipment, must be well ventilated and properly
1064 lighted. Each salon and/or barber business must be provided with
1065 hot and cold running water. Electrical appliances must be
1066 properly installed and grounded.

1067 Cosmetologists shall be allowed to wear any type of clothing
1068 or apparel while at work as long as such clothing or apparel is
1069 sanitary.

1070 Cosmetologists shall be allowed to use any type of hair
1071 roller as long as they do so in a sanitary manner.

1072 Persons with a communicable disease or parasitic infection
1073 that is medically recognized to be a direct threat of transmission
1074 by the type of contact that practitioners have with clients are
1075 not to be permitted to practice in an establishment until their
1076 condition is no longer communicable under those circumstances. No
1077 work shall be performed on any patron having a visible disease
1078 unless the patron shall produce a certificate from a practicing
1079 physician stating that the patron is free from infectious,
1080 contagious or communicable disease. A cosmetologist's license
1081 does not authorize such person to treat or prescribe for an
1082 infectious, contagious or any other disease.

1083 A home salon and/or barbering business must have a solid wall
1084 to the ceiling with an outside entrance, or if a door exists
1085 between the salon and the remainder of the house, the door must be
1086 kept closed at all times while service is being rendered.



1087 **SECTION 22.** Section 73-7-35, Mississippi Code of 1972, is
1088 amended as follows:

1089 73-7-35. (1) No person licensed pursuant to this chapter
1090 shall practice his or her profession except within the physical
1091 confines of a salon and/or barber business possessing and
1092 displaying a properly executed license issued pursuant to Section
1093 73-7-17. However, this requirement shall not prevent a person
1094 from rendering his or her services to any person who may be
1095 confined to his or her home, a hospital, or other place as a
1096 result of illness, and cosmetologists and barbers shall be
1097 permitted to render their services to deceased persons away from
1098 their salons and/or barber business.

1099 (2) No salon and/or barber business owner licensed pursuant
1100 to this chapter shall allow a cosmetologist, barber, esthetician,
1101 or manicurist to practice his/her profession in the salon and/or
1102 barber business without possessing a valid license issued pursuant
1103 to this chapter.

1104 **SECTION 23.** Section 73-7-37, Mississippi Code of 1972, is
1105 amended as follows:

1106 73-7-37. (1) The violation of any of the provisions of this
1107 chapter, including the use of fraudulent statements to obtain any
1108 benefits or privileges under this chapter or practicing one (1) of
1109 these professions without a license, shall constitute a
1110 misdemeanor, punishable in any court of competent jurisdiction at
1111 the seat of government, and any person or firm convicted of the



1112 violation of any of the provisions of this chapter shall be fined
1113 not less than * * * Five Hundred Dollars (\$500.00) nor more than
1114 One Thousand Dollars (\$1,000.00). The court shall not be
1115 authorized to suspend or suspend the execution of the fine
1116 required under this section.

1117 (2) If any person, * * * salon, school or other type of
1118 business entity engaged in the practice or teaching of the
1119 provisions governed by this chapter violates any of the provisions
1120 of this chapter, the secretary of the board, upon direction of a
1121 majority of the board and in the name of the board, acting through
1122 the Attorney General or an attorney employed by the board, shall
1123 apply in the Chancery Court of the * * * county in which the
1124 person or licensee resides or in the county in which the person or
1125 licensee practices, or the county in which the salon, school or
1126 other type of business entity is located, for an order enjoining
1127 such violation or for an order enforcing compliance with the
1128 provisions of this chapter. Upon the filing of a verified
1129 petition in the chancery court and after notice as provided under
1130 the Mississippi Rules of Civil Procedure, such court, if satisfied
1131 by the sworn petition, by affidavit or otherwise, that such person
1132 or entity has violated any of the provisions of this chapter, may
1133 issue an injunction without notice or bond, enjoining such
1134 continued violation and such injunction shall remain in force and
1135 effect until a final hearing. If at such hearing it is
1136 established that such person or entity has violated or is



1137 violating any of the provisions of this chapter, the court may
1138 enter a decree permanently enjoining such violation or enforcing
1139 compliance with this chapter. In addition, the court may enter a
1140 judgment against such person or entity for attorney's fees, court
1141 costs and the actual costs incurred by the board in investigating
1142 the actions of such person or entity for which the board brought
1143 the suit for an injunction. In case of violation of any decree
1144 issued in compliance with this subsection, the court may punish
1145 the offender for contempt of court and the court shall proceed as
1146 in other cases.

1147 (3) The proceedings in this section shall be in addition to
1148 and not in lieu of the other remedies and penalties provided in
1149 this chapter.

1150 **SECTION 24.** Section 73-5-8, Mississippi Code of 1972, is
1151 amended as follows:

1152 73-5-8. Any person is qualified to receive a certificate of
1153 registration as a barber instructor who:

1154 (a) Is * * * twenty-one (21) years of age or older;

1155 (b) Is of good moral and temperate habits;

1156 * * *

1157 (* * *c) Possesses a high school tenth-grade education
1158 or its equivalent;

1159 (* * *d) Has successfully completed not less than
1160 fifteen hundred (1500) hours at a barbering school approved by the



1161 State Board of Barber Examiners and holds a valid certificate of
1162 registration to practice barbering;

1163 (* * *e) Has (i) not less than two (2) years of active
1164 experience as a registered barber and has successfully completed
1165 not less than six hundred (600) hours of barber instructor
1166 training at a school approved by the board, or (ii) less than two
1167 (2) years of active experience as a registered barber and has
1168 successfully completed not less than one thousand (1,000) hours of
1169 barber instructor training at a school approved by the board; and

1170 (* * *f) Has passed a satisfactory examination
1171 conducted by the board to determine his fitness to practice as a
1172 barber instructor.

1173 All instructors licensed pursuant to this section shall
1174 biennially obtain twenty four (24) hours of continuing education
1175 in teacher training instruction in barbering. Such education
1176 shall be acquired in classes or trade show teaching materials that
1177 are approved by the board. Any instructor who fails to obtain the
1178 continuing education required by this subsection shall not be
1179 allowed to instruct nor enroll students under his or her license
1180 until such education requirement have been met. The board may
1181 issue an inactive instructor's license to such instructors, and an
1182 inactive license may be converted into an active license after
1183 proof satisfactory to the board of completion of at least twenty
1184 four (24) hours of approved continuing education required for
1185 teacher training instruction.



1186 All persons who have received a certificate of registration
1187 as a barber instructor from the board before July 1, 2002, shall
1188 be considered to have met the requirements of this section, and
1189 all those certificates of registration shall be renewable as
1190 otherwise provided in this chapter.

1191 The board will implement an active and inactive instructor
1192 license. In order to renew an active license, instructors holding
1193 an active license shall be required to submit proof of twelve (12)
1194 hours of continuing education each year to the Board of Barber
1195 Examiners. That education shall be acquired in classes or trade
1196 shows teaching materials that are approved by the board.
1197 Instructors holding an inactive license shall be required to
1198 submit proof of twelve (12) hours continuing education before
1199 upgrading to an active status.

1200 **SECTION 25.** Section 73-5-11, Mississippi Code of 1972, is
1201 amended as follows:

1202 73-5-11. (1) To be eligible for enrollment at a barbering
1203 school approved by the * * * State Board of Cosmetology and
1204 Barbering, a person shall be at least sixteen (16) years of age,
1205 have a minimum education of tenth grade or its equivalent, * * *
1206 and/or shall have satisfactorily passed the Ability-to-Benefit
1207 Test (ATB) approved by the U.S. Department of Education.

1208 (2) Any person is qualified to receive a certificate of
1209 registration to practice barbering:



1210 (a) Who is qualified under the provisions of this
1211 chapter;

1212 (b) Who is of good moral character and temperate
1213 habits;

1214 (c) Who has completed not less than fifteen hundred
1215 (1500) hours at a barbering school approved by the * * * State
1216 Board of Cosmetology and Barbering or three thousand (3,000) hours
1217 of State Board of Cosmetology and Barbering-approved
1218 apprenticeship training. Apprenticeships shall only be monitored
1219 and mentored by those with an instructor license and there shall
1220 be only one (1) apprentice per mentor; and

1221 (d) Who has passed a satisfactory examination conducted
1222 by the board * * * to determine his fitness to practice barbering.

1223 (3) A temporary permit to practice barbering until the next
1224 examination is given may be issued to a student who has completed
1225 not less than fifteen hundred (1500) hours at a barbering school
1226 approved by the * * * State Board of Cosmetology and Barbering or
1227 three thousand (3,000) hours of State Board of Cosmetology and
1228 Barbering-approved apprenticeship training. In no event shall a
1229 person be allowed to practice barbering on a temporary permit
1230 beyond the date the next examination is given, except because of
1231 personal illness.

1232 (4) The ability to read, write and speak English shall not
1233 be a requirement for licensure as a registered barber.



1234 **SECTION 26.** Section 73-5-12, Mississippi Code of 1972, is
1235 amended as follows:

1236 73-5-12. Any cosmetologist who * * * has successfully
1237 completed not less than fifteen hundred (1500) hours in an
1238 accredited school of cosmetology, and holds a valid, current
1239 license, shall be eligible to take the barber examination to
1240 secure a certificate of registration as a barber upon successfully
1241 completing six hundred (600) hours in a barber school approved by
1242 the Board of Barber Examiners.

1243 All fees for application, examination, registration and
1244 renewal thereof shall be the same as provided for in this chapter.

1245 **SECTION 27.** On or before December 15, 2024, the PEER
1246 Committee shall conduct a review of the operations of the board
1247 and report its findings to the Legislature with recommendation on
1248 whether or not the board has carried out its mandate effectively
1249 and efficiently. PEER shall also make recommendations to the
1250 Legislature on improvements that need to be made to ensure
1251 effective and efficient operations in the future.

1252 **SECTION 28.** The Department of Finance and Administration,
1253 the Department of Information Technology Services, and the State
1254 Personnel Board, shall assist the boards in carrying out the
1255 consolidation required by this act. This section shall become
1256 effective from and after passage, and shall stand repealed on July
1257 1, 2024.



1258 **SECTION 29.** Section 73-5-1, Mississippi Code of 1972, which
1259 creates the State Board of Barber Examiners, is hereby repealed.

1260 **SECTION 30.** Section 73-5-3, Mississippi Code of 1972, which
1261 addresses the staffing and compensation of the State Board of
1262 Barber Examiners, is hereby repealed.

1263 **SECTION 31.** Section 73-5-7, Mississippi Code of 1972, which
1264 allows the State Board of Barber Examiners the authority to create
1265 and enforce rules and regulations, is hereby repealed.

1266 **SECTION 32.** Section 73-5-9, Mississippi Code of 1972, which
1267 addresses the requirement for barbers to be registered with and
1268 licensed by the State Board of Barber Examiners, is hereby
1269 repealed.

1270 **SECTION 33.** Section 73-5-15, Mississippi Code of 1972, which
1271 establishes certain requirements for the administration of barber
1272 examinations, is hereby repealed.

1273 **SECTION 34.** Section 73-5-17, Mississippi Code of 1972, which
1274 establishes certain requirements for the administration of barber
1275 examinations, is hereby repealed.

1276 **SECTION 35.** Section 73-5-21, Mississippi Code of 1972, which
1277 creates the license procedures for persons having practiced
1278 barbering in another state or country or in military service for
1279 the State Board of Barber Examiners, is hereby repealed.

1280 **SECTION 36.** Section 73-5-27, Mississippi Code of 1972, which
1281 creates the hearing procedures for the State Board of Barber
1282 Examiners, is hereby repealed.



1283 **SECTION 37.** Section 73-5-29, Mississippi Code of 1972, which
1284 establishes fees for the State Board of Barber Examiners, is
1285 hereby repealed.

1286 **SECTION 38.** Section 73-5-33, Mississippi Code of 1972, which
1287 creates licensure procedures and fees for barbershops, and the
1288 enforcement of licensure requirements for the State Board of
1289 Barber Examiners, is hereby repealed.

1290 **SECTION 39.** Section 73-5-35, Mississippi Code of 1972, which
1291 creates licensure procedures and fees for barber schools for the
1292 State Board of Barber Examiners, is hereby repealed.

1293 **SECTION 40.** Section 73-5-37, Mississippi Code of 1972, which
1294 sets an annual cycle for barber license renewal for the State
1295 Board of Barber Examiners, is hereby repealed.

1296 **SECTION 41.** Section 73-5-39, Mississippi Code of 1972, which
1297 defines what constitutes the practice of barbering, is hereby
1298 repealed.

1299 **SECTION 42.** Sections 1 through 27 of this act shall take
1300 effect and be in force from and after July 1, 2023, and shall
1301 stand repealed on June 30, 2025. Sections 29 through 41 of this
1302 act shall take effect and be in force from and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

