

By: Representative Shanks

To: Public Health and Human Services

HOUSE BILL NO. 753

1 AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF
3 COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND SECTION
4 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE
5 REPEALER ON THOSE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

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

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

9 73-7-1. There is hereby continued and reconstituted a State
10 Board of Cosmetology, composed of five (5) members to be appointed
11 by the Governor, with the advice and consent of the Senate, and
12 whose term of office shall be four (4) years from the date of
13 appointment except as otherwise provided herein. However, no more
14 than two (2) members shall be appointed from each Supreme Court
15 district.

16 There shall be a president of the board and such other
17 officers as deemed necessary by the board elected by and from its
18 membership, provided that the member elected as president shall
19 have at least one (1) year of experience on the board. Any member



20 appointed by the Governor and confirmed by the Senate for a term
21 to begin on or after July 1, 1997, who was designated by the
22 Governor to serve as president of the board, shall be fully
23 qualified to serve on the board for a full term of office, but
24 shall not serve as president of the board unless elected by the
25 membership of the board as provided under this paragraph.

26 To be eligible for appointment as a member of the State Board
27 of Cosmetology, the person applying shall have been a citizen of
28 this state for a minimum of five (5) years immediately prior to
29 appointment. Such person shall be at least thirty (30) years of
30 age, possess a high school education or its equivalent, and shall
31 have been a licensed cosmetologist with not less than ten (10)
32 years' active practice in cosmetology. No member of the board
33 shall be connected in any way with any school wherein cosmetology
34 is taught, nor shall any two (2) members of the board be graduates
35 of the same school of cosmetology.

36 However, in the event of vacancy by death or resignation of
37 any member of the board, the Governor shall, within thirty (30)
38 days, appoint a person possessing all qualifications required to
39 serve the remainder of the term. Any member who shall not attend
40 two (2) consecutive meetings of the board for reasons other than
41 illness of such member shall be subject to removal by the
42 Governor. The president of the board shall notify the Governor in
43 writing when any such member has failed to attend two (2)
44 consecutive regular meetings.



45 The salaries of all paid employees of the board shall be paid
46 out of funds in the board's special fund in the State Treasury.
47 Each member of the board, excepting the inspectors provided for
48 herein, shall receive per diem as authorized by Section 25-3-69,
49 and shall be reimbursed for such other expenses at the same rate
50 and under the same conditions as other state employees as provided
51 for in Section 25-3-41.

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

54 **SECTION 2.** Section 73-7-2, Mississippi Code of 1972, is
55 reenacted as follows:

56 73-7-2. As used in this chapter, the following terms shall
57 have the meanings ascribed herein unless the context otherwise
58 requires:

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

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

64 (i) Cutting, clipping or trimming hair and hair
65 pieces.

66 (ii) Styling, arranging, dressing, curling,
67 waving, permanent waving, straightening, cleansing, bleaching,
68 tinting, coloring or similarly treating hair and hair pieces.



69 (iii) Cleansing, stimulating, manipulating,
70 beautifying or applying oils, antiseptics, clays, lotions or other
71 preparations, either by hand or by mechanical or electrical
72 apparatus.

73 (iv) Arching eyebrows, to include tweezing,
74 waxing, threading or any other methods of epilation, or tinting
75 eyebrows and eyelashes.

76 (v) Removing superfluous hair by the use of
77 depilation.

78 (vi) Manicuring and pedicuring.

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

85 (c) "Cosmetologist" means a person who for
86 compensation, whether direct or indirect, engages in the practice
87 of cosmetology.

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

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

91 (ii) Arching eyebrows to include trimming,
92 tweezing, waxing, threading or any other method of epilation or
93 tinting eyebrows and eyelashes.



94 (iii) Tinting eyelashes or eyebrows.

95 (iv) Waxing, stimulating, cleaning or beautifying
96 the face, neck, arms or legs of a person by any method with the
97 aid of the hands or any mechanical or electrical apparatus, or by
98 the use of a cosmetic preparation.

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

106 (e) "Esthetician" means any person who, for
107 compensation, either direct or indirect, engages in the practice
108 of esthetics.

109 (f) "Instructor" means a person licensed to teach
110 cosmetology, or manicuring and pedicuring, or esthetics, or all of
111 those, pursuant to this chapter, and shall include those persons
112 engaged in the instruction of student instructors.

113 (g) "Manicuring and pedicuring" means any one (1) or a
114 combination of the following practices:

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

117 (ii) Applying artificial nails.



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

120 (h) "Manicurist" means a person who for compensation,
121 either direct or indirect, engages in the practice of manicuring
122 and pedicuring.

123 (i) "Master" means a person holding a cosmetology,
124 manicuring and esthetics license who has completed the minimum
125 course of continuing education prescribed by Section 73-7-14.

126 (j) "Salon" means an establishment operated for the
127 purpose of engaging in the practice of cosmetology, or manicuring
128 and pedicuring, or esthetics, or wigology, or all of those.

129 (k) "School" means an establishment, public or private,
130 operated for the purpose of teaching cosmetology, or manicuring
131 and pedicuring, or esthetics, or wigology, or all of those.

132 **SECTION 3.** Section 73-7-3, Mississippi Code of 1972, is
133 reenacted as follows:

134 73-7-3. The board shall be authorized to employ such
135 clerical and stenographic assistance, bookkeepers, investigators
136 and other agents as they may deem necessary to carry out the
137 provisions of this chapter, and to fix their tenure of employment
138 and compensation therefor. The members of the board shall file a
139 bond with the Secretary of State in the sum of not less than Five
140 Thousand Dollars (\$5,000.00) payable to the State of Mississippi
141 for the faithful performance of their duties. The bond shall be
142 made by a surety company authorized to do business in this state,



143 the premium of the bond to be paid out of any money in the board's
144 special fund in the State Treasury.

145 The office of the board shall be located in the greater
146 metropolitan area of the City of Jackson, Mississippi, and in the
147 event office space cannot be obtained in any state-owned building,
148 the board is authorized to rent suitable office space and to pay
149 therefor out of funds in the board's special fund. The board
150 shall employ inspectors as needed, not to exceed seven (7), who
151 shall be full-time employees and whose salaries and duties shall
152 be fixed by the board.

153 The salaries of all paid employees of the board shall be paid
154 out of the funds in the board's special fund. The inspectors
155 shall, in addition to their salaries, be reimbursed for such
156 expenses as are allowed other state employees under the provisions
157 of Section 25-3-41. In addition to the paying of office rent, the
158 board is authorized to purchase necessary office furniture and
159 equipment, stationery, books, certificates and any other equipment
160 necessary for the proper administration of this chapter.

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

163 73-7-5. (1) All fees and any other monies received by the
164 board shall be deposited in a special fund that is created in the
165 State Treasury and shall be used for the implementation and
166 administration of this chapter when appropriated by the
167 Legislature for such purpose. The monies in the special fund



168 shall be subject to all provisions of the state budget laws that
169 are applicable to special fund agencies, and shall be disbursed by
170 the State Treasurer only upon warrants issued by the State Fiscal
171 Officer upon requisitions signed by the president of the board or
172 another board member designated by the president, and
173 countersigned by the secretary of the board. Any interest earned
174 on this special fund shall be credited by the State Treasurer to
175 the fund and shall not be paid into the State General Fund. Any
176 unexpended monies remaining in the special fund at the end of a
177 fiscal year shall not lapse into the State General Fund.

178 (2) The State Auditor shall audit the financial affairs of
179 the board and the transactions involving the special fund at least
180 once a year in the same manner as for other special fund agencies.
181 In addition, the Governor, in his discretion, shall have the power
182 from time to time to require an audit of the financial affairs of
183 the board, the same to be made by the State Auditor upon request
184 of the Governor. The Governor shall have the power to suspend any
185 member of the board who shall be found in default in any account
186 until such time as it shall be determined whether such default was
187 a result of an act of dishonesty on the part of the member, and in
188 the event it is found that such default is an act of dishonesty,
189 misfeasance or nonfeasance on the part of the member, such member
190 shall be immediately removed by the Governor from office.

191 **SECTION 5.** Section 73-7-7, Mississippi Code of 1972, is
192 reenacted as follows:



193 73-7-7. (1) The board shall have authority to make
194 reasonable rules and regulations for the administration of the
195 provisions of this chapter. The board shall set up a curriculum
196 for operation of schools of cosmetology and the other professions
197 it is charged to regulate in this state. The board shall receive
198 and consider for adoption recommendations for rules and
199 regulations, school curriculum, and related matters from the
200 Mississippi Cosmetology Council, whose membership shall consist
201 of, in addition to the board members, five (5) elected delegates
202 from the Mississippi Cosmetology Association, five (5) elected
203 delegates from the Mississippi Cosmetology School Association,
204 five (5) elected delegates from the Mississippi Independent
205 Beauticians Association, and five (5) elected delegates from the
206 School Owners and Teachers Association. The board may revoke the
207 license of any cosmetologist, esthetician, manicurist, instructor,
208 school of cosmetology, or salon, or may refuse to issue a license
209 to any cosmetologist, esthetician, manicurist, instructor, school
210 of cosmetology, or salon that fails or refuses to comply with the
211 provisions of this chapter and the rules and regulations of the
212 board in carrying out the provisions of this chapter.

213 (2) The board shall have authority to prescribe reasonable
214 rules and regulations governing sanitation of schools of
215 cosmetology and beauty salons for the guidance of persons licensed
216 under this chapter in the operation of schools of cosmetology, or
217 a beauty salon, and in the practice of cosmetology, esthetics,



218 manicuring and pedicuring, and wigology. However, any and all
219 rules and regulations relating to sanitation shall, before
220 adoption by the board, have the written approval of the State
221 Board of Health. When the board has reason to believe that any of
222 the provisions of this chapter or of the rules and regulations of
223 the board have been violated, either upon receipt of a written
224 complaint alleging such violations or upon the board's own
225 initiative, the board, or any of its authorized agents, shall
226 investigate same and shall have authority to enter upon the
227 premises of a school of cosmetology or salon at any time during
228 the regular business hours of that school or salon to conduct the
229 investigation. Such investigation may include, but not be limited
230 to, conducting oral interviews with the complaining party, school
231 or salon owner(s) and/or students of the school, and reviewing
232 records of the school or salon pertinent to the complaint and
233 related to an area subject to the authority of the board. Such
234 investigation shall not include written interviews or surveys of
235 school employees or students, and the privacy of patrons shall be
236 respected by any person making such investigation.

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



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

246 **SECTION 6.** Section 73-7-9, Mississippi Code of 1972, is
247 reenacted as follows:

248 73-7-9. No person required by this chapter to have a license
249 shall conduct a beauty salon or school of cosmetology, or practice
250 cosmetology, esthetics, manicuring and pedicuring, or practice as
251 an instructor, unless such person has received a license or
252 temporary permit therefor from the board. Students determined to
253 have violated any of these rules or regulations prior to being
254 licensed by the board shall be subject to the same discipline by
255 the board as licensees. They may be disciplined and fined
256 accordingly.

257 **SECTION 7.** Section 73-7-11, Mississippi Code of 1972, is
258 reenacted as follows:

259 73-7-11. Each owner of a license issued by the board under
260 the provisions of this chapter shall display the license in a
261 conspicuous place in his or her principal office, place of
262 business or employment, at all times.

263 Each practitioner and instructor license shall contain a head
264 photograph of the license holder, the person's name, and the type
265 of license held by the person. The requirements of this section



266 shall apply at the time of issuance of a new license or at the
267 time of renewal of an existing license.

268 **SECTION 8.** Section 73-7-12, Mississippi Code of 1972, is
269 reenacted as follows:

270 73-7-12. Effective January 1, 2020, the State Board of
271 Cosmetology shall terminate its student testing contract with
272 proper notice and shall conduct examinations for cosmetologists,
273 estheticians, manicurists and instructors at such times and
274 locations as determined by the board. The members of the board
275 shall not personally administer or monitor the examinations, but
276 the board shall contract for administrators of the examinations.
277 A member of the board shall not receive any per diem compensation
278 for any day that the member is present at the site where the
279 examinations are being administered.

280 **SECTION 9.** Section 73-7-13, Mississippi Code of 1972, is
281 reenacted as follows:

282 73-7-13. (1) The board shall admit to examination for a
283 cosmetology license any person who has made application to the
284 board in proper form, has paid the required fee, and who (a) is at
285 least seventeen (17) years of age, (b) can read, write and speak
286 English, (c) has successfully completed no less than fifteen
287 hundred (1500) hours over a period of no less than nine (9) months
288 in a licensed school of cosmetology, and (d) has a high school
289 education or its equivalent or has been successfully enrolled in a
290 community college.



291 (a) The board may, in its discretion, issue to any
292 student who has completed the prescribed hours in a licensed
293 school and paid the required fee a temporary permit until such
294 time as the next examination may be held, but such student shall
295 be issued only one (1) temporary permit. Application for an
296 examination and license shall be accompanied by two (2) passport
297 photographs of the applicant. No temporary permit will be issued
298 to an applicant from any other state to operate a beauty salon or
299 school of cosmetology in this state unless in case of emergency.

300 (b) Applicants for the cosmetologist examination, after
301 having satisfactorily passed the prescribed examination, shall be
302 issued a cosmetology license which until June 30, 2001, shall be
303 valid for one (1) year, and after July 1, 2001, shall be valid for
304 two (2) years, and all those licenses shall be subject to renewal.

305 (c) Any barber who can read, write and speak English
306 and has successfully completed no less than fifteen hundred (1500)
307 hours in a licensed barber school, and who holds a current valid
308 certificate of registration to practice barbering and who holds a
309 current valid license, is eligible to take the cosmetology
310 examination to secure a cosmetology license upon successfully
311 completing five hundred (500) hours in a licensed school of
312 cosmetology. All fees for application, examination, registration
313 and renewal thereof shall be the same as provided for
314 cosmetologists.



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

318 (3) Any licensed cosmetologist, esthetician, or manicurist
319 who is registered but not actively practicing in the State of
320 Mississippi at the time of making application for renewal, may
321 apply for registration on the "inactive" list. Such "inactive"
322 list shall be maintained by the board and shall set out the names
323 and post office addresses of all persons registered but not
324 actively practicing in this state, arranged alphabetically by name
325 and also by the municipalities and states of their last-known
326 professional or residential address. Only the cosmetologists,
327 estheticians and manicurists registered on the appropriate list as
328 actively practicing in the State of Mississippi shall be
329 authorized to practice those professions. For the purpose of this
330 section, any licensed cosmetologist, esthetician or manicurist who
331 has actively practiced his or her profession for at least three
332 (3) months of the immediately preceding license renewal period
333 shall be considered inactive practice. No cosmetologist,
334 esthetician, or manicurist shall be registered on the "inactive"
335 list until the person has furnished a statement of intent to take
336 such action to the board. Any licensed cosmetologist,
337 esthetician, manicurist or wigologist registered on the "inactive"
338 list shall not be eligible for registration on the active list
339 until either of the following conditions have been satisfied:



340 (a) Written application shall be submitted to the State
341 Board of Cosmetology stating the reasons for such inactivity and
342 setting forth such other information as the board may require on
343 an individual basis and completion of the number of clock hours of
344 continuing education as approved by the board; or

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

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

352 **SECTION 10.** Section 73-7-14, Mississippi Code of 1972, is
353 reenacted as follows:

354 73-7-14. (1) Any person who holds a current, valid
355 cosmetology, manicuring or esthetics license may be licensed as a
356 master cosmetologist, manicurist or esthetician if he or she has
357 been a licensed cosmetologist, manicurist or esthetician in this
358 state for a period of not less than twelve (12) months, and has
359 completed a minimum course of sixteen (16) hours' study in
360 continuing education approved by the board within the licensing
361 period preceding initial application for the license, and has paid
362 the original license fee. Master cosmetologist, manicurist or
363 esthetician licenses shall be renewable upon completion of a
364 minimum course of eight (8) hours' study in continuing education



365 approved by the board within a licensing period and payment of the
366 required renewal fee. This is an optional license and persons who
367 do not wish to complete the continuing education requirement may
368 obtain a cosmetology license when renewing their license.

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

372 **SECTION 11.** Section 73-7-15, Mississippi Code of 1972, is
373 reenacted as follows:

374 73-7-15. (1) The board shall admit to examination for a
375 cosmetology instructor's license any person who has made
376 application to the board in proper form, has paid the required
377 fee, and who:

- 378 (a) Is not less than twenty-one (21) years of age;
- 379 (b) Can read, write and speak English;
- 380 (c) Is a graduate of a licensed cosmetology school;
- 381 (d) Has a high school education or its equivalent;
- 382 (e) Has successfully completed one thousand (1,000)
383 hours of instructor training in a licensed school of cosmetology;
- 384 (f) Has successfully completed six (6) semester hours
385 in college courses approved by the board;
- 386 (g) Holds a current, valid Mississippi cosmetology
387 license; and
- 388 (h) Has at least one (1) year active practical
389 experience as a cosmetologist or, as an alternative to such



390 experience, has successfully completed one thousand (1,000) hours
391 of instructor training in a licensed school of cosmetology.

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

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

396 (b) Can read, write and speak English;

397 (c) Has a high school education or its equivalent;

398 (d) Has successfully completed one thousand (1,000)
399 hours of instructor training in a licensed school in which the
400 practice of esthetics is taught;

401 (e) Has successfully completed six (6) semester hours
402 in college courses approved by the board;

403 (f) Holds a current, valid Mississippi esthetician's
404 license; and

405 (g) Has had one (1) year of active practical experience
406 as an esthetician or, as an alternative to such experience, has
407 successfully completed one thousand (1,000) hours of instructor
408 training in a licensed school in which the practice of esthetics
409 is taught.

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

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

414 (b) Can read, write and speak English;



415 (c) Has a high school education or its equivalent;

416 (d) Has successfully completed one thousand (1,000)
417 hours of instructor training in a licensed school in which the
418 practice of manicuring is taught;

419 (e) Has successfully completed six (6) semester hours
420 in college courses approved by the board;

421 (f) Holds a current, valid Mississippi manicurist's
422 license; and

423 (g) Has had one (1) year of active practical experience
424 as a manicurist or, as an alternative to such experience, has
425 successfully completed one thousand (1,000) hours of instructor
426 training in a licensed school in which the practice of manicuring
427 is taught.

428 (4) Applicants shall satisfactorily pass the examination
429 prescribed by the board for licensing instructors prior to the
430 issuance of the licenses provided for in this section. However,
431 the board may, in its discretion, issue a temporary instructor's
432 permit until such time as the next examination may be held, but
433 such applicant shall be issued only one (1) temporary permit. All
434 applications for an instructor's examination shall be accompanied
435 by two (2) recent head photographs of the applicant.

436 (5) All instructors licensed pursuant to this section shall
437 biennially obtain twenty-four (24) clock hours of continuing
438 education in teacher training instruction in cosmetology or
439 esthetics or manicuring, as the case may be, as approved by the



440 board. Any instructor who fails to obtain the continuing
441 education required by this subsection shall not be allowed to
442 instruct nor enroll students under his or her license until such
443 education requirement has been met. The board may issue an
444 inactive instructor's license to such instructors, and an inactive
445 license may be converted into an active license after proof
446 satisfactory to the board of completion of at least twenty-four
447 (24) clock hours of approved continuing education required for
448 teacher training instruction.

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

452 **SECTION 12.** Section 73-7-16, Mississippi Code of 1972, is
453 reenacted as follows:

454 73-7-16. (1) All schools of cosmetology or school owners
455 shall have a school license and shall pay to the board the
456 required license fee biennially therefor. A grace period of sixty
457 (60) days will be given in which to renew the license, and upon
458 the expiration of the grace period of sixty (60) days, any
459 applicant for the renewal of a school license will be required to
460 pay a delinquent fee in addition to the renewal fee. The board is
461 hereby authorized and empowered to promulgate necessary and
462 reasonable rules and regulations for the issuance and renewal of
463 school licenses. However, the board shall not refuse to issue or
464 renew a school's license because of the number of schools already



465 in that area of the state, and any rule promulgated by the board
466 for that purpose shall be null and void.

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

470 (3) The board shall require all schools of cosmetology to
471 only admit students who have not less than a tenth-grade education
472 or a high school diploma or its equivalency.

473 **SECTION 13.** Section 73-7-17, Mississippi Code of 1972, is
474 reenacted as follows:

475 73-7-17. (1) All salon owners shall have a salon license
476 and shall pay to the board the required license fee therefor and
477 pay the required renewal fee for renewal thereof. A grace period
478 of sixty (60) days will be given in which to renew the license,
479 and upon the expiration of the grace period of sixty (60) days any
480 applicant for the renewal of a salon license will be required to
481 pay a delinquent fee in addition to the renewal fee. A salon
482 license that has been expired for over one (1) year is
483 nonrenewable and requires a new application. Prior to the initial
484 issuance of such license, the board shall inspect the premises to
485 determine if same qualifies with the law, upon payment by the
486 applicant of the required inspection fee.

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



490 **SECTION 14.** Section 73-7-18, Mississippi Code of 1972, is
491 reenacted as follows:

492 73-7-18. (1) The board shall admit to examination for an
493 esthetician's license any person who has made application to the
494 board in proper form, has paid the required fee, and who:

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

496 (b) Can read, write and speak English;

497 (c) Has a high school education or its equivalent; and

498 (d) Has successfully completed a course of training in

499 esthetics of not less than six hundred (600) hours in an

500 accredited school in which the practice of esthetics is taught,

501 including not less than one hundred (100) hours of theory and five

502 hundred (500) hours of skill practice.

503 Any licensed esthetician wishing to acquire a cosmetology

504 license may apply the six hundred (600) hours of esthetics

505 training toward the requirements for a cosmetology license.

506 (2) Every person who has completed not less than three

507 hundred fifty (350) hours of training in esthetics approved by the

508 board in this or any other state prior to July 1, 1987, shall be

509 registered with the board within a period not exceeding six (6)

510 months after July 1, 1987, and shall be granted an esthetician's

511 license by the board if such person presents satisfactory evidence

512 to the board that he or she has fulfilled all the requirements to

513 be admitted to examination except the training hours requirement.



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

517 **SECTION 15.** Section 73-7-19, Mississippi Code of 1972, is
518 reenacted as follows:

519 73-7-19. (1) Except as provided in Section 33-1-39, all
520 licenses shall be renewed biennially under the fee schedule in
521 Section 73-7-29. Applications for renewal of licenses for
522 cosmetologists, estheticians, manicurists and instructors must be
523 accompanied by the required renewal fee. A grace period of sixty
524 (60) days will be given in which to renew the license; and upon
525 the expiration of the grace period of sixty (60) days, any
526 applicant for the renewal of a license will be required to pay the
527 required renewal fee and a delinquent fee in addition to the
528 renewal fee. The fees may be paid by either personal or certified
529 check, cash or money order, under such safeguards, rules and
530 regulations as the board may prescribe. Checks returned to the
531 board because of insufficient funds shall result in nonrenewal of
532 the license, which will require the penalty fee for insufficient
533 fund checks plus all other amounts due for renewal of the license
534 before the license may be renewed. After one (1) year has passed
535 from the expiration date of the license, a delinquent fee must be
536 paid for each year up to three (3) years, after which the required
537 examination must be taken. All applications for examination



538 required by this chapter shall expire ninety (90) days from the
539 date thereof.

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

543 **SECTION 16.** Section 73-7-21, Mississippi Code of 1972, is
544 reenacted as follows:

545 73-7-21. (1) The board shall admit to examination for a
546 manicurist's license any person who has made application to the
547 board in proper form, has paid the required fee, and who:

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

549 (b) Can read, write and speak English;

550 (c) Has successfully completed no less than three
551 hundred fifty (350) hours of practice and related theory in
552 manicuring and pedicuring over a period of no less than nine (9)
553 weeks in an accredited school of cosmetology in this or any other
554 state; and

555 (d) Has a high school education or its equivalent.

556 (2) Licensed manicurists desiring to pursue additional hours
557 to be eligible for a license as a cosmetologist may be credited
558 with the three hundred fifty (350) hours acquired in studying and
559 training to be a manicurist which may be applied to the number of
560 hours required for a cosmetology license examination.



561 (3) The board shall adopt regulations governing the use of
562 electric nail files for the purpose of filing false or natural
563 nails.

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

567 **SECTION 17.** Section 73-7-23, Mississippi Code of 1972, is
568 reenacted as follows:

569 73-7-23. (1) The board may, upon application, issue a
570 license by reciprocity to any cosmetologist, esthetician or
571 manicurist over the age of seventeen (17) years from any other
572 state who has satisfactorily completed the required number of
573 accredited hours in that state, provided the state board from
574 which the applicant comes issues to cosmetologists, estheticians
575 or manicurists, as the case may be, from the State of Mississippi
576 a license under the same conditions. Applications must be
577 accompanied by (a) proof satisfactory to the board that the
578 required hours have been completed, and (b) the required
579 reciprocity fee, which shall be paid to the board.

580 (2) An instructor from any other state may be qualified for
581 a Mississippi instructor's license upon presenting a valid
582 instructor's license and proof of a high school education or its
583 equivalent, provided that the instructor (a) is not less than
584 twenty-one (21) years of age, (b) has completed training
585 equivalent to the State of Mississippi's training as provided in



586 Section 73-7-15 or has three (3) years or more of experience as a
587 licensed instructor prior to application, (c) can read, write and
588 speak English, (d) has completed twelve (12) semester hours in
589 college courses approved by the board, and (e) has completed a
590 minimum of five (5) continuing education hours in Mississippi
591 board laws, rules and regulations. Such application must be
592 accompanied by two (2) recent passport photographs of the
593 applicant. Applicants shall pay the required license fee.

594 (3) An applicant for a Mississippi instructor's license by
595 reciprocity who has not completed the college courses requirement
596 at the time of application may apply for a onetime temporary
597 teaching permit, which shall be valid for six (6) months and shall
598 be nonrenewable. Such application must be accompanied by proof of
599 enrollment in college course(s), required permit fee, two (2)
600 recent passport photographs of the applicant and other
601 documentation as required for application for a Mississippi
602 instructor's license by reciprocity. Upon proof of completion of
603 college courses and payment of the required license fee, a
604 Mississippi instructor's license shall be issued.

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

609 **SECTION 18.** Section 73-7-25, Mississippi Code of 1972, is
610 reenacted as follows:



611 73-7-25. Every demonstrator in the field of cosmetology
612 shall, before making demonstrations in a salon or school, apply
613 for and obtain a permit from the board. For such permit, which
614 shall be for one (1) year, the required fee shall be paid to the
615 board. This section shall be construed to apply to demonstrators
616 in salons and schools.

617 **SECTION 19.** Section 73-7-27, Mississippi Code of 1972, is
618 reenacted as follows:

619 73-7-27. (1) Any complaint may be filed with the board by a
620 member or agent of the board or by any person charging any
621 licensee of the board with the commission of any of the offenses
622 enumerated in subsection (2) of this section. Such complaint
623 shall be in writing, signed by the accuser or accusers, and
624 verified under oath, and such complaints shall be investigated as
625 set forth in Section 73-7-7. If, after the investigation, the
626 board through its administrative review agents determines that
627 there is not substantial justification to believe that the accused
628 licensee has committed any of the offenses enumerated, it may
629 dismiss the complaint or may prepare a formal complaint proceeding
630 against the licensee as hereinafter provided. When used with
631 reference to any complaint filed against a licensee herein, the
632 term "not substantial justification" means a complaint that is
633 frivolous, groundless in fact or law, or vexatious, as determined
634 by unanimous vote of the board. In the event of a dismissal, the
635 person filing the accusation and the accused licensee shall be



636 given written notice of the board's determination. If the board
637 determines there is reasonable cause to believe the accused has
638 committed any of those offenses, the secretary of the board shall
639 give written notice of such determination to the accused licensee
640 and set a day for a hearing as provided in subsection (3) of this
641 section.

642 (2) The board shall have the power to revoke, suspend or
643 refuse to issue or renew any license or certificate provided for
644 in this chapter, and to fine, place on probation and/or otherwise
645 discipline a student or licensee or holder of a certificate, upon
646 proof that such person: (a) has not complied with or has violated
647 any of the rules and regulations promulgated by the board; (b) has
648 not complied with or has violated any of the sections of this
649 chapter; (c) has committed fraud or dishonest conduct in the
650 taking of the examination herein provided for; (d) has been
651 convicted of a felony; (e) has committed grossly unprofessional or
652 dishonest conduct; (f) is addicted to the excessive use of
653 intoxicating liquors or to the use of drugs to such an extent as
654 to render him or her unfit to practice in any of the practices or
655 occupations set forth in this chapter; (g) has advertised by means
656 of knowingly false or deceptive statements; or (h) has failed to
657 display the license or certificate issued to him or her as
658 provided for in this chapter; or (i) has been convicted of
659 violating any of the provisions of this chapter. A conviction of
660 violating any of the provisions of this chapter shall be grounds



661 for automatic suspension of the license or certificate of such
662 person.

663 (3) The board shall not revoke, suspend or refuse to issue
664 or renew any license or certificate, or fine, place on probation
665 or otherwise discipline any person in a disciplinary matter except
666 after a hearing of which the applicant or licensee or holder of
667 the certificate affected shall be given at least twenty (20) days'
668 notice in writing, specifying the reason or reasons for denying
669 the applicant a license or certificate of registration, or in the
670 case of any other disciplinary action, the offense or offenses of
671 which the licensee or holder of a certificate of registration is
672 charged. Such notice may be served by mailing a copy thereof by
673 United States first-class certified mail, postage prepaid, to the
674 last-known residence or business address of such applicant,
675 licensee or holder of a certificate. The hearing on such charges
676 shall be at such time and place as the board may prescribe.

677 (4) At such hearings, all witnesses shall be sworn by a
678 member of the board, and stenographic notes of the proceedings
679 shall be taken. Any party to the proceedings desiring it shall be
680 furnished with a copy of such stenographic notes upon payment to
681 the board of such fees as it shall prescribe, not exceeding,
682 however, the actual costs of transcription.

683 (5) The board is hereby authorized and empowered to issue
684 subpoenas for the attendance of witnesses and the production of
685 books and papers. The process issued by the board shall extend to



686 all parts of the state and such process shall be served by any
687 person designated by the board for such service. The person
688 serving such process shall receive such compensation as may be
689 allowed by the board, not to exceed the fee prescribed by law for
690 similar services. All witnesses who shall be subpoenaed, and who
691 shall appear in any proceedings before the board, shall receive
692 the same fees and mileage as allowed by law.

693 (6) Where in any proceeding before the board any witness
694 shall fail or refuse to attend upon subpoena issued by the board,
695 shall refuse to testify, or shall refuse to produce any books and
696 papers, the production of which is called for by the subpoena, the
697 attendance of such witness and the giving of his testimony and the
698 production of the books and papers shall be enforced by any court
699 of competent jurisdiction of this state, in the same manner as are
700 enforced for the attendance and testimony of witnesses in civil
701 cases in the courts of this state.

702 (7) The board shall conduct the hearing in an orderly and
703 continuous manner, granting continuances only when the ends of
704 justice may be served. The board shall, within sixty (60) days
705 after conclusion of the hearing, reduce its decision to writing
706 and forward an attested true copy thereof to the last-known
707 residence or business address of such applicant, licensee or
708 holder of a certificate, by way of United States first-class
709 certified mail, postage prepaid. Such applicant, licensee, holder
710 of a certificate, or person aggrieved shall have the right of



711 appeal from an adverse ruling, or order, or decision of the board
712 to the Chancery Court of the First Judicial District of Hinds
713 County, Mississippi, upon forwarding notice of appeal to the board
714 within thirty (30) days after the decision of the board is mailed
715 in the manner here contemplated. An appeal will not be allowed in
716 the event notice of appeal, together with the appeal bond
717 hereinafter required, shall not have been forwarded to the board
718 within the thirty-day period. Appeal shall be to the Chancery
719 Court of the First Judicial District of Hinds County, Mississippi.
720 The appeal shall thereupon be heard in due course by the court
721 which shall review the record and make its determination thereon.

722 (8) The appellant shall, together with the notice of appeal,
723 forward to and post with the board a satisfactory bond in the
724 amount of Five Hundred Dollars (\$500.00) for the payment of any
725 costs which may be adjudged against him.

726 (9) In the event of an appeal, the court shall dispose of
727 the appeal and enter its decision promptly. The hearing on the
728 appeal may, in the discretion of the chancellor, be tried in
729 vacation. If there is an appeal, such appeal may, in the
730 discretion of and on motion to the chancery court, act as a
731 supersedeas. However, any fine imposed by the board under the
732 provisions of this chapter shall not take effect until after the
733 time for appeal has expired, and an appeal of the imposition of
734 such a fine shall act as a supersedeas.



735 (10) Any fine imposed by the board upon a licensee or holder
736 of a certificate shall be in accordance with the following
737 schedule:

738 (a) For the first violation, a fine of not less than
739 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
740 for each violation.

741 (b) For the second and each subsequent violation, a
742 fine of not less than One Hundred Dollars (\$100.00) nor more than
743 Four Hundred Dollars (\$400.00) for each violation.

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

748 (11) In addition to the reasons specified in subsection (2)
749 of this section, the board shall be authorized to suspend the
750 license of any licensee for being out of compliance with an order
751 for support, as defined in Section 93-11-153. The procedure for
752 suspension of a license for being out of compliance with an order
753 for support, and the procedure for the reissuance or reinstatement
754 of a license suspended for that purpose, and the payment of any
755 fees for the reissuance or reinstatement of a license suspended
756 for that purpose, shall be governed by Section 93-11-157 or
757 93-11-163, as the case may be. Actions taken by the board in
758 suspending a license when required by Section 93-11-157 or
759 93-11-163 are not actions from which an appeal may be taken under



760 this section. Any appeal of a license suspension that is required
761 by Section 93-11-157 or 93-11-163 shall be taken in accordance
762 with the appeal procedure specified in Section 93-11-157 or
763 93-11-163, as the case may be, rather than the procedure specified
764 in this section. If there is any conflict between any provision
765 of Section 93-11-157 or 93-11-163 and any provision of this
766 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
767 case may be, shall control.

768 **SECTION 20.** Section 73-7-29, Mississippi Code of 1972, is
769 reenacted as follows:

770 73-7-29. The State Board of Cosmetology shall assess fees in
771 the following amounts and for the following purposes:

- 772 (a) Initial license/renewal for cosmetologist,
773 manicurist, esthetician, or wig specialist.....\$ 50.00
774 (b) Instructor initial license/renewal..... 80.00
775 (c) Master cosmetologist license/renewal..... 70.00
776 (d) Delinquent renewal penalty - cosmetologist,
777 manicurist, esthetician, wig specialist and instructor..... 50.00

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

- 780 (e) Salon application and initial inspection.... 85.00
781 (f) Salon reinspection..... 35.00
782 (g) Salon change of ownership or location,
783 or both..... 85.00
784 (h) Salon renewal..... 60.00



785	(i)	Salon delinquent renewal penalty.....	50.00
786	(j)	Application and initial inspection for a	
787		new school.....	300.00
788	(k)	New school reinspection.....	100.00
789	(l)	School change of ownership.....	300.00
790	(m)	School relocation.....	150.00
791	(n)	School renewal.....	75.00
792	(o)	School delinquent renewal penalty.....	100.00
793	(p)	Duplicate license.....	10.00
794	(q)	Penalty for insufficient fund checks.....	20.00
795	(r)	Affidavit processing.....	15.00

796 The State Board of Cosmetology may charge additional fees for
797 services which the board deems appropriate to carry out its intent
798 and purpose. These additional fees shall not exceed the cost of
799 rendering the service.

800 The board is fully authorized to make refunds of any deposits
801 received by the board for services which are not rendered.
802 Refunds will automatically be made on overpayment of fees.
803 Refunds will be made on underpayments by written requests from
804 applicants. If no request for refund is made within sixty (60)
805 days, the fees will be forfeited.

806 **SECTION 21.** Section 73-7-31, Mississippi Code of 1972, is
807 reenacted as follows:

808 73-7-31. Nothing in this chapter shall apply to:



809 (a) Hairdressing, manicuring or facial treatments given
810 in the home to members of family or friends for which no charge is
811 made.

812 (b) Persons whose practice is limited to only
813 performing makeup artistry, threading or applying or removing
814 eyelash extensions; however, a person may perform a combination of
815 not more than three (3) such practices and still be exempt from
816 this chapter.

817 (c) Barbers, and nothing in this chapter shall affect
818 the jurisdiction of the State Board of Barber Examiners.

819 (d) Persons engaged in the practice of hair braiding as
820 defined in Section 73-7-71 who have completed the self-test part
821 of the brochure on infection control techniques prepared by the
822 State Department of Health and who keep the brochure and completed
823 self-test available at the location at which the person is engaged
824 in hair braiding.

825 **SECTION 22.** Section 73-7-33, Mississippi Code of 1972, is
826 reenacted as follows:

827 73-7-33. In addition to the rules and regulations that may
828 be prescribed and promulgated by the board under authority of this
829 chapter, the following rules and regulations shall be observed:

830 Every establishment must be kept sanitary, including all
831 utensils and equipment, must be well ventilated and properly
832 lighted. Each salon must be provided with hot and cold running



833 water. Electrical appliances must be properly installed and
834 grounded.

835 Cosmetologists shall be allowed to wear any type of clothing
836 or apparel while at work as long as such clothing or apparel is
837 sanitary.

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

840 Persons with a communicable disease or parasitic infection
841 that is medically recognized to be a direct threat of transmission
842 by the type of contact that practitioners have with clients are
843 not to be permitted to practice in an establishment until their
844 condition is no longer communicable under those circumstances. No
845 work shall be performed on any patron having a visible disease
846 unless the patron shall produce a certificate from a practicing
847 physician stating that the patron is free from infectious,
848 contagious or communicable disease. A cosmetologist's license
849 does not authorize such person to treat or prescribe for an
850 infectious, contagious or any other disease.

851 A home salon must have a solid wall to the ceiling with an
852 outside entrance, or if a door exists between the salon and the
853 remainder of the house, the door must be kept closed at all times
854 while service is being rendered.

855 **SECTION 23.** Section 73-7-35, Mississippi Code of 1972, is
856 reenacted as follows:



857 73-7-35. (1) No person licensed pursuant to this chapter
858 shall practice his or her profession except within the physical
859 confines of a salon possessing and displaying a properly executed
860 license issued pursuant to Section 73-7-17. However, this
861 requirement shall not prevent a person from rendering his or her
862 services to any person who may be confined to his or her home, a
863 hospital, or other place as a result of illness, and
864 cosmetologists shall be permitted to render their services to
865 deceased persons away from their salons.

866 (2) No salon owner licensed pursuant to this chapter shall
867 allow a cosmetologist, esthetician, or manicurist to practice
868 his/her profession in the salon without possessing a valid license
869 issued pursuant to this chapter.

870 **SECTION 24.** Section 73-7-37, Mississippi Code of 1972, is
871 reenacted as follows:

872 73-7-37. (1) The violation of any of the provisions of this
873 chapter, including the use of fraudulent statements to obtain any
874 benefits or privileges under this chapter or practicing one (1) of
875 these professions without a license, shall constitute a
876 misdemeanor, punishable in any court of competent jurisdiction at
877 the seat of government, and any person or firm convicted of the
878 violation of any of the provisions of this chapter shall be fined
879 not less than One Hundred Dollars (\$100.00) nor more than Five
880 Hundred Dollars (\$500.00). The court shall not be authorized to



881 suspend or suspend the execution of the fine required under this
882 section.

883 (2) If any person, firm or corporation violates any of the
884 provisions of this chapter, the secretary of the board, upon
885 direction of a majority of the board and in the name of the board,
886 acting through the Attorney General or an attorney employed by the
887 board, shall apply in the Chancery Court of the First Judicial
888 District of Hinds County, Mississippi, for an order enjoining such
889 violation or for an order enforcing compliance with the provisions
890 of this chapter. Upon the filing of a verified petition in the
891 chancery court and after notice as provided under the Mississippi
892 Rules of Civil Procedure, such court, if satisfied by the sworn
893 petition, by affidavit or otherwise, that such person has violated
894 any of the provisions of this chapter, may issue an injunction
895 without notice or bond, enjoining such continued violation and
896 such injunction shall remain in force and effect until a final
897 hearing. If at such hearing it is established that such person has
898 violated or is violating any of the provisions of this chapter,
899 the court may enter a decree permanently enjoining such violation
900 or enforcing compliance with this chapter. In addition, the court
901 may enter a judgment against such person for attorney's fees,
902 court costs and the actual costs incurred by the board in
903 investigating the actions of such person for which the board
904 brought the suit for an injunction. In case of violation of any
905 decree issued in compliance with this subsection, the court may



906 punish the offender for contempt of court and the court shall
907 proceed as in other cases.

908 (3) The proceedings in this section shall be in addition to
909 and not in lieu of the other remedies and penalties provided in
910 this chapter.

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

913 73-7-63. Sections 73-7-1 through 73-7-37, which create the
914 State Board of Cosmetology and prescribe its duties and powers,
915 shall stand repealed on July 1, * * * 2027.

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

