

By: Representatives Holland, Cockerham

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1068

1 AN ACT TO AMEND SECTION 73-7-1, MISSISSIPPI CODE OF 1972, TO
2 RECONSTITUTE THE STATE BOARD OF COSMETOLOGY AND INCREASE THE
3 MEMBERSHIP OF THE BOARD; TO PROVIDE FOR THE APPOINTMENT OF A
4 CONSUMER MEMBER OF THE BOARD; TO AMEND SECTION 73-7-12,
5 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CONSUMER MEMBER
6 SHALL NOT PARTICIPATE IN THE EXAMINATIONS HELD BY THE BOARD; TO
7 AMEND SECTION 73-7-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE
8 NUMBER OF HOURS THAT A LICENSED BARBER MUST COMPLETE IN A
9 COSMETOLOGY SCHOOL TO BE ABLE TO OBTAIN A COSMETOLOGY LICENSE; TO
10 AMEND SECTION 73-7-14, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A
11 MASTER MANICURIST LICENSE AND A MASTER ESTHETICIAN LICENSE AND
12 PRESCRIBE THE REQUIREMENTS FOR THOSE LICENSES; TO AMEND SECTIONS
13 73-7-2 AND 73-7-29, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
14 PRECEDING PROVISION; TO AMEND SECTION 73-7-15, MISSISSIPPI CODE OF
15 1972, TO PROVIDE FOR A WIGOLOGY INSTRUCTOR'S LICENSE AND PRESCRIBE
16 THE REQUIREMENTS FOR THAT LICENSE; AND FOR RELATED PURPOSES.

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

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

20 73-7-1. (1) There is * * * continued * * * a State Board of
21 Cosmetology, which is reconstituted as follows: From and after
22 July 1, 2007, the board shall be composed of eleven (11) members,
23 with five (5) members to be appointed by the Governor, three (3)
24 members to be appointed by the Lieutenant Governor and three (3)
25 members to be appointed by the Attorney General. Each member
26 shall be appointed with the advice and consent of the Senate. The
27 Governor shall appoint two (2) members for terms that expire on
28 July 1, 2009, one (1) member for a term that expires on July 1,
29 2010, and two (2) members for terms that expire on July 1, 2011.
30 The Lieutenant Governor shall appoint one (1) member for a term
31 that expires on July 1, 2008, one (1) member for a term that
32 expires on July 1, 2010, and one (1) member for a term that
33 expires on July 1, 2011. The Attorney General shall appoint one
34 (1) member for a term that expires on July 1, 2008, one (1) member

35 for a term that expires on July 1, 2009, and one (1) member for a
36 term that expires on July 1, 2010. After the expiration of the
37 initial terms, all later appointments shall be made by the
38 original appointing official for terms of four (4) years from the
39 expiration date of the previous term. Of the appointments made by
40 the Governor, one (1) member shall be appointed from each of the
41 Supreme Court districts and two (2) members shall be appointed
42 from the state at large. Of the appointments made by the
43 Lieutenant Governor and the Attorney General, one (1) member shall
44 be appointed from each of the Supreme Court districts.

45 (2) There shall be a president of the board and such other
46 officers as deemed necessary by the board elected by and from its
47 membership, provided that the member elected as president must
48 have at least one (1) year of experience on the board. * * *

49 (3) Except as otherwise provided in this subsection, to be
50 eligible for appointment as a member of the * * * board * * *, the
51 person applying shall meet the following requirements: (a) have
52 been a citizen of this state for a minimum of five (5) years
53 immediately before appointment; (b) be at least thirty (30) years
54 of age; (c) possess a high school education or its equivalent; and
55 (d) have been a licensed cosmetologist with not less than five (5)
56 years' active practice in cosmetology. One (1) member appointed
57 by the Governor shall be appointed from a list of three (3)
58 individuals recommended by the Mississippi Independent Beauticians
59 Association. One (1) member appointed by the Governor shall be a
60 consumer of cosmetology services who has never been licensed by
61 the board, but who meets the requirements specified in paragraphs
62 (a) through (c) of this subsection. No member of the board shall
63 be connected in any way with any school in which cosmetology is
64 taught, nor shall any * * * members of the board appointed by the
65 same appointing official be graduates of the same school of
66 cosmetology.

67 (4) In the event of vacancy by death or resignation of any
68 member of the board, the original appointing official of that
69 member shall, within thirty (30) days, appoint a person possessing
70 all qualifications required to serve the remainder of the term.
71 Any member who does not attend two (2) consecutive meetings of the
72 board for reasons other than illness of the member shall be
73 subject to removal by the original appointing official of that
74 member. The president of the board shall notify * * * in writing
75 the original appointing official of any * * * member who has
76 failed to attend two (2) consecutive regular meetings.

77 (5) The salaries of all paid employees of the board shall be
78 paid out of funds in the board's special fund in the State
79 Treasury. Each member of the board, excepting the inspectors
80 provided for in this chapter, shall receive per diem as authorized
81 by Section 25-3-69, and shall be reimbursed for such other
82 expenses at the same rate and under the same conditions as other
83 state employees as provided for in Section 25-3-41.

84 (6) The board shall give reasonable public notice of all
85 board meetings not less than ten (10) days before those meetings.

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

88 73-7-2. As used in this chapter, the following terms shall
89 have the meanings as provided in this section unless the context
90 otherwise requires:

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

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

96 (i) Cutting, clipping or trimming hair.

97 (ii) Styling, arranging, dressing, curling,
98 waving, permanent waving, straightening, cleansing, bleaching,
99 tinting, coloring or similarly treating hair.

100 (iii) Cleansing, stimulating, manipulating,
101 beautifying or applying oils, antiseptics, clays, lotions or other
102 preparations, either by hand or by mechanical or electrical
103 apparatus.

104 (iv) Arching eyebrows or tinting eyebrows and
105 eyelashes.

106 (v) Removing superfluous hair by the use of
107 depilatories.

108 (vi) Manicuring and pedicuring.

109 (c) "Cosmetologist" means a person who for
110 compensation, whether direct or indirect, engages in the practice
111 of cosmetology.

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

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

115 (ii) Trimming eyebrows.

116 (iii) Tinting eyelashes or eyebrows.

117 (iv) Waxing, stimulating, cleaning or beautifying
118 the face, neck, arms or legs of a person by any method with the
119 aid of the hands or any mechanical or electrical apparatus, or by
120 the use of a cosmetic preparation.

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

123 (e) "Esthetician" means any person who, for
124 compensation, either direct or indirect, engages in the practice
125 of esthetics.

126 (f) "Instructor" means a person licensed to teach
127 cosmetology, or manicuring and pedicuring, or esthetics, or
128 wigology, or all of those, under this chapter, and shall include
129 those persons engaged in the instruction of student instructors.

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

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

134 (ii) Applying artificial nails.

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

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

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

143 (j) "Master esthetician" means a person holding a
144 esthetician license who has completed the minimum course of
145 continuing education prescribed by Section 73-7-14.

146 (k) "Master manicurist" means a person holding a
147 manicurist license who has completed the minimum course of
148 continuing education prescribed by Section 73-7-14.

149 (l) "Salon" means an establishment operated for the
150 purpose of engaging in the practice of cosmetology, or manicuring
151 and pedicuring, or esthetics, or wigology, or all of those.

152 (m) "School" means an establishment, public or private,
153 operated for the purpose of teaching cosmetology, or manicuring
154 and pedicuring, or esthetics, or wigology, or all of those.

155 (n) "Wigology" means a service to a wig or hairpiece in
156 any one (1) or combination of the following:

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

158 (ii) Cleaning.

159 (iii) Bleaching or coloring.

160 (iv) Cutting and shaping.

161 (o) "Wig specialist" means a person who, for
162 compensation, either direct or indirect, engages in the practice
163 of wigology.

164 **SECTION 3.** Section 73-7-12, Mississippi Code of 1972, is
165 amended as follows:

166 73-7-12. The board shall hold examinations for
167 cosmetologists, estheticians, manicurists, wig specialists and
168 instructors at least twice a year and at such other times as the
169 board may determine. The consumer member of the board shall not
170 participate in the examinations held by the board.

171 **SECTION 4.** Section 73-7-13, Mississippi Code of 1972, is
172 amended as follows:

173 73-7-13. (1) The board shall admit to examination for a
174 cosmetology license any person who has made application to the
175 board in proper form, has paid the required fee, and who (a) is at
176 least seventeen (17) years of age, (b) can read, write and speak
177 English, (c) has successfully completed no less than fifteen
178 hundred (1500) hours over a period of no less than nine (9) months
179 in an accredited school of cosmetology, and (d) has a high school
180 education or its equivalent.

181 The board may, in its discretion, issue to any student who
182 has completed the prescribed hours in an accredited school in
183 Mississippi a temporary permit until such time as the next
184 examination may be held, but the student shall be issued only one
185 (1) temporary permit. Application for an examination and license
186 shall be accompanied by two (2) recent head photographs of the
187 applicant. No temporary permit will be issued an applicant from
188 any other state to operate a beauty salon or school of cosmetology
189 in this state unless in case of emergency.

190 Applicants for the cosmetologist examination, after having
191 satisfactorily passed the prescribed examination, shall be issued
192 a cosmetology license that shall be valid for two (2) years, and
193 all those licenses shall be subject to renewal.

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

197 certificate of registration to practice barbering and who holds a
198 current valid license, is eligible to take the cosmetology
199 examination to secure a cosmetology license upon successfully
200 completing six hundred (600) hours in an accredited school of
201 cosmetology. All fees for application, examination, registration
202 and renewal thereof shall be the same as provided for
203 cosmetologists.

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

207 (3) Any licensed cosmetologist, esthetician, manicurist or
208 wigologist who is registered but not actively practicing in the
209 State of Mississippi at the time of making application for
210 renewal, may apply for registration on the "inactive" list. The
211 "inactive" list shall be maintained by the board and shall set out
212 the names and post office addresses of all persons registered but
213 not actively practicing in this state, arranged alphabetically by
214 name and also by the municipalities and states of their last known
215 professional or residential address. Only the cosmetologists,
216 estheticians, manicurists and wigologists registered on the
217 appropriate list as actively practicing in the State of
218 Mississippi shall be authorized to practice those professions.
219 For the purpose of this section, any licensed cosmetologist,
220 esthetician, manicurist or wigologist who has actively practiced
221 his or her profession for at least three (3) months of the
222 immediately preceding license renewal period shall be considered
223 in active practice. No cosmetologist, esthetician, manicurist or
224 wigologist shall be registered on the "inactive" list until the
225 person has furnished a statement of intent to take that action to
226 the board. Any licensed cosmetologist, esthetician, manicurist or
227 wigologist registered on the "inactive" list shall not be eligible
228 for registration on the active list until either of the following
229 conditions have been satisfied:

230 (a) Written application shall be submitted to the State
231 Board of Cosmetology stating the reasons for that inactivity and
232 setting forth such other information as the board may require on
233 an individual basis and completion of the number of clock hours of
234 continuing education as approved by the board; or

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

240 (c) Payment of the fee for processing the inactive
241 license.

242 **SECTION 5.** Section 73-7-14, Mississippi Code of 1972, is
243 amended as follows:

244 73-7-14. (1) Any person who holds a current, valid
245 cosmetology license may be licensed as a master cosmetologist if
246 he or she has been a licensed cosmetologist in this state for a
247 period of not less than twelve (12) months, and has completed a
248 minimum course of sixteen (16) hours' study in continuing
249 education approved by the board within the licensing period
250 preceding initial application for the license, and has paid the
251 original license fee. Master cosmetologist licenses shall be
252 renewable upon completion of a minimum course of eight (8) hours'
253 study in continuing education approved by the board within a
254 licensing period and payment of the required renewal fee. This is
255 an optional license and persons who do not wish to complete the
256 continuing education requirement may obtain a cosmetology license
257 when renewing their license.

258 (2) Any person who holds a current, valid manicurist license
259 may be licensed as a master manicurist if he or she has been a
260 licensed manicurist in this state for a period of not less than
261 twelve (12) months, and has completed a minimum course of sixteen
262 (16) hours' study in continuing education approved by the board

263 within the licensing period preceding initial application for the
264 license, and has paid the original license fee. Master manicurist
265 licenses shall be renewable upon completion of a minimum course of
266 eight (8) hours' study in continuing education approved by the
267 board within a licensing period and payment of the required
268 renewal fee. This is an optional license and persons who do not
269 wish to complete the continuing education requirement may obtain a
270 manicurist license when renewing their license.

271 (3) Any person who holds a current, valid esthetician
272 license may be licensed as a master esthetician if he or she has
273 been a licensed esthetician in this state for a period of not less
274 than twelve (12) months, and has completed a minimum course of
275 sixteen (16) hours' study in continuing education approved by the
276 board within the licensing period preceding initial application
277 for the license, and has paid the original license fee. Master
278 esthetician licenses shall be renewable upon completion of a
279 minimum course of eight (8) hours' study in continuing education
280 approved by the board within a licensing period and payment of the
281 required renewal fee. This is an optional license and persons who
282 do not wish to complete the continuing education requirement may
283 obtain an esthetician license when renewing their license.

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

287 **SECTION 6.** Section 73-7-15, Mississippi Code of 1972, is
288 amended as follows:

289 73-7-15. (1) The board shall admit to examination for a
290 cosmetology instructor's license any person who has made
291 application to the board in proper form, has paid the required
292 fee, and who:

- 293 (a) Is not less than twenty-one (21) years of age;
- 294 (b) Can read, write and speak English;
- 295 (c) Is a graduate of an accredited cosmetology school;

296 (d) Has a high school education or its equivalent;
297 (e) Has successfully completed seven hundred fifty
298 (750) hours of instructor training in an accredited school of
299 cosmetology;
300 (f) Has successfully completed twelve (12) semester
301 hours in college courses approved by the board;
302 (g) Holds a current, valid Mississippi cosmetology
303 license; and
304 (h) Has at least two (2) years' active practical
305 experience as a licensed cosmetologist or, as an alternative to
306 that experience, has successfully completed two thousand (2,000)
307 hours of instructor training in an accredited school of
308 cosmetology.

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

312 (a) Is not less than twenty-one (21) years of age;
313 (b) Can read, write and speak English;
314 (c) Has a high school education or its equivalent;
315 (d) Has successfully completed six hundred (600) hours
316 of instructor training in an accredited school in which the
317 practice of esthetics is taught;
318 (e) Has successfully completed twelve (12) semester
319 hours in college courses approved by the board;
320 (f) Holds a current, valid Mississippi esthetician
321 license; and
322 (g) Has had two (2) years of active practical
323 experience as an esthetician or, as an alternative to that
324 experience, has successfully completed one thousand (1,000) hours
325 of instructor training in an accredited school in which the
326 practice of esthetics is taught.

327 (3) The board shall admit to examination for a wigology
328 instructor's license any person who has made application to the
329 board in proper form, has paid the required fee, and who:

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

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

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

333 (d) Has successfully completed six hundred (600) hours
334 of instructor training in an accredited school in which the
335 practice of wigology is taught;

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

338 (f) Holds a current, valid Mississippi wigologist
339 license; and

340 (g) Has had two (2) years of active practical
341 experience as a wigologist or, as an alternative to that
342 experience, has successfully completed one thousand (1,000) hours
343 of instructor training in an accredited school in which the
344 practice of wigology is taught.

345 (4) The board shall admit to examination for a manicurist
346 instructor's license any person who has made application to the
347 board in proper form, has paid the required fee, and who:

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

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

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

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

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

356 (f) Holds a current, valid Mississippi manicurist
357 license; and

358 (g) Has had two (2) years of active practical
359 experience as a manicurist or, as an alternative to such

360 experience, has successfully completed one thousand (1,000) hours
361 of instructor training in an accredited school in which the
362 practice of manicuring is taught.

363 (5) Applicants shall satisfactorily pass the examination
364 prescribed by the board for licensing instructors before the
365 issuance of the licenses provided for in this section. However,
366 the board may, in its discretion, issue a temporary instructor's
367 permit until such time as the next examination may be held, but
368 the applicant shall be issued only one (1) temporary permit. All
369 applications for an instructor's examination shall be accompanied
370 by two (2) recent head photographs of the applicant.

371 (6) All instructors licensed under this section shall
372 biennially obtain twenty-four (24) clock hours of continuing
373 education in teacher training instruction in cosmetology or
374 esthetics or manicuring, as the case may be, as approved by the
375 board. Any instructor who fails to obtain the continuing
376 education required by this subsection shall not be allowed to
377 instruct nor enroll students under his or her license until that
378 education requirement has been met. The board may issue an
379 inactive instructor's license to those instructors, and an
380 inactive license may be converted into an active license after
381 proof satisfactory to the board of completion of at least
382 twenty-four (24) clock hours of approved continuing education
383 required for teacher training instruction.

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

387 **SECTION 7.** Section 73-7-29, Mississippi Code of 1972, is
388 amended as follows:

389 73-7-29. The board shall assess fees in the following
390 amounts and for the following purposes:

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

393	(b) Application for in-state instructor	
394	examination and reexamination.....	50.00
395	(c) Application for out-of-state instructor	
396	examination, processing.....	55.00
397	(d) * * * Cosmetologist, manicurist, esthetician,	
398	or wig specialist license, original and renewal * * *.....	50.00
399	(e) * * * Master cosmetologist, <u>manicurist</u>	
400	<u>or esthetician</u> license, * * * original * * *	
401	and renewal.....	70.00
402	(f) Cosmetologist, manicurist, esthetician, or	
403	wig specialist by reciprocity, processing.....	55.00
404	(g) * * * Instructor license, original and	
405	renewal * * *.....	80.00
406	(h) Delinquent renewal penalty - cosmetologist,	
407	manicurist, esthetician, wig specialist and instructor:	
408	60 days to 1 year.....	25.00
409		plus license fee
410	Over 1 year to 3 years, per year.....	50.00
411		plus license fee
412	(i) Salon application.....	50.00
413	(j) Salon reinspection.....	35.00
414	(k) Salon change of ownership or location	
415	or both.....	50.00
416	(l) * * * Salon license renewal * * *.....	60.00
417	(m) Salon delinquent renewal penalty -	
418	60 days to 1 year.....	25.00
419		plus license fee
420	Over 1 year.....	45.00
421		plus license fee
422	(n) Application for a new school.....	300.00
423	(o) New school reinspection.....	100.00
424	(p) School change of ownership.....	300.00
425	(q) School relocation.....	300.00

426	(r)	* * * School license renewal * * *	150.00
427	(s)	School delinquent renewal penalty -	
428		60 days to 1 year.....	100.00
429			plus license fee
430	(t)	Duplicate license or lost renewal form.....	10.00
431	(u)	Penalty for insufficient fund checks.....	20.00
432	(v)	Affidavit processing.....	15.00
433	(w)	Inactive license fee.....	15.00
434	(x)	Renewal of inactive license.....	15.00

435 The board may charge additional fees for services which the
436 board deems appropriate to carry out its intent and purpose.
437 These additional fees shall not exceed the cost of rendering the
438 service.

439 * * * All licenses shall be renewed biennially according to
440 the above fee schedule.

441 The board is fully authorized to make refunds of any deposits
442 received by the board for services which are not rendered, and may
443 refund any underpayments or overpayments of fees to licensees or
444 applicants.

445 **SECTION 8.** This act shall take effect and be in force from
446 and after July 1, 2007.