

By: Senator(s) Blackwell

To: Public Health and Welfare

SENATE BILL NO. 2155

1 AN ACT TO AMEND SECTIONS 73-7-1, 73-7-2, 73-7-3, 73-7-7,
2 73-7-9, 73-7-11, 73-7-12, 73-7-13, 73-7-14, 73-7-15, 73-7-16,
3 73-7-17, 73-7-18, 73-7-19, 73-7-21, 73-7-23, 73-7-25, 73-7-27,
4 73-7-29, 73-7-31, 73-7-33, 73-7-35, 73-7-37, AND CREATE NEW
5 SECTIONS 73-7-14.1, 73-7-14.2, 73-7-39 AND 73-7-41, MISSISSIPPI
6 CODE OF 1972, TO MERGE THE STATE BOARD OF COSMETOLOGY AND THE
7 STATE BOARD OF BARBERING INTO THE STATE BOARD OF COSMETOLOGY AND
8 BARBERING; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD; TO PROVIDE
9 FOR THE APPOINTMENT OF THE EXECUTIVE DIRECTOR; TO REVISE THE
10 LICENSING REQUIREMENTS OF BARBERS AND COSMETOLOGISTS; TO REQUIRE
11 CERTAIN CONTINUING EDUCATION; TO SET CERTAIN PROHIBITIONS; TO
12 PROVIDE THAT THE BOARD MAY CHARGE A LICENSE FEE; TO SET THE
13 BARBERING AND COSMETOLOGY SCHOOL REQUIREMENTS; TO SET CERTAIN
14 VIOLATIONS, PENALTIES, AND FINES; TO MAKE TECHNICAL AMENDMENTS TO
15 CONFORM; TO REPEAL SECTIONS 73-5-1 THROUGH 73-5-45, MISSISSIPPI
16 CODE OF 1972, WHICH CREATES THE STATE BOARD OF BARBER EXAMINERS;
17 AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Any reference to the State Board of Cosmetology
20 or the Board of Barber Examiners in Title 73, Chapters 5 and 7,
21 Mississippi Code of 1972, or any other provision of law, shall
22 mean the State Board of Cosmetology and Barbering created in
23 Section 73-7-1.

24 **SECTION 2.** Section 73-7-1, Mississippi Code of 1972, is
25 amended as follows:



26 73-7-1. (1) There is hereby * * * created the State Board
27 of Cosmetology and Barbering, composed of the State Health
28 Officer, or his or her designee, and eight (8) members to be
29 appointed by the Governor, with the advice and consent of the
30 Senate, and will consist of four (4) members from the cosmetology
31 professions, three (3) barbers, and one (1) member of the public
32 not related to cosmetology, barbering, or related professions. No
33 more than three (3) members shall be appointed from each Supreme
34 Court District as they currently exist, and one (1) member from
35 each district shall be a barber. The initial term of office for
36 the members appointed from the First Supreme Court District shall
37 be two (2) years, the initial term of office for the members
38 appointed from the Second Supreme Court District shall be three
39 (3) years, and the initial term of office for the members
40 appointed from the Third Supreme Court District shall be four (4)
41 years. Subsequent terms of office shall be six (6) years.

42 There shall be a president of the board and such other
43 officers as deemed necessary by the board elected by and from its
44 membership, provided that the member elected as president shall
45 have at least one (1) year of experience on the board. Any member
46 appointed by the Governor and confirmed by the Senate for a term
47 to begin on or after July 1, * * * 2024, who was designated by the
48 Governor to serve as president of the board, shall be fully
49 qualified to serve on the board for a full term of office, but



50 shall not serve as president of the board unless elected by the
51 membership of the board as provided under this paragraph.

52 To be eligible for appointment as a member of the State Board
53 of Cosmetology and Barbering, the person applying shall have been
54 a citizen of this state for a minimum of five (5) years
55 immediately prior to appointment. Such person shall be at least
56 thirty (30) years of age, possess a high school education or its
57 equivalent, and shall have been a licensed * * * by the board with
58 not less than * * * five (5) years' active practice in * * * any
59 occupation regulated by the board. No member of the board shall
60 be connected in any way with any school wherein * * * occupations
61 regulated by the board is taught, nor shall any two (2) members of
62 the board be graduates of the same school of cosmetology or
63 barbering.

64 However, in the event of vacancy by death or resignation of
65 any member of the board, the Governor shall, within thirty (30)
66 days, appoint a person possessing all qualifications required to
67 serve the remainder of the term. Any member who shall not attend
68 two (2) consecutive meetings of the board for reasons other than
69 illness of such member shall be subject to removal by the
70 Governor. The president of the board shall notify the Governor in
71 writing when any such member has failed to attend two (2)
72 consecutive regular meetings.

73 The salaries of all paid employees of the board shall be paid
74 out of funds in the board's special fund in the State Treasury.



75 Each member of the board, excepting the inspectors provided for
76 herein, shall receive per diem as authorized by Section 25-3-69,
77 and shall be reimbursed for such other expenses at the same rate
78 and under the same conditions as other state employees as provided
79 for in Section 25-3-41.

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

82 (2) In addition to any powers conferred upon the board in
83 other provisions of law, the State Board of Cosmetology and
84 Barbering shall appoint an individual to serve as the Executive
85 Director of the State Board of Cosmetology and Barbering. The
86 executive director shall possess the qualifications established by
87 the board, which shall be based on National Best Practices. The
88 executive director shall be considered a full-time position. The
89 executive director shall serve at the will and pleasure of the
90 board and shall devote his or her time to the proper
91 administration of the board and the duties assigned to him or her
92 by the board. The executive director shall be paid a salary
93 established by the board, subject to the approval of the State
94 Personnel Board. Subject to the availability of funding, the
95 executive director may employ such administrative staff as may be
96 necessary to assist the director and board in carrying out the
97 duties and directives of the State Board of Cosmetology and
98 Barbering.



99 **SECTION 3.** Section 73-7-2, Mississippi Code of 1972, is
100 amended as follows:

101 73-7-2. As used in this chapter, the following terms shall
102 have the meanings ascribed herein unless the context otherwise
103 requires:

104 (a) "Board" means the State Board of Cosmetology and
105 Barbering.

106 (b) "Barbering" means the occupation of shaving or
107 trimming the beard, cutting or dressing the hair, giving facial or
108 scalp treatment with oils or creams or other cosmetic preparations
109 made for that purpose, antiseptics, powders, clays or lotions to
110 the scalp, face, neck or upper part of the body either by hand or
111 by means of mechanical appliances, singeing and shampooing the
112 hair, dyeing the hair or permanently waving or straightening the
113 hair for compensation.

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

118 (d) "Cosmetology" means any one (1) or a combination of
119 the following practices if they are performed on a person's head,
120 face, neck, shoulder, arms, hands, legs or feet for cosmetic
121 purposes:

122 (i) Cutting, clipping or trimming hair and hair
123 pieces.



124 (ii) Styling, arranging, dressing, curling,
125 waving, permanent waving, straightening, cleansing, bleaching,
126 tinting, coloring or similarly treating hair and hair pieces.

127 (iii) Cleansing, stimulating, manipulating,
128 beautifying or applying oils, antiseptics, clays, lotions or other
129 preparations, either by hand or by mechanical or electrical
130 apparatus.

131 (iv) Arching eyebrows, to include tweezing,
132 waxing, threading or any other methods of epilation, or tinting
133 eyebrows and eyelashes.

134 (v) Removing superfluous hair by the use of
135 depilation.

136 (vi) * * * Nail technology.

137 For regulation purposes, the term "cosmetology" and
138 "barbering" does not include persons whose practice is limited to
139 only performing makeup artistry, threading or applying or removing
140 eyelash extensions; however, a person may perform a combination of
141 not more than three (3) such practices and still be exempt from
142 this chapter.

143 (* * * e) "Cosmetologist" means a person who for
144 compensation, whether direct or indirect, engages in the practice
145 of cosmetology.

146 (* * * f) "Esthetics" means any one (1) or a
147 combination of the following practices:

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



149 (ii) Arching eyebrows to include trimming,
150 tweezing, waxing, threading or any other method of epilation or
151 tinting eyebrows and eyelashes.

152 (iii) Tinting eyelashes or eyebrows.

153 (iv) Waxing, stimulating, cleaning or beautifying
154 the face, neck, arms or legs of a person by any method with the
155 aid of the hands or any mechanical or electrical apparatus, or by
156 the use of a cosmetic preparation.

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

164 (* * * g) "Esthetician" means any person who, for
165 compensation, either direct or indirect, engages in the practice
166 of esthetics.

167 (* * * h) "Instructor" means a person licensed to teach
168 cosmetology, or manicuring and pedicuring, or esthetics, or all of
169 those, pursuant to this chapter, and shall include those persons
170 engaged in the instruction of student instructors.

171 (* * * i) * * * "Nail technology" means any one (1) or
172 a combination of the following practices:



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

175 (ii) Applying artificial nails.

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

178 (* * * j) * * * "Nail technician" means a person who
179 for compensation, either direct or indirect, engages in the
180 practice of * * * nail technology.

181 (* * * k) "Master" means a person holding a
182 cosmetology, * * * nail technology, barbering and esthetics
183 license who has completed the minimum course of continuing
184 education prescribed by Section 73-7-14.

185 (* * * l) "Salon/barber shop" means an establishment
186 operated for the purpose of engaging in the practice of
187 cosmetology, barbering, * * * nail technology, or esthetics, * * *
188 or all of those.

189 (* * * m) "School" means an establishment, public or
190 private, operated for the purpose of teaching cosmetology, * * *
191 barbering, nail technology, or esthetics, * * * or all of those.

192 **SECTION 4.** Section 73-7-3, Mississippi Code of 1972, is
193 amended as follows:

194 73-7-3. (1) The board shall be authorized to employ such
195 clerical and stenographic assistance, bookkeepers, investigators
196 and other agents as they may deem necessary to carry out the
197 provisions of this chapter, and to fix their tenure of employment



198 and compensation therefor. The members of the board shall file a
199 bond with the Secretary of State in the sum of not less than * * *
200 Twenty-five Thousand Dollars (\$25,000.00) payable to the State of
201 Mississippi for the faithful performance of their duties. The
202 bond shall be made by a surety company authorized to do business
203 in this state, the premium of the bond to be paid out of any money
204 in the board's special fund in the State Treasury.

205 (2) The office of the board shall be located in the greater
206 metropolitan area of the City of Jackson, Mississippi, and in the
207 event office space cannot be obtained in any state-owned building,
208 the board is authorized to rent suitable office space and to pay
209 therefor out of funds in the board's special fund. The board
210 shall employ inspectors as needed, not to exceed * * * twelve
211 (12), who shall be full-time employees and whose salaries and
212 duties shall be fixed by the board.

213 (3) The salaries of all paid employees of the board shall be
214 paid out of the funds in the board's special fund. The inspectors
215 shall, in addition to their salaries, be reimbursed for such
216 expenses as are allowed other state employees under the provisions
217 of Section 25-3-41. In addition to the paying of office rent, the
218 board is authorized to purchase necessary office furniture and
219 equipment, stationery, books, certificates and any other equipment
220 necessary for the proper administration of this chapter.

221 (4) The board should use the standards established by
222 Sections 25-3-91 through 25-3-95 and rules promulgated by the



223 State Personal Board to determine whether employees and the
224 board's executive director may receive sick leave, compensatory
225 leave, or administrative leave.

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

228 73-7-7. (1) The board shall have authority to make
229 reasonable rules and regulations for the administration of the
230 provisions of this chapter. The board shall set up a curriculum
231 for the operation of schools of cosmetology, barbering and the
232 other professions it is charged to regulate in this state. The
233 board shall receive and consider for adoption recommendations for
234 rules and regulations, school curriculum, and related matters from
235 the Mississippi Cosmetology and Barbering Council, whose
236 membership shall consist of, in addition to the board members,
237 five (5) elected delegates from the Mississippi Cosmetology and
238 Barbering Association, five (5) elected delegates from the
239 Mississippi Cosmetology School and Barbering Association, five (5)
240 elected delegates from the Mississippi Independent Beauticians
241 Association, and five (5) elected delegates from the School Owners
242 and Teachers Association. The board may revoke the license of any
243 cosmetologist, barber, esthetician, * * * nail technician,
244 instructor, school of * * * any and all professions regulated by
245 the board, or salon/barber shop, or may refuse to issue a license
246 to any cosmetologist, barber, esthetician, * * * nail technician,
247 instructor, school of * * * all professions regulated by the



248 board, or salon/barber shop that fails or refuses to comply with
249 the provisions of this chapter and the rules and regulations of
250 the board in carrying out the provisions of this chapter.

251 (2) The board shall have authority to prescribe reasonable
252 rules and regulations governing sanitation of schools of * * * any
253 and all professions regulated by the board, salons and barber
254 shops for the guidance of persons licensed under this chapter in
255 the operation of schools of * * * any and all professions
256 regulated by the board, salons and barber shops and in the
257 practice of cosmetology, esthetics, barbering, * * * and * * *
258 nail technology. However, any and all rules and regulations
259 relating to sanitation shall, before adoption by the board, have
260 the written approval of the State Board of Health. When the board
261 has reason to believe that any of the provisions of this chapter
262 or of the rules and regulations of the board have been violated,
263 either upon receipt of a written complaint alleging such
264 violations or upon the board's own initiative, the board, or any
265 of its authorized agents, shall investigate same and shall have
266 authority to enter upon the premises of a school of * * * any and
267 all professions regulated by the board, salons, or barber shops at
268 any time during the regular business hours of that school or
269 salon/barber shop to conduct the investigation. Such
270 investigation may include, but not be limited to, conducting oral
271 interviews with the complaining party, school or salon/barber shop
272 owner(s) and/or students of the school, and reviewing records of



273 the school or salon/barber shop pertinent to the complaint and
274 related to an area subject to the authority of the board. Such
275 investigation shall not include written interviews or surveys of
276 school employees or students, and the privacy of patrons shall be
277 respected by any person making such investigation.

278 (3) * * * The board shall adopt regulations to ensure that
279 all fingernail service products used by licensed
280 cosmetologists, * * * nail technicians and other licensees do not
281 contain methyl methacrylate (MMA) as a monomer agent for cosmetic
282 nail applications.

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

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

289 73-7-9. No person required by this chapter to have a license
290 shall conduct a * * * salon/barber shop or school of * * * any and
291 all professions regulated by the board, or practice cosmetology,
292 barbering, esthetics, * * * nail technology, or practice as an
293 instructor, unless such person has received a license or temporary
294 permit therefor from the board. * * * Anyone determined to have
295 violated any of these rules or regulations prior to being licensed
296 by the board shall be subject to the same discipline by the board
297 as licensees. They may be disciplined and fined accordingly.



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

300 73-7-11. Each owner of a license issued by the board under
301 the provisions of this chapter shall display the license in a
302 conspicuous place in his or her principal office, place of
303 business or employment, at all times.

304 Each practitioner and instructor license shall contain a head
305 photograph of the license holder, the person's name, and the type
306 of license held by the person. The requirements of this section
307 shall apply at the time of issuance of a new license or at the
308 time of renewal of an existing license.

309 A barber pole can only be displayed if the business carries a
310 barber shop license or is dual licensed as a cosmetology and
311 barber shop.

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

314 73-7-12. Effective January 1, * * * 2025, the State Board of
315 Cosmetology and Barbering shall terminate its student testing
316 contract with proper notice and shall conduct examinations for
317 cosmetologists, barbers, estheticians, * * * nail technicians and
318 instructors at such times and locations as determined by the
319 board. The members of the board shall not personally administer
320 or monitor the examinations, but the board shall contract for
321 administrators of the examinations. A member of the board shall
322 not receive any per diem compensation for any day that the member



323 is present at the site where the examinations are being
324 administered.

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

327 73-7-13. (1) The * * * State Board of Cosmetology and
328 Barbering shall admit to examination for a cosmetology license any
329 person who has made application to the board in proper form, has
330 paid the required fee, and who (a) is at least * * * sixteen (16)
331 years of age, (b) * * * has successfully completed no less than
332 fifteen hundred (1500) hours over a period of no less than nine
333 (9) months in a licensed school of cosmetology or in an
334 apprenticeship program for three thousand (3,000) hours certified
335 by the State Board of Cosmetology and Barbering, and (* * *c) has
336 a tenth-grade high school education or its equivalent or has been
337 successfully enrolled in a community college. Apprenticeships
338 provided for in this subsection may be mentored by a licensed
339 cosmetology instructor. Only one (1) apprentice may be mentored
340 by any person at the same time. The ability to read, write and
341 speak English shall not be a requirement for licensure as a
342 licensed cosmetologist.

343 (2) The * * * State Board of Cosmetology and Barbering may,
344 in its discretion, issue to any student who has completed the
345 prescribed hours in a licensed school and paid the required fee a
346 temporary permit until such time as the next examination may be
347 held, but such student shall be issued only one (1) temporary



348 permit. Application for an examination and license shall be
349 accompanied by two (2) passport photographs of the applicant. No
350 temporary permit will be issued to an applicant from any other
351 state to operate a * * * salon or school of cosmetology in this
352 state unless in case of emergency.

353 (3) Applicants for the cosmetologist * * * license, after
354 having satisfactorily passed the prescribed examination, shall be
355 issued a cosmetology license which until June 30, 2001, shall be
356 valid for one (1) year, and after July 1, 2001, shall be valid for
357 two (2) years, and all those licenses shall be subject to renewal.
358 No license issued by the board may be renewed until all monetary
359 finances and penalties assessed by the board to the licensee are paid
360 in full.

361 (4) Any barber who * * * has successfully completed no less
362 than fifteen hundred (1500) hours in a licensed barber school, and
363 who holds a current valid certificate of registration to practice
364 barbering and who holds a current valid license, is eligible to
365 take the cosmetology examination to secure a cosmetology license
366 upon successfully completing * * * six hundred (600) hours in a
367 licensed school of cosmetology. All fees for application,
368 examination, * * * licensure and renewal thereof shall be the same
369 as provided for cosmetologists.

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



373 (* * *6) Any licensed cosmetologist, barber, esthetician,
374 or * * * nail technician who is registered but not actively
375 practicing in the State of Mississippi at the time of making
376 application for renewal, may apply for registration on the
377 "inactive" list. Such "inactive" list shall be maintained by
378 the * * * State Board of Cosmetology and Barbering and shall set
379 out the names and post office addresses of all persons registered
380 but not actively practicing in this state, arranged alphabetically
381 by name and also by the municipalities and states of their
382 last-known professional or residential address. Only the
383 cosmetologists, barbers, estheticians and * * * nail technician
384 registered on the appropriate list as actively practicing in the
385 State of Mississippi shall be authorized to practice those
386 professions. For the purpose of this section, any licensed
387 cosmetologist, esthetician or * * * nail technician who has
388 actively practiced his or her profession for at least three (3)
389 months of the immediately preceding license renewal period shall
390 be considered inactive practice. No cosmetologist, barber,
391 esthetician, or * * * nail technician shall be registered on the
392 "inactive" list until the person has furnished a statement of
393 intent to take such action to the board. Any licensed
394 cosmetologist, barber, esthetician, * * * or nail technician
395 registered on the "inactive" list shall not be eligible for
396 registration on the active list until either of the following
397 conditions have been satisfied:



398 (a) Written application shall be submitted to the State
399 Board of Cosmetology and Barbering stating the reasons for such
400 inactivity and setting forth such other information as the board
401 may require on an individual basis and completion of the number of
402 clock hours of continuing education as approved by the board; or

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

408 (c) Payment of the fee for processing such inactive
409 license shall be paid biennially in accordance to * * * State
410 Board of Cosmetology and Barbering rules.

411 **SECTION 10.** Section 73-7-14, Mississippi Code of 1972, is
412 amended as follows:

413 73-7-14. (1) Any person who holds a current, valid
414 cosmetology, * * * barbering, nail technician or esthetics license
415 may be licensed as a master cosmetologist, * * * barber, nail
416 technician or esthetician if he or she has been a licensed
417 cosmetologist, * * * barber, nail technician or esthetician in
418 this state for a period of not less than twelve (12) months, and
419 has completed a minimum course of sixteen (16) hours' study in
420 continuing education approved by the board within the licensing
421 period preceding initial application for the license, and has paid
422 the original license fee. Master cosmetologist, * * * barber,



423 nail technician or esthetician licenses shall be renewable upon
424 completion of a minimum course of eight (8) hours' study in
425 continuing education approved by the board within a licensing
426 period and payment of the required renewal fee. This is an
427 optional license and persons who do not wish to complete the
428 continuing education requirement may obtain a cosmetology license
429 when renewing their license.

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

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

436 **SECTION 11.** Section 73-7-15, Mississippi Code of 1972, is
437 amended as follows:

438 73-7-15. (1) The board shall admit to examination for a
439 cosmetology instructor's license any person who has made
440 application to the board in proper form, has paid the required
441 fee, and who:

442 * * *

443 (* * *a) Is a graduate of a licensed cosmetology
444 school;

445 (* * *b) Has a high school education or its
446 equivalent;



447 (* * *c) Has successfully completed one thousand
448 (1,000) hours of instructor training in a licensed school of
449 cosmetology;

450 (* * *d) Has successfully completed six (6) semester
451 hours in college courses approved by the board;

452 (* * *e) Holds a current, valid Mississippi
453 cosmetology license; and

454 (* * *f) Has at least one (1) year active practical
455 experience as a cosmetologist or, as an alternative to such
456 experience, has successfully completed one thousand (1,000) hours
457 of instructor training in a licensed school of cosmetology.

458 (2) The board shall admit to examination for a barbering
459 instructor's licenses any person who has made application to the
460 board in proper form, has paid the required fee, and who:

461 (a) Is a graduate of a licensed barbering school;

462 (b) Has a high school education or its equivalent;

463 (c) Has (i) not less than two (2) years of active
464 experience as a licensed barber and has successfully
465 completed not less than six hundred (600) hours of instructor
466 training in a licensed school of barbering or (ii) less than two
467 (2) years of active experience as a licensed barber and has
468 successfully completed one thousand (1,000) hours of instructor
469 training in a licensed school of barbering; and

470 (d) Holds a current, valid Mississippi barbering
471 license.



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

475 * * *

476 (* * *a) Has a high school education or its
477 equivalent;

478 (* * *b) Has successfully completed one thousand
479 (1,000) hours of instructor training in a licensed school in which
480 the practice of esthetics is taught;

481 (* * *c) Has successfully completed six (6) semester
482 hours in college courses approved by the board;

483 (* * *d) Holds a current, valid Mississippi
484 esthetician's license; and

485 (* * *e) Has had one (1) year of active practical
486 experience as an esthetician or, as an alternative to such
487 experience, has successfully completed one thousand (1,000) hours
488 of instructor training in a licensed school in which the practice
489 of esthetics is taught.

490 (* * *4) The board shall admit to examination for a * * *
491 nail technology instructor's license any person who has made
492 application to the board in proper form, has paid the required
493 fee, and who:

494 * * *

495 (* * *a) Has a high school education or its
496 equivalent;



497 (* * *b) Has successfully completed one thousand
498 (1,000) hours of instructor training in a licensed school in which
499 the practice of * * * nail technology is taught;

500 (* * *c) Has successfully completed six (6) semester
501 hours in college courses approved by the board;

502 (* * *d) Holds a current, valid Mississippi * * * nail
503 technician's license; and

504 (* * *e) Has had one (1) year of active practical
505 experience as a * * * nail technician or, as an alternative to
506 such experience, has successfully completed one thousand (1,000)
507 hours of instructor training in a licensed school in which the
508 practice of * * * nail technology is taught.

509 (4) Applicants shall satisfactorily pass the examination
510 prescribed by the board for licensing instructors prior to the
511 issuance of the licenses provided for in this section. However,
512 the board may, in its discretion, issue a temporary instructor's
513 permit until such time as the next examination may be held, but
514 such applicant shall be issued only one (1) temporary permit. All
515 applications for an instructor's examination shall be accompanied
516 by two (2) recent head photographs of the applicant.

517 (* * *6) Renewal Requirements.

518 (a) All instructors licensed pursuant to this section
519 shall biennially obtain twenty-four (24) clock hours of continuing
520 education in teacher training instruction in cosmetology or
521 esthetics or * * * nail technology, as the case may be, as



522 approved by the board. Any instructor who fails to obtain the
523 continuing education required by this subsection shall not be
524 allowed to instruct nor enroll students under his or her license
525 until such education requirement has been met. The board may
526 issue an inactive instructor's license to such instructors, and an
527 inactive license may be converted into an active license after
528 proof satisfactory to the board of completion of at least
529 twenty-four (24) clock hours of approved continuing education
530 required for teacher training instruction is submitted.

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

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

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

542 **SECTION 12.** Section 73-7-16, Mississippi Code of 1972, is
543 amended as follows:

544 73-7-16. (1) * * * All schools of any occupation licensed
545 by the board or school owners shall have a school license and
546 shall pay to the board the required license fee. The board is



547 hereby authorized and empowered to promulgate necessary and
548 reasonable rules and regulations for the issuance of school
549 licensees.

550 (2) * * * Any school making application for a license under
551 this act shall not be transferable for any cause and shall include
552 a surety bond in the penal sum of Fifty Thousand Dollars
553 (\$50,000.00) in favor of the Mississippi State Board of
554 Cosmetology and Barbering on a bond form completed by the
555 insurance company or agency. The applicant may file in lieu of
556 the bond, cash, a certificate of deposit, government bonds in the
557 amount of Fifty Thousand Dollars (\$50,000.00).

558 (3) * * * The school applicant shall maintain a professional
559 liability insurance policy covering any aspect of the facility,
560 personnel, and/or students.

561 (4) The school shall meet all applicable health and safety
562 standards that may be required by local, state, and federal
563 agencies.

564 (5) Private business and vocational schools that have
565 obtained national accreditation from an accrediting agency
566 designated by the United States Department of Education must
567 submit evidence of current accreditation.

568 (6) The course content and length of instruction shall be of
569 such nature and quality as to assure that the students will
570 adequately develop the job skills and knowledge necessary for
571 passing any and all examinations required for licensure.



572 (7) Schools shall provide favorable conditions for effective
573 classroom instruction. A total pattern of successful instruction
574 includes:

575 (a) Well-defined instructional objectives;

576 (b) Systematic planning;

577 (c) Selection and use of varied types of learning
578 materials and experiences;

579 (d) Adaptation of organization and instructional
580 procedures to student needs;

581 (e) Use of varied evaluation instruments and
582 procedures; and

583 (f) Good student and teacher morale.

584 (8) Each board-approved school of cosmetology, barbering,
585 esthetics or nail technology must provide proof to the board of an
586 annual pass rate that meets or exceeds the current minimum
587 standard as established by the board.

588 (9) The Board of Cosmetology and Barbering will evaluate
589 school curriculum for conformance with educational requirements
590 set forth by the Mississippi Cosmetology and Barbering Act.

591 (10) There shall be no automatic renewal of school licenses
592 and each licensee shall be audited for conformity prior to the
593 issuance of any new license. Prior to the issuance of any such
594 license, the board shall inspect the premises to determine if the
595 same conforms to the law.



596 (11) In the event that a school closes a facility, the
597 licensee must notify the board within sixty (60) days prior to
598 closing and provide proof of the reason for the closure; proof of
599 method developed to assist students with the completion of their
600 program of study and individual courses; proof of notice sent to
601 all currently enrolled students, notifying them of the closure;
602 proof of notice given to students indicating where they may obtain
603 any of their records; proof of disposition of student records,
604 with a contact person, complete address and telephone number and
605 how students' information may be obtained; proof of notice sent to
606 all students who have paid for any tuition and/or fees for future
607 enrollment in a program of study or individual course informing
608 them of the closure, and refund information; proof of certified
609 transcripts for each currently enrolled student who has paid for
610 and completed coursework in lieu of receiving a full or partial
611 refund. The licensee shall provide the board with a teach-out
612 plan for existing students at least thirty (30) days in advance of
613 closure, which must be approved by the board. In the event a
614 school files a bankruptcy petition, a certified copy must be filed
615 with the Board of Cosmetology and Barbering.

616 (12) School licenses may be issued, as follows:

617 (a) Temporary licenses may be issued for a one-year
618 period. These licenses may be issued to new schools with less
619 than two (2) graduating classes. Schools shall submit annual
620 reports by July 16 of each year unless otherwise specified.



621 Prospective students prior to enrolling and enrolled students
622 shall be notified in writing of the school's temporary status.

623 (b) Probationary licenses shall indicate warning status
624 and may be issued for a one-year period. These licenses may be
625 issued to new schools with less than two (2) graduating classes
626 and with any significant violation(s) in the most recent year.
627 Such schools shall submit annual reports by July 16 of each year
628 unless otherwise specified. Such schools shall notify both
629 prospective students prior to their enrolling and enrolled
630 students in writing of the school's probationary status.

631 (c) Conditional licenses may be issued to schools for a
632 one-year period. Conditional license status for schools that
633 previously held a nonconditional license shall not exceed two (2)
634 years. Such schools shall submit annual reports by July 16 of
635 each year unless otherwise specified. Such schools shall notify
636 both prospective students prior to their enrolling and enrolled
637 students in writing of the school's conditional status.

638 These licenses may be issued to schools with two (2) or more
639 graduating classes and with any of the following:

640 (i) Any significant violation(s) in the most
641 recent year; and

642 (ii) Either the school's annual pass rate or the
643 school's comprehensive pass rate does not meet or exceed the
644 board's current minimum standard.



645 (d) Nonconditional licenses may be issued for a
646 two-year period. Such schools shall submit annual reports by July
647 16 of each year unless otherwise specified. These licenses may be
648 issued to schools with two (2) or more graduating classes and with
649 all of the following:

650 (i) No significant violation(s) in the most
651 recent year; and

652 (ii) Either an annual pass rate or a comprehensive
653 pass rate that meets or exceeds the board's current minimum
654 standard.

655 (13) The combined temporary, probationary and/or conditional
656 license status for schools shall not exceed a
657 five-year-consecutive period before moving to a nonconditional
658 license status.

659 (14) School owners, instructors, and/or employees or
660 contractors of the school shall adhere to the Mississippi Board of
661 Cosmetology and Barbering statute and relative rules and
662 regulations and shall regard students with the same care and
663 consideration as clients.

664 (15) The Board of Cosmetology and Barbering will evaluate
665 school curriculum for conformance with educational requirements
666 set forth by the Mississippi Cosmetology and Barbering Act.

667 (16) There shall be no automatic renewal of school licenses
668 and each licensee shall be audited for conformity. Prior to the



669 issuance of any such license, the board shall inspect the premises
670 to determine if same qualifies with the law.

671 (17) Each application made under this section shall include
672 the social security number of the applicant, owners or agents in
673 accordance with Section 93-11-64.

674 (18) No license issued by the board may be renewed until all
675 monetary fines and penalties assessed by the board to the licensee
676 are paid in full.

677 **SECTION 13.** Section 73-7-17, Mississippi Code of 1972, is
678 amended as follows:

679 73-7-17. (1) All salon/barber shop owners shall have a
680 salon/barber shop license and shall pay to the board the required
681 license fee therefor and pay the required renewal fee for renewal
682 thereof. A grace period of sixty (60) days will be given in which
683 to renew the license, and upon the expiration of the grace period
684 of sixty (60) days any applicant for the renewal of a salon/barber
685 shop license will be required to pay a delinquent fee in addition
686 to the renewal fee. A salon/barber shop license that has been
687 expired for over one (1) year is nonrenewable and requires a new
688 application. Prior to the initial issuance of such license, the
689 board shall inspect the premises to determine if same qualifies
690 with the law, upon payment by the applicant of the required
691 inspection fee.



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

695 **SECTION 14.** Section 73-7-18, Mississippi Code of 1972, is
696 amended as follows:

697 73-7-18. (1) The * * * State Board of Cosmetology and
698 Barbering shall admit to examination for an esthetician's license
699 any person who has made application to the board in proper form,
700 has paid the required fee, and who:

701 (a) Is not less than * * * sixteen (16) years of age;

702 * * *

703 (* * * b) Has a high school tenth-grade education or
704 its equivalent; and

705 (* * * c) Has successfully completed a course of
706 training in esthetics of not less than six hundred (600) hours in
707 an accredited school in which the practice of esthetics is taught,
708 including not less than one hundred (100) hours of theory and five
709 hundred (500) hours of skill practice or an apprenticeship program
710 of twelve hundred (1200) hours certified by the State Board of
711 Cosmetology and Barbering. Apprenticeships provided for in this
712 section may be mentored by a person with an instructor license in
713 cosmetology or esthetics. Only one (1) apprentice may be mentored
714 by any person at the same time.

715 * * *



716 (d) The ability to read, write and speak English shall
717 not be a requirement for licensure as a licensed esthetician.

718 (2) The board may, in its discretion, issue to any student
719 who has completed the prescribed hours in a licensed school or
720 approved apprenticeship program and paid the required fee a
721 temporary permit until such time as the next examination may be
722 held but not exceeding six (6) months. Such student shall be
723 issued only one (1) temporary permit. Application for an
724 examination and license shall be accompanied by two (2) recent
725 passport-style photographs of the applicant. No temporary permit
726 will be issued to an applicant from any other state to operate a
727 salon/barber shop or school of any occupation licensed by this
728 board in this state unless in case of emergency.

729 (3) Licensed estheticians desiring to pursue additional
730 hours to be eligible for a license as a cosmetologists may be
731 credited with any hours acquired in studying and training to be an
732 esthetician, which may be applied to the number of hours required
733 for a cosmetology license examination.

734 (* * *4) Every person who has completed not less than three
735 hundred fifty (350) hours of training in esthetics approved by the
736 board in this or any other state prior to July 1, 1987, shall be
737 registered with the board within a period not exceeding six (6)
738 months after July 1, 1987, and shall be granted an esthetician's
739 license by the board if such person presents satisfactory evidence



740 to the board that he or she has fulfilled all the requirements to
741 be admitted to examination except the training hours requirement.

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

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

748 **SECTION 15.** Section 73-7-19, Mississippi Code of 1972, is
749 amended as follows:

750 73-7-19. (1) Except as provided in Section 33-1-39, all
751 licenses shall be renewed biennially under the fee schedule in
752 Section 73-7-29. Applications for renewal of licenses for
753 cosmetologists, barbers, estheticians, * * * nail technicians and
754 instructors must be accompanied by the required renewal fee. A
755 grace period of sixty (60) days will be given in which to renew
756 the license; and upon the expiration of the grace period of sixty
757 (60) days, any applicant for the renewal of a license will be
758 required to pay the required renewal fee and a delinquent fee in
759 addition to the renewal fee. The fees may be paid by either
760 personal or certified check, cash or money order, under such
761 safeguards, rules and regulations as the board may prescribe.
762 Checks returned to the board because of insufficient funds shall
763 result in nonrenewal of the license, which will require the
764 penalty fee for insufficient fund checks plus all other amounts



765 due for renewal of the license before the license may be renewed.
766 After one (1) year has passed from the expiration date of the
767 license, a delinquent fee must be paid for each year up to three
768 (3) years, after which the required examination must be taken.
769 All applications for examination required by this chapter shall
770 expire ninety (90) days from the date thereof.

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

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

777 **SECTION 16.** Section 73-7-21, Mississippi Code of 1972, is
778 amended as follows:

779 73-7-21. (1) The * * * State Board of Cosmetology and
780 Barbering shall admit to examination for a * * * nail technician's
781 license any person who has made application to the board in proper
782 form, has paid the required fee, and who:

783 (a) Is at least * * * sixteen (16) years of age;

784 * * *

785 (* * *b) Has successfully completed no less than three
786 hundred fifty (350) hours of practice and related theory in * * *
787 nail technology over a period of no less than nine (9) weeks in an
788 accredited school of * * * where nail technology is taught in this
789 or any other state or in an apprenticeship program of seven



790 hundred (700) hours certified by the State Board of Cosmetology
791 and Barbering. Apprenticeships provided for in this section may
792 be monitored or mentored by a person with an instructor license in
793 cosmetology or nail technology. Only one (1) apprentice may be
794 mentored by any person at the same time; and

795 (* * *c) Has a high school tenth-grade education or
796 its equivalent, or has been successfully enrolled in a community
797 college.

798 (d) The ability to read, write, and speak English shall
799 not be a requirement for licensure as a licensed nail technician.

800 (2) The board may, in its discretion, issue to any student
801 who has completed the prescribed hours in a licensed school or
802 approved apprenticeship program and paid the required fee a
803 temporary permit until such time as the next examination may be
804 held but not exceeding six (6) months. Such student shall be
805 issued only one (1) temporary permit. Application for an
806 examination and license shall be accompanied by two (2) recent
807 passport style photographs of the applicant. No temporary permit
808 will be issued to an applicant from any other state to operate a
809 salon/barber shop or school of any occupation licensed by this
810 board in this state unless in the case of an emergency.

811 (* * *3) Licensed * * * nail technicians desiring to pursue
812 additional hours to be eligible for a license as a cosmetologist
813 may be credited with * * * any hours acquired in studying and



814 training to be a * * * nail technician which may be applied to the
815 number of hours required for a cosmetology license examination.

816 (* * * 4) The * * * State Board of Cosmetology and Barbering
817 shall adopt regulations governing the use of electric nail files
818 for the purpose of filing false or natural nails.

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

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

825 **SECTION 17.** Section 73-7-23, Mississippi Code of 1972, is
826 amended as follows:

827 73-7-23. (1) The board may, upon application, issue a
828 license by reciprocity to any cosmetologist, barber, esthetician
829 or * * * nail technician over the age of * * * sixteen (16) years
830 from any other state who has satisfactorily completed the required
831 number of accredited hours in that state, provided the state board
832 from which the applicant comes issues to cosmetologists, barbers,
833 estheticians or * * * nail technicians, as the case may be, from
834 the State of Mississippi a license under the same conditions and
835 the other state has entered into a written reciprocal agreement
836 between participating states. Applications must be accompanied by
837 (a) proof satisfactory to the board that the required hours have
838 been completed, and (b) the required reciprocity fee, which shall



839 be paid to the board. Such an application must be accompanied by
840 two (2) recent passport-style photographs of the applicant.

841 (2) An instructor from any other state may be qualified for
842 a Mississippi instructor's license upon presenting a valid
843 instructor's license and proof of a high school education or its
844 equivalent, provided that the instructor (a) is not less than
845 twenty-one (21) years of age, (b) has completed training
846 equivalent to the State of Mississippi's training as provided in
847 Section 73-7-15 or has three (3) years or more of experience as a
848 licensed instructor prior to application, (c) * * * has completed
849 twelve (12) semester hours in college courses approved by the
850 board, and (* * *d) has completed a minimum of five (5)
851 continuing education hours in Mississippi board laws, rules and
852 regulations. Such application must be accompanied by two (2)
853 recent passport photographs of the applicant. Applicants shall
854 pay the required license fee.

855 (3) An applicant for a Mississippi instructor's license by
856 reciprocity who has not completed the college courses requirement
857 at the time of application may apply for a onetime temporary
858 teaching permit, which shall be valid for six (6) months and shall
859 be nonrenewable. Such application must be accompanied by proof of
860 enrollment in college course(s), required permit fee, two (2)
861 recent passport photographs of the applicant and other
862 documentation as required for application for a Mississippi
863 instructor's license by reciprocity. Upon proof of completion of



864 college courses and payment of the required license fee, a
865 Mississippi instructor's license shall be issued.

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

870 **SECTION 18.** Section 73-7-25, Mississippi Code of 1972, is
871 amended as follows:

872 73-7-25. Every demonstrator in the field of cosmetology,
873 barbering, esthetics, or nail technology shall, before making
874 demonstrations in a salon/barber shop or school, apply for and
875 obtain a permit from the board. For such permit, which shall be
876 for one (1) year, the required fee shall be paid to the board.
877 This section shall be construed to apply to demonstrators in
878 salons, barber shops and schools.

879 **SECTION 19.** Section 73-7-27, Mississippi Code of 1972, is
880 amended as follows:

881 73-7-27. (1) Any complaint may be filed with the board by a
882 member or agent of the board or by any person charging any
883 licensee of the board with the commission of any of the offenses
884 enumerated in subsection (2) of this section. Such complaint
885 shall be in writing, signed by the accuser or accusers, and
886 verified under oath, and such complaints shall be investigated as
887 set forth in Section 73-7-7. If, after the investigation, the
888 board through its administrative review agents determines that



889 there is not substantial justification to believe that the accused
890 licensee has committed any of the offenses enumerated, it may
891 dismiss the complaint or may prepare a formal complaint proceeding
892 against the licensee as hereinafter provided. When used with
893 reference to any complaint filed against a licensee herein, the
894 term "not substantial justification" means a complaint that is
895 frivolous, groundless in fact or law, or vexatious, as determined
896 by unanimous vote of the board. In the event of a dismissal, the
897 person filing the accusation and the accused licensee shall be
898 given written notice of the board's determination. If the board
899 determines there is reasonable cause to believe the accused has
900 committed any of those offenses, the secretary of the board shall
901 give written notice of such determination to the accused licensee
902 and set a day for a hearing as provided in subsection (3) of this
903 section.

904 (2) The board shall have the power to revoke, suspend or
905 refuse to issue or renew any license or certificate provided for
906 in this chapter, and to fine, place on probation and/or otherwise
907 discipline a student or licensee or holder of a certificate, upon
908 proof that such person: (a) has not complied with an order,
909 decision, or ruling of the board or has violated any of the rules
910 and regulations promulgated by the board; (b) has not complied
911 with or has violated any of the sections of this chapter; (c) has
912 committed fraud or dishonest conduct in the taking of the
913 examination herein provided for; (d) has been convicted of a



914 felony; (e) has committed grossly unprofessional or dishonest
915 conduct; (f) is addicted to the excessive use of intoxicating
916 liquors or to the use of drugs to such an extent as to render him
917 or her unfit to practice in any of the practices or occupations
918 set forth in this chapter; (g) has advertised by means of
919 knowingly false or deceptive statements; or (h) has failed to
920 display the license or certificate issued to him or her as
921 provided for in this chapter; or (i) has been convicted of
922 violating any of the provisions of this chapter. A conviction of
923 violating any of the provisions of this chapter shall be grounds
924 for automatic suspension of the license or certificate of such
925 person.

926 (3) (a) The board shall not revoke, suspend or refuse to
927 issue or renew any license or certificate, or fine, place on
928 probation or otherwise discipline any person in a disciplinary
929 matter except after a hearing of which the applicant or licensee
930 or holder of the certificate affected shall be given at least
931 twenty (20) days' notice in writing, specifying the reason or
932 reasons for denying the applicant a license or certificate of
933 registration, or in the case of any other disciplinary action, the
934 offense or offenses of which the licensee or holder of a
935 certificate of registration is charged. Such notice may be served
936 by mailing a copy thereof by United States first-class certified
937 mail, postage prepaid, to the last-known residence or business
938 address of such applicant, licensee or holder of a certificate.



939 The hearing on such charges shall be at such time and place as the
940 board may prescribe. The provisions of this paragraph (a) shall
941 not apply to the board's collection of a civil penalty or fine
942 imposed by the board under paragraph (b) of this subsection.

943 (b) Any civil penalty or fine imposed by the board
944 under this chapter shall become due and payable when the person
945 incurring the penalty receives a notice in writing from the board
946 of the penalty. The notice shall be sent by certified mail,
947 return receipt requested. The person to whom the notice is
948 addressed shall have thirty (30) days from the date of delivery as
949 evidenced by the return receipt or by the returned envelope marked
950 "Refused" in which to make written application for a hearing. Any
951 person who makes that application shall be entitled to a hearing.
952 The hearing shall be conducted as a contested case hearing. When
953 an order assessing a civil penalty under this section becomes
954 final by operation of law or on appeal, unless the amount of
955 penalty is paid within thirty (30) days after the order becomes
956 final, it may be recorded with the circuit clerk in any county of
957 this state. The clerk shall then record the name of the person
958 incurring the penalty and the amount of the penalty in his lien
959 record book.

960 (c) The board may temporarily suspend a license under
961 this chapter without any hearing, simultaneously with the
962 institution of proceedings under this section, if it finds that
963 the evidence in support of the board's determination is clear,



964 competent, and unequivocal that the licensee's continuation in
965 practice would constitute an imminent danger to public health and
966 safety.

967 (4) At such hearings, all witnesses shall be sworn by a
968 member of the board or court reporter, and stenographic notes of
969 the proceedings shall be taken. Any party to the proceedings
970 desiring it shall be furnished with a copy of such stenographic
971 notes upon payment to the board of such fees as it shall
972 prescribe, not exceeding, however, the actual costs of
973 transcription.

974 (5) The board is hereby authorized and empowered to issue
975 subpoenas for the attendance of witnesses and the production of
976 books and papers. The process issued by the board shall extend to
977 all parts of the state and such process shall be served by any
978 person designated by the board for such service. The person
979 serving such process shall receive such compensation as may be
980 allowed by the board, not to exceed the fee prescribed by law for
981 similar services. All witnesses who shall be subpoenaed, and who
982 shall appear in any proceedings before the board, shall receive
983 the same fees and mileage as allowed by law.

984 (6) Where in any proceeding before the board any witness
985 shall fail or refuse to attend upon subpoena issued by the board,
986 shall refuse to testify, or shall refuse to produce any books and
987 papers, the production of which is called for by the subpoena, the
988 attendance of such witness and the giving of his testimony and the



989 production of the books and papers shall be enforced by any court
990 of competent jurisdiction of this state, in the same manner as are
991 enforced for the attendance and testimony of witnesses in civil
992 cases in the courts of this state.

993 (7) The board shall conduct the hearing in an orderly and
994 continuous manner, granting continuances only when the ends of
995 justice may be served. The board shall, within sixty (60) days
996 after conclusion of the hearing, reduce its decision to writing
997 and forward an attested true copy thereof to the last-known
998 residence or business address of such applicant, licensee or
999 holder of a certificate, by way of United States first-class
1000 certified mail, postage prepaid. Such applicant, licensee, holder
1001 of a certificate, or person aggrieved shall have the right of
1002 appeal from an adverse ruling, or order, or decision of the board
1003 to the Chancery Court of the First Judicial District of Hinds
1004 County, Mississippi, upon forwarding notice of appeal to the board
1005 within thirty (30) days after the decision of the board is mailed
1006 in the manner here contemplated. An appeal will not be allowed in
1007 the event notice of appeal, together with the appeal bond
1008 hereinafter required, shall not have been forwarded to the board
1009 within the thirty-day period. Appeal shall be to the Chancery
1010 Court of the First Judicial District of Hinds County, Mississippi.
1011 The appeal shall thereupon be heard in due course by the court
1012 which shall review the record and make its determination thereon.



1013 (8) The appellant shall, together with the notice of
1014 appeal, * * * first pay the costs for the transcription of the
1015 record of the hearing(s) and proceeding(s) before the board in
1016 which the adverse ruling, order or decision of the board was made.

1017 (9) In the event of an appeal, the court shall dispose of
1018 the appeal and enter its decision promptly. The hearing on the
1019 appeal may, in the discretion of the chancellor, be tried in
1020 vacation. If there is an appeal, such appeal may, in the
1021 discretion of and on motion to the chancery court, act as a
1022 supersedeas. However, any fine imposed by the board under the
1023 provisions of this chapter shall not take effect until after the
1024 time for appeal has expired, and an appeal of the imposition of
1025 such a fine shall act as a supersedeas.

1026 (10) Any fine imposed by the board upon a licensee or holder
1027 of a certificate shall be in accordance with the following * * *
1028 class designation of fines:

1029 (a) * * * Class A. Class A violations shall be set at
1030 no less than Eight Hundred Dollars (\$800.00) nor more than One
1031 Thousand Dollars (\$1,000.00). Class A violations are specific to
1032 the following:

1033 (i) Unlicensed practice or the use of fraudulent
1034 statements to obtain any benefits or privileges under this chapter
1035 or practicing one (1) of the professions without a license. These
1036 violations will be handled in accordance with the requirements of
1037 Section 73-7-27 or 73-7-37, as applicable; and



1038 (ii) Extremely dangerous to the health and safety
1039 of the general public.

1040 (b) * * * Class B. Class B violations shall be set at
1041 no less than Two Hundred Fifty Dollars (\$250.00) nor more than
1042 Seven Hundred Fifty Dollars (\$750.00). Class B violations are
1043 major health and safety concerns that are detrimental to public
1044 safety and welfare.

1045 (c) Class C. Class C violations shall be set at no
1046 less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars
1047 (\$200.00). Class C violations are minor health and safety
1048 violations that are detrimental to public safety and welfare.

1049 (11) In addition to the reasons specified in subsection (2)
1050 of this section, the board shall be authorized to suspend the
1051 license of any licensee for being out of compliance with an order
1052 for support, as defined in Section 93-11-153. The procedure for
1053 suspension of a license for being out of compliance with an order
1054 for support, and the procedure for the reissuance or reinstatement
1055 of a license suspended for that purpose, and the payment of any
1056 fees for the reissuance or reinstatement of a license suspended
1057 for that purpose, shall be governed by Section 93-11-157 or
1058 93-11-163, as the case may be. Actions taken by the board in
1059 suspending a license when required by Section 93-11-157 or
1060 93-11-163 are not actions from which an appeal may be taken under
1061 this section. Any appeal of a license suspension that is required
1062 by Section 93-11-157 or 93-11-163 shall be taken in accordance



1063 with the appeal procedure specified in Section 93-11-157 or
1064 93-11-163, as the case may be, rather than the procedure specified
1065 in this section. If there is any conflict between any provision
1066 of Section 93-11-157 or 93-11-163 and any provision of this
1067 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1068 case may be, shall control.

1069 **SECTION 20.** Section 73-7-29, Mississippi Code of 1972, is
1070 amended as follows:

1071 73-7-29. The State Board of Cosmetology and Barbering shall
1072 assess fees in the following amounts and for the following
1073 purposes:

- 1074 (a) Initial license/renewal for cosmetologist, * * *
1075 barber, nail technician or esthetician, * * *.....\$ 50.00
- 1076 (b) Instructor initial license/renewal.....80.00
- 1077 (c) Master cosmetologist or barber license/
1078 renewal..... 70.00
- 1079 (d) Delinquent renewal penalty - cosmetologist,
1080 barber * * * nail technician, esthetician * * * and
1081 instructor..... 50.00
- 1082 There shall be no renewal fee for any licensee seventy (70)
1083 years of age or older or any applicant properly applying under the
1084 Military Family Freedom Act.
- 1085 (e) Salon/barber shop application and initial
1086 inspection..... 85.00
- 1087 (f) Salon/barber shop reinspection..... 35.00



1088	(g) Salon/ <u>barber shop</u> change of ownership or	
1089	location, or both.....	85.00
1090	(h) Salon/ <u>barber shop</u> renewal.....	60.00
1091	(i) Salon/ <u>barber shop</u> delinquent renewal	
1092	penalty.....	50.00
1093	(j) Application and initial inspection for a	
1094	new school.....	300.00
1095	(k) New school reinspection.....	100.00
1096	(l) School change of ownership.....	300.00
1097	(m) School relocation.....	150.00
1098	(n) School renewal.....	75.00
1099	(o) School delinquent renewal penalty.....	100.00
1100	(p) Duplicate license.....	10.00
1101	(q) Penalty for insufficient fund checks.....	20.00
1102	(r) Affidavit processing.....	15.00
1103	<u>(s) Application under Reciprocity or UROLA.....</u>	<u>85.00</u>
1104	<u>(t) Demonstrator Permit.....</u>	<u>10.00</u>

1105 The State Board of Cosmetology and Barbering may charge
1106 additional fees for services which the board deems appropriate to
1107 carry out its intent and purpose. These additional fees shall not
1108 exceed the cost of rendering the service.

1109 The board is fully authorized to make refunds of any deposits
1110 received by the board for services which are not rendered.
1111 Refunds will automatically be made on overpayment of fees.
1112 Refunds will be made on underpayments by written requests from



1113 applicants. If no request for refund is made within sixty (60)
1114 days, the fees will be forfeited.

1115 **SECTION 21.** Section 73-7-31, Mississippi Code of 1972, is
1116 amended as follows:

1117 73-7-31. Nothing in this chapter shall apply to:

1118 (a) * * * Cosmetology, barbering, nail technology, or
1119 facial treatments given in the home to members of family or
1120 friends for which no charge is made. Cosmetology, barbering, nail
1121 technology, or facial treatments given at an event venue to
1122 members of family or friends for which no charge is made may be
1123 permitted upon the express, written approval of the board.

1124 (b) Persons whose practice is limited to only
1125 performing makeup artistry, threading or applying or removing
1126 eyelash extensions; however, a person may perform a combination of
1127 not more than three (3) such practices and still be exempt from
1128 this chapter.

1129 * * *

1130 (* * * c) Persons engaged in the practice of hair
1131 braiding as defined in Section 73-7-71 who have completed the
1132 self-test part of the brochure on infection control techniques
1133 prepared by the State Department of Health and who keep the
1134 brochure and completed self-test available at the location at
1135 which the person is engaged in hair braiding.

1136 **SECTION 22.** Section 73-7-33, Mississippi Code of 1972, is
1137 amended as follows:



1138 73-7-33. In addition to the rules and regulations that may
1139 be prescribed and promulgated by the board under authority of this
1140 chapter, the following rules and regulations shall be observed:

1141 Every establishment must be kept sanitary, including all
1142 utensils and equipment, must be well ventilated and properly
1143 lighted. Each salon/barber shop must be provided with hot and
1144 cold running water. Electrical appliances must be properly
1145 installed and grounded.

1146 Cosmetologists, barbers, estheticians, and nail technicians
1147 shall be allowed to wear any type of clothing or apparel while at
1148 work as long as such clothing or apparel is sanitary.

1149 Cosmetologists shall be allowed to use any type of hair
1150 roller as long as they do so in a sanitary manner.

1151 Persons with a communicable disease or parasitic infection
1152 that is medically recognized to be a direct threat of transmission
1153 by the type of contact that practitioners have with clients are
1154 not to be permitted to practice in an establishment until their
1155 condition is no longer communicable under those circumstances. No
1156 work shall be performed on any patron having a visible disease
1157 unless the patron shall produce a certificate from a practicing
1158 physician stating that the patron is free from infectious,
1159 contagious or communicable disease. A cosmetologist's license
1160 does not authorize such person to treat or prescribe for an
1161 infectious, contagious or any other disease.



1162 A home salon/barber shop must have a solid wall to the
1163 ceiling with an outside entrance, or if a door exists between the
1164 salon/barber shop and the remainder of the house, the door must be
1165 kept closed at all times while service is being rendered.

1166 **SECTION 23.** Section 73-7-35, Mississippi Code of 1972, is
1167 amended as follows:

1168 73-7-35. (1) No person licensed pursuant to this chapter
1169 shall practice his or her profession except within the physical
1170 confines of a salon/barber shop possessing and displaying a
1171 properly executed license issued pursuant to Section 73-7-17.
1172 However, this requirement shall not prevent a person from
1173 rendering his or her services to any person who may be confined to
1174 his or her home, a hospital, or other place as a result of
1175 illness, and cosmetologists and barbers shall be permitted to
1176 render their services to deceased persons away from their
1177 salons/barber shops.

1178 (2) No salon/barber shop owner licensed pursuant to this
1179 chapter shall allow a cosmetologist, barber, esthetician, or * * *
1180 nail technician to practice his/her profession in the salon/barber
1181 shop without possessing a valid license issued pursuant to this
1182 chapter.

1183 **SECTION 24.** Section 73-7-37, Mississippi Code of 1972, is
1184 amended as follows:

1185 73-7-37. (1) The violation of any of the provisions of this
1186 chapter, including the use of fraudulent statements to obtain any



1187 benefits or privileges under this chapter or practicing one (1) of
1188 these professions without a license, shall constitute a
1189 misdemeanor, punishable in any court of competent jurisdiction at
1190 the seat of government, and any person or firm convicted of the
1191 violation of any of the provisions of this chapter shall be fined
1192 not less than * * * Five Hundred Dollars (\$500.00) nor more
1193 than * * * One Thousand Dollars (\$1,000.00). The court shall not
1194 be authorized to suspend or suspend the execution of the fine
1195 required under this section.

1196 (2) If any person, * * * salon/barber shop, school or other
1197 type of business entity engaged in the practice or teaching of the
1198 provisions governed by this chapter violates any of the provisions
1199 of this chapter, the secretary of the board, upon direction of a
1200 majority of the board and in the name of the board, acting through
1201 the Attorney General or an attorney employed by the board, shall
1202 apply in the Chancery Court of the * * * county in which the
1203 person or licensee resides or in the county in which the person or
1204 licensee practices, or the county in which the salon/barber shop,
1205 school or other type of business entity is located, for an order
1206 enjoining such violation or for an order enforcing compliance with
1207 the provisions of this chapter. Upon the filing of a verified
1208 petition in the chancery court and after notice as provided under
1209 the Mississippi Rules of Civil Procedure, such court, if satisfied
1210 by the sworn petition, by affidavit or otherwise, that such person
1211 or entity has violated any of the provisions of this chapter, may



1212 issue an injunction without notice or bond, enjoining such
1213 continued violation and such injunction shall remain in force and
1214 effect until a final hearing. If at such hearing it is established
1215 that such person or entity has violated or is violating any of the
1216 provisions of this chapter, the court may enter a decree
1217 permanently enjoining such violation or enforcing compliance with
1218 this chapter. In addition, the court may enter a judgment against
1219 such person or entity for attorney's fees, court costs and the
1220 actual costs incurred by the board in investigating the actions of
1221 such person or entity for which the board brought the suit for an
1222 injunction. In case of violation of any decree issued in
1223 compliance with this subsection, the court may punish the offender
1224 for contempt of court and the court shall proceed as in other
1225 cases.

1226 (3) The proceedings in this section shall be in addition to
1227 and not in lieu of the other remedies and penalties provided in
1228 this chapter.

1229 **SECTION 25.** The following shall be codified as Section
1230 73-7-14.1, Mississippi Code of 1972:

1231 73-7-14.1 (1) To be eligible for enrollment at a barbering
1232 school approved by the State Board of Cosmetology and Barbering, a
1233 person shall be at least sixteen (16) years of age, have a minimum
1234 tenth-grade education or its equivalent, and/or shall have
1235 satisfactorily passed the Ability-to-Benefit Examinations approved
1236 by the U.S. Department of Education.



1237 (2) Any person is qualified to receive a certificate of
1238 registration to practice barbering:
1239 (a) Who is qualified under the provisions of this
1240 chapter;
1241 (b) Who is of good moral character and temperate
1242 habits;
1243 (c) Who has completed not less than fifteen hundred
1244 (1500) hours at a barbering school approved by the State Board of
1245 Cosmetology and Barbering or three thousand (3,000) hours of State
1246 Board of Cosmetology and Barbering-approved apprenticeship
1247 training. Apprenticeships shall only be mentored by those with a
1248 barber instructor license and there shall be only one (1)
1249 apprentice per mentor; and
1250 (d) Who has passed a satisfactory examination conducted
1251 by the board to determine his fitness to practice barbering.
1252 (3) A temporary permit to practice barbering until the next
1253 examination is given may be issued to a student who has completed
1254 not less than fifteen hundred (1500) hours at a barbering school
1255 approved by the State Board of Cosmetology and Barbering or three
1256 thousand (3,000) hours of State Board of Cosmetology and
1257 Barbering-approved apprenticeship training. In no event shall a
1258 person be allowed to practice barbering on a temporary permit
1259 beyond the date the next examination is given, except because of
1260 personal illness.



1261 (4) The ability to read, write, and speak English shall not
1262 be a requirement for licensure as a registered barber.

1263 **SECTION 26.** The following shall be codified as Section
1264 73-7-14.2, Mississippi Code of 1972:

1265 73-7-14.2 Any cosmetologist who has successfully completed
1266 not less than fifteen hundred (1500) hours in an accredited school
1267 of cosmetology, and holds a valid current license, shall be
1268 eligible to take the barber examination to secure a certificate of
1269 registration as a barber upon successfully completing six hundred
1270 (600) hours in a barber school approved by the State Board of
1271 Cosmetology and Barbering.

1272 All fees for application, examination, licensure, and renewal
1273 thereof shall be the same as provided for in this chapter.

1274 **SECTION 27.** The following shall be codified as Section
1275 73-7-39, Mississippi Code of 1972:

1276 73-7-39. On or before December 15, 2025, the Legislative
1277 PEER Committee shall conduct a review of the operations of the
1278 board and report its findings to the Legislature with
1279 recommendation on whether or not the board has carried out its
1280 mandate effectively and efficiently. PEER shall also make
1281 recommendations to the Legislature on improvements that need to be
1282 made to ensure effective and efficient operations in the future.

1283 **SECTION 28.** The following shall be codified as Section
1284 73-7-41, Mississippi Code of 1972:



1285 73-7-41. The Department of Finance and Administration, the
1286 Department of Information Technology Services, and the State
1287 Personnel Board, shall assist the boards in carrying out the
1288 consolidation required by this act.

1289 **SECTION 29.** Sections 73-5-1 through 73-5-45, Mississippi
1290 Code of 1972, which creates the State Board of Barber Examiners,
1291 are hereby repealed.

1292 **SECTION 30.** Sections 1 through 27 of this act shall take
1293 effect and be in force from and after July 1, 2024, and shall
1294 stand repealed on June 30, 2026. Section 28 of this act shall
1295 become effective from and after passage and shall stand repealed
1296 on July 1, 2025. Section 29 of this act shall take effect and be
1297 in force from and after July 1, 2024.

