

By: Representative Newman

To: Business and Commerce;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 311

1 AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37,
 2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF
 3 COSMETOLOGY AND PRESCRIBE ITS POWERS AND DUTIES; TO AMEND
 4 REENACTED SECTIONS 73-7-1, 73-7-2, 73-7-3, 73-7-7, 73-7-9,
 5 73-7-11, 73-7-12, 73-7-13, 73-7-14, 73-7-15, 73-7-16, 73-7-17,
 6 73-7-18, 73-7-19, 73-7-21, 73-7-23, 73-7-25, 73-7-27, 73-7-29,
 7 73-7-31, 73-7-33, 73-7-35, AND 73-7-37, MISSISSIPPI CODE OF 1972,
 8 TO MAKE CERTAIN TECHNICAL CHANGES TO THE STATE BOARD OF
 9 COSMETOLOGY; TO REVISE MEMBERSHIP TERMS AND APPOINTMENT CRITERIA;
 10 TO ESTABLISH ADDITIONAL BOARD RESPONSIBILITIES; TO REVISE THE
 11 LICENSURE FRAMEWORKS FOR THE PROFESSIONS REGULATED BY THE BOARD;
 12 TO PROVIDE FOR CERTAIN APPLICATION FEES; TO SET THE APPLICATION
 13 PROCESS FOR COSMETOLOGY SCHOOLS; TO PROVIDE FOR TEMPORARY LICENSES
 14 AND APPRENTICESHIP PROGRAMS; TO ESTABLISH CERTAIN PENALTIES, FINES
 15 AND APPEALS FOR VIOLATIONS OF THE ACT; TO AMEND SECTION 73-7-63,
 16 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON
 17 THE STATE BOARD OF COSMETOLOGY; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 73-7-1, Mississippi Code of 1972, is
 20 reenacted and amended as follows:

21 73-7-1. There is * * * created and reconstituted * * * the
 22 State Board of Cosmetology, composed of five (5) members to be
 23 appointed by the Governor, with the advice and consent of the
 24 Senate * * *. No more than two (2) members shall be appointed
 25 from each Supreme Court District as they exist on July 1, 2024.



26 The initial term of office for the two (2) members appointed from
27 the First Supreme Court District shall be two (2) years and
28 thereafter shall be six (6) years from the expiration date of the
29 previous term; the initial term of office for the two (2) members
30 appointed from the Second Supreme Court District shall be three
31 (3) years and thereafter shall be six (6) years from the
32 expiration date of the previous term; and the initial term of
33 office for the two (2) members appointed from the Third Supreme
34 Court District shall be four (4) years and thereafter shall be six
35 (6) years from the expiration date of the previous term. No
36 member may serve more than three (3) consecutive terms. The
37 initial appointments must be made before September 1, 2024.

38 There shall be a president of the board and such other
39 officers as deemed necessary by the board elected by and from its
40 membership, provided that the member elected as president shall
41 have at least one (1) year of experience on the board. Any member
42 appointed by the Governor and confirmed by the Senate for a term
43 to begin on or after * * * September 1, 2024, who was designated
44 by the Governor to serve as president of the board, shall be fully
45 qualified to serve on the board for a full term of office, but
46 shall not serve as president of the board unless elected by the
47 membership of the board as provided under this paragraph.

48 To be eligible for appointment as a member of the State Board
49 of Cosmetology, the person applying shall have been a citizen of
50 this state for a minimum of five (5) years immediately prior to



51 appointment. Such person shall be at least thirty (30) years of
52 age, possess a high school education or its equivalent, and shall
53 have been * * * licensed * * * by the board with not less than ten
54 (10) years' active practice in * * * any profession regulated by
55 the board. No member of the board shall be connected in any way
56 with any school * * * in which any of the professions regulated by
57 the board are taught * * *.

58 * * * In the event of vacancy by death or resignation of any
59 member of the board, the Governor shall, within thirty (30) days,
60 appoint a person possessing all qualifications required to serve
61 the remainder of the term. Any member who * * * has not * * *
62 attended two (2) consecutive meetings of the board for reasons
63 other than illness of such member shall be subject to removal by
64 the Governor. The president of the board shall notify the
65 Governor in writing when any such member has failed to attend two
66 (2) consecutive regular meetings.

67 The salaries of all paid employees of the board shall be paid
68 out of funds in the board's special fund in the State Treasury.
69 Each member of the board, excepting the inspectors provided for
70 herein, shall receive per diem as authorized by Section 25-3-69,
71 and shall be reimbursed for such other expenses at the same rate
72 and under the same conditions as other state employees as provided
73 for in Section 25-3-41.

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



76 In addition to any powers conferred upon the board in other
77 provisions of law, the board shall appoint an individual to serve
78 as the executive director of the board. The executive director
79 shall possess the qualifications established by the board, which
80 shall be based on national best practices. The executive director
81 shall be considered a full-time position. The executive director
82 shall serve at the will and pleasure of the board and shall devote
83 his or her time to the proper administration of the board and the
84 duties assigned to him or her by the board. The executive
85 director shall be paid a salary established by the board, subject
86 to the approval of the State Personnel Board. Subject to the
87 availability of funding, the executive director may employ such
88 administrative staff as may be necessary to assist the executive
89 director and the board in carrying out the duties and directives
90 of the board.

91 **SECTION 2.** Section 73-7-2, Mississippi Code of 1972, is
92 reenacted and amended as follows:

93 73-7-2. As used in this chapter, the following terms shall
94 have the meanings * * * as defined in this section unless the
95 context otherwise requires:

96 (a) "Board" means the State Board of Cosmetology.

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



101 (i) Cutting, clipping or trimming hair and hair
102 pieces.

103 (ii) Styling, arranging, dressing, curling,
104 waving, permanent waving, straightening, cleansing, bleaching,
105 tinting, coloring or similarly treating hair and hair pieces.

106 (iii) Cleansing, stimulating, manipulating,
107 beautifying or applying oils, antiseptics, clays, lotions or other
108 preparations, either by hand or by mechanical or electrical
109 apparatus.

110 (iv) Arching eyebrows, to include tweezing,
111 waxing, threading or any other methods of epilation, or tinting
112 eyebrows and eyelashes.

113 (v) Removing superfluous hair by the use of
114 depilation.

115 (vi) Manicuring and pedicuring.

116 For regulation purposes, the term "cosmetology" does not
117 include persons whose practice is limited to only performing
118 makeup artistry, threading or applying or removing eyelash
119 extensions; however, a person may perform a combination of not
120 more than three (3) such practices and still be exempt from this
121 chapter.

122 (c) "Cosmetologist" means a person who for
123 compensation, whether direct or indirect, engages in the practice
124 of cosmetology.



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

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

128 (ii) Arching eyebrows to include trimming,
129 tweezing, waxing, threading or any other method of
130 epilation * * *.

131 (iii) Tinting eyelashes or eyebrows.

132 (iv) Waxing, stimulating, cleaning or beautifying
133 the face, neck, arms or legs of a person by any method with the
134 aid of the hands or any mechanical or electrical apparatus, or by
135 the use of a cosmetic preparation.

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

143 (e) "Esthetician" means any person who, for
144 compensation, either direct or indirect, engages in the practice
145 of esthetics.

146 (f) "Instructor" means a person licensed to teach
147 cosmetology, * * * nail technology, or esthetics, or all of those,
148 pursuant to this chapter, and shall include those persons engaged
149 in the instruction of student instructors.



150 (g) " * * * Nail technology" means any one (1) or a
151 combination of the following practices:

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

154 (ii) Applying artificial nails.

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

157 (h) " * * * Nail technician" means a person who for
158 compensation, either direct or indirect, engages in the practice
159 of * * * nail technology.

160 (i) "Master" means a person holding a
161 cosmetology, * * * nail technology, and/or esthetics license who
162 has completed the minimum course of continuing education
163 prescribed by Section 73-7-14.

164 (j) "Salon" means an establishment operated for the
165 purpose of engaging in the practice of cosmetology, * * * nail
166 technology, or esthetics, * * * or all of those.

167 (k) "School" means an establishment, public or private,
168 operated for the purpose of teaching cosmetology, * * * nail
169 technology, or esthetics, * * * or all of those.

170 **SECTION 3.** Section 73-7-3, Mississippi Code of 1972, is
171 amended as follows:

172 73-7-3. (1) The board shall be authorized to employ such
173 clerical * * * assistance, bookkeepers, investigators and other
174 agents as they may deem necessary to carry out the provisions of



175 this chapter, and to fix their tenure of employment and
176 compensation therefor. The members of the board as well as all
177 employees of the board, except for investigators, shall file a
178 bond with the Secretary of State in the sum of not less than * * *
179 Twenty-Five Thousand Dollars (\$25,000.00) payable to the State of
180 Mississippi for the faithful performance of their duties. The
181 bond shall be made by a surety company authorized to do business
182 in this state, the premium of the bond to be paid out of any money
183 in the board's special fund in the State Treasury.

184 (2) The office of the board shall be located in the greater
185 metropolitan area of the City of Jackson, Mississippi, and * * *
186 if office space cannot be obtained in any state-owned building,
187 the board is authorized to rent suitable office space and to pay
188 therefor out of funds in the board's special fund. The board
189 shall employ inspectors as needed, not to exceed * * * twelve
190 (12), who shall be full-time employees and whose salaries and
191 duties shall be fixed by the board.

192 (3) The salaries of all paid employees of the board shall be
193 paid out of the funds in the board's special fund in the State
194 Treasury. The inspectors shall, in addition to their salaries, be
195 reimbursed for such expenses as are allowed other state employees
196 under the provisions of Section 25-3-41. In addition to the
197 paying of office rent, the board is authorized to purchase
198 necessary office furniture and equipment, stationery, books,



199 certificates and any other equipment necessary for the proper
200 administration of this chapter.

201 (4) When, in the opinion of the board, it is essential that
202 an employee of the board work after normal working hours, the
203 employee may receive credit for compensatory leave.

204 (a) The board shall use the standards established by
205 the State Personnel Board in determining whether or not the
206 board's executive director may receive compensatory leave.

207 (b) Employees of the board may be granted
208 administrative leave with pay which means discretionary leave with
209 pay, other than personal leave or major medical leave.

210 (i) The board may grant administrative leave to
211 any employee of the board serving as a witness or juror or party
212 litigant, as verified by the clerk of the court, in addition to
213 any fees paid for such services, and such services or necessary
214 appearance in any court shall not be counted as personal leave.

215 (ii) The board may grant administrative leave with
216 pay to employees of the board in the event of extreme weather
217 conditions or in the event of a man-made, technological, or
218 natural disaster or emergency. Any employee on a previously
219 approved leave during the affected period shall be eligible for
220 such administrative leave granted by the board and shall not be
221 charged for his or her previously approved leave during the
222 affected period.



223 (iii) The board may grant administrative leave
224 with pay to any employee of the board who is a certified disaster
225 service volunteer of the American Red Cross who participates in
226 specialized disaster relief services for the American Red Cross in
227 this state and in states contiguous to this state when the
228 American Red Cross requests the employee's participation.
229 Administrative leave granted under this subparagraph shall not
230 exceed twenty (20) days in any twelve-month period. Employees on
231 leave under this subparagraph shall not be deemed to be an
232 employee of the state for purposes of workers' compensation or for
233 purposes of claims against the state allowed under Title 11,
234 Chapter 46, Mississippi Code of 1972. As used in this
235 subparagraph, the term "disaster" includes disasters designated at
236 Level II and above in American Red Cross' national regulations and
237 procedures.

238 **SECTION 4.** Section 73-7-5, Mississippi Code of 1972, is
239 reenacted as follows:

240 73-7-5. (1) All fees and any other monies received by the
241 board shall be deposited in a special fund that is created in the
242 State Treasury and shall be used for the implementation and
243 administration of this chapter when appropriated by the
244 Legislature for such purpose. The monies in the special fund
245 shall be subject to all provisions of the state budget laws that
246 are applicable to special fund agencies, and shall be disbursed by
247 the State Treasurer only upon warrants issued by the State Fiscal



248 Officer upon requisitions signed by the president of the board or
249 another board member designated by the president, and
250 countersigned by the secretary of the board. Any interest earned
251 on this special fund shall be credited by the State Treasurer to
252 the fund and shall not be paid into the State General Fund. Any
253 unexpended monies remaining in the special fund at the end of a
254 fiscal year shall not lapse into the State General Fund.

255 (2) The State Auditor shall audit the financial affairs of
256 the board and the transactions involving the special fund at least
257 once a year in the same manner as for other special fund agencies.
258 In addition, the Governor, in his discretion, shall have the power
259 from time to time to require an audit of the financial affairs of
260 the board, the same to be made by the State Auditor upon request
261 of the Governor. The Governor shall have the power to suspend any
262 member of the board who shall be found in default in any account
263 until such time as it shall be determined whether such default was
264 a result of an act of dishonesty on the part of the member, and in
265 the event it is found that such default is an act of dishonesty,
266 misfeasance or nonfeasance on the part of the member, such member
267 shall be immediately removed by the Governor from office.

268 **SECTION 5.** Section 73-7-7, Mississippi Code of 1972, is
269 reenacted and amended as follows:

270 73-7-7. (1) The board shall have authority to make
271 reasonable rules and regulations for the administration of the
272 provisions of this chapter. The board shall set up a curriculum



273 for operation of schools of * * * all of the professions that it
274 is charged to regulate in this state. The board shall receive and
275 consider for adoption recommendations for rules and regulations,
276 school curriculum, and related matters from the Mississippi
277 Cosmetology Council, whose membership shall consist of, in
278 addition to the five (5) board members, five (5) elected delegates
279 from the Mississippi Cosmetology Association, five (5) elected
280 delegates from the Mississippi Cosmetology School Association,
281 five (5) elected delegates from the Mississippi Independent
282 Beauticians Association, and five (5) elected delegates from the
283 Cosmetology School Owners and Teachers Association. The board may
284 revoke the license of * * * or may refuse to issue a license to
285 any cosmetologist, esthetician, * * * nail technician, instructor,
286 school of * * * any profession regulated by the board, or salon
287 that fails or refuses to comply with the provisions of this
288 chapter and the rules and regulations of the board in carrying out
289 the provisions of this chapter.

290 (2) The board shall have authority to prescribe reasonable
291 rules and regulations governing sanitation of schools of * * * all
292 professions regulated by the board and salons for the guidance of
293 persons licensed under this chapter in the operation of schools
294 of * * * all professions regulated by the board, and in the
295 practice of cosmetology, esthetics, * * * and nail technology.
296 However, any and all rules and regulations relating to sanitation
297 shall, before adoption by the board, have the written approval of



298 the State Board of Health. When the board has reason to believe
299 that any of the provisions of this chapter or of the rules and
300 regulations of the board have been violated, either upon receipt
301 of a written complaint alleging such violations or upon the
302 board's own initiative, the board, or any of its authorized
303 agents, shall investigate same and shall have authority to enter
304 upon the premises of a school of * * * any profession regulated by
305 the board or salon at any time during the regular business hours
306 of that school or salon to conduct the investigation. Such
307 investigation may include, but not be limited to, conducting oral
308 interviews with the complaining party, school or salon owner(s)
309 and/or students of the school, and reviewing records of the school
310 or salon pertinent to the complaint and related to an area subject
311 to the authority of the board. Such investigation shall not
312 include written interviews or surveys of school employees or
313 students, and the privacy of patrons shall be respected by any
314 person making such investigation.

315 (3) * * * The board shall adopt regulations to ensure that
316 all fingernail service products used by * * * licensees regulated
317 by the board do not contain methyl methacrylate (MMA) as a monomer
318 agent for cosmetic nail applications.

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



323 **SECTION 6.** Section 73-7-9, Mississippi Code of 1972, is
324 reenacted and amended as follows:

325 73-7-9. No person required by this chapter to have a license
326 shall conduct a * * * school of * * * any profession regulated by
327 the board or salon or practice cosmetology, esthetics, * * * nail
328 technology, or practice as an instructor, unless such person has
329 received a license or temporary permit therefor from the
330 board. * * * Anyone determined to have violated any of these
331 rules or regulations prior to being licensed by the board shall be
332 subject to the same discipline by the board as licensees. They
333 may be disciplined and fined accordingly.

334 **SECTION 7.** Section 73-7-11, Mississippi Code of 1972, is
335 reenacted and amended as follows:

336 73-7-11. Each owner of a license issued by the board under
337 the provisions of this chapter shall display the license in a
338 conspicuous place in his or her principal office, place of
339 business or employment, at all times.

340 Each practitioner and instructor license shall contain
341 a * * * recent passport-style photograph of the license holder,
342 the person's name, and the type of license held by the person.
343 The requirements of this section shall apply at the time of
344 issuance of a new license or at the time of renewal of an existing
345 license.

346 **SECTION 8.** Section 73-7-12, Mississippi Code of 1972, is
347 reenacted and amended as follows:



348 73-7-12. * * * The * * * board * * * shall * * * conduct
349 examinations for cosmetologists, estheticians, * * * nail
350 technicians and instructors at such times and locations as
351 determined by the board. The members of the board shall not
352 personally administer or monitor the examinations, but the board
353 shall contract for administrators of the examinations. A member
354 of the board shall not receive any per diem compensation for any
355 day that the member is present at the * * * location(s) where the
356 examinations are being administered.

357 **SECTION 9.** Section 73-7-13, Mississippi Code of 1972, is
358 reenacted and amended as follows:

359 73-7-13. (1) The board shall admit to examination for a
360 cosmetology license any person who is at least sixteen (16) years
361 old and who has made application to the board in proper form, has
362 paid the required fee, and who * * * has successfully completed no
363 less than fifteen hundred (1500) hours over a period of no less
364 than nine (9) months in a licensed school of cosmetology or no
365 less than three thousand (3,000) hours in an apprenticeship
366 program certified by the board, and * * * has a high school
367 education or its equivalent or has been successfully enrolled in a
368 community college. Apprenticeships provided for in this
369 subsection shall be monitored or mentored by a licensed
370 cosmetology instructor only. Only one (1) apprentice may be
371 mentored by any person at the same time.



372 (* * *2) The board may, in its discretion, issue to any
373 student who has completed the prescribed hours in a licensed
374 school or approved apprenticeship program and paid the required
375 fee a temporary permit until such time as the next examination may
376 be held, but not exceeding six (6) months. Such student shall be
377 issued only one (1) temporary permit. Application for an
378 examination and license shall be accompanied by two (2) recent
379 passport-style photographs of the applicant. No temporary permit
380 will be issued to an applicant from any other state to operate a
381 beauty salon or school of * * * any profession regulated by the
382 board in this state unless in case of emergency.

383 (* * *3) Applicants for the cosmetologist * * * license,
384 after having satisfactorily passed the prescribed examination,
385 shall be issued a cosmetology license which * * * shall be valid
386 for * * * two (2) years, and * * * the license shall be subject to
387 renewal. No license issued by the board may be renewed until all
388 monetary fines and penalties assessed by the board to the licensee
389 are paid in full.

390 (c) Any barber who * * * has successfully completed no
391 less than fifteen hundred (1500) hours in a licensed barber
392 school, and who holds a current valid certificate of * * *
393 licensure to practice barbering * * * is eligible to take the
394 cosmetology examination to secure a cosmetology license upon
395 successfully completing * * * six hundred (600) hours in a
396 licensed school of cosmetology. All fees for application,



397 examination, * * * licensure, and renewal thereof shall be the
398 same as provided for cosmetologists.

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

402 (* * * 5) Any licensed cosmetologist, esthetician, or * * *
403 nail technician who is registered but not actively practicing in
404 the State of Mississippi at the time of making application for
405 renewal of an active license, may apply for registration * * * as
406 "inactive" * * * status. Such "inactive" list shall be maintained
407 by the board and shall set out the names and post office addresses
408 of all persons registered but not actively practicing in this
409 state, arranged alphabetically by name and also by the
410 municipalities and states of their last-known professional or
411 residential address. Only the cosmetologists, estheticians
412 and * * * nail technicians registered on the appropriate list as
413 actively practicing in the State of Mississippi shall be
414 authorized to practice those professions. * * * No cosmetologist,
415 nail technician, or esthetician * * * shall be registered on the
416 "inactive" list until the person has furnished a statement of
417 intent to take such action to the board. Any licensed
418 cosmetologist, nail technician, or esthetician * * * registered
419 on * * * "inactive" * * * status shall not be eligible for * * *
420 licensure to active * * * status until either of the following
421 conditions have been satisfied:



422 (a) Written application shall be submitted to the * * *
423 board * * * stating the reasons for such inactivity and setting
424 forth such other information as the board may require on an
425 individual basis and completion of the number of clock hours of
426 continuing education as approved by the board; or

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

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

434 **SECTION 10.** Section 73-7-14, Mississippi Code of 1972, is
435 reenacted and amended as follows:

436 73-7-14. (1) Any person who holds a current, valid
437 cosmetology, * * * nail technology, or esthetics license may be
438 licensed as a master cosmetologist, * * * nail technician or
439 esthetician if he or she has been a licensed cosmetologist, * * *
440 nail technician or esthetician in this state for a period of not
441 less than twelve (12) months, and has completed a minimum course
442 of sixteen (16) * * * hours of continuing education approved by
443 the board within the licensing period preceding initial
444 application for the license, and has paid the original license
445 fee. Master cosmetologist, * * * nail technician or esthetician
446 licenses shall be renewable upon completion of a minimum course of



447 eight (8) * * * hours of continuing education approved by the
448 board within a licensing period and payment of the required
449 renewal fee. This is an optional license and * * * pertains only
450 to individuals wishing to complete the continuing education
451 requirement * * *.

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

455 (3) No license issued by the board may be renewed until all
456 monetary fines and penalties assessed by the board to the licensee
457 are paid in full.

458 **SECTION 11.** Section 73-7-15, Mississippi Code of 1972, is
459 reenacted and amended as follows:

460 73-7-15. (1) The board shall admit to examination for a
461 cosmetology instructor's license any person who has made
462 application to the board in proper form, has paid the required
463 fee, and who:

464 (a) * * * Is a graduate of a licensed cosmetology
465 school;

466 (* * * b) Has a high school education or its
467 equivalent;

468 (* * * c) Has successfully completed one thousand
469 (1,000) hours of instructor training in a licensed school of
470 cosmetology;



471 (* * *d) Has successfully completed six (6) semester
472 hours in college courses approved by the board; and

473 (* * *e) Holds a current, valid Mississippi
474 cosmetology license * * *.

475 * * *

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

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

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

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

487 (* * *d) Holds a current, valid Mississippi
488 esthetician's license * * *.

489 * * *

490 (3) The board shall admit to examination for a * * * nail
491 technician instructor's license any person who has made
492 application to the board in proper form, has paid the required
493 fee, and who:

494 (a) * * * Has a high school education or its
495 equivalent;



496 (* * *b) Has successfully completed one thousand
497 (1,000) hours of instructor training in a licensed school or
498 apprenticeship program in which the practice of * * * nail
499 technology is taught;

500 (* * *c) Has successfully completed six (6) semester
501 hours in college courses approved by the board; and

502 (* * *d) Holds a current, valid Mississippi * * * nail
503 technician license * * *.

504 * * *

505 (4) Applicants shall satisfactorily pass the examination
506 prescribed by the board for licensing instructors prior to the
507 issuance of the licenses provided for in this section. However,
508 the board may, in its discretion, issue a temporary instructor's
509 permit until such time as the next examination may be held, the
510 period of which shall not exceed ninety (90) days. * * * Such
511 applicant shall be issued only one (1) temporary permit. All
512 applications for an instructor's examination shall be accompanied
513 by two (2) recent * * * passport-style photographs of the
514 applicant.

515 (5) Renewal Requirements:

516 (a) All cosmetology, nail technology, and/or esthetics
517 instructors licensed pursuant to this section shall biennially
518 obtain twenty-four (24) clock hours of continuing education in
519 teacher training instruction in cosmetology or esthetics or * * *
520 nail technology, as the case may be, as approved by the board.



521 Any instructor who fails to obtain the continuing education
522 required by this subsection shall * * * neither be allowed to
523 instruct nor to enroll students under his or her license until
524 such continuing education requirement has been met. The board may
525 issue an inactive * * * instructor license to such instructors,
526 and an inactive license may be converted into an active license
527 only after proof, satisfactory to the board, of completion of at
528 least twenty-four (24) clock hours of approved continuing
529 education required for teacher training instruction is submitted.

530 (b) No license issued by the board may be renewed until
531 all monetary fines and penalties assessed by the board to the
532 licensee are paid in full.

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 reenacted and amended as follows:

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

544 (2) Any school making application for a license under this
545 chapter shall not be transferable for any cause and shall include



546 a surety bond in the penal sum of Fifty Thousand Dollars
547 (\$50,000.00) in favor of the board 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 businesses 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 (a) well-defined instructional objectives, (b) systematic
568 planning, (c) selection and use of varied types of learning
569 materials and experiences, (d) adaptation of organization and
570 instructional procedures to student needs, (e) use of varied



571 evaluation instruments and procedures, and (f) good student and
572 teacher morale.

573 (8) Each board approved school of cosmetology, esthetics, or
574 nail technology must provide proof to the board of an annual pass
575 rate that meets or exceeds the current minimum standard as
576 established by the board.

577 (9) The board shall evaluate school curriculum for
578 conformance with educational requirements set forth in this
579 chapter.

580 (10) There shall be no automatic renewal of school licenses
581 and each licensee shall be audited for conformity before the
582 issuance of any a new license. Before the issuance of any such
583 license, the board shall inspect the premises to determine if same
584 confirms to the law.

585 (* * * 11) Each application * * * made under this section
586 shall include the social security * * * number of the applicant,
587 owners, or agents in accordance with Section 93-11-64.

588 * * *

589 (12) If a school closes a facility, the licensee must notify
590 the board within sixty (60) days before closing and provide proof
591 of the reason for the closure; proof of methods developed to
592 assist students with the completion of their program of study and
593 individual courses; proof of notice sent to all currently enrolled
594 students, notifying them of the closure; proof of notice given to
595 students indicating where they may obtain any of their records;



596 proof of disposition of student records, with a contact person,
597 complete address, and telephone number and how students'
598 information may be obtained; proof of notice sent to all students
599 who have paid for any tuition and/or fees for future enrollment in
600 a program of study or individual course informing them of the
601 closure, and refund information; proof of certified transcripts
602 for each currently enrolled student who has paid for and completed
603 coursework in lieu of receiving a full or partial refund. If a
604 school files a bankruptcy petition, a certified copy must be filed
605 with the board.

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

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

614 (b) Probationary licenses indicate warning status and
615 may be issued for a one-year period. These licenses may be issued
616 to new schools with less than two (2) graduating classes and with
617 any significant violation(s) in the most recent year. Annual
618 reports shall be required and shall be due by July 16 of each year
619 unless otherwise specified. Prospective students prior to



620 enrolling and enrolled students shall be notified in writing of
621 the school's probationary status.

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

631 (i) Any significant violation(s) in the most
632 recent year.

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

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

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



643 (ii) Either the school's annual pass rate or the
644 school's comprehensive pass rate meets or exceeds the board's
645 current minimum standard.

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

650 (15) No license issued by the board may be renewed until all
651 monetary fines and penalties assessed by the board to the licensee
652 are paid in full.

653 (16) School owners, instructors, and/or employees or
654 contractors of the school shall adhere to the board's statutes and
655 rules and regulations and shall regard students with the same care
656 and consideration as clients.

657 **SECTION 13.** Section 73-7-17, Mississippi Code of 1972, is
658 reenacted and amended as follows:

659 73-7-17. (1) All salon owners shall have a salon license
660 and shall pay to the board the required license fee therefor and
661 pay the required renewal fee for renewal thereof. A grace period
662 of sixty (60) days will be given in which to renew the license,
663 and upon the expiration of the grace period of sixty (60) days any
664 applicant for the renewal of a salon license will be required to
665 pay a delinquent fee in addition to the renewal fee. A salon
666 license that has been expired for over one (1) year is
667 nonrenewable and requires a new application. Prior to the initial



668 issuance of such license, the board shall inspect the premises to
669 determine if same qualifies with the law, upon payment by the
670 applicant of the required inspection fee.

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

674 (3) No license issued by the board may be renewed until all
675 monetary fines and penalties assessed by the board to the licensee
676 are paid in full.

677 **SECTION 14.** Section 73-7-18, Mississippi Code of 1972, is
678 reenacted and amended as follows:

679 73-7-18. (1) The board shall admit to examination for an
680 esthetician's license any person who is at least sixteen (16)
681 years old and who has made application to the board in proper
682 form, has paid the required fee, and who:

683 * * *

684 (* * *a) Has a high school education or its equivalent
685 or has been successfully enrolled in a community college; and

686 (* * *b) Has successfully completed a course of
687 training in esthetics of not less than six hundred (600)
688 hours * * *, comprised of not less than one hundred (100) hours of
689 theory and five hundred (500) hours of skill practice, in a
690 licensed school in which the practice of esthetics is taught or of
691 no less than twelve hundred (1200) hours in an apprenticeship
692 program certified by the board.



693 * * *

694 Apprenticeships provided for in this section shall be
695 monitored or mentored by a person with an instructor license in
696 cosmetology or esthetics. Only one (1) apprentice may be mentored
697 by any person at the same time.

698 (2) The board may, in its discretion, issue to any student
699 who has completed the prescribed hours in a licensed school or
700 approved apprenticeship program and paid the required fee a
701 temporary permit until such time as the next examination may be
702 held but not exceeding six (6) months. Such student shall be
703 issued only one (1) temporary permit. Application for an
704 examination and license shall be accompanied by two (2) recent
705 passport-style photographs of the applicant. No temporary permit
706 may be issued to an applicant from any other state to operate a
707 beauty salon or school of any profession regulated by the board in
708 this state unless in case of emergency.

709 (3) Licensed estheticians desiring to pursue additional
710 hours to be eligible for a license as a cosmetologist may be
711 credited with any hours acquired in studying and training to be an
712 esthetician, which may be applied to the number of hours required
713 for a cosmetology license examination.

714 (* * *4) Every person who has completed not less than three
715 hundred fifty (350) hours of training in esthetics approved by the
716 board in this or any other state prior to July 1, 1987, shall
717 be * * * granted an esthetician's license by the board if such



718 person presents satisfactory evidence to the board that he or she
719 has fulfilled all the requirements to be admitted to examination
720 except the training hours requirement.

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

724 **SECTION 15.** Section 73-7-19, Mississippi Code of 1972, is
725 reenacted and amended as follows:

726 73-7-19. (1) Except as provided in Section 33-1-39, all
727 licenses shall be renewed biennially under the fee schedule in
728 Section 73-7-29. Applications for renewal of licenses for
729 cosmetologists, estheticians, * * * nail technicians, and
730 instructors must be accompanied by the required renewal fee. A
731 grace period of sixty (60) days will be given in which to renew
732 the license * * *. * * * Upon the expiration of the grace period
733 of sixty (60) days, any applicant for the renewal of a license
734 will be required to pay the required renewal fee and a delinquent
735 fee in addition to the renewal fee. The fees may be paid * * *
736 according to the manner prescribed by the board in rules and
737 regulations * * *. Checks returned to the board because of
738 insufficient funds shall result in nonrenewal of the license,
739 which will require the penalty fee for insufficient fund checks
740 plus all other amounts due for renewal of the license before the
741 license may be renewed. After one (1) year has passed from the
742 expiration date of the license, a delinquent fee must be paid for



743 each year up to three (3) years, after which the required
744 examination must be taken before a license can be renewed. All
745 applications for examination required by this chapter shall expire
746 ninety (90) days from the date thereof.

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

750 (3) No license issued by the board may be renewed until all
751 monetary fines and penalties assessed by the board to the licensee
752 are paid in full.

753 **SECTION 16.** Section 73-7-21, Mississippi Code of 1972, is
754 reenacted and amended as follows:

755 73-7-21. (1) The board shall admit to examination for
756 a * * * nail technician's license any person who is at least
757 sixteen (16) years old and who has made application to the board
758 in proper form, who has paid the required fee, and who:

759 (a) * * * Has a high school education or its equivalent
760 or has been successfully enrolled in a community college; and

761 (* * * b) Has successfully completed no less than three
762 hundred fifty (350) hours of practice and related theory in * * *
763 nail technology over a period of no less than nine (9) weeks
764 in * * * a licensed school * * * in which the practice of nail
765 technology is taught in this or any other state * * * or no less
766 than seven hundred (700) hours in an apprenticeship program
767 certified by the board. Apprenticeships provided for in this



768 section shall be monitored or mentored by a person with an
769 instructor license in cosmetology or nail technology. Only one
770 (1) apprentice may be mentored by any person at the same time.

771 * * *

772 (2) The board may, in its discretion, issue to any student
773 who has completed the prescribed hours in a licensed school or
774 approved apprenticeship program and paid the required fee a
775 temporary permit until such time as the next examination may be
776 held but not exceeding six (6) months. Such student shall be
777 issued only one (1) temporary permit. Application for an
778 examination and license shall be accompanied by two (2) recent
779 passport-style photographs of the applicant. No temporary permit
780 will be issued to an applicant from any other state to operate a
781 beauty salon or school of any profession regulated by this board
782 in the state unless in case of emergency.

783 (* * *3) Licensed * * * nail technicians desiring to pursue
784 additional hours to be eligible for a license as a cosmetologist
785 may be credited with * * * any hours acquired in studying and
786 training to be a * * * nail technician which may be applied to the
787 number of hours required for a cosmetology license examination.

788 (* * *4) The board shall adopt regulations governing the
789 use of electric nail files for the purpose of filing false or
790 natural nails.



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

794 (6) No license issued by the board may be renewed until all
795 monetary fines and penalties assessed by the board to the licensee
796 are paid in full.

797 **SECTION 17.** Section 73-7-23, Mississippi Code of 1972, is
798 reenacted and amended as follows:

799 73-7-23. (1) The board may, upon application, issue a
800 license by reciprocity to any cosmetologist, nail technician, or
801 esthetician * * * who demonstrates proof that the applicant holds
802 a valid, current license in another state with similar educational
803 requirements to those required by the chapter, and that all other
804 licensure requirements, including the passage of an examination,
805 under this chapter are met. * * * Applicants must also (a)
806 successfully pass an examination and (b) pay the required
807 reciprocity fee, which shall be paid to the board. Such
808 application must be accompanied by two (2) recent passport-style
809 photographs of the applicant.

810 (2) An instructor from any other state may be qualified for
811 a Mississippi instructor's license upon presenting a valid
812 instructor's license from the other state and * * * (a) has
813 completed training and education equivalent to the State of
814 Mississippi's education and training as provided in Section
815 73-7-15 or has three (3) years or more of experience as a licensed



816 instructor prior to application, * * * (b) has completed * * * six
817 (6) semester hours in college courses approved by the board, and
818 (* * * c) has completed a minimum of five (5) continuing education
819 hours in Mississippi * * * State Board of Cosmetology laws, rules
820 and regulations. Such application must be accompanied by two (2)
821 recent passport photographs of the applicant. Applicants shall
822 pay the required license fee.

823 (3) An applicant for a Mississippi instructor's license by
824 reciprocity who has not completed the college courses requirement
825 at the time of application may apply for a onetime temporary
826 teaching permit, which shall be valid for six (6) months and shall
827 be nonrenewable. Such application must be accompanied by proof of
828 enrollment in college course(s), required permit fee, two (2)
829 recent passport photographs of the applicant and other
830 documentation as required for application for a Mississippi
831 instructor's license by reciprocity. Upon proof of completion of
832 college courses and payment of the required license fee, a
833 Mississippi instructor's license shall be issued.

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

838 **SECTION 18.** Section 73-7-25, Mississippi Code of 1972, is
839 reenacted and amended as follows:



840 73-7-25. Every demonstrator in the field of cosmetology,
841 esthetics, or nail technology shall, before making demonstrations
842 in a salon or school, apply for and obtain a permit from the
843 board. For such permit, which shall be for one (1) year, the
844 required fee shall be paid to the board. This section shall be
845 construed to apply to demonstrators in salons and schools.

846 **SECTION 19.** Section 73-7-27, Mississippi Code of 1972, is
847 reenacted and amended as follows:

848 73-7-27. (1) Any complaint may be filed with the board by a
849 member or agent of the board or by any person charging any
850 licensee of the board with the commission of any of the offenses
851 enumerated in subsection (2) of this section. Such complaint
852 shall be in writing, signed by the accuser or accusers, and
853 verified under oath, and such complaints shall be investigated as
854 set forth in Section 73-7-7. * * * After the investigation, the
855 board may dismiss the complaint if the board, through its
856 administrative review agents determines that there is not
857 substantial justification to believe that the accused licensee has
858 committed any of the offenses enumerated, * * * or the * * * board
859 may prepare a formal complaint proceeding against the licensee as
860 hereinafter provided. When used with reference to any complaint
861 filed against a licensee herein, the term "not substantial
862 justification" means a complaint that is frivolous, groundless in
863 fact or law, or vexatious, as determined by unanimous vote of the
864 board. In the event of a dismissal, the person filing the



865 accusation and the accused licensee shall be given written notice
866 of the board's determination. If the board determines there is
867 reasonable cause to believe the accused has committed any of those
868 offenses, the secretary of the board or the executive director
869 shall give written notice of such determination to the accused
870 licensee and set a day for a hearing as provided in subsection (3)
871 of this section.

872 (2) The board shall have the power to revoke, suspend or
873 refuse to issue or renew any license or certificate provided for
874 in this chapter, and to fine, place on probation and/or otherwise
875 discipline an applicant, * * * licensee or holder of a
876 certificate, upon proof that such person: (a) has not complied
877 with or has violated any of the rules and regulations promulgated
878 by the board; (b) has not complied with * * * an order, decision,
879 or ruling of the board; (c) has committed fraud or dishonest
880 conduct in the taking of the examination herein provided for; (d)
881 has been convicted of a felony; (e) has committed grossly
882 unprofessional or dishonest conduct; (f) is addicted to the
883 excessive use of intoxicating liquors or to the use of drugs to
884 such an extent as to render him or her unfit to practice in any of
885 the practices or occupations set forth in this chapter; (g) has
886 advertised by means of knowingly false or deceptive
887 statements; * * * (h) has failed to display the license or
888 certificate issued to him or her as provided for in this chapter;
889 or (i) has been convicted of violating any of the provisions of



890 this chapter. A conviction of violating any of the provisions of
891 this chapter shall be grounds for automatic suspension of the
892 license or certificate of such person.

893 (3) (a) The board shall not revoke, suspend or refuse to
894 issue or renew any license or certificate, or fine, place on
895 probation or otherwise discipline any * * * applicant, licensee or
896 holder of a certificate in a disciplinary matter except after a
897 hearing of which the applicant or licensee or holder of the
898 certificate affected shall be given at least twenty (20) days'
899 notice in writing, specifying the reason or reasons for denying
900 the applicant a license or certificate of registration, or in the
901 case of any other disciplinary action, the offense or offenses of
902 which the licensee or holder of a certificate of registration is
903 charged. Such notice may be served by mailing a copy thereof by
904 United States first-class certified mail, postage prepaid, to the
905 last-known residence or business address of such applicant,
906 licensee or holder of a certificate. The hearing on such charges
907 shall be at such time and place as the board may prescribe. The
908 provisions of this paragraph (a) shall not apply to the board's
909 collection of a civil penalty or fine imposed by the board under
910 paragraph (b) of this subsection.

911 (b) Any civil penalty or fine imposed by the board under
912 this chapter resulting from an inspection or audit shall become
913 due and payable when the applicant, licensee or holder of a
914 certificate incurring the penalty receives a notice in writing



915 from the board of the penalty. The notice shall be sent by
916 registered or certified mail or by personal service. The person
917 to whom the notice is addressed shall have thirty (30) days from
918 the date of the notice in which to make written application for a
919 hearing. Any person who makes the application for a hearing shall
920 be entitled to a hearing. The hearing shall be conducted as a
921 contested case hearing. When an order assessing a civil penalty
922 under this section becomes final by operation of law or on appeal,
923 unless the amount of penalty is paid within thirty (30) days after
924 the order becomes final, it may be recorded with the circuit clerk
925 in any county of this state. The clerk shall then record the name
926 of the person incurring the penalty and the amount of the penalty
927 in the lien record book.

928 (c) The board may temporarily suspend a license under
929 this chapter without any hearing, simultaneously with the
930 institution of proceedings under this section, if it finds that
931 the evidence in support of the board's determination is clear,
932 competent, and unequivocal that the licensee's continuation in
933 practice would constitute an imminent danger to public health and
934 safety.

935 (4) At such hearings, all witnesses shall be sworn by
936 a * * * court reporter, and stenographic notes of the proceedings
937 shall be taken. Any party to the proceedings * * *, at the
938 request of such party, shall be furnished with a copy of such
939 stenographic notes upon payment to the board of such fees as it



940 shall prescribe, not exceeding, however, the actual costs of
941 transcription.

942 (5) The board is * * * authorized and empowered to issue
943 subpoenas for the attendance of witnesses and the production of
944 books and papers. The process issued by the board shall extend to
945 all parts of the state and such process shall be served by any
946 person designated by the board for such service. The person
947 serving such process shall receive such compensation as may be
948 allowed by the board, not to exceed the fee prescribed by law for
949 similar services. All witnesses who shall be subpoenaed, and who
950 shall appear in any proceedings before the board, shall receive
951 the same fees and mileage as allowed by law.

952 (6) Where in any proceeding before the board any witness
953 shall fail or refuse to attend upon subpoena issued by the board,
954 shall refuse to testify, or shall refuse to produce any books and
955 papers, the production of which is called for by the subpoena, the
956 attendance of such witness and the giving of his testimony and the
957 production of the books and papers shall be enforced by any court
958 of competent jurisdiction of this state, in the same manner as are
959 enforced for the attendance and testimony of witnesses in civil
960 cases in the courts of this state.

961 (7) The board shall conduct the hearing in an orderly and
962 continuous manner, granting continuances only when the ends of
963 justice may be served. The board shall, within sixty (60) days
964 after conclusion of the hearing, reduce its decision to writing



965 and forward an attested true copy thereof to the last-known
966 residence or business address of such applicant, licensee or
967 holder of a certificate, by way of United States first-class
968 certified mail, postage prepaid. * * *

969 (8) Any and all parties to the hearing shall have the right
970 of appeal from an adverse ruling, * * * order, or decision of the
971 board to the Chancery Court of the First Judicial District of
972 Hinds County, Mississippi, upon forwarding notice of appeal to the
973 board within thirty (30) days after the decision of the board is
974 mailed in the manner here contemplated. * * * The appellant
975 shall, together with the notice of appeal, * * * first pay the
976 costs for the transcription of the record of the hearing(s) and
977 proceeding(s) before the board in which the adverse ruling, order
978 or decision of the board was made. * * *

979 Any fine imposed by the board under the provisions of this
980 chapter shall not take effect until after the time for appeal has
981 expired, and an appeal of the imposition of such a fine shall act
982 as a supersedeas bond. The appeal shall thereupon be heard in due
983 course by the court, which shall review the record and make its
984 determination thereon.

985 (9) The board, in its discretion, may assess and tax any
986 part or all of the costs of any disciplinary proceedings conducted
987 under this section against the accused if the accused is found
988 guilty of the charges.



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

992 (a) * * * Class A - Class A violations or the
993 violations are minor health and safety violations that are
994 detrimental to public safety and welfare. Violations under this
995 class shall be set at no less than Fifty Dollars (\$50.00) * * *
996 but no more than * * * Two Hundred Dollars (\$200.00).

997 (b) * * * Class B - Class B violations are major health
998 and safety concerns that are detrimental to public safety and
999 welfare and shall be set at no less than * * * Two Hundred Fifty
1000 Dollars (\$250.00) * * * but not more than * * * Seven Hundred
1001 Fifty Dollars (\$750.00).

1002 (c) Class C - Class C violations shall be set at no
1003 less than Eight Hundred Dollars (\$800.00) but no more than One
1004 Thousand Dollars (\$1,000.00) and are violations specific to the
1005 following:

1006 (i) Unlicensed practice or the use of fraudulent
1007 statements to obtain any benefits or privileges under this chapter
1008 or practicing one (1) of the professions regulated by the board
1009 without a license. These violations will be handled in accordance
1010 with the requirements of Section 73-7-27 or Section 73-7-37 when
1011 applicable.

1012 (ii) Extremely dangerous to the health and safety
1013 of the public.



1014 The power and authority of the board to impose such fines
1015 under this section shall not be affected or diminished by any
1016 other proceeding, civil or criminal, concerning the same violation
1017 or violations.

1018 (11) In addition to the reasons specified in subsection (2)
1019 of this section, the board shall be authorized to suspend the
1020 license of any licensee for being out of compliance with an order
1021 for support, as defined in Section 93-11-153. The procedure for
1022 suspension of a license for being out of compliance with an order
1023 for support, and the procedure for the reissuance or reinstatement
1024 of a license suspended for that purpose, and the payment of any
1025 fees for the reissuance or reinstatement of a license suspended
1026 for that purpose, shall be governed by Section 93-11-157 or
1027 93-11-163, as the case may be. Actions taken by the board in
1028 suspending a license when required by Section 93-11-157 or
1029 93-11-163 are not actions from which an appeal may be taken under
1030 this section. Any appeal of a license suspension that is required
1031 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1032 with the appeal procedure specified in Section 93-11-157 or
1033 93-11-163, as the case may be, rather than the procedure specified
1034 in this section. If there is any conflict between any provision
1035 of Section 93-11-157 or 93-11-163 and any provision of this
1036 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1037 case may be, shall control.



1038 **SECTION 20.** Section 73-7-29, Mississippi Code of 1972, is
1039 reenacted and amended as follows:

1040 73-7-29. The * * * board * * * shall assess fees in the
1041 following amounts and for the following purposes:

- 1042 (a) Initial license/renewal for cosmetologist, * * *
1043 nail technician, or esthetician * * *.....\$ 50.00
1044 (b) Instructor initial license/renewal..... 80.00
1045 (c) Master * * * license/renewal..... 70.00
1046 (d) Delinquent renewal penalty - cosmetologist, * * *
1047 nail technician, esthetician, * * * and instructor..... 50.00
1048 There shall be no renewal fee for any licensee seventy (70)
1049 years of age or older or any applicant under the Military Family
1050 Freedom Act.
- 1051 (e) Salon application and initial inspection.... 85.00
1052 (f) Salon reinspection..... 35.00
1053 (g) Salon change of ownership or location,
1054 or both..... 85.00
1055 (h) Salon renewal..... 60.00
1056 (i) Salon delinquent renewal penalty..... 50.00
1057 (j) Application and initial inspection for a
1058 new school..... 300.00
1059 (k) New school reinspection..... 100.00
1060 (l) School change of ownership..... 300.00
1061 (m) School relocation..... 150.00
1062 (n) School renewal..... 75.00



1063	(o) School delinquent renewal penalty.....	100.00
1064	(p) Duplicate license.....	10.00
1065	(q) Penalty for insufficient fund checks.....	20.00
1066	(r) Affidavit processing.....	15.00
1067	<u>(s) Application under reciprocity or UROLA.....</u>	<u>55.00</u>
1068	<u>(t) Demonstrator permit.....</u>	<u>10.00</u>

1069 The * * * board * * * may charge additional fees for services
1070 which the board deems appropriate to carry out its intent and
1071 purpose. These additional fees shall not exceed the cost of
1072 rendering the service.

1073 The board is fully authorized to make refunds of any deposits
1074 received by the board for services which are not rendered.
1075 Refunds will automatically be made on overpayment of fees. All
1076 other refunds will be made * * * upon the written requests from
1077 applicants. If no request for refund is made within sixty (60)
1078 days, the fees will be forfeited.

1079 **SECTION 21.** Section 73-7-31, Mississippi Code of 1972, is
1080 reenacted and amended as follows:

1081 73-7-31. Nothing in this chapter shall apply to:

1082 (a) * * * Cosmetology, nail technology or facial
1083 treatments given in the home to members of family or friends for
1084 which no charge is made. Cosmetology, nail technology, or facial
1085 treatments given at an event venue to members of family or friends
1086 for which no charge is made may be permitted upon the express,
1087 written approval of the board.



1088 (b) Persons whose practice is limited to only
1089 performing makeup artistry, threading or applying or removing
1090 eyelash extensions; however, a person may perform a combination of
1091 not more than these three (3) such practices and still be exempt
1092 from this chapter.

1093 (c) * * * Persons engaged in the practice of hair
1094 braiding as defined in Section 73-7-71 who have completed the
1095 self-test part of the brochure on infection control techniques
1096 prepared by the State Department of Health and who keep the
1097 brochure and completed self-test available at the location at
1098 which the person is engaged in hair braiding.

1099 **SECTION 22.** Section 73-7-33, Mississippi Code of 1972, is
1100 reenacted and amended as follows:

1101 73-7-33. (1) In addition to the rules and regulations that
1102 may be prescribed and promulgated by the board under authority of
1103 this chapter, the following rules and regulations shall be
1104 observed:

1105 (a) Every establishment must be kept sanitary,
1106 including all utensils and equipment, must be well ventilated and
1107 properly lighted. Each salon must be provided with hot and cold
1108 running water. Electrical appliances must be properly installed
1109 and grounded.

1110 (b) Cosmetologists, estheticians, and nail technicians
1111 shall be allowed to wear any type of clothing or apparel while at
1112 work as long as such clothing or apparel is clean and sanitary.



1113 (c) Cosmetologists shall be allowed to use any type of
1114 hair roller as long as they do so in a sanitary manner.

1115 (d) Persons with a communicable disease or parasitic
1116 infection that is medically recognized to be a direct threat of
1117 transmission by the type of contact that practitioners have with
1118 clients are not to be permitted to practice in an establishment
1119 until their condition is no longer communicable under those
1120 circumstances. No work shall be performed on any patron having a
1121 visible disease unless the patron shall produce a certificate from
1122 a practicing physician stating that the patron is free from
1123 infectious, contagious or communicable disease. A * * * license
1124 regulated by this board does not authorize such * * * licensee to
1125 treat or prescribe for an infectious, contagious or any other
1126 disease.

1127 (e) A home salon must have a solid wall to the ceiling
1128 with an outside entrance, or if a door exists between the salon
1129 and the remainder of the house, the door must be kept closed at
1130 all times while service is being rendered.

1131 **SECTION 23.** Section 73-7-35, Mississippi Code of 1972, is
1132 reenacted and amended as follows:

1133 73-7-35. (1) No person licensed pursuant to this chapter
1134 shall practice his or her profession except within the physical
1135 confines of a salon possessing and displaying a properly executed
1136 license issued pursuant to Section 73-7-17. However, this
1137 requirement shall not prevent a person from rendering his or her



1138 services to any person who may be confined to his or her home, a
1139 hospital, or other place as a result of illness, and
1140 cosmetologists shall be permitted to render their services to
1141 deceased persons away from their * * * salon.

1142 (2) No salon owner licensed pursuant to this chapter shall
1143 allow a cosmetologist, esthetician, or * * * nail technician to
1144 practice his/her profession in the salon without possessing a
1145 valid license issued pursuant to this chapter.

1146 **SECTION 24.** Section 73-7-37, Mississippi Code of 1972, is
1147 reenacted and amended as follows:

1148 73-7-37. (1) The violation of any of the provisions of this
1149 chapter, including the use of fraudulent statements to obtain any
1150 benefits or privileges under this chapter or practicing one (1) of
1151 these professions without a license, shall constitute a
1152 misdemeanor, punishable in any court of competent jurisdiction at
1153 the seat of government, and any person or firm convicted of the
1154 violation of any of the provisions of this chapter shall be fined
1155 not less than * * * Five Hundred Dollars (\$500.00) but not more
1156 than One Thousand Dollars (\$1,000.00). The court shall not be
1157 authorized to suspend or suspend the execution of the fine
1158 required under this section.

1159 (2) If any person, * * * salon, school or * * * other type
1160 of business entity engaged in the practice or teaching of the
1161 professions regulated by the board violates any of the provisions
1162 of this chapter, the secretary of the board, upon direction of a



1163 majority of the board and in the name of the board, acting through
1164 the Attorney General or an attorney employed by the board, shall
1165 apply in the * * * chancery court of the county in Mississippi in
1166 which the person or licensee resides or in the county which the
1167 person or licensee practices, or the county in which the salon,
1168 school, or other type of business entity is located, for an order
1169 enjoining such violation or for an order enforcing compliance with
1170 the provisions of this chapter. Upon the filing of a verified
1171 petition in the chancery court and after notice as provided under
1172 the Mississippi Rules of Civil Procedure, such court, if satisfied
1173 by the sworn petition, by affidavit or otherwise, that such person
1174 or entity has violated any of the provisions of this chapter, may
1175 issue an injunction without notice or bond, enjoining such
1176 continued violation and such injunction shall remain in force and
1177 effect until a final hearing. If at such hearing it is
1178 established that such person or entity has violated or is
1179 violating any of the provisions of this chapter, the court may
1180 enter a decree permanently enjoining such violation or enforcing
1181 compliance with this chapter. In addition, the court may enter a
1182 judgment against such person or entity for attorney's fees, court
1183 costs and the actual costs incurred by the board in investigating
1184 the actions of such person for which the board brought the suit
1185 for an injunction. In case of violation of any decree issued in
1186 compliance with this subsection, the court may punish the offender



1187 for contempt of court and the court shall proceed as in other
1188 cases.

1189 (3) The proceedings in this section shall be in addition to
1190 and not in lieu of the other remedies and penalties provided in
1191 this chapter.

1192 **SECTION 25.** Section 73-7-63, Mississippi Code of 1972, is
1193 amended as follows:

1194 73-7-63. Sections 73-7-1 through 73-7-37, which create the
1195 State Board of Cosmetology and prescribe its duties and powers,
1196 shall stand repealed on July 1, * * * 2027.

1197 **SECTION 26.** This act shall take effect and be in force from
1198 and after July 1, 2024.

