

By: Representative Newman

To: Business and Commerce

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 313

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, 73-7-31, 73-7-33, 73-7-35, 73-7-37 AND 73-7-71,  
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 LICENSE  
12 FEES; TO SET THE BARBERING AND COSMETOLOGY SCHOOL REQUIREMENTS; TO  
13 SET CERTAIN VIOLATIONS, PENALTIES AND FINES; TO MAKE TECHNICAL  
14 AMENDMENTS TO CONFORM; TO BRING FORWARD SECTION 73-7-5,  
15 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
16 TO CREATE NEW SECTION 73-7-13.1, MISSISSIPPI CODE OF 1972, TO  
17 PROVIDE FOR BARBER LICENSING REQUIREMENTS; TO REPEAL SECTIONS  
18 73-7-63, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A REPEALER ON  
19 THE STATE BOARD OF COSMETOLOGY; TO REPEAL SECTION 73-5-1,  
20 MISSISSIPPI CODE OF 1972, WHICH CREATES THE STATE BOARD OF BARBER  
21 EXAMINERS; TO REPEAL SECTION 73-5-3, MISSISSIPPI CODE OF 1972,  
22 WHICH ADDRESSES THE STAFFING AND COMPENSATION OF THE STATE BOARD  
23 OF BARBER EXAMINERS; TO REPEAL SECTION 73-5-5, MISSISSIPPI CODE OF  
24 1972, WHICH ESTABLISHES A SPECIAL FUND FOR DEPOSITS AND AUDITS; TO  
25 REPEAL SECTION 73-5-7, MISSISSIPPI CODE OF 1972, WHICH GIVES THE  
26 STATE BOARD OF BARBER EXAMINERS THE AUTHORITY TO CREATE AND  
27 ENFORCE RULES AND REGULATIONS; TO REPEAL SECTION 73-5-8,  
28 MISSISSIPPI CODE OF 1972, WHICH ADDRESSES CERTIFICATE  
29 QUALIFICATIONS FOR BARBER INSTRUCTORS; TO REPEAL SECTION 73-5-9,  
30 MISSISSIPPI CODE OF 1972, WHICH ADDRESSES THE REQUIREMENT FOR  
31 BARBERS TO BE REGISTERED WITH AND LICENSED BY THE STATE BOARD OF  
32 BARBER EXAMINERS; TO REPEAL SECTION 73-5-11, MISSISSIPPI CODE OF  
33 1972, WHICH PROVIDES FOR BARBERING SCHOOL ELIGIBILITY; TO REPEAL  
34 SECTION 73-5-12, MISSISSIPPI CODE OF 1972, WHICH ADDRESSES



35 COSMETOLOGY, BARBER EXAMINATION AND ELIGIBILITY; TO REPEAL SECTION  
36 73-5-15, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBES THE PROCEDURE  
37 FOR APPLICATIONS FOR BARBER EXAMINATIONS; TO REPEAL SECTION  
38 73-5-17, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES CERTAIN  
39 REQUIREMENTS FOR THE ADMINISTRATION OF BARBER EXAMINATIONS; TO  
40 REPEAL SECTION 73-5-19, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
41 FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION AS A BARBER; TO  
42 REPEAL SECTION 73-5-21, MISSISSIPPI CODE OF 1972, WHICH CREATES  
43 THE LICENSE PROCEDURES FOR PERSONS HAVING PRACTICED BARBERING IN  
44 ANOTHER STATE OR COUNTRY OR IN MILITARY SERVICE FOR THE STATE  
45 BOARD OF BARBER EXAMINERS; TO REPEAL SECTION 73-5-23, MISSISSIPPI  
46 CODE OF 1972, WHICH ADDRESSES CONSPICUOUS DISPLAY OF REGISTRATION  
47 CERTIFICATES AND THE PENALTY FOR VIOLATIONS; TO REPEAL SECTION  
48 73-5-25, MISSISSIPPI CODE OF 1972, WHICH ADDRESSES CERTIFICATE OR  
49 LICENSE DENIAL, SUSPENSION OR REVOCATION; TO REPEAL SECTION  
50 73-5-27, MISSISSIPPI CODE OF 1972, WHICH CREATES THE HEARING  
51 PROCEDURES FOR THE STATE BOARD OF BARBER EXAMINERS; TO REPEAL  
52 SECTION 73-5-29, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES FEES  
53 FOR THE STATE BOARD OF BARBER EXAMINERS; TO REPEAL SECTION  
54 73-5-31, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES APPLICATION  
55 FOR NONRESIDENT LICENSE FOR THE STATE BOARD OF BARBER EXAMINERS;  
56 TO REPEAL SECTION 73-5-33, MISSISSIPPI CODE OF 1972, WHICH CREATES  
57 LICENSURE PROCEDURES AND FEES FOR BARBERSHOPS, AND THE ENFORCEMENT  
58 OF LICENSURE REQUIREMENTS FOR THE STATE BOARD OF BARBER EXAMINERS;  
59 TO REPEAL SECTION 73-5-35, MISSISSIPPI CODE OF 1972, WHICH CREATES  
60 LICENSURE PROCEDURES AND FEES FOR BARBER SCHOOLS FOR THE STATE  
61 BOARD OF BARBER EXAMINERS; TO REPEAL SECTION 73-5-37, MISSISSIPPI  
62 CODE OF 1972, WHICH SETS AN ANNUAL CYCLE FOR BARBER LICENSE  
63 RENEWAL FOR THE STATE BOARD OF BARBER EXAMINERS; TO REPEAL SECTION  
64 73-5-39, MISSISSIPPI CODE OF 1972, WHICH DEFINES WHAT CONSTITUTES  
65 THE PRACTICE OF BARBERING; TO REPEAL SECTION 73-5-41, MISSISSIPPI  
66 CODE OF 1972, WHICH ESTABLISHES EXEMPTIONS FROM LICENSING  
67 REQUIREMENTS FOR THE STATE BOARD OF BARBER EXAMINERS; TO REPEAL  
68 SECTION 73-5-43, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES  
69 OFFENSES AND PENALTIES FOR THE STATE BOARD OF BARBER EXAMINERS;  
70 AND FOR RELATED PURPOSES.

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

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

74 73-7-1. Any reference to the State Board of Cosmetology or  
75 the Board of Barber Examiners in Title 73, Chapters 5 and 7,  
76 Mississippi Code of 1972, or any other provision of law, or in any



77 rule, regulation or document, shall mean the State Board of  
78 Cosmetology and Barbering created in this section.

79 There is \* \* \* created the State Board of Cosmetology, which  
80 shall be composed of \* \* \* seven (7) members \* \* \*, with six (6)  
81 members to be appointed by the Governor, with the advice and  
82 consent of the Senate, and \* \* \* the State Health Officer or his  
83 or her designee. Of the appointed members, three (3) members  
84 shall be from the cosmetology professions and three (3) members  
85 shall be from the barbering profession. However, no more than two  
86 (2) members shall be appointed from each Supreme Court district as  
87 such district existed on July 1, 2024, and one (1) member from  
88 each district shall be a barber.

89 The initial term of office for the two (2) members appointed  
90 from the First Supreme Court District shall be two (2) years and  
91 thereafter shall be six (6) years from the expiration date of the  
92 previous term; the initial term of office for the two (2) members  
93 appointed from the Second Supreme Court District shall be three  
94 (3) years and thereafter shall be six (6) years from the  
95 expiration date of the previous term; and the initial term of  
96 office for the two (2) members appointed from the Third Supreme  
97 Court District shall be four (4) years and thereafter shall be six  
98 (6) years from the expiration date of the previous term. No  
99 member may serve more than three (3) consecutive terms. The  
100 initial appointments must be made before August 1, 2024. If  
101 appointments are not made by August 1, 2024, the State Board of



102 Cosmetology and the Board of Barber Examiners shall continue to  
103 operate in their separate capacities until such time as the Board  
104 of Cosmetology and Barbering is appointed.

105       There shall be a president of the board and such other  
106 officers as deemed necessary by the board elected by and from its  
107 membership, provided that the member elected as president shall  
108 have at least one (1) year of experience on the board. Any member  
109 appointed by the Governor and confirmed by the Senate for a term  
110 to begin on or after \* \* \* August 1, 2024, who was designated by  
111 the Governor to serve as president of the board, shall be fully  
112 qualified to serve on the board for a full term of office, but  
113 shall not serve as president of the board unless elected by the  
114 membership of the board as provided under this paragraph.

115       To be eligible for appointment as a member of the State Board  
116 of Cosmetology and Barbering, the person applying shall have been  
117 a citizen of this state for a minimum of five (5) years  
118 immediately prior to appointment. Such person shall be at least  
119 thirty (30) years of age, possess a high school education or its  
120 equivalent, and shall have been \* \* \* licensed \* \* \* by the board  
121 with not less than ten (10) years' active practice in \* \* \* any  
122 profession regulated by the board. No member of the board shall  
123 be connected in any way with any school \* \* \* in which any of the  
124 professions regulated by the board are taught.

125       \* \* \* In the event of vacancy by death or resignation of  
126 any member of the board, the Governor shall, within thirty (30)



127 days, appoint a person possessing all qualifications required to  
128 serve the remainder of the term. Any member who \* \* \* has  
129 not \* \* \* attended two (2) consecutive meetings of the board for  
130 reasons other than illness of such member shall be subject to  
131 removal by the Governor. The president of the board shall notify  
132 the Governor in writing when any such member has failed to attend  
133 two (2) consecutive regular meetings.

134 The salaries of all paid employees of the board shall be paid  
135 out of funds in the board's special fund in the State Treasury.  
136 Each member of the board, excepting the inspectors provided for  
137 herein, shall receive per diem as authorized by Section 25-3-69,  
138 and shall be reimbursed for such other expenses at the same rate  
139 and under the same conditions as other state employees as provided  
140 for in Section 25-3-41.

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

143 In addition to any powers conferred upon the board in other  
144 provisions of law, the board shall appoint an individual to serve  
145 as the executive director of the board. The executive director  
146 shall possess the qualifications established by the board, which  
147 shall be based on National Best Practices. The executive director  
148 shall be considered a full-time position. The executive director  
149 shall serve at the will and pleasure of the board and shall devote  
150 his or her time to the proper administration of the board and the  
151 duties assigned to him or her by the board. The executive



152 director shall be paid a salary established by the board, subject  
153 to the approval of the State Personnel Board. Subject to the  
154 availability of funding, the executive director may employ such  
155 administrative staff as may be necessary to assist the executive  
156 director and the board in carrying out the duties and directives  
157 of the board.

158 **SECTION 2.** Section 73-7-2, Mississippi Code of 1972, is  
159 amended as follows:

160 73-7-2. As used in this chapter, the following terms shall  
161 have the meanings \* \* \* as defined in this section unless the  
162 context otherwise requires:

163 (a) "Board" means the State Board of Cosmetology and  
164 Barbering.

165 (b) "Barbering" means the occupation of shaving or  
166 trimming the beard, cutting or dressing the hair, giving facial or  
167 scalp treatment with oils or creams or other cosmetic preparations  
168 made for that purpose, antiseptics, powders, clays or lotions to  
169 the scalp, face, neck or upper part of the body either by hand or  
170 by means of mechanical appliances, singeing and shampooing the  
171 hair, dyeing the hair, or permanently waving or straightening the  
172 hair for compensation.

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



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

181 (i) Cutting, clipping or trimming hair and hair  
182 pieces.

183 (ii) Styling, arranging, dressing, curling,  
184 waving, permanent waving, straightening, cleansing, bleaching,  
185 tinting, coloring or similarly treating hair and hair pieces.

186 (iii) Cleansing, stimulating, manipulating,  
187 beautifying or applying oils, antiseptics, clays, lotions or other  
188 preparations, either by hand or by mechanical or electrical  
189 apparatus.

190 (iv) Arching eyebrows, to include tweezing,  
191 waxing, threading or any other methods of epilation, or tinting  
192 eyebrows and eyelashes.

193 (v) Removing superfluous hair by the use of  
194 depilation.

195 (vi) Manicuring and pedicuring.

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



202 ( \* \* \*e) "Cosmetologist" means a person who for  
203 compensation, whether direct or indirect, engages in the practice  
204 of cosmetology.

205 ( \* \* \*f) "Esthetics" means any one (1) or a  
206 combination of the following practices:

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

208 (ii) Arching eyebrows to include trimming,  
209 tweezing, waxing, threading or any other method of  
210 epilation \* \* \*.

211 (iii) Tinting eyelashes or eyebrows.

212 (iv) Waxing, stimulating, cleaning or beautifying  
213 the face, neck, arms or legs of a person by any method with the  
214 aid of the hands or any mechanical or electrical apparatus, or by  
215 the use of a cosmetic preparation.

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

223 ( \* \* \*g) "Esthetician" means any person who, for  
224 compensation, either direct or indirect, engages in the practice  
225 of esthetics.





226 ( \* \* \*h) "Instructor" means a person licensed to teach  
227 cosmetology, barbering, or \* \* \* nail technology, or esthetics, or  
228 all of those, pursuant to this chapter, and shall include those  
229 persons engaged in the instruction of student instructors.

230 ( \* \* \*i) " \* \* \* Nail technology" means any one (1) or  
231 a combination of the following practices:

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

234 (ii) Applying artificial nails.

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

237 ( \* \* \*j) " \* \* \* Nail technician" means a person who  
238 for compensation, either direct or indirect, engages in the  
239 practice of \* \* \* nail technology.

240 ( \* \* \*k) "Master" means a person holding a  
241 cosmetology, \* \* \* barbering, nail technology and/or esthetics  
242 license who has completed the minimum course of continuing  
243 education prescribed by Section 73-7-14.

244 ( \* \* \*l) "Salon/barber shop" means an establishment  
245 operated for the purpose of engaging in the practice of  
246 cosmetology, \* \* \* barbering, nail technology, or esthetics, \* \* \*  
247 or all of those.

248 ( \* \* \*m) "School" means an establishment, public or  
249 private, operated for the purpose of teaching cosmetology, \* \* \*  
250 barbering, nail technology, or esthetics, \* \* \* or all of those.



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

253           73-7-3. (1) The board shall be authorized to employ such  
254 clerical \* \* \* assistance, bookkeepers, investigators and other  
255 agents as they may deem necessary to carry out the provisions of  
256 this chapter, and to fix their tenure of employment and  
257 compensation therefor. The members of the board, as well as all  
258 employees of the board except for investigators, shall file a bond  
259 with the Secretary of State in the sum of not less than \* \* \*  
260 Twenty-five Thousand Dollars (\$25,000.00) payable to the State of  
261 Mississippi for the faithful performance of their duties. The  
262 bond shall be made by a surety company authorized to do business  
263 in this state, the premium of the bond to be paid out of any money  
264 in the board's special fund in the State Treasury.

265           (2) The office of the board shall be located in the greater  
266 metropolitan area of the City of Jackson, Mississippi, and \* \* \*  
267 if office space cannot be obtained in any state-owned building,  
268 the board is authorized to rent suitable office space and to pay  
269 therefor out of funds in the board's special fund. The board  
270 shall employ inspectors as needed, not to exceed \* \* \* twelve  
271 (12), who shall be full-time employees and whose salaries and  
272 duties shall be fixed by the board.

273           (3) The salaries of all paid employees of the board shall be  
274 paid out of the funds in the board's special fund in the State  
275 Treasury. The inspectors shall, in addition to their salaries, be



276 reimbursed for such expenses as are allowed other state employees  
277 under the provisions of Section 25-3-41. In addition to the  
278 paying of office rent, the board is authorized to purchase  
279 necessary office furniture and equipment, stationery, books,  
280 certificates and any other equipment necessary for the proper  
281 administration of this chapter.

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

285 (a) The board should use the standards established by  
286 the State Personnel Board in determining whether or not the  
287 board's executive director may receive compensatory leave.

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

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

296 (ii) The board may grant administrative leave with  
297 pay to employees of the board in the event of extreme weather  
298 conditions or in the event of a man-made, technological, or  
299 natural disaster or emergency. Any employee on a previously  
300 approved leave during the affected period shall be eligible for



301 such administrative leave granted by the board and shall not be  
302 charged for his or her previously approved leave during the  
303 affected period.

304 (iii) The board may grant administrative leave  
305 with pay to any employee of the board who is a certified disaster  
306 service volunteer of the American Red Cross who participates in  
307 specialized disaster relief services for the American Red Cross in  
308 this state and in states contiguous to this state when the  
309 American Red Cross requests the employee's participation.  
310 Administrative leave granted under this subparagraph shall not  
311 exceed twenty (20) days in any twelve-month period. Employees on  
312 leave under this subparagraph shall not be deemed to be an  
313 employee of the state for purposes of workers' compensation or for  
314 purposes of claims against the state allowed under Title 11,  
315 Chapter 46, Mississippi Code of 1972. As used in this  
316 subparagraph, the term "disaster" includes disasters designated at  
317 Level II and above in American Red Cross' national regulations and  
318 procedures.

319 **SECTION 4.** Section 73-7-5, Mississippi Code of 1972, is  
320 brought forward as follows:

321 73-7-5. (1) All fees and any other monies received by the  
322 board shall be deposited in a special fund that is created in the  
323 State Treasury and shall be used for the implementation and  
324 administration of this chapter when appropriated by the  
325 Legislature for such purpose. The monies in the special fund



326 shall be subject to all provisions of the state budget laws that  
327 are applicable to special fund agencies, and shall be disbursed by  
328 the State Treasurer only upon warrants issued by the State Fiscal  
329 Officer upon requisitions signed by the president of the board or  
330 another board member designated by the president, and  
331 countersigned by the secretary of the board. Any interest earned  
332 on this special fund shall be credited by the State Treasurer to  
333 the fund and shall not be paid into the State General Fund. Any  
334 unexpended monies remaining in the special fund at the end of a  
335 fiscal year shall not lapse into the State General Fund.

336 (2) The State Auditor shall audit the financial affairs of  
337 the board and the transactions involving the special fund at least  
338 once a year in the same manner as for other special fund agencies.  
339 In addition, the Governor, in his discretion, shall have the power  
340 from time to time to require an audit of the financial affairs of  
341 the board, the same to be made by the State Auditor upon request  
342 of the Governor. The Governor shall have the power to suspend any  
343 member of the board who shall be found in default in any account  
344 until such time as it shall be determined whether such default was  
345 a result of an act of dishonesty on the part of the member, and in  
346 the event it is found that such default is an act of dishonesty,  
347 misfeasance or nonfeasance on the part of the member, such member  
348 shall be immediately removed by the Governor from office.

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



351           73-7-7. (1) The board shall have authority to make  
352 reasonable rules and regulations for the administration of the  
353 provisions of this chapter. The board shall set up a curriculum  
354 for operation of schools of \* \* \* all of the professions that it  
355 is charged to regulate in this state. The board shall receive and  
356 consider for adoption recommendations for rules and regulations,  
357 school curriculum, and related matters from the Mississippi  
358 Cosmetology and Barbering Council, whose membership shall consist  
359 of, in addition to the six (6) appointed board members, five (5)  
360 elected delegates from the Mississippi Cosmetology and Barbering  
361 Association, five (5) elected delegates from the Mississippi  
362 Cosmetology and Barber School Association, five (5) elected  
363 delegates from the Mississippi Independent Beauticians and Barbers  
364 Association, and five (5) elected delegates from the Cosmetology  
365 and Barbering School Owners and Teachers Association. The board  
366 may revoke the license \* \* \* or may refuse to issue a license to  
367 any cosmetologist, barber, esthetician, \* \* \* nail technician,  
368 instructor, school of \* \* \* any profession regulated by the board,  
369 or salon/barber shop that fails or refuses to comply with the  
370 provisions of this chapter and the rules and regulations of the  
371 board in carrying out the provisions of this chapter.

372           (2) The board shall have authority to prescribe reasonable  
373 rules and regulations governing sanitation of schools of \* \* \* all  
374 professions regulated by the board, salons, and barber shops for  
375 the guidance of persons licensed under this chapter in the



376 operation of schools of \* \* \* all professions regulated by the  
377 board, salons or barber shops, \* \* \* and in the practice of  
378 cosmetology, barbering, esthetics, \* \* \* and \* \* \* nail  
379 technology. However, any and all rules and regulations relating  
380 to sanitation shall, before adoption by the board, have the  
381 written approval of the State Board of Health. When the board has  
382 reason to believe that any of the provisions of this chapter or of  
383 the rules and regulations of the board have been violated, either  
384 upon receipt of a written complaint alleging such violations or  
385 upon the board's own initiative, the board, or any of its  
386 authorized agents, shall investigate same and shall have authority  
387 to enter upon the premises of a school of \* \* \* any profession  
388 regulated by the board, salon or barber shop at any time during  
389 the regular business hours of that school \* \* \*, salon or barber  
390 shop to conduct the investigation. Such investigation may  
391 include, but not be limited to, conducting oral interviews with  
392 the complaining party, school \* \* \*, salon or barber shop owner(s)  
393 and/or students of the school, and reviewing records of the  
394 school \* \* \*, salon or barber shop pertinent to the complaint and  
395 related to an area subject to the authority of the board. Such  
396 investigation shall not include written interviews or surveys of  
397 school employees or students, and the privacy of patrons shall be  
398 respected by any person making such investigation.

399 (3) \* \* \* The board shall adopt regulations to ensure that  
400 all fingernail service products used by \* \* \* licensees regulated



401 by the board do not contain methyl methacrylate (MMA) as a monomer  
402 agent for cosmetic nail applications.

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

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

409 73-7-9. No person required by this chapter to have a license  
410 shall conduct a \* \* \* school of \* \* \* any profession regulated by  
411 the board, salon or barber shop, or practice cosmetology,  
412 barbering, esthetics, \* \* \* nail technology, or practice as an  
413 instructor, unless such person has received a license or temporary  
414 permit therefor from the board. \* \* \* Anyone determined to have  
415 violated any of these rules or regulations prior to being licensed  
416 by the board shall be subject to the same discipline by the board  
417 as licensees. They may be disciplined and fined accordingly.

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

420 73-7-11. Each owner of a license issued by the board under  
421 the provisions of this chapter shall display the license in a  
422 conspicuous place in his or her principal office, place of  
423 business or employment, at all times.

424 Each practitioner and instructor license shall contain  
425 a \* \* \* recent passport-style photograph of the license holder,





426 the person's name, and the type of license held by the person.  
427 The requirements of this section shall apply at the time of  
428 issuance of a new license or at the time of renewal of an existing  
429 license. A barber pole can only be displayed if the business  
430 carries a barber license or is dual licensed as a cosmetology  
431 salon and barber shop with at least one (1) current barber  
432 licensee employed at the location.

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

435 73-7-12. \* \* \* The \* \* \* board \* \* \* shall conduct  
436 examinations for cosmetologists, barbers, estheticians, \* \* \* nail  
437 technicians and instructors at such times and locations as  
438 determined by the board. The members of the board shall not  
439 personally administer or monitor the examinations, but the board  
440 shall contract for administrators of the examinations. A member  
441 of the board shall not receive any per diem compensation for any  
442 day that the member is present at the \* \* \* location(s) where the  
443 examinations are being administered.

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

446 73-7-13. (1) The board shall admit to examination for a  
447 cosmetology license any person who is at least sixteen (16) years  
448 old and who has made application to the board in proper form, has  
449 paid the required fee, and who \* \* \* has successfully completed no  
450 less than fifteen hundred (1500) hours over a period of no less



451 than nine (9) months in a licensed school of cosmetology or no  
452 less than three thousand (3,000) hours in an apprenticeship  
453 program certified by the board, and \* \* \* has a high school  
454 education or its equivalent or has been successfully enrolled in a  
455 community college. Apprenticeships provided for in this  
456 subsection shall be monitored or mentored by a licensed  
457 cosmetology instructor only. Only one (1) apprentice may be  
458 mentored by any person at the same time.

459 ( \* \* \*2) The board may, in its discretion, issue to any  
460 student who has completed the prescribed hours in a licensed  
461 school or approved apprenticeship program and paid the required  
462 fee a temporary permit until such time as the next examination may  
463 be held \* \* \* but not exceeding six (6) months. Such student  
464 shall be issued only one (1) temporary permit. Application for an  
465 examination and license shall be accompanied by two (2) recent  
466 passport-style photographs of the applicant. No temporary permit  
467 will be issued to an applicant from any other state to operate a  
468 beauty salon, barber shop or school of \* \* \* any profession  
469 regulated by the board in this state unless in case of emergency.

470 ( \* \* \*3) Applicants for the cosmetologist \* \* \* license,  
471 after having satisfactorily passed the prescribed examination,  
472 shall be issued a cosmetology license which \* \* \* shall be valid  
473 for \* \* \* two (2) years, and \* \* \* the license shall be subject to  
474 renewal. No license issued by the board may be renewed until all



475 monetary fines and penalties assessed by the board to the licensee  
476 are paid in full.

477 ( \* \* \*4) Any barber who \* \* \* has successfully completed no  
478 less than fifteen hundred (1500) hours in a licensed barber  
479 school \* \* \* and who holds a current valid certificate of \* \* \*  
480 licensure to practice barbering \* \* \* is eligible to take the  
481 cosmetology examination to secure a cosmetology license upon  
482 successfully completing \* \* \* six hundred (600) hours in a  
483 licensed school of cosmetology. All fees for application,  
484 examination, \* \* \* licensure, and renewal thereof shall be the  
485 same as provided for cosmetologists.

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

489 ( \* \* \*6) Any licensed cosmetologist, barber, esthetician,  
490 or \* \* \* nail technician who is registered but not actively  
491 practicing in the State of Mississippi at the time of making  
492 application for renewal of an active license, may apply for  
493 registration \* \* \* as \* \* \* inactive \* \* \* status. Such  
494 "inactive" status list shall be maintained by the board and shall  
495 set out the names and post office addresses of all persons  
496 registered but not actively practicing in this state, arranged  
497 alphabetically by name and also by the municipalities and states  
498 of their last-known professional or residential address. Only the  
499 cosmetologists, barbers, estheticians and \* \* \* nail technicians



500 registered on the appropriate list as actively practicing in the  
501 State of Mississippi shall be authorized to practice those  
502 professions. \* \* \* No cosmetologist, barber, nail technician or  
503 esthetician \* \* \* shall be registered on the "inactive" list until  
504 the person has furnished a statement of intent to take such action  
505 to the board. Any licensed cosmetologist, barber, nail technician  
506 or esthetician \* \* \*, who is registered on the "inactive" status  
507 list shall not be eligible for \* \* \* active \* \* \* licensure status  
508 until either of the following conditions have been satisfied:

509 (a) Written application shall be submitted to the \* \* \*  
510 board \* \* \* stating the reasons for such inactivity and setting  
511 forth such other information as the board may require on an  
512 individual basis and completion of the number of clock hours of  
513 continuing education as approved by the board; or

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

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

521 **SECTION 10.** The following shall be codified as Section  
522 73-7-13.1, Mississippi Code of 1972:

523 73-7-13.1 (1) The board shall admit to examination for a  
524 barbering license any person who is at least sixteen (16) years



525 old and who has made application to the board in proper form, has  
526 paid the required fee, and who (a) has successfully completed no  
527 less than fifteen hundred (1500) hours at a barbering school  
528 approved by the board or three thousand (3,000) hours of  
529 board-approved apprenticeship training, and (b) has a high school  
530 education or its equivalent or has been successfully enrolled in a  
531 community college. Apprenticeships shall only be monitored and  
532 mentored by those with an instructor license, and there shall be  
533 only one (1) apprentice per mentor.

534 (2) The board may, in its discretion, issue to any student  
535 who has completed the prescribed hours in a licensed school or  
536 approved apprenticeship training and paid the required fee a  
537 temporary permit to practice barbering until the next examination  
538 is given but not exceeding six (6) months. In no event shall a  
539 person be allowed to practice barbering on a temporary permit  
540 beyond the date the next examination is given, except because of  
541 personal illness.

542 (3) Applicants for the barbering license, after having  
543 satisfactorily passed the prescribed examination, shall be issued  
544 a barbering license which shall be valid for two (2) years, and  
545 the license shall be subject to renewal. No license issued by the  
546 board may be renewed until all monetary fines and penalties  
547 assessed by the board to the licensee are paid in full.

548 (4) Any cosmetologist who has successfully completed no less  
549 than fifteen hundred (1500) hours in a licensed cosmetology school



550 and who holds a current valid certificate of licensure to practice  
551 cosmetology is eligible to take the barbering examination to  
552 secure a barber license upon successfully completing six hundred  
553 (600) hours in a licensed school of barbering. All fees for  
554 application, examination, licensure, and renewal thereof shall be  
555 the same as provided for barbers.

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

559 **SECTION 11.** Section 73-7-14, Mississippi Code of 1972, is  
560 amended as follows:

561 73-7-14. (1) Any person who holds a current, valid  
562 cosmetology, \* \* \* barbering, nail technology, or esthetics  
563 license may be licensed as a master cosmetologist, \* \* \* barber,  
564 nail technician or esthetician if he or she has been a licensed  
565 cosmetologist, \* \* \* barber, nail technician or esthetician in  
566 this state for a period of not less than twelve (12) months, and  
567 has completed a minimum course of sixteen (16) \* \* \* hours of  
568 continuing education approved by the board within the licensing  
569 period preceding initial application for the license, and has paid  
570 the original license fee. Master cosmetologist, \* \* \* barber,  
571 nail technician or esthetician licenses shall be renewable upon  
572 completion of a minimum course of eight (8) \* \* \* hours of  
573 continuing education approved by the board within a licensing  
574 period and payment of the required renewal fee. This is an



575 optional license and \* \* \* pertains only to individuals wishing to  
576 complete the continuing education requirement \* \* \*.

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

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

583 **SECTION 12.** Section 73-7-15, Mississippi Code of 1972, is  
584 amended as follows:

585 73-7-15. (1) The board shall admit to examination for a  
586 cosmetology instructor's license any person who has made  
587 application to the board in proper form, has paid the required  
588 fee, and who:

589 \* \* \*

590 ( \* \* \*a) Is a graduate of a licensed cosmetology  
591 school;

592 ( \* \* \*b) Has a high school education or its  
593 equivalent;

594 ( \* \* \*c) Has successfully completed one thousand  
595 (1,000) hours of instructor training in a licensed school of  
596 cosmetology;

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



599 ( \* \* \*e) Holds a current, valid Mississippi  
600 cosmetology license \* \* \*.

601 \* \* \*

602 (2) The board shall admit to examination for \* \* \* a  
603 barbering instructor's license any person who has made application  
604 to the board in proper form, has paid the required fee, and who:

605 (a) Is \* \* \* a graduate of a licensed barbering  
606 school; \* \* \*

607 ( \* \* \*b) Has a high school education or its  
608 equivalent;

609 ( \* \* \*c) Has (i) not less than two (2) years of active  
610 experience as a licensed barber and has successfully completed not  
611 less than six hundred (600) hours of instructor training in a  
612 licensed school of barbering or (ii) less than two (2) years of  
613 active experience as a licensed barber and has successfully  
614 completed one thousand (1,000) hours of instructor training in a  
615 licensed school \* \* \* of barbering;

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

618 ( \* \* \*e) Holds a current, valid Mississippi \* \* \*  
619 barbering license \* \* \*.

620 \* \* \*

621 (3) The board shall admit to examination for \* \* \* an  
622 esthetics instructor's license any person who has made application  
623 to the board in proper form, has paid the required fee, and who:





624 \* \* \*

625 ( \* \* \*a) Has a high school education or its  
626 equivalent;

627 ( \* \* \*b) Has successfully completed one thousand  
628 (1,000) hours of instructor training in a licensed school or  
629 apprenticeship program in which the practice of \* \* \* esthetics is  
630 taught;

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

633 ( \* \* \*d) Holds a current, valid Mississippi \* \* \*  
634 esthetician's license \* \* \*.

635 \* \* \*

636 (4) The board shall admit to examination for a nail  
637 technician instructor's license any person who has made  
638 application to the board in proper form, has paid the required  
639 fee, and who:

640 (a) Has a high school education or its equivalent;

641 (b) Has successfully completed one thousand (1,000)  
642 hours of instructor training in a licensed school or  
643 apprenticeship program in which the practice of nail technology is  
644 taught;

645 (c) Has successfully completed six (6) semester hours  
646 in college courses approved by the board; and

647 (d) Holds a current, valid Mississippi nail  
648 technician's license.



649 ( \* \* \* 5) Applicants shall satisfactorily pass the  
650 examination prescribed by the board for licensing instructors  
651 prior to the issuance of the licenses provided for in this  
652 section. However, the board may, in its discretion, issue a  
653 temporary instructor's permit until such time as the next  
654 examination may be held, \* \* \* the period of which shall not  
655 exceed ninety (90) days. Such applicant shall be issued only one  
656 (1) temporary permit. All applications for an instructor's  
657 examination shall be accompanied by two (2) recent \* \* \*  
658 passport-style photographs of the applicant.

659 ( \* \* \* 6) Renewal Requirements:

660 (a) All cosmetology, barbering, nail technology, and/or  
661 esthetics instructors licensed pursuant to this section shall  
662 biennially obtain twenty-four (24) clock hours of continuing  
663 education in teacher training instruction in cosmetology \* \* \*,  
664 barbering, esthetics or \* \* \* nail technology, as the case may be,  
665 as approved by the board. Any instructor who fails to obtain the  
666 continuing education required by this subsection shall \* \* \*  
667 neither be allowed to instruct nor to enroll students under his or  
668 her license until such continuing education requirement has been  
669 met. The board may issue an inactive \* \* \* instructor license to  
670 such instructors, and an inactive license may be converted into an  
671 active license only after proof satisfactory to the board of  
672 completion of at least twenty-four (24) clock hours of approved



673 continuing education required for teacher training instruction is  
674 submitted.

675 (b) All persons who have received a license as a  
676 barbering instructor from the board before July 1, 2002, shall be  
677 considered to have met the requirements of this section, and all  
678 those certificates of registration shall be renewable as otherwise  
679 provided in this chapter.

680 (c) No license issued by the board may be renewed until  
681 all monetary fines and penalties assessed by the board to the  
682 licensee are paid in full.

683 ( \* \* \*7) Each application or filing made under this section  
684 shall include the social security number(s) of the applicant in  
685 accordance with Section 93-11-64.

686 **SECTION 13.** Section 73-7-16, Mississippi Code of 1972, is  
687 amended as follows:

688 73-7-16. (1) All schools of \* \* \* any profession regulated  
689 by the board or school owners shall have a school license and  
690 shall pay to the board the required license fee. \* \* \* The board  
691 is \* \* \* authorized and empowered to promulgate necessary and  
692 reasonable rules and regulations for the issuance and renewal of  
693 school licenses. \* \* \*

694 (2) Each application \* \* \* made under this section shall  
695 include the social security number(s) of the applicant, owners or  
696 agents in accordance with Section 93-11-64.



697           (3) \* \* \* Any school making application for a license under  
698 this chapter shall not be transferable for any cause and shall  
699 include a surety bond in the penal sum of Fifty Thousand Dollars  
700 (\$50,000.00) in favor of the board on a bond form completed by the  
701 insurance company or agency. The applicant may file in lieu of  
702 the bond, cash, or a certificate of deposit or government bonds in  
703 the amount of Fifty Thousand Dollars (\$50,000.00).

704           (4) The school applicant shall maintain a professional  
705 liability insurance policy covering any aspect of the facility,  
706 personnel and/or students.

707           (5) The school shall meet all applicable health and safety  
708 standards that may be required by local, state and federal  
709 agencies.

710           (6) Private business and vocational schools that have  
711 obtained national accreditation from an accrediting agency  
712 designated by the United States Department of Education must  
713 submit evidence of current accreditation.

714           (7) The course content and length of instruction shall be of  
715 such nature and quality as to assure that the students will  
716 adequately develop the job skills and knowledge necessary for  
717 passing any and all examinations required for licensure.

718           (8) Schools shall provide favorable conditions for effective  
719 classroom instruction. A total pattern of successful instruction  
720 includes (a) well-defined instructional objectives, (b) systematic  
721 planning, (c) selection and use of varied types of learning



722 materials and experiences, (d) adaptation of organization and  
723 instructional procedures to student needs, (e) use of varied  
724 evaluation instruments and procedures, and (f) good student and  
725 teacher morale.

726 (9) Each board-approved school of cosmetology, barbering,  
727 esthetics or nail technology must provide proof to the board of an  
728 annual pass rate that meets or exceeds the current minimum  
729 standard as established by the board.

730 (10) The board shall evaluate school curriculum for  
731 conformance with educational requirements set forth in this  
732 chapter.

733 (11) There shall be no automatic renewal of school licenses,  
734 and each licensee shall be audited for conformity before to the  
735 issuance of any a new license. Before to the issuance of any such  
736 license, the board shall inspect the premises to determine if same  
737 conforms to the law.

738 (12) If a school closes a facility, the licensee must notify  
739 the board within sixty (60) days before closing and provide proof  
740 of the reason for the closure; proof of method developed to assist  
741 students with the completion of their program of study and  
742 individual courses; proof of notice sent to all currently enrolled  
743 students, notifying them of the closure; proof of notice given to  
744 students indicating where they may obtain any of their records;  
745 proof of disposition of student records, with a contact person,  
746 complete address, and telephone number and how students'



747 information may be obtained; proof of notice sent to all students  
748 who have paid for any tuition and/or fees for future enrollment in  
749 a program of study or individual course informing them of the  
750 closure, and refund information; proof of certified transcripts  
751 for each currently enrolled student who has paid for and completed  
752 coursework in lieu of receiving a full or partial refund. If a  
753 school files a bankruptcy petition, a certified copy must be filed  
754 with the board.

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

756 (a) Temporary licenses may be issued only for a one-  
757 year period. These licenses are issued to new schools with less  
758 than two (2) graduating classes. Annual reports are required and  
759 are due by July 16 of each year unless otherwise specified.  
760 Prospective students before enrolling and enrolled students must  
761 be notified in writing of the school's temporary status;

762 (b) Probationary licenses indicate warning status and  
763 may be issued only for a one-year period. These licenses are  
764 issued to new schools with less than two (2) graduating classes  
765 and with any significant violation(s) in the most recent year.  
766 Annual reports are required and are due by July 16 of each year  
767 unless otherwise specified. Prospective students and enrolled  
768 students shall be notified in writing of the school's probationary  
769 status;

770 (c) Conditional licenses may be issued to schools for  
771 only a one-year period. Conditional license status for schools



772 that previously held a nonconditional license shall not exceed two  
773 (2) years. Annual reports are required and are due by July 16 of  
774 each year unless otherwise specified. Prospective students and  
775 enrolled students shall be notified in writing of the school's  
776 conditional status. These licenses shall be issued to schools  
777 with two (2) or more graduating classes and with any of the  
778 following:

779 (i) Any significant violation(s) in the most  
780 recent year; and

781 (ii) Either the school's annual pass rate or the  
782 school's comprehensive pass rate does not meet or exceed the  
783 board's current minimum standard;

784 (d) Nonconditional licenses may be issued for only a  
785 two-year period. Annual reports shall be required and are due  
786 July 16 of each year unless otherwise specified. These licenses  
787 shall be issued to schools with two (2) or more graduating classes  
788 and with all of the following:

789 (i) No significant violation(s) in the most recent  
790 year; and

791 (ii) Either the school's annual pass rate or the  
792 school's comprehensive pass rate meets or exceeds the board's  
793 current minimum standard.

794 (14) The combined temporary, probationary and/or conditional  
795 license status for schools shall not exceed a five-year



796 consecutive period before moving to a nonconditional license  
797 status.

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

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

805 **SECTION 14.** Section 73-7-17, Mississippi Code of 1972, is  
806 amended as follows:

807 73-7-17. (1) All salon/barber shop owners shall have a  
808 salon/barber shop license and shall pay to the board the required  
809 license fee therefor and pay the required renewal fee for renewal  
810 thereof. A grace period of sixty (60) days will be given in which  
811 to renew the license, and upon the expiration of the grace period  
812 of sixty (60) days any applicant for the renewal of a salon/barber  
813 shop license will be required to pay a delinquent fee in addition  
814 to the renewal fee. A salon/barber shop license that has been  
815 expired for over one (1) year is nonrenewable and requires a new  
816 application. Prior to the initial issuance of such license, the  
817 board shall inspect the premises to determine if same qualifies  
818 with the law, upon payment by the applicant of the required  
819 inspection fee.





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

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

826 **SECTION 15.** Section 73-7-18, Mississippi Code of 1972, is  
827 amended as follows:

828 73-7-18. (1) The board shall admit to examination for an  
829 esthetician's license any person who is at least sixteen (16)  
830 years old and who has made application to the board in proper  
831 form, who has paid the required fee, and who:

832 \* \* \*

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

835 ( \* \* \*b) Has successfully completed a course of  
836 training in esthetics of not less than six hundred (600)  
837 hours \* \* \*, comprised of not less than one hundred (100) hours of  
838 theory and five hundred (500) hours of skill practice, in a  
839 licensed school in which the practice of esthetics is taught or of  
840 no less than twelve hundred (1200) hours in an apprenticeship  
841 program certified by the board.

842 \* \* \* Apprenticeships provided for in this section shall be  
843 monitored or mentored by a person with an instructor license in



844 cosmetology or esthetics. Only one (1) apprentice may be mentored  
845 by any person at the same time.

846 (2) The board may, in its discretion, issue to any student  
847 who has completed the prescribed hours in a licensed school or  
848 approved apprenticeship program and paid the required fee a  
849 temporary permit until such time as the next examination may be  
850 held but not exceeding six (6) months. Such student shall be  
851 issued only one (1) temporary permit. Application for an  
852 examination and license shall be accompanied by two (2) recent  
853 passport-style photographs of the applicant. No temporary permit  
854 will be issued to an applicant from any other state to operate a  
855 beauty salon, barber shop or school of any profession regulated by  
856 the board in this state unless in case of emergency.

857 (3) Licensed estheticians desiring to pursue additional  
858 hours to be eligible for a license as a cosmetologist may be  
859 credited with any hours acquired in studying and training to be an  
860 esthetician, which may be applied to the number of hours required  
861 for a cosmetology license examination.

862 ( \* \* \*4) Every person who has completed not less than three  
863 hundred fifty (350) hours of training in esthetics approved by the  
864 board in this or any other state prior to July 1, 1987, shall  
865 be \* \* \* granted an esthetician's license by the board if such  
866 person presents satisfactory evidence to the board that he or she  
867 has fulfilled all the requirements to be admitted to examination  
868 except the training hours requirement.



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

872 **SECTION 16.** Section 73-7-19, Mississippi Code of 1972, is  
873 amended as follows:

874 73-7-19. (1) Except as provided in Section 33-1-39, all  
875 licenses shall be renewed biennially under the fee schedule in  
876 Section 73-7-29. Applications for renewal of licenses for  
877 cosmetologists, barbers, estheticians, \* \* \* nail technicians and  
878 instructors must be accompanied by the required renewal fee. A  
879 grace period of sixty (60) days will be given in which to renew  
880 the license \* \* \*. Upon the expiration of the grace period of  
881 sixty (60) days, any applicant for the renewal of a license will  
882 be required to pay the required renewal fee and a delinquent fee  
883 in addition to the renewal fee. The fees may be paid \* \* \*  
884 according to the manner prescribed by the board in rules and  
885 regulations. Checks returned to the board because of insufficient  
886 funds shall result in nonrenewal of the license, which will  
887 require the penalty fee for insufficient fund checks plus all  
888 other amounts due for renewal of the license before the license  
889 may be renewed. After one (1) year has passed from the expiration  
890 date of the license, a delinquent fee must be paid for each year  
891 up to three (3) years, after which the required examination must  
892 be taken before a license can be renewed. All applications for



893 examination required by this chapter shall expire ninety (90) days  
894 from the date thereof.

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

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

901 **SECTION 17.** Section 73-7-21, Mississippi Code of 1972, is  
902 amended as follows:

903 73-7-21. (1) The board shall admit to examination for  
904 a \* \* \* nail technician's license any person who is at least  
905 sixteen (16) years old and who has made application to the board  
906 in proper form, who has paid the required fee, and who:

907 \* \* \*

908 ( \* \* \* a) \* \* \* Has a high school education or its  
909 equivalent or has been successfully enrolled in a community  
910 college; and

911 ( \* \* \* b) Has successfully completed no less than three  
912 hundred fifty (350) hours of practice and related theory in \* \* \*  
913 nail technology over a period of no less than nine (9) weeks  
914 in \* \* \* a licensed school in which the practice of \* \* \* nail  
915 technology is taught in this or any other state \* \* \* or no less  
916 than seven hundred (700) hours in an apprenticeship program  
917 certified by the board. Apprenticeships provided for in this



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

921 \* \* \*

922 (2) The board may, in its discretion, issue to any student  
923 who has completed the prescribed hours in a licensed school or  
924 approved apprenticeship program and paid the required fee for a  
925 temporary permit until such time as the next examination may be  
926 held but not exceeding six (6) months. Such student shall be  
927 issued only one (1) temporary permit. Application for an  
928 examination and license shall be accompanied by two (2) recent  
929 passport-style photographs of the applicant. No temporary permit  
930 will be issued to an applicant from any other state to operate a  
931 beauty salon, barber shop or school of any profession regulated by  
932 the board in this state unless in case of emergency.

933 ( \* \* \*3) Licensed \* \* \* nail technicians desiring to pursue  
934 additional hours to be eligible for a license as a cosmetologist  
935 may be credited with \* \* \* any hours acquired in studying and  
936 training to be a \* \* \* nail technician which may be applied to the  
937 number of hours required for a cosmetology license examination.

938 ( \* \* \*4) The board shall adopt regulations governing the  
939 use of electric nail files for the purpose of filing false or  
940 natural nails.



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

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

947 **SECTION 18.** Section 73-7-23, Mississippi Code of 1972, is  
948 amended as follows:

949 73-7-23. (1) The board may, upon application, issue a  
950 license by reciprocity to any cosmetologist, barber, nail  
951 technician, or esthetician \* \* \* who demonstrates proof that the  
952 applicant holds a valid current license in another state with  
953 similar educational requirements to those required by this  
954 chapter, and that all other licensure requirements, including the  
955 passage of an examination, under this chapter are met. Applicants  
956 must also (a) successfully pass an examination and (b) pay the  
957 required reciprocity fee, which shall be paid to the board. Such  
958 application must be accompanied by two (2) recent passport-style  
959 photographs of the applicant.

960 (2) An instructor from any other state may be qualified for  
961 a Mississippi instructor's license upon presenting a valid  
962 instructor's license from the other state and \* \* \* (a) has  
963 completed training equivalent to the State of Mississippi's  
964 education and training as provided in Section 73-7-15 or has three  
965 (3) years or more of experience as a licensed instructor prior to



966 application, ( \* \* \*b) \* \* \* has completed \* \* \* six (6) semester  
967 hours in college courses approved by the board, and ( \* \* \*c) has  
968 completed a minimum of five (5) continuing education hours in  
969 Mississippi \* \* \* State Board of Cosmetology and Barbering laws,  
970 rules and regulations. Such application must be accompanied by  
971 two (2) recent passport photographs of the applicant. Applicants  
972 shall pay the required license fee.

973 (3) An applicant for a Mississippi instructor's license by  
974 reciprocity who has not completed the college courses requirement  
975 at the time of application may apply for a onetime temporary  
976 teaching permit, which shall be valid for six (6) months and shall  
977 be nonrenewable. Such application must be accompanied by proof of  
978 enrollment in college course(s), required permit fee, two (2)  
979 recent passport photographs of the applicant and other  
980 documentation as required for application for a Mississippi  
981 instructor's license by reciprocity. Upon proof of completion of  
982 college courses and payment of the required license fee, a  
983 Mississippi instructor's license shall be issued.

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

988 **SECTION 19.** Section 73-7-25, Mississippi Code of 1972, is  
989 amended as follows:



990           73-7-25. Every demonstrator in the field of cosmetology,  
991 barbering, esthetics or nail technology shall, before making  
992 demonstrations in a salon, barber shop or school, apply for and  
993 obtain a permit from the board. For such permit, which shall be  
994 for one (1) year, the required fee shall be paid to the board.  
995 This section shall be construed to apply to demonstrators in \* \* \*  
996 a salon, barber shop and schools.

997           **SECTION 20.** Section 73-7-27, Mississippi Code of 1972, is  
998 amended as follows:

999           73-7-27. (1) Any complaint may be filed with the board by a  
1000 member or agent of the board or by any person charging any  
1001 licensee of the board with the commission of any of the offenses  
1002 enumerated in subsection (2) of this section. Such complaint  
1003 shall be in writing, signed by the accuser or accusers, and  
1004 verified under oath, and such complaints shall be investigated as  
1005 set forth in Section 73-7-7. \* \* \* After the investigation, the  
1006 board may dismiss the complaint if the board, through its  
1007 administrative review agents, determines that there is not  
1008 substantial justification to believe that the accused licensee has  
1009 committed any of the offenses enumerated or, \* \* \* the \* \* \* board  
1010 may prepare a formal complaint proceeding against the licensee as  
1011 hereinafter provided. When used with reference to any complaint  
1012 filed against a licensee herein, the term "not substantial  
1013 justification" means a complaint that is frivolous, groundless in  
1014 fact or law, or vexatious, as determined by unanimous vote of the





1015 board. In the event of a dismissal, the person filing the  
1016 accusation and the accused licensee shall be given written notice  
1017 of the board's determination. If the board determines there is  
1018 reasonable cause to believe the accused has committed any of those  
1019 offenses, the secretary of the board or the executive director  
1020 shall give written notice of such determination to the accused  
1021 licensee and set a day for a hearing as provided in subsection (3)  
1022 of this section.

1023 (2) The board shall have the power to revoke, suspend or  
1024 refuse to issue or renew any license or certificate provided for  
1025 in this chapter, and to fine, place on probation and/or otherwise  
1026 discipline \* \* \* an applicant, student \* \* \*, licensee or holder  
1027 of a certificate, upon proof that such person: (a) has not  
1028 complied with or has violated any of the rules and regulations  
1029 promulgated by the board; (b) has not complied with \* \* \* an  
1030 order, decision, or ruling of the \* \* \* board; (c) has committed  
1031 fraud or dishonest conduct in the taking of the examination herein  
1032 provided for; (d) has been convicted of a felony; (e) has  
1033 committed grossly unprofessional or dishonest conduct; (f) is  
1034 addicted to the excessive use of intoxicating liquors or to the  
1035 use of drugs to such an extent as to render him or her unfit to  
1036 practice in any of the practices or occupations set forth in this  
1037 chapter; (g) has advertised by means of knowingly false or  
1038 deceptive statements; \* \* \* (h) has failed to display the license  
1039 or certificate issued to him or her as provided for in this



1040 chapter; or (i) has been convicted of violating any of the  
1041 provisions of this chapter. A conviction of violating any of the  
1042 provisions of this chapter shall be grounds for automatic  
1043 suspension of the license or certificate of such person.

1044 (3) (a) The board shall not revoke, suspend or refuse to  
1045 issue or renew any license or certificate, or fine, place on  
1046 probation or otherwise discipline any \* \* \* applicant, licensee or  
1047 holder of a certificate in a disciplinary matter except after a  
1048 hearing of which the applicant or licensee or holder of the  
1049 certificate affected shall be given at least twenty (20) days'  
1050 notice in writing, specifying the reason or reasons for denying  
1051 the applicant a license or certificate of registration, or in the  
1052 case of any other disciplinary action, the offense or offenses of  
1053 which the licensee or holder of a certificate of registration is  
1054 charged. Such notice may be served by mailing a copy thereof by  
1055 United States first-class certified mail, postage prepaid, to the  
1056 last-known residence or business address of such applicant,  
1057 licensee or holder of a certificate. The hearing on such charges  
1058 shall be at such time and place as the board may prescribe. The  
1059 provisions of this paragraph (a) shall not apply to the board's  
1060 collection of a civil penalty or fine imposed by the board under  
1061 paragraph (b) of this subsection.

1062 (b) Any civil penalty or fine imposed by the board  
1063 under this chapter resulting from an inspection or audit shall  
1064 become due and payable when the applicant, licensee or holder of a



1065 certificate incurring the penalty receives a notice in writing  
1066 from the board of the penalty. The notice shall be sent by  
1067 registered or certified mail or by personal service. The person  
1068 to whom the notice is addressed shall have thirty (30) days from  
1069 the date of the notice in which to make written application for a  
1070 hearing. Any person who makes the application for a hearing shall  
1071 be entitled to a hearing. The hearing shall be conducted as a  
1072 contested case hearing. When an order assessing a civil penalty  
1073 under this section becomes final by operation of law or on appeal,  
1074 unless the amount of penalty is paid within thirty (30) days after  
1075 the order becomes final, it may be recorded with the circuit clerk  
1076 in any county of this state. The clerk shall then record the name  
1077 of the person incurring the penalty and the amount of the penalty  
1078 in his lien record book.

1079 (c) The board may temporarily suspend a license under  
1080 this chapter without any hearing, simultaneously with the  
1081 institution of proceedings under this section, if it finds that  
1082 the evidence in support of the board's determination is clear,  
1083 competent and unequivocal that the licensee's continuation in  
1084 practice would constitute an imminent danger to public health and  
1085 safety.

1086 (4) At such hearings, all witnesses shall be sworn by  
1087 a \* \* \* court reporter, and stenographic notes of the proceedings  
1088 shall be taken. Any party to the proceedings \* \* \*, at the  
1089 request of such party, shall be furnished with a copy of such



1090 stenographic notes upon payment to the board of such fees as it  
1091 shall prescribe, not exceeding, however, the actual costs of  
1092 transcription.

1093 (5) The board is \* \* \* authorized and empowered to issue  
1094 subpoenas for the attendance of witnesses and the production of  
1095 books and papers. The process issued by the board shall extend to  
1096 all parts of the state and such process shall be served by any  
1097 person designated by the board for such service. The person  
1098 serving such process shall receive such compensation as may be  
1099 allowed by the board, not to exceed the fee prescribed by law for  
1100 similar services. All witnesses who shall be subpoenaed, and who  
1101 shall appear in any proceedings before the board, shall receive  
1102 the same fees and mileage as allowed by law.

1103 (6) Where in any proceeding before the board any witness  
1104 shall fail or refuse to attend upon subpoena issued by the board,  
1105 shall refuse to testify, or shall refuse to produce any books and  
1106 papers, the production of which is called for by the subpoena, the  
1107 attendance of such witness and the giving of his testimony and the  
1108 production of the books and papers shall be enforced by any court  
1109 of competent jurisdiction of this state, in the same manner as are  
1110 enforced for the attendance and testimony of witnesses in civil  
1111 cases in the courts of this state.

1112 (7) The board shall conduct the hearing in an orderly and  
1113 continuous manner, granting continuances only when the ends of  
1114 justice may be served. The board shall, within sixty (60) days



1115 after conclusion of the hearing, reduce its decision to writing  
1116 and forward an attested true copy thereof to the last-known  
1117 residence or business address of such applicant, licensee or  
1118 holder of a certificate, by way of United States first-class  
1119 certified mail, postage prepaid.

1120       \* \* \* (8) Any and all parties to the hearing shall have the  
1121 right of appeal from an adverse ruling, or order, or decision of  
1122 the board to the Chancery Court of the First Judicial District of  
1123 Hinds County, Mississippi, upon forwarding notice of appeal to the  
1124 board within thirty (30) days after the decision of the board is  
1125 mailed in the manner here contemplated. \* \* \* The appellant  
1126 shall, together with the notice of appeal, \* \* \* first pay the  
1127 costs for the \* \* \* transcription of \* \* \* the record of the  
1128 hearing(s) and proceeding(s) before the board in which the adverse  
1129 ruling, order or decision of the board was made. Any fine imposed  
1130 by the board under the provisions of this chapter shall not take  
1131 effect until after the time for appeal has expired, and an appeal  
1132 of the imposition of such a fine shall act as a supersedeas bond.  
1133 The appeal shall thereupon be heard in due course by the court,  
1134 which shall review the record and make its determination thereon.

1135       (9) The board, in its discretion, may assess and charge any  
1136 part or all of the costs of any disciplinary proceedings conducted  
1137 under this section against the accused if the accused is found  
1138 guilty of the charges.



1139 (10) Any fine imposed by the board upon a licensee or holder  
1140 of a certificate shall be in accordance with the following \* \* \*  
1141 class designation of fines:

1142 (a) \* \* \* Class A - No violations or the violations are  
1143 minor health and safety violations that are detrimental to public  
1144 safety and welfare. Violations under this class shall be set at  
1145 no less than Fifty Dollars (\$50.00) but no more than Two Hundred  
1146 Dollars (\$200.00);

1147 (b) \* \* \* Class B - Class B violations are major health  
1148 and safety concerns that are detrimental to public safety and  
1149 welfare and shall be set at no less than Two Hundred Fifty Dollars  
1150 (\$250.00) but no more than Seven Hundred Fifty Dollars (\$750.00);

1151 (c) Class C - Class C violations shall be set at no  
1152 less than Eight Hundred Dollars (\$800.00) but no more than One  
1153 Thousand Dollars (\$1,000.00) and are violations specific to the  
1154 following:

1155 (i) Unlicensed practice or the use of fraudulent  
1156 statements to obtain any benefits or privileges under this chapter  
1157 or practicing one (1) of the professions regulated by the board  
1158 without a license. These violations will be handled in accordance  
1159 with the requirements of Section 73-7-27 or Section 73-7-37 when  
1160 applicable; and

1161 (ii) Extremely dangerous to the health and safety  
1162 of the public.



1163           The power and authority of the board to impose such fines  
1164 under this section shall not be affected or diminished by any  
1165 other proceeding, civil or criminal, concerning the same violation  
1166 or violations.

1167           (11) In addition to the reasons specified in subsection (2)  
1168 of this section, the board shall be authorized to suspend the  
1169 license of any licensee for being out of compliance with an order  
1170 for support, as defined in Section 93-11-153. The procedure for  
1171 suspension of a license for being out of compliance with an order  
1172 for support, and the procedure for the reissuance or reinstatement  
1173 of a license suspended for that purpose, and the payment of any  
1174 fees for the reissuance or reinstatement of a license suspended  
1175 for that purpose, shall be governed by Section 93-11-157 or  
1176 93-11-163, as the case may be. Actions taken by the board in  
1177 suspending a license when required by Section 93-11-157 or  
1178 93-11-163 are not actions from which an appeal may be taken under  
1179 this section. Any appeal of a license suspension that is required  
1180 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
1181 with the appeal procedure specified in Section 93-11-157 or  
1182 93-11-163, as the case may be, rather than the procedure specified  
1183 in this section. If there is any conflict between any provision  
1184 of Section 93-11-157 or 93-11-163 and any provision of this  
1185 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
1186 case may be, shall control.



1187           **SECTION 21.** Section 73-7-29, Mississippi Code of 1972, is  
1188 amended as follows:

1189           73-7-29. The \* \* \* board \* \* \* shall assess fees in the  
1190 following amounts and for the following purposes:

- 1191           (a) Initial license/renewal for cosmetologist, \* \* \*  
1192 barber, nail technician or esthetician \* \* \*.....\$ 50.00
- 1193           (b) Instructor initial license/renewal..... 80.00
- 1194           (c) Master \* \* \* license/renewal..... 70.00
- 1195           (d) Delinquent renewal penalty - cosmetologist, \* \* \*  
1196 barber, nail technician, esthetician \* \* \* and instructor.. 50.00
- 1197           There shall be no renewal fee for any licensee seventy (70)  
1198 years of age or older.
- 1199           (e) Salon/barber shop application and initial  
1200 inspection..... 85.00
- 1201           (f) Salon/barber shop reinspection..... 35.00
- 1202           (g) \* \* \* Application under reciprocity or UROLA 55.00
- 1203           (h) Salon/barber shop renewal..... 60.00
- 1204           (i) Salon/barber shop delinquent renewal penalty 50.00
- 1205           (j) Application and initial inspection for a  
1206 new school..... 300.00
- 1207           (k) New school reinspection..... 100.00
- 1208           (l) School change of ownership..... 300.00
- 1209           (m) School relocation..... 150.00
- 1210           (n) School renewal..... 75.00
- 1211           (o) School delinquent renewal penalty..... 100.00





1212	(p) Duplicate license.....	10.00
1213	(q) Penalty for insufficient fund checks.....	20.00
1214	(r) Affidavit processing.....	15.00
1215	(s) <u>Demonstrator permit.....</u>	<u>10.00</u>

1216 An applicant who applies under the Military Family Freedom  
1217 Act shall not be charged a fee. The \* \* \* board \* \* \* may charge  
1218 additional fees for services which the board deems appropriate to  
1219 carry out its intent and purpose. These additional fees shall not  
1220 exceed the cost of rendering the service.

1221 The board is fully authorized to make refunds of any deposits  
1222 received by the board for services which are not rendered.  
1223 Refunds will automatically be made on overpayment of fees. All  
1224 other refunds will be made \* \* \* upon the written requests from  
1225 applicants. If no request for refund is made within sixty (60)  
1226 days, the fees will be forfeited.

1227 **SECTION 22.** Section 73-7-31, Mississippi Code of 1972, is  
1228 amended as follows:

1229 73-7-31. Nothing in this chapter shall apply to:

1230 (a) \* \* \* Cosmetology, barbering, nail technology or  
1231 facial treatments given in the home to members of family or  
1232 friends for which no charge is made. Cosmetology, barbering, nail  
1233 technology or facial treatments given at an event venue to members  
1234 of family or friends for which no charge is made may be permitted  
1235 upon the express, written approval of the board.



1236 (b) Persons whose practice is limited to only  
1237 performing makeup artistry, threading or applying or removing  
1238 eyelash extensions; however, a person may perform a combination of  
1239 not more than these three (3) such practices and still be exempt  
1240 from this chapter.

1241 \* \* \*

1242 ( \* \* \*c) Persons engaged in the practice of hair  
1243 braiding as defined in Section 73-7-71 who have completed the  
1244 self-test part of the brochure on infection control techniques  
1245 prepared by the State Department of Health and who keep the  
1246 brochure and completed self-test available at the location at  
1247 which the person is engaged in hair braiding.

1248 **SECTION 23.** Section 73-7-33, Mississippi Code of 1972, is  
1249 amended as follows:

1250 73-7-33. (1) In addition to the rules and regulations that  
1251 may be prescribed and promulgated by the board under authority of  
1252 this chapter, the following rules and regulations shall be  
1253 observed:

1254 (a) Every establishment must be kept sanitary,  
1255 including all utensils and equipment, must be well ventilated and  
1256 properly lighted. Each salon/barber shop must be provided with  
1257 hot and cold running water. Electrical appliances must be  
1258 properly installed and grounded.

1259 (b) Cosmetologists, barbers, estheticians and nail  
1260 technicians shall be allowed to wear any type of clothing or



1261 apparel while at work as long as such clothing or apparel is clean  
1262 and sanitary.

1263 (c) Cosmetologists shall be allowed to use any type of  
1264 hair roller as long as they do so in a sanitary manner.

1265 (d) Persons with a communicable disease or parasitic  
1266 infection that is medically recognized to be a direct threat of  
1267 transmission by the type of contact that practitioners have with  
1268 clients are not to be permitted to practice in an establishment  
1269 until their condition is no longer communicable under those  
1270 circumstances. No work shall be performed on any patron having a  
1271 visible disease unless the patron shall produce a certificate from  
1272 a practicing physician stating that the patron is free from  
1273 infectious, contagious or communicable disease. A \* \* \* license  
1274 regulated by the board does not authorize such \* \* \* licensee to  
1275 treat or prescribe for an infectious, contagious or any other  
1276 disease.

1277 (e) A home salon/barber shop must have a solid wall to  
1278 the ceiling with an outside entrance, or if a door exists between  
1279 the salon/barber shop and the remainder of the house, the door  
1280 must be kept closed at all times while service is being rendered.

1281 **SECTION 24.** Section 73-7-35, Mississippi Code of 1972, is  
1282 amended as follows:

1283 73-7-35. (1) No person licensed pursuant to this chapter  
1284 shall practice his or her profession except within the physical  
1285 confines of a salon/barber shop possessing and displaying a



1286 properly executed license issued pursuant to Section 73-7-17.  
1287 However, this requirement shall not prevent a person from  
1288 rendering his or her services to any person who may be confined to  
1289 his or her home, a hospital, or other place as a result of  
1290 illness, and cosmetologists and barbers shall be permitted to  
1291 render their services to deceased persons away from their \* \* \*  
1292 salon/barber shop.

1293 (2) No salon/barber shop owner licensed pursuant to this  
1294 chapter shall allow a cosmetologist, barber, esthetician, or \* \* \*  
1295 nail technician to practice his/her profession in the salon/barber  
1296 shop without possessing a valid license issued pursuant to this  
1297 chapter.

1298 (3) Nothing in this section shall prevent a person licensed  
1299 pursuant to this chapter from rendering his or her services at the  
1300 physical practice location of a physician, physician's assistant,  
1301 or advanced practice registered nurse, or require such a practice  
1302 location to be licensed pursuant to this chapter.

1303 **SECTION 25.** Section 73-7-37, Mississippi Code of 1972, is  
1304 amended as follows:

1305 73-7-37. (1) The violation of any of the provisions of this  
1306 chapter, including the use of fraudulent statements to obtain any  
1307 benefits or privileges under this chapter or practicing one (1) of  
1308 these professions without a license, shall constitute a  
1309 misdemeanor, punishable in any court of competent jurisdiction at  
1310 the seat of government, and any person or firm convicted of the



1311 violation of any of the provisions of this chapter shall be fined  
1312 not less than \* \* \* Five Hundred Dollars (\$500.00) but not more  
1313 than One Thousand Dollars (\$1,000.00). The court shall not be  
1314 authorized to suspend or suspend the execution of the fine  
1315 required under this section.

1316 (2) If any person, \* \* \* salon, school or \* \* \* other type  
1317 of business entity engaged in the practice or teaching of the  
1318 professions regulated by the board violates any of the provisions  
1319 of this chapter, the secretary of the board, upon direction of a  
1320 majority of the board and in the name of the board, acting through  
1321 the Attorney General or an attorney employed by the board, shall  
1322 apply in the \* \* \* chancery court of the county in Mississippi in  
1323 which the person or licensee resides or in the county which the  
1324 person or licensee practices, or the county in which the salon,  
1325 school, or other type of business entity is located, for an order  
1326 enjoining such violation or for an order enforcing compliance with  
1327 the provisions of this chapter. Upon the filing of a verified  
1328 petition in the chancery court and after notice as provided under  
1329 the Mississippi Rules of Civil Procedure, such court, if satisfied  
1330 by the sworn petition, by affidavit or otherwise, that such person  
1331 or entity has violated any of the provisions of this chapter, may  
1332 issue an injunction without notice or bond, enjoining such  
1333 continued violation and such injunction shall remain in force and  
1334 effect until a final hearing. If at such hearing it is  
1335 established that such person or entity has violated or is



1336 violating any of the provisions of this chapter, the court may  
1337 enter a decree permanently enjoining such violation or enforcing  
1338 compliance with this chapter. In addition, the court may enter a  
1339 judgment against such person or entity for attorney's fees, court  
1340 costs and the actual costs incurred by the board in investigating  
1341 the actions of such person for which the board brought the suit  
1342 for an injunction. In case of violation of any decree issued in  
1343 compliance with this subsection, the court may punish the offender  
1344 for contempt of court and the court shall proceed as in other  
1345 cases.

1346 (3) The proceedings in this section shall be in addition to  
1347 and not in lieu of the other remedies and penalties provided in  
1348 this chapter.

1349 **SECTION 26.** Section 73-7-71, Mississippi Code of 1972, is  
1350 amended as follows:

1351 73-7-71. (1) For the purpose of this section, the term  
1352 "hair braiding" means the use of techniques that result in tension  
1353 on hair strands or roots by twisting, wrapping, weaving,  
1354 extending, locking or braiding of the hair by hand or mechanical  
1355 device, but does not include the application of dyes, reactive  
1356 chemicals, or other preparations to alter the color of the hair or  
1357 to straighten, shampoo, condition, curl or alter the structure of  
1358 the hair.

1359 (2) No person shall engage in hair braiding for compensation  
1360 in the State of Mississippi without first registering with the



1361 State Department of Health. The department may charge each  
1362 registrant a fee of not more than Twenty-five Dollars (\$25.00) to  
1363 cover the department's costs in registering the person and  
1364 providing the person with the brochure prepared under subsection  
1365 (3) of this section, which fee shall be uniform for all  
1366 registrants. Any increase in the fee charged by the board under  
1367 this subsection shall be in accordance with the provisions of  
1368 Section 41-3-65. The purpose of this registration is only to  
1369 maintain a listing of those persons who engage in hair braiding  
1370 for compensation in the state, and does not authorize the  
1371 department to license or regulate the practice of hair braiding in  
1372 the state, except as provided in subsection (4) of this section.

1373 (3) The State Department of Health shall develop and prepare  
1374 a brochure containing information about infection control  
1375 techniques that are appropriate for hair braiding in or outside of  
1376 a salon/barber shop setting. The brochure shall be made available  
1377 through the department's website or by mail, upon request, for a  
1378 fee to cover the department's mailing costs. The brochure shall  
1379 contain a self-test with questions on the information contained in  
1380 the brochure. For a person engaged in hair braiding to be exempt  
1381 from the cosmetology and barbering licensure law, Section 73-7-1  
1382 et seq., the person shall complete the self-test part of the  
1383 brochure and keep the brochure and completed self-test available  
1384 at the location at which the person is engaged in hair braiding.



1385 (4) Representatives of the department may visit any facility  
1386 or premises in which hair braiding is performed at any time during  
1387 business hours to determine if the brochure and completed  
1388 self-test are available at the facility or premises.

1389 (5) This section does not apply to cosmetologists, or  
1390 barbers licensed to practice in Mississippi in their respective  
1391 fields.

1392 **SECTION 27.** The Department of Finance and Administration,  
1393 the Department of Information Technology Services, and the State  
1394 Personnel Board, shall assist the State Board of Cosmetology and  
1395 the Board of Barber Examiners in carrying out the consolidation  
1396 required by this act. This section shall become effective from  
1397 and after its passage, and shall stand repealed on July 1, 2025.

1398 **SECTION 28.** Section 73-7-63, Mississippi Code of 1972, which  
1399 provides a repealer on the State Board of Cosmetology, is  
1400 repealed.

1401 **SECTION 29.** Section 73-5-1, Mississippi Code of 1972, which  
1402 creates the State Board of Barber Examiners, is repealed.

1403 **SECTION 30.** Section 73-5-3, Mississippi Code of 1972, which  
1404 addresses the staffing and compensation of the State Board of  
1405 Barber Examiners, is repealed.

1406 **SECTION 31.** Section 73-5-5, Mississippi Code of 1972, which  
1407 establishes a special fund for deposits; audit, is repealed.





1408           **SECTION 32.** Section 73-5-7, Mississippi Code of 1972, which  
1409 gives the State Board of Barber Examiners the authority to create  
1410 and enforce rules and regulations, is repealed.

1411           **SECTION 33.** Section 73-5-8, Mississippi Code of 1972, which  
1412 addresses certificate qualifications for barber instructor, is  
1413 repealed.

1414           **SECTION 34.** Section 73-5-9, Mississippi Code of 1972, which  
1415 addresses the requirement for barbers to be registered with and  
1416 licensed by the State Board of Barber Examiners, is repealed.

1417           **SECTION 35.** Section 73-5-11, Mississippi Code of 1972, which  
1418 barbering school eligibility and certificate qualifications, is  
1419 repealed.

1420           **SECTION 36.** Section 73-5-12, Mississippi Code of 1972, which  
1421 addresses cosmetology, barber examination and eligibility, is  
1422 repealed.

1423           **SECTION 37.** Section 73-5-15, Mississippi Code of 1972, which  
1424 prescribes the procedure for applications for barber examinations,  
1425 is repealed.

1426           **SECTION 38.** Section 73-5-17, Mississippi Code of 1972, which  
1427 establishes certain requirements for the administration of barber  
1428 examinations, is repealed.

1429           **SECTION 39.** Section 73-5-19, Mississippi Code of 1972, which  
1430 provides for the issuance of certificates of registration as a  
1431 barber, is repealed.



1432           **SECTION 40.** Section 73-5-21, Mississippi Code of 1972, which  
1433 creates the license procedures for persons having practiced  
1434 barbering in another state or country or in military service for  
1435 the State Board of Barber Examiners, is repealed.

1436           **SECTION 41.** Section 73-5-23, Mississippi Code of 1972, which  
1437 addresses conspicuous display of registration certificates and the  
1438 penalty for violations, is repealed.

1439           **SECTION 42.** Section 73-5-25, Mississippi Code of 1972, which  
1440 addresses certificate or license denial, suspension or revocation,  
1441 is repealed.

1442           **SECTION 43.** Section 73-5-27, Mississippi Code of 1972, which  
1443 creates the hearing procedures for the State Board of Barber  
1444 Examiners, is repealed.

1445           **SECTION 44.** Section 73-5-29, Mississippi Code of 1972, which  
1446 establishes fees for the State Board of Barber Examiners, is  
1447 repealed.

1448           **SECTION 45.** Section 73-5-31, Mississippi Code of 1972, which  
1449 establishes application for nonresident license for the State  
1450 Board of Barber Examiners, is repealed.

1451           **SECTION 46.** Section 73-5-33, Mississippi Code of 1972, which  
1452 creates licensure procedures and fees for barbershops, and the  
1453 enforcement of licensure requirements for the State Board of  
1454 Barber Examiners, is repealed.



1455           **SECTION 47.** Section 73-5-35, Mississippi Code of 1972, which  
1456 creates licensure procedures and fees for barber schools for the  
1457 State Board of Barber Examiners, is repealed.

1458           **SECTION 48.** Section 73-5-37, Mississippi Code of 1972, which  
1459 sets an annual cycle for barber license renewal for the State  
1460 Board of Barber Examiners, is repealed.

1461           **SECTION 49.** Section 73-5-39, Mississippi Code of 1972, which  
1462 defines what constitutes the practice of barbering, is repealed.

1463           **SECTION 50.** Section 73-5-41, Mississippi Code of 1972, which  
1464 establishes exemptions from licensing requirements for the State  
1465 Board of Barber Examiners, is repealed.

1466           **SECTION 51.** Section 73-5-43, Mississippi Code of 1972, which  
1467 establishes offenses and penalties for the State Board of Barber  
1468 Examiners, is repealed.

1469           **SECTION 52.** This act shall take effect and be in force from  
1470 and after July 1, 2024, except for Section 27, which shall take  
1471 effect and be in force from and after the passage of this act.

