

By: Representative Warren

To: Public Health and Human
Services; Appropriations

HOUSE BILL NO. 454

1 AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37 AND
2 SECTIONS 73-7-51 THROUGH 73-7-61, MISSISSIPPI CODE OF 1972, WHICH
3 CREATES THE STATE BOARD OF COSMETOLOGY; TO AMEND SECTION 73-7-63,
4 MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THOSE
5 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
20 member appointed by the Governor and confirmed by the Senate for a
21 term 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.

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

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

72 (iv) Arching eyebrows or tinting eyebrows and
73 eyelashes.

74 (v) Removing superfluous hair by the use of
75 depilatories.

76 (vi) Manicuring and pedicuring.

77 (c) "Cosmetologist" means a person who for
78 compensation, whether direct or indirect, engages in the practice
79 of cosmetology.

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

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

83 (ii) Trimming eyebrows.

84 (iii) Tinting eyelashes or eyebrows.

85 (iv) Waxing, stimulating, cleaning or beautifying
86 the face, neck, arms or legs of a person by any method with the
87 aid of the hands or any mechanical or electrical apparatus, or by
88 the use of a cosmetic preparation.

89 The term "esthetics" shall not include the diagnosis,
90 treatment or therapy of any dermatological condition.

91 (e) "Esthetician" means any person who, for
92 compensation, either direct or indirect, engages in the practice
93 of esthetics.

94 (f) "Instructor" means a person licensed to teach
95 cosmetology, or manicuring and pedicuring, or esthetics, or
96 wigology, or all of those, pursuant to this chapter, and shall
97 include those persons engaged in the instruction of student
98 instructors.

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

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

103 (ii) Applying artificial nails.

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

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

109 (i) "Master cosmetologist" means a person holding a
110 cosmetology license who has completed the minimum course of
111 continuing education prescribed by Section 73-7-14.

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

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

118 (l) "Wigology" means a service to a wig or hairpiece in
119 any one (1) or combination of the following:

120 (i) Arranging, dressing, waving or curling.

121 (ii) Cleaning.

122 (iii) Bleaching or coloring.

123 (iv) Cutting and shaping.

124 (m) "Wig specialist" means a person who, for
125 compensation, either direct or indirect, engages in the practice
126 of wigology.

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

129 73-7-3. The board shall be authorized to employ such
130 clerical and stenographic assistance, bookkeepers, investigators
131 and other agents as they may deem necessary to carry out the
132 provisions of this chapter, and to fix their tenure of employment
133 and compensation therefor. The members of the board shall file a
134 bond with the Secretary of State in the sum of not less than Five
135 Thousand Dollars (\$5,000.00) payable to the State of Mississippi
136 for the faithful performance of their duties. The bond shall be
137 made by a surety company authorized to do business in this state,
138 the premium of the bond to be paid out of any money in the board's
139 special fund in the State Treasury.

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

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

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

158 73-7-5. (1) All fees and any other monies received by the
159 board shall be deposited in a special fund that is created in the

160 State Treasury and shall be used for the implementation and
161 administration of this chapter when appropriated by the
162 Legislature for such purpose. The monies in the special fund
163 shall be subject to all provisions of the state budget laws that
164 are applicable to special fund agencies, and shall be disbursed by
165 the State Treasurer only upon warrants issued by the State Fiscal
166 Officer upon requisitions signed by the president of the board or
167 another board member designated by the president, and
168 countersigned by the secretary of the board. Any interest earned
169 on this special fund shall be credited by the State Treasurer to
170 the fund and shall not be paid into the State General Fund. Any
171 unexpended monies remaining in the special fund at the end of a
172 fiscal year shall not lapse into the State General Fund.

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

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

188 73-7-7. The board shall have authority to make reasonable
189 rules and regulations for the administration of the provisions of
190 this chapter. The board shall set up a curriculum for operation
191 of schools of cosmetology and the other professions it is charged
192 to regulate in this state. The board shall receive and consider

193 for adoption recommendations for rules and regulations, school
194 curriculum, and related matters from the Mississippi Cosmetology
195 Council, whose membership shall consist of, in addition to the
196 board members, five (5) elected delegates from the Mississippi
197 Hairdressers and Cosmetologists Association, five (5) elected
198 delegates from the Mississippi Cosmetology School Association,
199 five (5) elected delegates from the Mississippi Independent
200 Beauticians Association, and five (5) elected delegates from the
201 School Owners and Teachers Association. The board may revoke the
202 license of any cosmetologist, esthetician, manicurist, wig
203 specialist, instructor, school of cosmetology, or salon, or may
204 refuse to issue a license to any cosmetologist, esthetician,
205 manicurist, wig specialist, instructor, school of cosmetology, or
206 salon that fails or refuses to comply with the provisions of this
207 chapter and the rules and regulations of the board in carrying out
208 the provisions of this chapter.

209 The board shall have authority to prescribe reasonable rules
210 and regulations governing sanitation of schools of cosmetology and
211 beauty salons for the guidance of persons licensed under this
212 chapter in the operation of schools of cosmetology, or a beauty
213 salon, and in the practice of cosmetology, esthetics, manicuring
214 and pedicuring, and wigology. However, any and all rules and
215 regulations relating to sanitation shall, before adoption by the
216 board, have the written approval of the State Board of Health.
217 When the board has reason to believe that any of the provisions of
218 this chapter or of the rules and regulations of the board have
219 been violated, either upon receipt of a written complaint alleging
220 such violations or upon the board's own initiative, the board, or
221 any of its authorized agents, shall investigate same and shall
222 have authority to enter upon the premises of a school of
223 cosmetology or salon at any time during the regular business hours
224 of that school or salon to conduct the investigation. Such
225 investigation may include, but not be limited to, conducting oral

226 interviews with the complaining party, school or salon owner(s)
227 and/or students of the school, and reviewing records of the school
228 or salon pertinent to the complaint and related to an area subject
229 to the authority of the board. Such investigation shall not
230 include written interviews or surveys of school employees or
231 students, and the privacy of patrons shall be respected by any
232 person making such investigation.

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

238 If the board finds that a violation of the provisions of this
239 chapter or the rules and regulations of the board has occurred, it
240 may cause a hearing to be held as set forth in Section 73-7-27.

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

243 73-7-9. No person required by this chapter to have a license
244 shall conduct a beauty salon or school of cosmetology, or practice
245 cosmetology, esthetics, manicuring and pedicuring, or wigology, or
246 practice as an instructor, unless such person has received a
247 license or temporary permit therefor from the board. Students
248 determined to have violated any of these rules or regulations
249 prior to being licensed by the board shall be subject to the same
250 discipline by the board as licensees. They may be disciplined and
251 fined accordingly.

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

254 73-7-11. Each owner of a certificate of registration issued
255 by the state board, pursuant to the provisions of this chapter,
256 shall display said certificate of registration in a conspicuous
257 place in his or her principal office, place of business or
258 employment, at all times.

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

261 73-7-12. The board shall hold examinations for
262 cosmetologists, estheticians, manicurists, wig specialists and
263 instructors at least twice a year and at such other times as the
264 board may determine.

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

267 73-7-13. (1) The board shall admit to examination for a
268 cosmetology license any person who has made application to the
269 board in proper form, has paid the required fee, and who (a) is at
270 least seventeen (17) years of age, (b) can read, write and speak
271 English, (c) has successfully completed no less than fifteen
272 hundred (1500) hours over a period of no less than nine (9) months
273 in an accredited school of cosmetology, and (d) has a high school
274 education or its equivalent.

275 The board may, in its discretion, issue to any student who
276 has completed the prescribed hours in an accredited school in
277 Mississippi a temporary permit until such time as the next
278 examination may be held, but such student shall be issued only one
279 (1) temporary permit. Application for an examination and license
280 shall be accompanied by two (2) recent head photographs of the
281 applicant. No temporary permit will be issued an applicant from
282 any other state to operate a beauty salon or school of cosmetology
283 in this state unless in case of emergency.

284 Applicants for the cosmetologist examination, after having
285 satisfactorily passed the prescribed examination, shall be issued
286 a cosmetology license which until June 30, 2001, shall be valid
287 for one (1) year, and after July 1, 2001, shall be valid for two
288 (2) years, and all those licenses shall be subject to renewal.

289 Any barber who can read, write and speak English and has
290 successfully completed no less than fifteen hundred (1500) hours
291 in an accredited barber school, and who holds a current valid

292 certificate of registration to practice barbering and who holds a
293 current valid license, is eligible to take the cosmetology
294 examination to secure a cosmetology license upon successfully
295 completing five hundred (500) hours in an accredited school of
296 cosmetology. All fees for application, examination, registration
297 and renewal thereof shall be the same as provided for
298 cosmetologists.

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

302 (3) Any licensed cosmetologist, esthetician, manicurist or
303 wigologist who is registered but not actively practicing in the
304 State of Mississippi at the time of making application for
305 renewal, may apply for registration on the "inactive" list. Such
306 "inactive" list shall be maintained by the board and shall set out
307 the names and post office addresses of all persons registered but
308 not actively practicing in this state, arranged alphabetically by
309 name and also by the municipalities and states of their last known
310 professional or residential address. Only the cosmetologists,
311 estheticians, manicurists and wigologists registered on the
312 appropriate list as actively practicing in the State of
313 Mississippi shall be authorized to practice those professions.
314 For the purpose of this section, any licensed cosmetologist,
315 esthetician, manicurist or wigologist who has actively practiced
316 his or her profession for at least three (3) months of the
317 immediately preceding license renewal period shall be considered
318 in active practice. No cosmetologist, esthetician, manicurist or
319 wigologist shall be registered on the "inactive" list until the
320 person has furnished a statement of intent to take such action to
321 the board. Any licensed cosmetologist, esthetician, manicurist or
322 wigologist registered on the "inactive" list shall not be eligible
323 for registration on the active list until either of the following
324 conditions have been satisfied:

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

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

335 (c) Payment of the fee for processing such inactive
336 license.

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

339 73-7-14. Any person who holds a current, valid cosmetology
340 license may be licensed as a master cosmetologist if he or she has
341 been a licensed cosmetologist in this state for a period of not
342 less than twelve (12) months, and has completed a minimum course
343 of sixteen (16) hours' study in continuing education approved by
344 the board within the licensing period preceding initial
345 application for the license, and has paid the original license
346 fee. Master cosmetologist licenses shall be renewable upon
347 completion of a minimum course of eight (8) hours' study in
348 continuing education approved by the board within a licensing
349 period and payment of the required renewal fee. This is an
350 optional license and persons who do not wish to complete the
351 continuing education requirement may obtain a cosmetology license
352 when renewing their license.

353 Each application or filing made under this section shall
354 include the Social Security number(s) of the applicant in
355 accordance with Section 93-11-64, Mississippi Code of 1972.

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

358 73-7-15. (1) The board shall admit to examination for a
359 cosmetology instructor's license any person who has made
360 application to the board in proper form, has paid the required
361 fee, and who:

- 362 (a) Is not less than twenty-one (21) years of age;
- 363 (b) Can read, write and speak English;
- 364 (c) Is a graduate of an accredited cosmetology school;
- 365 (d) Has a high school education or its equivalent;
- 366 (e) Has successfully completed seven hundred fifty
367 (750) hours of instructor training in an accredited school of
368 cosmetology;
- 369 (f) Has successfully completed twelve (12) semester
370 hours in college courses approved by the board;
- 371 (g) Holds a current, valid Mississippi cosmetology
372 license; and
- 373 (h) Has at least two (2) years' active practical
374 experience as a licensed cosmetologist or, as an alternative to
375 such experience, has successfully completed two thousand (2,000)
376 hours of instructor training in an accredited school of
377 cosmetology.

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

- 381 (a) Is not less than twenty-one (21) years of age;
- 382 (b) Can read, write and speak English;
- 383 (c) Has a high school education or its equivalent;
- 384 (d) Has successfully completed six hundred (600) hours
385 of instructor training in an accredited school in which the
386 practice of esthetics is taught;
- 387 (e) Has successfully completed twelve (12) semester
388 hours in college courses approved by the board;
- 389 (f) Holds a current, valid Mississippi esthetician's
390 license; and

391 (g) Has had two (2) years of active practical
392 experience as an esthetician or, as an alternative to such
393 experience, has successfully completed one thousand (1,000) hours
394 of instructor training in an accredited school in which the
395 practice of esthetics is taught.

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

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

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

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

402 (d) Has successfully completed six hundred (600) hours
403 of instructor training in an accredited school in which the
404 practice of manicuring is taught;

405 (e) Has successfully completed twelve (12) semester
406 hours in college courses approved by the board;

407 (f) Holds a current, valid Mississippi manicurist's
408 license; and

409 (g) Has had two (2) years of active practical
410 experience as a manicurist or, as an alternative to such
411 experience, has successfully completed one thousand (1,000) hours
412 of instructor training in an accredited school in which the
413 practice of manicuring is taught.

414 (4) Applicants shall satisfactorily pass the examination
415 prescribed by the board for licensing instructors prior to the
416 issuance of the licenses provided for in this section. However,
417 the board may, in its discretion, issue a temporary instructor's
418 permit until such time as the next examination may be held, but
419 such applicant shall be issued only one (1) temporary permit. All
420 applications for an instructor's examination shall be accompanied
421 by two (2) recent head photographs of the applicant.

422 (5) All instructors licensed pursuant to this section shall
423 biennially obtain twenty-four (24) clock hours of continuing

424 education in teacher training instruction in cosmetology or
425 esthetics or manicuring, as the case may be, as approved by the
426 board. Any instructor who fails to obtain the continuing
427 education required by this subsection shall not be allowed to
428 instruct nor enroll students under his or her license until such
429 education requirement has been met. The board may issue an
430 inactive instructor's license to such instructors, and an inactive
431 license may be converted into an active license after proof
432 satisfactory to the board of completion of at least twenty-four
433 (24) clock hours of approved continuing education required for
434 teacher training instruction.

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

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

440 73-7-16. All schools of cosmetology or school owners shall
441 have a school license and shall pay to the board the required
442 license fee annually therefor. A grace period of sixty (60) days
443 will be given in which to renew the license, and upon the
444 expiration of the grace period of sixty (60) days, any applicant
445 for the renewal of a school license will be required to pay a
446 delinquent fee in addition to the renewal fee. The board is
447 hereby authorized and empowered to promulgate necessary and
448 reasonable rules and regulations for the issuance and renewal of
449 school licenses. However, the board shall not refuse to issue or
450 renew a school's license because of the number of schools already
451 in that area of the state, and any rule promulgated by the board
452 for that purpose shall be null and void.

453 Each application or filing made under this section shall
454 include the Social Security number(s) of the applicant in
455 accordance with Section 93-11-64, Mississippi Code of 1972.

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

458 73-7-17. All salon owners shall have a salon license and
459 shall pay to the board the required license fee therefor and pay
460 the required renewal fee for renewal thereof. A grace period of
461 sixty (60) days will be given in which to renew the license, and
462 upon the expiration of the grace period of sixty (60) days any
463 applicant for the renewal of a salon license will be required to
464 pay a delinquent fee in addition to the renewal fee. Prior to the
465 initial issuance of such license, the board shall inspect the
466 premises to determine if same qualifies with the law, upon payment
467 by the applicant of the required inspection fee.

468 Each application or filing made under this section shall
469 include the Social Security number(s) of the applicant in
470 accordance with Section 93-11-64, Mississippi Code of 1972.

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

473 73-7-18. (1) The board shall admit to examination for an
474 esthetician's license any person who has made application to the
475 board in proper form, has paid the required fee, and who:

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

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

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

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

480 esthetics of not less than six hundred (600) hours in an
481 accredited school in which the practice of esthetics is taught,
482 including not less than one hundred (100) hours of theory and five
483 hundred (500) hours of skill practice.

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

487 (2) Every person who has completed not less than three
488 hundred fifty (350) hours of training in esthetics approved by the

489 board in this or any other state prior to July 1, 1987, shall be
490 registered with the board within a period not exceeding six (6)
491 months after July 1, 1987, and shall be granted an esthetician's
492 license by the board if such person presents satisfactory evidence
493 to the board that he or she has fulfilled all the requirements to
494 be admitted to examination except the training hours requirement.

495 (3) Each application or filing made under this section shall
496 include the Social Security number(s) of the applicant in
497 accordance with Section 93-11-64, Mississippi Code of 1972.

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

500 73-7-19. Until June 30, 2001, all licenses issued under the
501 provisions of this chapter shall expire one (1) year from date of
502 issue; however, the board may authorize any licensee to renew his
503 or her license for a two-year period until June 30, 2001, after
504 which all licenses shall be renewed biennially under the fee
505 schedule in Section 73-7-29. Applications for renewal of licenses
506 for cosmetologists, estheticians, manicurists, wig specialists and
507 instructors must be accompanied by the required renewal fee. A
508 grace period of sixty (60) days will be given in which to renew
509 the license; and upon the expiration of the grace period of sixty
510 (60) days, any applicant for the renewal of a license will be
511 required to pay the required renewal fee and a delinquent fee in
512 addition to the renewal fee. The fees may be paid by either
513 personal or certified check, cash or money order, under such
514 safeguards, rules and regulations as the board may prescribe.
515 Checks returned to the board because of insufficient funds shall
516 result in nonrenewal of the license, which will require the
517 penalty fee for insufficient fund checks plus all other amounts
518 due for renewal of the license before the license may be renewed.
519 After one (1) year has passed from the expiration date of the
520 license, a delinquent fee must be paid for each year up to three
521 (3) years, after which the required examination must be taken.

522 All applications for examination required by this chapter shall
523 expire ninety (90) days from the date thereof.

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

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

529 73-7-21. The board shall admit to examination for a
530 manicurist's license any person who has made application to the
531 board in proper form, has paid the required fee, and who:

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

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

534 (c) Has successfully completed no less than three
535 hundred fifty (350) hours of practice and related theory in
536 manicuring and pedicuring over a period of no less than nine (9)
537 weeks in an accredited school of cosmetology in this or any other
538 state; and

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

540 Licensed manicurists desiring to pursue additional hours to
541 be eligible for a license as a cosmetologist may be credited with
542 the three hundred fifty (350) hours acquired in studying and
543 training to be a manicurist which may be applied to the number of
544 hours required for a cosmetology license examination.

545 The board shall adopt regulations governing the use of power
546 drills for the purpose of filing false or natural fingernails.

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

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

552 73-7-23. The board may, upon application, issue a license by
553 reciprocity to any cosmetologist, esthetician, manicurist or wig
554 specialist over the age of seventeen (17) years from any other

555 state who has satisfactorily completed the required number of
556 accredited hours in that state, provided the state board from
557 which the applicant comes issues to cosmetologists, estheticians,
558 manicurists or wig specialists, as the case may be, from the State
559 of Mississippi a license under the same conditions. Applications
560 must be accompanied by (a) proof satisfactory to the board that
561 the required hours have been completed, and (b) the required
562 reciprocity fee, which shall be paid to the board.

563 An instructor from any other state may be qualified for
564 instructor's examination upon presenting a valid instructor's
565 license and proof of a high school education or its equivalent,
566 provided that the instructor (a) has had three (3) years or more
567 of experience as a licensed instructor prior to application, (b)
568 can read, write and speak English, and (c) has completed twelve
569 (12) semester hours in college courses approved by the board.
570 Such application must be accompanied by two (2) recent head
571 photographs of the applicant. Applicants shall pay the required
572 examination fee and license fee.

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

575 73-7-25. Every demonstrator in the field of cosmetology
576 shall, before making demonstrations in a salon or school, apply
577 for and obtain a permit from the board. For such permit, which
578 shall be for one (1) year, the required fee shall be paid to the
579 board. This section shall be construed to apply to demonstrators
580 in salons and schools.

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

583 73-7-27. (1) Any complaint may be filed with the board by a
584 member or agent of the board or by any person charging any
585 licensee of the board with the commission of any of the offenses
586 enumerated in subsection (2) of this section. Such complaint
587 shall be in writing, signed by the accuser or accusers, and

588 verified under oath, and such complaints shall be investigated as
589 set forth in Section 73-7-7. If, after the investigation, the
590 board through its administrative review agents determines that
591 there is not substantial justification to believe that the accused
592 licensee has committed any of the offenses enumerated, it may
593 dismiss the complaint or may prepare a formal complaint proceeding
594 against the licensee as hereinafter provided. When used with
595 reference to any complaint filed against a licensee herein, the
596 term "not substantial justification" means a complaint that is
597 frivolous, groundless in fact or law, or vexatious, as determined
598 by unanimous vote of the board. In the event of a dismissal, the
599 person filing the accusation and the accused licensee shall be
600 given written notice of the board's determination. If the board
601 determines there is reasonable cause to believe the accused has
602 committed any of those offenses, the secretary of the board shall
603 give written notice of such determination to the accused licensee
604 and set a day for a hearing as provided in subsection (3) of this
605 section.

606 (2) The board shall have the power to revoke, suspend or
607 refuse to issue or renew any license or certificate provided for
608 in this chapter, and to fine, place on probation and/or otherwise
609 discipline a student or licensee or holder of a certificate, upon
610 proof that such person: (a) has not complied with or has violated
611 any of the rules and regulations promulgated by the board; (b) has
612 not complied with or has violated any of the sections of this
613 chapter; (c) has committed fraud or dishonest conduct in the
614 taking of the examination herein provided for; (d) has been
615 convicted of a felony; (e) has committed grossly unprofessional or
616 dishonest conduct; (f) is addicted to the excessive use of
617 intoxicating liquors or to the use of drugs to such an extent as
618 to render him or her unfit to practice in any of the practices or
619 occupations set forth in this chapter; (g) has advertised by means
620 of knowingly false or deceptive statements; or (h) has failed to

621 display the license or certificate issued to him or her as
622 provided for in this chapter; or (i) has been convicted of
623 violating any of the provisions of this chapter. A conviction of
624 violating any of the provisions of this chapter shall be grounds
625 for automatic suspension of the license or certificate of such
626 person.

627 (3) The board shall not revoke, suspend or refuse to issue
628 or renew any license or certificate, or fine, place on probation
629 or otherwise discipline any person in a disciplinary matter except
630 after a hearing of which the applicant or licensee or holder of
631 the certificate affected shall be given at least twenty (20) days'
632 notice in writing, specifying the reason or reasons for denying
633 the applicant a license or certificate of registration, or in the
634 case of any other disciplinary action, the offense or offenses of
635 which the licensee or holder of a certificate of registration is
636 charged. Such notice may be served by mailing a copy thereof by
637 United States first class certified mail, postage prepaid, to the
638 last known residence or business address of such applicant,
639 licensee or holder of a certificate. The hearing on such charges
640 shall be at such time and place as the board may prescribe.

641 (4) At such hearings, all witnesses shall be sworn by a
642 member of the board, and stenographic notes of the proceedings
643 shall be taken. Any party to the proceedings desiring it shall be
644 furnished with a copy of such stenographic notes upon payment to
645 the board of such fees as it shall prescribe, not exceeding,
646 however, the actual costs of transcription.

647 (5) The board is hereby authorized and empowered to issue
648 subpoenas for the attendance of witnesses and the production of
649 books and papers. The process issued by the board shall extend to
650 all parts of the state and such process shall be served by any
651 person designated by the board for such service. The person
652 serving such process shall receive such compensation as may be
653 allowed by the board, not to exceed the fee prescribed by law for

654 similar services. All witnesses who shall be subpoenaed, and who
655 shall appear in any proceedings before the board, shall receive
656 the same fees and mileage as allowed by law.

657 (6) Where in any proceeding before the board any witness
658 shall fail or refuse to attend upon subpoena issued by the board,
659 shall refuse to testify, or shall refuse to produce any books and
660 papers, the production of which is called for by the subpoena, the
661 attendance of such witness and the giving of his testimony and the
662 production of the books and papers shall be enforced by any court
663 of competent jurisdiction of this state, in manner as are enforced
664 the attendance and testimony of witnesses in civil cases in the
665 courts of this state.

666 (7) The board shall conduct the hearing in an orderly and
667 continuous manner, granting continuances only when the ends of
668 justice may be served. The board shall, within sixty (60) days
669 after conclusion of the hearing, reduce its decision to writing
670 and forward an attested true copy thereof to the last known
671 residence or business address of such applicant, licensee or
672 holder of a certificate, by way of United States first class
673 certified mail, postage prepaid. Such applicant, licensee, holder
674 of a certificate, or person aggrieved shall have the right of
675 appeal from an adverse ruling, or order, or decision of the board
676 to the chancery court upon forwarding notice of appeal to the
677 board within thirty (30) days after the decision of the board is
678 mailed in the manner here contemplated. An appeal will not be
679 allowed in the event notice of appeal, together with the appeal
680 bond hereinafter required, shall not have been forwarded to the
681 board within the thirty-day period. Appeal shall be to the
682 chancery court of the county and judicial district of the
683 residence of the appellant, or to the Chancery Court of the First
684 Judicial District of Hinds County, Mississippi, at the election of
685 the appellant. The notice of appeal shall elect venue, unless the
686 appellant be a nonresident of the State of Mississippi, in which

687 event the board shall certify all documents and evidence directly
688 to the Chancery Court of the First Judicial District of Hinds
689 County for further proceedings. The appeal shall thereupon be
690 heard in due course by the court which shall review the record and
691 make its determination thereon.

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

696 (9) In the event of an appeal, the court shall dispose of
697 the appeal and enter its decision promptly. The hearing on the
698 appeal may, in the discretion of the chancellor, be tried in
699 vacation. If there is an appeal, such appeal may, in the
700 discretion of and on motion to the chancery court, act as a
701 supersedeas. However, any fine imposed by the board under the
702 provisions of this chapter shall not take effect until after the
703 time for appeal has expired, and an appeal of the imposition of
704 such a fine shall act as a supersedeas.

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

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

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

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

718 (11) In addition to the reasons specified in subsection (2)
719 of this section, the board shall be authorized to suspend the

720 license of any licensee for being out of compliance with an order
721 for support, as defined in Section 93-11-153. The procedure for
722 suspension of a license for being out of compliance with an order
723 for support, and the procedure for the reissuance or reinstatement
724 of a license suspended for that purpose, and the payment of any
725 fees for the reissuance or reinstatement of a license suspended
726 for that purpose, shall be governed by Section 93-11-157 or
727 93-11-163, as the case may be. Actions taken by the board in
728 suspending a license when required by Section 93-11-157 or
729 93-11-163 are not actions from which an appeal may be taken under
730 this section. Any appeal of a license suspension that is required
731 by Section 93-11-157 or 93-11-163 shall be taken in accordance
732 with the appeal procedure specified in Section 93-11-157 or
733 93-11-163, as the case may be, rather than the procedure specified
734 in this section. If there is any conflict between any provision
735 of Section 93-11-157 or 93-11-163 and any provision of this
736 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
737 case may be, shall control.

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

740 73-7-29. The board shall assess fees in the following
741 amounts and for the following purposes:

742 (a) Application for examination and reexamination -
743 cosmetologist, manicurist, esthetician, or wig specialist.. \$35.00

744 (b) Application for in-state instructor
745 examination and reexamination..... 50.00

746 (c) Application for out-of-state instructor
747 examination, processing..... 55.00

748 (d) Until June 30, 2001, cosmetologist,
749 manicurist, esthetician, or wig specialist license,
750 original and renewal..... 25.00

751 From and after July 1, 2001, biennial original
752 license and renewal..... 50.00

753	(e) Until June 30, 2001, master cosmetologist	
754	license.....	35.00
755	From and after July 1, 2001, biennial original license	
756	and renewal.....	70.00
757	(f) Cosmetologist, manicurist, esthetician, or	
758	wig specialist by reciprocity, processing.....	55.00
759	(g) Until July 1, 2001, instructor license,	
760	original and renewal.....	40.00
761	After July 1, 2001, biennial original license	
762	and renewal.....	80.00
763	(h) Delinquent renewal penalty - cosmetologist,	
764	manicurist, esthetician, wig specialist and instructor:	
765	60 days to 1 year.....	25.00
766		plus license fee
767	Over 1 year to 3 years, per year.....	50.00
768		plus license fee
769	(i) Salon application.....	50.00
770	(j) Salon reinspection.....	35.00
771	(k) Salon change of ownership or location	
772	or both.....	50.00
773	(l) Until June 30, 2001, salon license renewal...	30.00
774	From and after July 1, 2001, biennial salon license	
775	renewal.....	60.00
776	(m) Salon delinquent renewal penalty -	
777	60 days to 1 year.....	25.00
778		plus license fee
779	Over 1 year.....	45.00
780		plus license fee
781	(n) Application for a new school.....	300.00
782	(o) New school reinspection.....	100.00
783	(p) School change of ownership.....	300.00
784	(q) School relocation.....	300.00
785	(r) Until June 30, 2001, school license renewal..	75.00

786	From and after July 1, 2001, biennial school license	
787	renewal.....	150.00
788	(s) School delinquent renewal penalty -	
789	60 days to 1 year.....	100.00
790		plus license fee
791	(t) Duplicate license or lost renewal form.....	10.00
792	(u) Penalty for insufficient fund checks.....	20.00
793	(v) Affidavit processing.....	15.00
794	(w) Inactive license fee.....	15.00
795	(x) Renewal of inactive license.....	15.00

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

800 The board may authorize any licensee to renew his or her
801 license for a two-year period until June 30, 2001, after which all
802 licenses shall be renewed biennially pursuant to the above fee
803 schedule.

804 The board is fully authorized to make refunds of any deposits
805 received by the board for services which are not rendered, and may
806 refund any underpayments or overpayments of fees to licensees or
807 applicants.

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

810 73-7-31. Nothing in this chapter shall apply to:

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

814 (b) Persons whose practice is limited to the
815 application of cosmetic products to another person in connection
816 with the sale, or attempted sale, of such products at retail,
817 without compensation from such other person other than the regular
818 retail price of such merchandise.

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

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

823 73-7-33. In addition to the rules and regulations that may
824 be prescribed and promulgated by the board under authority of this
825 chapter, the following rules and regulations shall be observed:

826 Every establishment must be kept sanitary, including all
827 utensils and equipment; must be well ventilated and properly
828 lighted. Each salon must be provided with hot and cold running
829 water. Electrical appliances must be properly installed and
830 grounded.

831 Cosmetologists shall be allowed to wear any type of clothing
832 or apparel while at work as long as such clothing or apparel is
833 sanitary.

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

836 Anyone having an infectious or contagious disease shall not
837 practice in any establishment. Salon owners will be held
838 responsible for knowingly permitting one with such disease to
839 practice in his or her salon. No work shall be performed on any
840 patron having a visible disease unless the patron shall produce a
841 certificate from a practicing physician stating that the patron is
842 free from infectious, contagious or communicable disease. A
843 cosmetologist's license does not authorize such person to treat or
844 prescribe for an infectious, contagious or any other disease.

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

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

851 73-7-35. (1) No person licensed pursuant to this chapter
852 shall practice his or her profession except within the physical
853 confines of a salon possessing and displaying a properly executed
854 license issued pursuant to Section 73-7-17. However, this
855 requirement shall not prevent a person from rendering his or her
856 services to any person who may be confined to his or her home, a
857 hospital, or other place as a result of illness, and
858 cosmetologists shall be permitted to render their services to
859 deceased persons away from their salons.

860 (2) No salon owner licensed pursuant to this chapter shall
861 allow a cosmetologist, esthetician, manicurist or wig specialist
862 to practice his/her profession in the salon without possessing a
863 valid license issued pursuant to this chapter.

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

866 73-7-37. (1) The violation of any of the provisions of this
867 chapter, including the use of fraudulent statements to obtain any
868 benefits or privileges under this chapter or practicing one of
869 these professions without a license, shall constitute a
870 misdemeanor, punishable in any court of competent jurisdiction,
871 and any person or firm convicted of the violation of any of the
872 provisions of this chapter shall be fined not less than One
873 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
874 (\$500.00). The court shall not be authorized to suspend or
875 suspend the execution of the fine required under this section.

876 (2) If any person, firm or corporation violates any of the
877 provisions of this chapter, the secretary of the board, upon
878 direction of a majority of the board and in the name of the board,
879 acting through the Attorney General or an attorney employed by the
880 board, shall apply in any chancery court of competent jurisdiction
881 for an order enjoining such violation or for an order enforcing
882 compliance with the provisions of this chapter. Upon the filing
883 of a verified petition in the proper court and after notice as

884 provided under the Mississippi Rules of Civil Procedure, such
885 court or any judge thereof, if satisfied by the sworn petition, by
886 affidavit or otherwise, that such person has violated any of the
887 provisions of this chapter, may issue an injunction without notice
888 or bond, enjoining such continued violation and such injunction
889 shall remain in force and effect until a final hearing. If at such
890 hearing it is established that such person has violated or is
891 violating any of the provisions of this chapter, the court may
892 enter a decree permanently enjoining such violation or enforcing
893 compliance with this chapter. In addition, the court may enter a
894 judgment against such person for attorneys' fees, court costs and
895 the actual costs incurred by the board in investigating the
896 actions of such person for which the board brought the suit for an
897 injunction. In case of violation of any decree issued in
898 compliance with this subsection, the court may punish the offender
899 for contempt of court and the court shall proceed as in other
900 cases.

901 (3) The proceedings in this section shall be in addition to
902 and not in lieu of the other remedies and penalties provided in
903 this chapter.

904 **SECTION 25.** Section 73-7-51, Mississippi Code of 1972, is
905 reenacted as follows:

906 73-7-51. From and after June 7, 1972, no person required by
907 Sections 73-7-51 through 73-7-61 to have a wig specialist license
908 or wig salon certificate of registration shall conduct a wig salon
909 or service a wig or hairpiece unless application for an
910 appropriate certificate or registration or license has been made.
911 All persons required by law to obtain a certificate of
912 registration or a license must file application therefor within
913 thirty (30) days after May 8, 1972. However, upon the proper
914 filing of an application by a holder of a current valid wigologist
915 permit as issued by the board, such holder shall be issued a wig
916 specialist license, and upon the proper filing of an application

917 by a holder of a current, valid wig shop certificate of
918 registration as issued by the board, such holder shall be issued a
919 wig salon certificate of registration.

920 **SECTION 26.** Section 73-7-53, Mississippi Code of 1972, is
921 reenacted as follows:

922 73-7-53. Any applicant who is at least seventeen (17) years
923 of age, can read, write and speak English, has a high school
924 education or its equivalent, and has successfully completed no
925 less than three hundred (300) hours of practice and instruction
926 and related theory in the care and treatment of wigs over a period
927 of no less than eight (8) weeks in an accredited school of
928 cosmetology is eligible to take the examination to secure a wig
929 specialist license.

930 Application for an examination and license shall be
931 accompanied by two (2) recent head photographs. The board shall
932 hold examinations for wig specialists at least twice a year if
933 applications have been received and approved and at such other
934 times as the board may determine.

935 Applicants for wig specialist license, after having
936 satisfactorily passed the prescribed examination, shall be issued
937 a wig specialist license which shall be valid for one (1) year,
938 and from and after July 1, 2001, shall be valid for two (2) years.
939 All those licenses shall be subject to renewal.

940 All fees for application, examination and registration for a
941 wig specialist license and the renewal thereof shall be the same
942 as herein provided for cosmetologists.

943 A person holding a wig specialist license may perform for
944 compensation services limited to a wig or hairpiece.

945 **SECTION 27.** Section 73-7-55, Mississippi Code of 1972, is
946 reenacted as follows:

947 73-7-55. Registered wig specialists desiring to pursue
948 additional hours to be eligible for a certificate of registration
949 as a cosmetologist may be credited with the three hundred (300)

950 hours acquired in studying and training to be a wig specialist
951 which may be applied to the number of hours required to be
952 eligible to take a cosmetologist's examination.

953 **SECTION 28.** Section 73-7-57, Mississippi Code of 1972, is
954 reenacted as follows:

955 73-7-57. All wig salon owners shall have a wig salon license
956 and shall pay to the board the required license fee therefor and
957 pay the required renewal fee for the renewal thereof. Prior to
958 the initial issuance of such a license, the board shall inspect
959 the premises to determine if same qualifies with the law, upon
960 payment by the applicant of the required inspection fee.

961 A person holding a wig salon license may maintain an
962 establishment in which services shall be limited to wigs or
963 hairpieces and performed only by licensed wig specialists and/or
964 licensed cosmetologists.

965 **SECTION 29.** Section 73-7-59, Mississippi Code of 1972, is
966 reenacted as follows:

967 73-7-59. Nothing in Sections 73-7-51 through 73-7-61 as
968 amended by Laws, 2000, Chapter 485, shall be construed to cause
969 any person who, as of May 8, 1972, holds a valid cosmetology
970 license to make any application or take any additional training in
971 order to continue his or her practice as it then exists. Nothing
972 in those sections shall be construed to force any person who
973 desires to obtain a valid cosmetology license to take any training
974 in addition to the fifteen hundred (1500) hours now required.

975 **SECTION 30.** Section 73-7-61, Mississippi Code of 1972, is
976 reenacted as follows:

977 73-7-61. Nothing in Sections 73-7-51 through 73-7-61 shall
978 apply to retail sales of wigs or hairpieces when such sales do not
979 include arranging, dressing, waving, cleaning, curling, bleaching,
980 coloring, cutting and shaping of such wig or hairpiece sold at
981 retail. Such retail seller shall be exempted from all fees,
982 inspections and other requirements of said sections. In

983 connection with such retail sales, wigs and hairpieces may be
984 fitted, combed and arranged before such retail sale is
985 consummated.

986 **SECTION 31.** Section 73-7-63, Mississippi Code of 1972, is
987 amended as follows:

988 73-7-63. Sections 73-7-1 through 73-7-37 and 73-7-51 through
989 73-7-61, Mississippi Code of 1972, which create the State Board of
990 Cosmetology and prescribe its duties and powers, shall stand
991 repealed as of July 1, 2007.

992 **SECTION 32.** This act shall take effect and be in force from
993 and after July 1, 2005.