

Senate Amendments to House Bill No. 454

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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

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

19 There shall be a president of the board and such other
20 officers as deemed necessary by the board elected by and from its
21 membership, provided that the member elected as president shall
22 have at least one (1) year of experience on the board. Any
23 member appointed by the Governor and confirmed by the Senate for a
24 term to begin on or after July 1, 1997, who was designated by the
25 Governor to serve as president of the board, shall be fully
26 qualified to serve on the board for a full term of office, but
27 shall not serve as president of the board unless elected by the
28 membership of the board as provided under this paragraph.

29 To be eligible for appointment as a member of the State Board
30 of Cosmetology, the person applying shall have been a citizen of
31 this state for a minimum of five (5) years immediately prior to
32 appointment. Such person shall be at least thirty (30) years of
33 age, possess a high school education or its equivalent, and shall
34 have been a licensed cosmetologist with not less than ten (10)
35 years' active practice in cosmetology. No member of the board

36 shall be connected in any way with any school wherein cosmetology
37 is taught, nor shall any two (2) members of the board be graduates
38 of the same school of cosmetology.

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

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

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

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

59 73-7-2. As used in this chapter, the following terms shall
60 have the meanings ascribed herein unless the context otherwise
61 requires:

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

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

67 (i) Cutting, clipping or trimming hair.

68 (ii) Styling, arranging, dressing, curling,
69 waving, permanent waving, straightening, cleansing, bleaching,
70 tinting, coloring or similarly treating hair.

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

75 (iv) Arching eyebrows or tinting eyebrows and
76 eyelashes.

77 (v) Removing superfluous hair by the use of
78 depilatories.

79 (vi) Manicuring and pedicuring.

80 (c) "Cosmetologist" means a person who for
81 compensation, whether direct or indirect, engages in the practice
82 of cosmetology.

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

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

86 (ii) Trimming eyebrows.

87 (iii) Tinting eyelashes or eyebrows.

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

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

94 (e) "Esthetician" means any person who, for
95 compensation, either direct or indirect, engages in the practice
96 of esthetics.

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

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

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

106 (ii) Applying artificial nails.

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

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

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

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

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

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

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

124 (ii) Cleaning.

125 (iii) Bleaching or coloring.

126 (iv) Cutting and shaping.

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

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

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

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

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

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

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

161 73-7-5. (1) All fees and any other monies received by the
162 board shall be deposited in a special fund that is created in the
163 State Treasury and shall be used for the implementation and
164 administration of this chapter when appropriated by the
165 Legislature for such purpose. The monies in the special fund
166 shall be subject to all provisions of the state budget laws that
167 are applicable to special fund agencies, and shall be disbursed by
168 the State Treasurer only upon warrants issued by the State Fiscal
169 Officer upon requisitions signed by the president of the board or
170 another board member designated by the president, and
171 countersigned by the secretary of the board. Any interest earned
172 on this special fund shall be credited by the State Treasurer to
173 the fund and shall not be paid into the State General Fund. Any
174 unexpended monies remaining in the special fund at the end of a
175 fiscal year shall not lapse into the State General Fund.

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

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

191 73-7-7. The board shall have authority to make reasonable
192 rules and regulations for the administration of the provisions of
193 this chapter. The board shall set up a curriculum for operation
194 of schools of cosmetology and the other professions it is charged
195 to regulate in this state. The board shall receive and consider
196 for adoption recommendations for rules and regulations, school
197 curriculum, and related matters from the Mississippi Cosmetology
198 Council, whose membership shall consist of, in addition to the
199 board members, five (5) elected delegates from the Mississippi
200 Hairdressers and Cosmetologists Association, five (5) elected
201 delegates from the Mississippi Cosmetology School Association,
202 five (5) elected delegates from the Mississippi Independent
203 Beauticians Association, and five (5) elected delegates from the
204 School Owners and Teachers Association. The board may revoke the
205 license of any cosmetologist, esthetician, manicurist, wig
206 specialist, instructor, school of cosmetology, or salon, or may
207 refuse to issue a license to any cosmetologist, esthetician,
208 manicurist, wig specialist, instructor, school of cosmetology, or
209 salon that fails or refuses to comply with the provisions of this

210 chapter and the rules and regulations of the board in carrying out
211 the provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

292 Any barber who can read, write and speak English and has
293 successfully completed no less than fifteen hundred (1500) hours
294 in an accredited barber school, and who holds a current valid
295 certificate of registration to practice barbering and who holds a
296 current valid license, is eligible to take the cosmetology
297 examination to secure a cosmetology license upon successfully
298 completing five hundred (500) hours in an accredited school of
299 cosmetology. All fees for application, examination, registration
300 and renewal thereof shall be the same as provided for
301 cosmetologists.

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

305 (3) Any licensed cosmetologist, esthetician, manicurist or
306 wigologist who is registered but not actively practicing in the
307 State of Mississippi at the time of making application for
308 renewal, may apply for registration on the "inactive" list. Such
309 "inactive" list shall be maintained by the board and shall set out
310 the names and post office addresses of all persons registered but
311 not actively practicing in this state, arranged alphabetically by
312 name and also by the municipalities and states of their last known

313 professional or residential address. Only the cosmetologists,
314 estheticians, manicurists and wigologists registered on the
315 appropriate list as actively practicing in the State of
316 Mississippi shall be authorized to practice those professions.
317 For the purpose of this section, any licensed cosmetologist,
318 esthetician, manicurist or wigologist who has actively practiced
319 his or her profession for at least three (3) months of the
320 immediately preceding license renewal period shall be considered
321 in active practice. No cosmetologist, esthetician, manicurist or
322 wigologist shall be registered on the "inactive" list until the
323 person has furnished a statement of intent to take such action to
324 the board. Any licensed cosmetologist, esthetician, manicurist or
325 wigologist registered on the "inactive" list shall not be eligible
326 for registration on the active list until either of the following
327 conditions have been satisfied:

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

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

338 (c) Payment of the fee for processing such inactive
339 license.

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

342 73-7-14. Any person who holds a current, valid cosmetology
343 license may be licensed as a master cosmetologist if he or she has
344 been a licensed cosmetologist in this state for a period of not
345 less than twelve (12) months, and has completed a minimum course
346 of sixteen (16) hours' study in continuing education approved by
347 the board within the licensing period preceding initial

348 application for the license, and has paid the original license
349 fee. Master cosmetologist licenses shall be renewable upon
350 completion of a minimum course of eight (8) hours' study in
351 continuing education approved by the board within a licensing
352 period and payment of the required renewal fee. This is an
353 optional license and persons who do not wish to complete the
354 continuing education requirement may obtain a cosmetology license
355 when renewing their license.

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

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

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

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

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

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

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

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

387 (d) Has successfully completed six hundred (600) hours
388 of instructor training in an accredited school in which the
389 practice of esthetics is taught;

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

392 (f) Holds a current, valid Mississippi esthetician's
393 license; and

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

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

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

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

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

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

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

410 (f) Holds a current, valid Mississippi manicurist's
411 license; and

412 (g) Has had two (2) years of active practical
413 experience as a manicurist or, as an alternative to such
414 experience, has successfully completed one thousand (1,000) hours

415 of instructor training in an accredited school in which the
416 practice of manicuring is taught.

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

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

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

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

443 73-7-16. All schools of cosmetology or school owners shall
444 have a school license and shall pay to the board the required
445 license fee annually therefor. A grace period of sixty (60) days
446 will be given in which to renew the license, and upon the
447 expiration of the grace period of sixty (60) days, any applicant
448 for the renewal of a school license will be required to pay a
449 delinquent fee in addition to the renewal fee. The board is

450 hereby authorized and empowered to promulgate necessary and
451 reasonable rules and regulations for the issuance and renewal of
452 school licenses. However, the board shall not refuse to issue or
453 renew a school's license because of the number of schools already
454 in that area of the state, and any rule promulgated by the board
455 for that purpose shall be null and void.

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

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

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

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

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

476 73-7-18. (1) The board shall admit to examination for an
477 esthetician's license any person who has made application to the
478 board in proper form, has paid the required fee, and who:

- 479 (a) Is not less than seventeen (17) years of age;
- 480 (b) Can read, write and speak English;
- 481 (c) Has a high school education or its equivalent; and
- 482 (d) Has successfully completed a course of training in
483 esthetics of not less than six hundred (600) hours in an
484 accredited school in which the practice of esthetics is taught,

485 including not less than one hundred (100) hours of theory and five
486 hundred (500) hours of skill practice.

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

490 (2) Every person who has completed not less than three
491 hundred fifty (350) hours of training in esthetics approved by the
492 board in this or any other state prior to July 1, 1987, shall be
493 registered with the board within a period not exceeding six (6)
494 months after July 1, 1987, and shall be granted an esthetician's
495 license by the board if such person presents satisfactory evidence
496 to the board that he or she has fulfilled all the requirements to
497 be admitted to examination except the training hours requirement.

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

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

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

520 penalty fee for insufficient fund checks plus all other amounts
521 due for renewal of the license before the license may be renewed.
522 After one (1) year has passed from the expiration date of the
523 license, a delinquent fee must be paid for each year up to three
524 (3) years, after which the required examination must be taken.
525 All applications for examination required by this chapter shall
526 expire ninety (90) days from the date thereof.

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

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

532 73-7-21. The board shall admit to examination for a
533 manicurist's license any person who has made application to the
534 board in proper form, has paid the required fee, and who:

- 535 (a) Is at least seventeen (17) years of age;
- 536 (b) Can read, write and speak English;
- 537 (c) Has successfully completed no less than three
538 hundred fifty (350) hours of practice and related theory in
539 manicuring and pedicuring over a period of no less than nine (9)
540 weeks in an accredited school of cosmetology in this or any other
541 state; and
- 542 (d) Has a high school education or its equivalent.

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

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

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

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

555 73-7-23. The board may, upon application, issue a license by
556 reciprocity to any cosmetologist, esthetician, manicurist or wig
557 specialist over the age of seventeen (17) years from any other
558 state who has satisfactorily completed the required number of
559 accredited hours in that state, provided the state board from
560 which the applicant comes issues to cosmetologists, estheticians,
561 manicurists or wig specialists, as the case may be, from the State
562 of Mississippi a license under the same conditions. Applications
563 must be accompanied by (a) proof satisfactory to the board that
564 the required hours have been completed, and (b) the required
565 reciprocity fee, which shall be paid to the board.

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

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

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

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

586 73-7-27. (1) Any complaint may be filed with the board by a
587 member or agent of the board or by any person charging any
588 licensee of the board with the commission of any of the offenses
589 enumerated in subsection (2) of this section. Such complaint

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

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

625 provided for in this chapter; or (i) has been convicted of
626 violating any of the provisions of this chapter. A conviction of
627 violating any of the provisions of this chapter shall be grounds
628 for automatic suspension of the license or certificate of such
629 person.

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

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

650 (5) The board is hereby authorized and empowered to issue
651 subpoenas for the attendance of witnesses and the production of
652 books and papers. The process issued by the board shall extend to
653 all parts of the state and such process shall be served by any
654 person designated by the board for such service. The person
655 serving such process shall receive such compensation as may be
656 allowed by the board, not to exceed the fee prescribed by law for
657 similar services. All witnesses who shall be subpoenaed, and who
658 shall appear in any proceedings before the board, shall receive
659 the same fees and mileage as allowed by law.

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

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

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

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

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

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

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

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

721 (11) In addition to the reasons specified in subsection (2)
722 of this section, the board shall be authorized to suspend the
723 license of any licensee for being out of compliance with an order
724 for support, as defined in Section 93-11-153. The procedure for
725 suspension of a license for being out of compliance with an order
726 for support, and the procedure for the reissuance or reinstatement
727 of a license suspended for that purpose, and the payment of any
728 fees for the reissuance or reinstatement of a license suspended
729 for that purpose, shall be governed by Section 93-11-157 or

730 93-11-163, as the case may be. Actions taken by the board in
 731 suspending a license when required by Section 93-11-157 or
 732 93-11-163 are not actions from which an appeal may be taken under
 733 this section. Any appeal of a license suspension that is required
 734 by Section 93-11-157 or 93-11-163 shall be taken in accordance
 735 with the appeal procedure specified in Section 93-11-157 or
 736 93-11-163, as the case may be, rather than the procedure specified
 737 in this section. If there is any conflict between any provision
 738 of Section 93-11-157 or 93-11-163 and any provision of this
 739 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
 740 case may be, shall control.

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

743 73-7-29. The board shall assess fees in the following
 744 amounts and for the following purposes:

- 745 (a) Application for examination and reexamination -
 746 cosmetologist, manicurist, esthetician, or wig specialist.. \$35.00
- 747 (b) Application for in-state instructor
 748 examination and reexamination..... 50.00
- 749 (c) Application for out-of-state instructor
 750 examination, processing..... 55.00
- 751 (d) Until June 30, 2001, cosmetologist,
 752 manicurist, esthetician, or wig specialist license,
 753 original and renewal..... 25.00
 754 From and after July 1, 2001, biennial original
 755 license and renewal..... 50.00
- 756 (e) Until June 30, 2001, master cosmetologist
 757 license..... 35.00
 758 From and after July 1, 2001, biennial original license
 759 and renewal..... 70.00
- 760 (f) Cosmetologist, manicurist, esthetician, or
 761 wig specialist by reciprocity, processing..... 55.00
- 762 (g) Until July 1, 2001, instructor license,
 763 original and renewal..... 40.00
 764 After July 1, 2001, biennial original license

765	and renewal.....	80.00
766	(h) Delinquent renewal penalty - cosmetologist,	
767	manicurist, esthetician, wig specialist and instructor:	
768	60 days to 1 year.....	25.00
769		plus license fee
770	Over 1 year to 3 years, per year.....	50.00
771		plus license fee
772	(i) Salon application.....	50.00
773	(j) Salon reinspection.....	35.00
774	(k) Salon change of ownership or location	
775	or both.....	50.00
776	(l) Until June 30, 2001, salon license renewal...	30.00
777	From and after July 1, 2001, biennial salon license	
778	renewal.....	60.00
779	(m) Salon delinquent renewal penalty -	
780	60 days to 1 year.....	25.00
781		plus license fee
782	Over 1 year.....	45.00
783		plus license fee
784	(n) Application for a new school.....	300.00
785	(o) New school reinspection.....	100.00
786	(p) School change of ownership.....	300.00
787	(q) School relocation.....	300.00
788	(r) Until June 30, 2001, school license renewal..	75.00
789	From and after July 1, 2001, biennial school license	
790	renewal.....	150.00
791	(s) School delinquent renewal penalty -	
792	60 days to 1 year.....	100.00
793		plus license fee
794	(t) Duplicate license or lost renewal form.....	10.00
795	(u) Penalty for insufficient fund checks.....	20.00
796	(v) Affidavit processing.....	15.00
797	(w) Inactive license fee.....	15.00
798	(x) Renewal of inactive license.....	15.00

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

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

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

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

813 73-7-31. Nothing in this chapter shall apply to:

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

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

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

824 (d) Natural hair care, as defined in Section 73-71-1.

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

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

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

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

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

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

870 73-7-37. (1) The violation of any of the provisions of this
871 chapter, including the use of fraudulent statements to obtain any
872 benefits or privileges under this chapter or practicing one of
873 these professions without a license, shall constitute a
874 misdemeanor, punishable in any court of competent jurisdiction,
875 and any person or firm convicted of the violation of any of the
876 provisions of this chapter shall be fined not less than One
877 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
878 (\$500.00). The court shall not be authorized to suspend or
879 suspend the execution of the fine required under this section.

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

903 for contempt of court and the court shall proceed as in other
904 cases.

905 (3) The proceedings in this section shall be in addition to
906 and not in lieu of the other remedies and penalties provided in
907 this chapter.

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

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

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

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

934 Application for an examination and license shall be
935 accompanied by two (2) recent head photographs. The board shall
936 hold examinations for wig specialists at least twice a year if

937 applications have been received and approved and at such other
938 times as the board may determine.

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

944 All fees for application, examination and registration for a
945 wig specialist license and the renewal thereof shall be the same
946 as herein provided for cosmetologists.

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

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

951 73-7-55. Registered wig specialists desiring to pursue
952 additional hours to be eligible for a certificate of registration
953 as a cosmetologist may be credited with the three hundred (300)
954 hours acquired in studying and training to be a wig specialist
955 which may be applied to the number of hours required to be
956 eligible to take a cosmetologist's examination.

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

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

965 A person holding a wig salon license may maintain an
966 establishment in which services shall be limited to wigs or
967 hairpieces and performed only by licensed wig specialists and/or
968 licensed cosmetologists.

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

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

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

981 73-7-61. Nothing in Sections 73-7-51 through 73-7-61 shall
982 apply to retail sales of wigs or hairpieces when such sales do not
983 include arranging, dressing, waving, cleaning, curling, bleaching,
984 coloring, cutting and shaping of such wig or hairpiece sold at
985 retail. Such retail seller shall be exempted from all fees,
986 inspections and other requirements of said sections. In
987 connection with such retail sales, wigs and hairpieces may be
988 fitted, combed and arranged before such retail sale is
989 consummated.

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

992 73-7-63. Sections 73-7-1 through 73-7-37 and 73-7-51 through
993 73-7-61, Mississippi Code of 1972, which create the State Board of
994 Cosmetology and prescribe its duties and powers, shall stand
995 repealed as of July 1, 2010.

996 **SECTION 32.** The following shall be codified as Section
997 73-71-1, Mississippi Code of 1972:

998 73-71-1. (1) No person shall engage in natural hair care
999 for compensation within the State of Mississippi without first
1000 registering with the State Department of Health. For the purposes
1001 of this section, "natural hair care" means any techniques which
1002 result in tension or hair strands such as twisting, wrapping,
1003 weaving, extending, locking or braiding of the hair by hand or
1004 mechanical device, and the maintenance thereof, but does not
1005 include the application of dyes, reactive chemicals or other

1006 preparations to alter the color of the hair or to straighten, curl
1007 or alter the structure of the hair. Registration shall be valid
1008 for two (2) years, and each person registered under this section
1009 shall pay a biennial registration fee to the department in an
1010 amount set by the department, but not to exceed Fifty Dollars
1011 (\$50.00), which fee shall be uniform for all registered persons.

1012 (2) The State Board of Health shall promulgate rules and
1013 regulations relating to:

1014 (a) Health, cleanliness and general sanitation of the
1015 facilities or premises in which natural hair care is performed;

1016 (b) Sterilization of natural hair care equipment;

1017 (c) Procedures to prevent the transmission of disease
1018 or infection during or relating to natural hair care, specifically
1019 including, but not limited to, transmission of lice and diseases
1020 of the scalp; and

1021 (d) Such other administrative provisions as may be
1022 necessary to properly administer the requirements of this section.

1023 (3) Representatives of the department may visit any facility
1024 or premises in which natural hair care is performed at any time
1025 during business hours to ensure compliance with the requirements
1026 of this section and the rules and regulations promulgated under
1027 this section. The department may suspend or revoke the
1028 registration of any person found to be in violation of any of the
1029 rules or regulations promulgated under this section.

1030 (4) Any person who engages in natural hair care for
1031 compensation without first registering with the department or
1032 after his registration has been suspended or revoked by the
1033 department is guilty of a misdemeanor and, upon conviction, shall
1034 be punished by fine of not less than One Hundred Dollars
1035 (\$100.00), nor more than Five Hundred Dollars (\$500.00).

1036 (5) The department is authorized to bring an action for an
1037 injunction under the provisions of Sections 73-51-1 through
1038 73-51-5 to prohibit any person who is required to be registered
1039 under this section from engaging in natural hair care without

1040 first registering with the department or after his registration
1041 has been suspended or revoked by the department.

1042 (6) This chapter shall not apply to cosmetologists, barbers
1043 or wig specialists licensed to practice in Mississippi in their
1044 respective fields.

1045 **SECTION 33.** This act shall take effect and be in force from
1046 and after July 1, 2005.

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

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 REENACTED SECTION
4 73-7-31, MISSISSIPPI CODE OF 1972, TO CONFORM TO THIS ACT; TO
5 AMEND SECTION 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE
6 REPEALER ON THOSE SECTIONS; TO CODIFY SECTION 73-71-1, MISSISSIPPI
7 CODE OF 1972, TO DEFINE NATURAL HAIR CARE AND AUTHORIZE REGULATION
8 OF THE PRACTICE THEREOF; AND FOR RELATED PURPOSES.

SS26\HB454PS.J

John O. Gilbert
Secretary of the Senate