

By: Senator(s) DeLano

To: Public Health and Welfare

SENATE BILL NO. 2346

1 AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37,  
 2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF  
 3 COSMETOLOGY AND PRESCRIBE ITS POWERS AND DUTIES; TO AMEND  
 4 REENACTED SECTIONS 73-7-1, 73-7-2, 73-7-3, 73-7-7, 73-7-9,  
 5 73-7-11, 73-7-12, 73-7-13, 73-7-14, 73-7-15, 73-7-16, 73-7-17,  
 6 73-7-18, 73-7-19, 73-7-21, 73-7-23, 73-7-25, 73-7-27, 73-7-29,  
 7 73-7-31, 73-7-33, 73-7-35, AND 73-7-37, MISSISSIPPI CODE OF 1972,  
 8 TO MAKE CERTAIN TECHNICAL CHANGES TO THE STATE BOARD OF  
 9 COSMETOLOGY; TO REVISE MEMBERSHIP TERMS AND APPOINTMENT CRITERIA;  
 10 TO ESTABLISH ADDITIONAL BOARD RESPONSIBILITIES; TO REVISE THE  
 11 LICENSURE FRAMEWORKS FOR THE PROFESSIONS REGULATED BY THE BOARD;  
 12 TO PROVIDE FOR CERTAIN APPLICATION FEES; TO SET THE APPLICATION  
 13 PROCESS FOR COSMETOLOGY SCHOOLS; TO PROVIDE FOR TEMPORARY LICENSES  
 14 AND APPRENTICESHIP PROGRAMS; TO ESTABLISH CERTAIN PENALTIES, FINES  
 15 AND APPEALS FOR VIOLATIONS OF THE ACT; TO AMEND SECTION 73-7-63,  
 16 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON  
 17 THE STATE BOARD OF COSMETOLOGY; AND FOR RELATED PURPOSES.

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

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

21 73-7-1. There is \* \* \* created and reconstituted \* \* \* the  
 22 State Board of Cosmetology, composed of five (5) members to be  
 23 appointed by the Governor, with the advice and consent of the  
 24 Senate \* \* \*. No more than two (2) members shall be appointed  
 25 from each Supreme Court District as they exist on July 1, 2024.



26 The initial term of office for the two (2) members appointed from  
27 the First Supreme Court District shall be two (2) years and  
28 thereafter shall be six (6) years from the expiration date of the  
29 previous term; the initial term of office for the two (2) members  
30 appointed from the Second Supreme Court District shall be three  
31 (3) years and thereafter shall be six (6) years from the  
32 expiration date of the previous term; and the initial term of  
33 office for the two (2) members appointed from the Third Supreme  
34 Court District shall be four (4) years and thereafter shall be six  
35 (6) years from the expiration date of the previous term. No  
36 member may serve more than three (3) consecutive terms. The  
37 initial appointments must be made before September 1, 2024.

38       There shall be a president of the board and such other  
39 officers as deemed necessary by the board elected by and from its  
40 membership, provided that the member elected as president shall  
41 have at least one (1) year of experience on the board. Any member  
42 appointed by the Governor and confirmed by the Senate for a term  
43 to begin on or after \* \* \* September 1, 2024, who was designated  
44 by the Governor to serve as president of the board, shall be fully  
45 qualified to serve on the board for a full term of office, but  
46 shall not serve as president of the board unless elected by the  
47 membership of the board as provided under this paragraph.

48       To be eligible for appointment as a member of the State Board  
49 of Cosmetology, the person applying shall have been a citizen of  
50 this state for a minimum of five (5) years immediately prior to



51 appointment. Such person shall be at least thirty (30) years of  
52 age, possess a high school education or its equivalent, and shall  
53 have been \* \* \* licensed \* \* \* by the board with not less than ten  
54 (10) years' active practice in \* \* \* any profession regulated by  
55 the board. No member of the board shall be connected in any way  
56 with any school \* \* \* in which any of the professions regulated by  
57 the board are taught \* \* \*.

58 \* \* \* In the event of vacancy by death or resignation of any  
59 member of the board, the Governor shall, within thirty (30) days,  
60 appoint a person possessing all qualifications required to serve  
61 the remainder of the term. Any member who \* \* \* has not \* \* \*  
62 attended two (2) consecutive meetings of the board for reasons  
63 other than illness of such member shall be subject to removal by  
64 the Governor. The president of the board shall notify the  
65 Governor in writing when any such member has failed to attend two  
66 (2) consecutive regular meetings.

67 The salaries of all paid employees of the board shall be paid  
68 out of funds in the board's special fund in the State Treasury.  
69 Each member of the board, excepting the inspectors provided for  
70 herein, shall receive per diem as authorized by Section 25-3-69,  
71 and shall be reimbursed for such other expenses at the same rate  
72 and under the same conditions as other state employees as provided  
73 for in Section 25-3-41.

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



76 In addition to any powers conferred upon the board in other  
77 provisions of law, the board shall appoint an individual to serve  
78 as the executive director of the board. The executive director  
79 shall possess the qualifications established by the board, which  
80 shall be based on national best practices. The executive director  
81 shall be considered a full-time position. The executive director  
82 shall serve at the will and pleasure of the board and shall devote  
83 his or her time to the proper administration of the board and the  
84 duties assigned to him or her by the board. The executive  
85 director shall be paid a salary established by the board, subject  
86 to the approval of the State Personnel Board. Subject to the  
87 availability of funding, the executive director may employ such  
88 administrative staff as may be necessary to assist the executive  
89 director and the board in carrying out the duties and directives  
90 of the board.

91 **SECTION 2.** Section 73-7-2, Mississippi Code of 1972, is  
92 reenacted and amended as follows:

93 73-7-2. As used in this chapter, the following terms shall  
94 have the meanings \* \* \* as defined in this section unless the  
95 context otherwise requires:

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

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



101 (i) Cutting, clipping or trimming hair and hair  
102 pieces.

103 (ii) Styling, arranging, dressing, curling,  
104 waving, permanent waving, straightening, cleansing, bleaching,  
105 tinting, coloring or similarly treating hair and hair pieces.

106 (iii) Cleansing, stimulating, manipulating,  
107 beautifying or applying oils, antiseptics, clays, lotions or other  
108 preparations, either by hand or by mechanical or electrical  
109 apparatus.

110 (iv) Arching eyebrows, to include tweezing,  
111 waxing, threading or any other methods of epilation, or tinting  
112 eyebrows and eyelashes.

113 (v) Removing superfluous hair by the use of  
114 depilation.

115 (vi) Manicuring and pedicuring.

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

122 (c) "Cosmetologist" means a person who for  
123 compensation, whether direct or indirect, engages in the practice  
124 of cosmetology.



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

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

128 (ii) Arching eyebrows to include trimming,  
129 tweezing, waxing, threading or any other method of  
130 epilation \* \* \*.

131 (iii) Tinting eyelashes or eyebrows.

132 (iv) Waxing, stimulating, cleaning or beautifying  
133 the face, neck, arms or legs of a person by any method with the  
134 aid of the hands or any mechanical or electrical apparatus, or by  
135 the use of a cosmetic preparation.

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

143 (e) "Esthetician" means any person who, for  
144 compensation, either direct or indirect, engages in the practice  
145 of esthetics.

146 (f) "Instructor" means a person licensed to teach  
147 cosmetology, \* \* \* nail technology, or esthetics, or all of those,  
148 pursuant to this chapter, and shall include those persons engaged  
149 in the instruction of student instructors.



150 (g) " \* \* \* Nail technology" means any one (1) or a  
151 combination of the following practices:

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

154 (ii) Applying artificial nails.

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

157 (h) " \* \* \* Nail technician" means a person who for  
158 compensation, either direct or indirect, engages in the practice  
159 of \* \* \* nail technology.

160 (i) "Master" means a person holding a  
161 cosmetology, \* \* \* nail technology, and/or esthetics license who  
162 has completed the minimum course of continuing education  
163 prescribed by Section 73-7-14.

164 (j) "Salon" means an establishment operated for the  
165 purpose of engaging in the practice of cosmetology, \* \* \* nail  
166 technology, or esthetics, \* \* \* or all of those.

167 (k) "School" means an establishment, public or private,  
168 operated for the purpose of teaching cosmetology, \* \* \* nail  
169 technology, or esthetics, \* \* \* or all of those.

170 **SECTION 3.** Section 73-7-3, Mississippi Code of 1972, is  
171 amended as follows:

172 73-7-3. (1) The board shall be authorized to employ such  
173 clerical \* \* \* assistance, bookkeepers, investigators and other  
174 agents as they may deem necessary to carry out the provisions of



175 this chapter, and to fix their tenure of employment and  
176 compensation therefor. The members of the board as well as all  
177 employees of the board, except for investigators, shall file a  
178 bond with the Secretary of State in the sum of not less than \* \* \*  
179 Twenty-Five Thousand Dollars (\$25,000.00) payable to the State of  
180 Mississippi for the faithful performance of their duties. The  
181 bond shall be made by a surety company authorized to do business  
182 in this state, the premium of the bond to be paid out of any money  
183 in the board's special fund in the State Treasury.

184 (2) The office of the board shall be located in the greater  
185 metropolitan area of the City of Jackson, Mississippi, and \* \* \*  
186 if office space cannot be obtained in any state-owned building,  
187 the board is authorized to rent suitable office space and to pay  
188 therefor out of funds in the board's special fund. The board  
189 shall employ inspectors as needed, not to exceed \* \* \* twelve  
190 (12), who shall be full-time employees and whose salaries and  
191 duties shall be fixed by the board.

192 (3) The salaries of all paid employees of the board shall be  
193 paid out of the funds in the board's special fund in the State  
194 Treasury. The inspectors shall, in addition to their salaries, be  
195 reimbursed for such expenses as are allowed other state employees  
196 under the provisions of Section 25-3-41. In addition to the  
197 paying of office rent, the board is authorized to purchase  
198 necessary office furniture and equipment, stationery, books,





199 certificates and any other equipment necessary for the proper  
200 administration of this chapter.

201 (4) When, in the opinion of the board, it is essential that  
202 an employee of the board work after normal working hours, the  
203 employee may receive credit for compensatory leave.

204 (a) The board shall use the standards established by  
205 the State Personnel Board in determining whether or not the  
206 board's executive director may receive compensatory leave.

207 (b) Employees of the board may be granted  
208 administrative leave with pay which means discretionary leave with  
209 pay, other than personal leave or major medical leave.

210 (i) The board may grant administrative leave to  
211 any employee of the board serving as a witness or juror or party  
212 litigant, as verified by the clerk of the court, in addition to  
213 any fees paid for such services, and such services or necessary  
214 appearance in any court shall not be counted as personal leave.

215 (ii) The board may grant administrative leave with  
216 pay to employees of the board in the event of extreme weather  
217 conditions or in the event of a man-made, technological, or  
218 natural disaster or emergency. Any employee on a previously  
219 approved leave during the affected period shall be eligible for  
220 such administrative leave granted by the board and shall not be  
221 charged for his or her previously approved leave during the  
222 affected period.



223                   (iii) The board may grant administrative leave  
224 with pay to any employee of the board who is a certified disaster  
225 service volunteer of the American Red Cross who participates in  
226 specialized disaster relief services for the American Red Cross in  
227 this state and in states contiguous to this state when the  
228 American Red Cross requests the employee's participation.  
229 Administrative leave granted under this subparagraph shall not  
230 exceed twenty (20) days in any twelve-month period. Employees on  
231 leave under this subparagraph shall not be deemed to be an  
232 employee of the state for purposes of workers' compensation or for  
233 purposes of claims against the state allowed under Title 11,  
234 Chapter 46, Mississippi Code of 1972. As used in this  
235 subparagraph, the term "disaster" includes disasters designated at  
236 Level II and above in American Red Cross' national regulations and  
237 procedures.

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

240           73-7-5. (1) All fees and any other monies received by the  
241 board shall be deposited in a special fund that is created in the  
242 State Treasury and shall be used for the implementation and  
243 administration of this chapter when appropriated by the  
244 Legislature for such purpose. The monies in the special fund  
245 shall be subject to all provisions of the state budget laws that  
246 are applicable to special fund agencies, and shall be disbursed by  
247 the State Treasurer only upon warrants issued by the State Fiscal



248 Officer upon requisitions signed by the president of the board or  
249 another board member designated by the president, and  
250 countersigned by the secretary of the board. Any interest earned  
251 on this special fund shall be credited by the State Treasurer to  
252 the fund and shall not be paid into the State General Fund. Any  
253 unexpended monies remaining in the special fund at the end of a  
254 fiscal year shall not lapse into the State General Fund.

255 (2) The State Auditor shall audit the financial affairs of  
256 the board and the transactions involving the special fund at least  
257 once a year in the same manner as for other special fund agencies.  
258 In addition, the Governor, in his discretion, shall have the power  
259 from time to time to require an audit of the financial affairs of  
260 the board, the same to be made by the State Auditor upon request  
261 of the Governor. The Governor shall have the power to suspend any  
262 member of the board who shall be found in default in any account  
263 until such time as it shall be determined whether such default was  
264 a result of an act of dishonesty on the part of the member, and in  
265 the event it is found that such default is an act of dishonesty,  
266 misfeasance or nonfeasance on the part of the member, such member  
267 shall be immediately removed by the Governor from office.

268 **SECTION 5.** Section 73-7-7, Mississippi Code of 1972, is  
269 reenacted and amended as follows:

270 73-7-7. (1) The board shall have authority to make  
271 reasonable rules and regulations for the administration of the  
272 provisions of this chapter. The board shall set up a curriculum



273 for operation of schools of \* \* \* all of the professions that it  
274 is charged to regulate in this state. The board shall receive and  
275 consider for adoption recommendations for rules and regulations,  
276 school curriculum, and related matters from the Mississippi  
277 Cosmetology Council, whose membership shall consist of, in  
278 addition to the five (5) board members, five (5) elected delegates  
279 from the Mississippi Cosmetology Association, five (5) elected  
280 delegates from the Mississippi Cosmetology School Association,  
281 five (5) elected delegates from the Mississippi Independent  
282 Beauticians Association, and five (5) elected delegates from the  
283 Cosmetology School Owners and Teachers Association. The board may  
284 revoke the license of \* \* \* or may refuse to issue a license to  
285 any cosmetologist, esthetician, \* \* \* nail technician, instructor,  
286 school of \* \* \* any profession regulated by the board, or salon  
287 that fails or refuses to comply with the provisions of this  
288 chapter and the rules and regulations of the board in carrying out  
289 the provisions of this chapter.

290 (2) The board shall have authority to prescribe reasonable  
291 rules and regulations governing sanitation of schools of \* \* \* all  
292 professions regulated by the board and salons for the guidance of  
293 persons licensed under this chapter in the operation of schools  
294 of \* \* \* all professions regulated by the board, and in the  
295 practice of cosmetology, esthetics, \* \* \* and nail technology.  
296 However, any and all rules and regulations relating to sanitation  
297 shall, before adoption by the board, have the written approval of



298 the State Board of Health. When the board has reason to believe  
299 that any of the provisions of this chapter or of the rules and  
300 regulations of the board have been violated, either upon receipt  
301 of a written complaint alleging such violations or upon the  
302 board's own initiative, the board, or any of its authorized  
303 agents, shall investigate same and shall have authority to enter  
304 upon the premises of a school of \* \* \* any profession regulated by  
305 the board or salon at any time during the regular business hours  
306 of that school or salon to conduct the investigation. Such  
307 investigation may include, but not be limited to, conducting oral  
308 interviews with the complaining party, school or salon owner(s)  
309 and/or students of the school, and reviewing records of the school  
310 or salon pertinent to the complaint and related to an area subject  
311 to the authority of the board. Such investigation shall not  
312 include written interviews or surveys of school employees or  
313 students, and the privacy of patrons shall be respected by any  
314 person making such investigation.

315 (3) \* \* \* The board shall adopt regulations to ensure that  
316 all fingernail service products used by \* \* \* licensees regulated  
317 by the board do not contain methyl methacrylate (MMA) as a monomer  
318 agent for cosmetic nail applications.

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



323           **SECTION 6.** Section 73-7-9, Mississippi Code of 1972, is  
324 reenacted and amended as follows:

325           73-7-9. No person required by this chapter to have a license  
326 shall conduct a \* \* \* school of \* \* \* any profession regulated by  
327 the board or salon or practice cosmetology, esthetics, \* \* \* nail  
328 technology, or practice as an instructor, unless such person has  
329 received a license or temporary permit therefor from the  
330 board. \* \* \* Anyone determined to have violated any of these  
331 rules or regulations prior to being licensed by the board shall be  
332 subject to the same discipline by the board as licensees. They  
333 may be disciplined and fined accordingly.

334           **SECTION 7.** Section 73-7-11, Mississippi Code of 1972, is  
335 reenacted and amended as follows:

336           73-7-11. Each owner of a license issued by the board under  
337 the provisions of this chapter shall display the license in a  
338 conspicuous place in his or her principal office, place of  
339 business or employment, at all times.

340           Each practitioner and instructor license shall contain  
341 a \* \* \* recent passport-style photograph of the license holder,  
342 the person's name, and the type of license held by the person.  
343 The requirements of this section shall apply at the time of  
344 issuance of a new license or at the time of renewal of an existing  
345 license.

346           **SECTION 8.** Section 73-7-12, Mississippi Code of 1972, is  
347 reenacted and amended as follows:



348           73-7-12. \* \* \* The \* \* \* board \* \* \* shall \* \* \* conduct  
349 examinations for cosmetologists, estheticians, \* \* \* nail  
350 technicians and instructors at such times and locations as  
351 determined by the board. The members of the board shall not  
352 personally administer or monitor the examinations, but the board  
353 shall contract for administrators of the examinations. A member  
354 of the board shall not receive any per diem compensation for any  
355 day that the member is present at the \* \* \* location(s) where the  
356 examinations are being administered.

357           **SECTION 9.** Section 73-7-13, Mississippi Code of 1972, is  
358 reenacted and amended as follows:

359           73-7-13. (1) The board shall admit to examination for a  
360 cosmetology license any person who is at least sixteen (16) years  
361 old and who has made application to the board in proper form, has  
362 paid the required fee, and who \* \* \* has successfully completed no  
363 less than fifteen hundred (1500) hours over a period of no less  
364 than nine (9) months in a licensed school of cosmetology or no  
365 less than three thousand (3,000) hours in an apprenticeship  
366 program certified by the board, and \* \* \* has a high school  
367 education or its equivalent or has been successfully enrolled in a  
368 community college. Apprenticeships provided for in this  
369 subsection shall be monitored or mentored by a licensed  
370 cosmetology instructor only. Only one (1) apprentice may be  
371 mentored by any person at the same time.



372 ( \* \* \*2) The board may, in its discretion, issue to any  
373 student who has completed the prescribed hours in a licensed  
374 school or approved apprenticeship program and paid the required  
375 fee a temporary permit until such time as the next examination may  
376 be held, but not exceeding six (6) months. Such student shall be  
377 issued only one (1) temporary permit. Application for an  
378 examination and license shall be accompanied by two (2) recent  
379 passport-style photographs of the applicant. No temporary permit  
380 will be issued to an applicant from any other state to operate a  
381 beauty salon or school of \* \* \* any profession regulated by the  
382 board in this state unless in case of emergency.

383 ( \* \* \*3) Applicants for the cosmetologist \* \* \* license,  
384 after having satisfactorily passed the prescribed examination,  
385 shall be issued a cosmetology license which \* \* \* shall be valid  
386 for \* \* \* two (2) years, and \* \* \* the license shall be subject to  
387 renewal. No license issued by the board may be renewed until all  
388 monetary fines and penalties assessed by the board to the licensee  
389 are paid in full.

390 (c) Any barber who \* \* \* has successfully completed no  
391 less than fifteen hundred (1500) hours in a licensed barber  
392 school, and who holds a current valid certificate of \* \* \*  
393 licensure to practice barbering \* \* \* is eligible to take the  
394 cosmetology examination to secure a cosmetology license upon  
395 successfully completing \* \* \* six hundred (600) hours in a  
396 licensed school of cosmetology. All fees for application,





397 examination, \* \* \* licensure, and renewal thereof shall be the  
398 same as provided for cosmetologists.

399 ( \* \* \* 4) Each application or filing made under this section  
400 shall include the social security number(s) of the applicant in  
401 accordance with Section 93-11-64.

402 ( \* \* \* 5) Any licensed cosmetologist, esthetician, or \* \* \*  
403 nail technician who is registered but not actively practicing in  
404 the State of Mississippi at the time of making application for  
405 renewal of an active license, may apply for registration \* \* \* as  
406 "inactive" \* \* \* status. Such "inactive" list shall be maintained  
407 by the board and shall set out the names and post office addresses  
408 of all persons registered but not actively practicing in this  
409 state, arranged alphabetically by name and also by the  
410 municipalities and states of their last-known professional or  
411 residential address. Only the cosmetologists, estheticians  
412 and \* \* \* nail technicians registered on the appropriate list as  
413 actively practicing in the State of Mississippi shall be  
414 authorized to practice those professions. \* \* \* No cosmetologist,  
415 nail technician, or esthetician \* \* \* shall be registered on the  
416 "inactive" list until the person has furnished a statement of  
417 intent to take such action to the board. Any licensed  
418 cosmetologist, nail technician, or esthetician \* \* \* registered  
419 on \* \* \* "inactive" \* \* \* status shall not be eligible for \* \* \*  
420 licensure to active \* \* \* status until either of the following  
421 conditions have been satisfied:



422 (a) Written application shall be submitted to the \* \* \*  
423 board \* \* \* stating the reasons for such inactivity and setting  
424 forth such other information as the board may require on an  
425 individual basis and completion of the number of clock hours of  
426 continuing education as approved by the board; or

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

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

434 **SECTION 10.** Section 73-7-14, Mississippi Code of 1972, is  
435 reenacted and amended as follows:

436 73-7-14. (1) Any person who holds a current, valid  
437 cosmetology, \* \* \* nail technology, or esthetics license may be  
438 licensed as a master cosmetologist, \* \* \* nail technician or  
439 esthetician if he or she has been a licensed cosmetologist, \* \* \*  
440 nail technician or esthetician in this state for a period of not  
441 less than twelve (12) months, and has completed a minimum course  
442 of sixteen (16) \* \* \* hours of continuing education approved by  
443 the board within the licensing period preceding initial  
444 application for the license, and has paid the original license  
445 fee. Master cosmetologist, \* \* \* nail technician or esthetician  
446 licenses shall be renewable upon completion of a minimum course of



447 eight (8) \* \* \* hours of continuing education approved by the  
448 board within a licensing period and payment of the required  
449 renewal fee. This is an optional license and \* \* \* pertains only  
450 to individuals wishing to complete the continuing education  
451 requirement \* \* \*.

452 (2) Each application or filing made under this section shall  
453 include the social security number(s) of the applicant in  
454 accordance with Section 93-11-64 \* \* \*.

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

458 **SECTION 11.** Section 73-7-15, Mississippi Code of 1972, is  
459 reenacted and amended as follows:

460 73-7-15. (1) The board shall admit to examination for a  
461 cosmetology instructor's license any person who has made  
462 application to the board in proper form, has paid the required  
463 fee, and who:

464 (a) \* \* \* Is a graduate of a licensed cosmetology  
465 school;

466 ( \* \* \* b) Has a high school education or its  
467 equivalent;

468 ( \* \* \* c) Has successfully completed one thousand  
469 (1,000) hours of instructor training in a licensed school of  
470 cosmetology;



471 ( \* \* \*d) Has successfully completed six (6) semester  
472 hours in college courses approved by the board; and

473 ( \* \* \*e) Holds a current, valid Mississippi  
474 cosmetology license \* \* \*.

475 \* \* \*

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

479 (a) \* \* \* Has a high school education or its  
480 equivalent;

481 ( \* \* \*b) Has successfully completed one thousand  
482 (1,000) hours of instructor training in a licensed school or  
483 apprenticeship program in which the practice of esthetics is  
484 taught;

485 ( \* \* \*c) Has successfully completed six (6) semester  
486 hours in college courses approved by the board; and

487 ( \* \* \*d) Holds a current, valid Mississippi  
488 esthetician's license \* \* \*.

489 \* \* \*

490 (3) The board shall admit to examination for a \* \* \* nail  
491 technician 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 (a) \* \* \* Has a high school education or its  
495 equivalent;



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

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

502 ( \* \* \*d) Holds a current, valid Mississippi \* \* \* nail  
503 technician license \* \* \*.

504 \* \* \*

505 (4) Applicants shall satisfactorily pass the examination  
506 prescribed by the board for licensing instructors prior to the  
507 issuance of the licenses provided for in this section. However,  
508 the board may, in its discretion, issue a temporary instructor's  
509 permit until such time as the next examination may be held, the  
510 period of which shall not exceed ninety (90) days. \* \* \* Such  
511 applicant shall be issued only one (1) temporary permit. All  
512 applications for an instructor's examination shall be accompanied  
513 by two (2) recent \* \* \* passport-style photographs of the  
514 applicant.

515 (5) Renewal Requirements:

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



521 Any instructor who fails to obtain the continuing education  
522 required by this subsection shall \* \* \* neither be allowed to  
523 instruct nor to enroll students under his or her license until  
524 such continuing education requirement has been met. The board may  
525 issue an inactive \* \* \* instructor license to such instructors,  
526 and an inactive license may be converted into an active license  
527 only after proof, satisfactory to the board, of completion of at  
528 least twenty-four (24) clock hours of approved continuing  
529 education required for teacher training instruction is submitted.

530 (b) No license issued by the board may be renewed until  
531 all monetary fines and penalties assessed by the board to the  
532 licensee are paid in full.

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

536 **SECTION 12.** Section 73-7-16, Mississippi Code of 1972, is  
537 reenacted and amended as follows:

538 73-7-16. (1) All schools of \* \* \* any profession regulated  
539 by the board or school owners shall have a school license and  
540 shall pay to the board the required license fee \* \* \*. \* \* \* The  
541 board is \* \* \* authorized and empowered to promulgate necessary  
542 and reasonable rules and regulations for the issuance \* \* \* of  
543 school licenses.

544 (2) Any school making application for a license under this  
545 chapter shall not be transferable for any cause and shall include



546 a surety bond in the penal sum of Fifty Thousand Dollars  
547 (\$50,000.00) in favor of the board on a bond form completed by the  
548 insurance company or agency. The applicant may file in lieu of  
549 the bond, cash, or a certificate of deposit or government bonds in  
550 the amount of Fifty Thousand Dollars (\$50,000.00).

551 (3) The school applicant shall maintain a professional  
552 liability insurance policy covering any aspect of the facility,  
553 personnel, and/or students.

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

557 (5) Private businesses and vocational schools that have  
558 obtained national accreditation from an accrediting agency  
559 designated by the United States Department of Education must  
560 submit evidence of current accreditation.

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

565 (7) Schools shall provide favorable conditions for effective  
566 classroom instruction. A total pattern of successful instruction  
567 includes (a) well-defined instructional objectives, (b) systematic  
568 planning, (c) selection and use of varied types of learning  
569 materials and experiences, (d) adaptation of organization and  
570 instructional procedures to student needs, (e) use of varied



571 evaluation instruments and procedures, and (f) good student and  
572 teacher morale.

573 (8) Each board approved school of cosmetology, esthetics, or  
574 nail technology must provide proof to the board of an annual pass  
575 rate that meets or exceeds the current minimum standard as  
576 established by the board.

577 (9) The board shall evaluate school curriculum for  
578 conformance with educational requirements set forth in this  
579 chapter.

580 (10) There shall be no automatic renewal of school licenses  
581 and each licensee shall be audited for conformity before the  
582 issuance of any a new license. Before the issuance of any such  
583 license, the board shall inspect the premises to determine if same  
584 confirms to the law.

585 ( \* \* \* 11) Each application \* \* \* made under this section  
586 shall include the social security \* \* \* number of the applicant,  
587 owners, or agents in accordance with Section 93-11-64.

588 \* \* \*

589 (12) If a school closes a facility, the licensee must notify  
590 the board within sixty (60) days before closing and provide proof  
591 of the reason for the closure; proof of methods developed to  
592 assist students with the completion of their program of study and  
593 individual courses; proof of notice sent to all currently enrolled  
594 students, notifying them of the closure; proof of notice given to  
595 students indicating where they may obtain any of their records;





596 proof of disposition of student records, with a contact person,  
597 complete address, and telephone number and how students'  
598 information may be obtained; proof of notice sent to all students  
599 who have paid for any tuition and/or fees for future enrollment in  
600 a program of study or individual course informing them of the  
601 closure, and refund information; proof of certified transcripts  
602 for each currently enrolled student who has paid for and completed  
603 coursework in lieu of receiving a full or partial refund. If a  
604 school files a bankruptcy petition, a certified copy must be filed  
605 with the board.

606 (13) School licenses may be issued, as follows:

607 (a) Temporary licenses may be issued for a one-year  
608 period. These licenses may be issued to new schools with less  
609 than two (2) graduating classes. Annual reports shall be required  
610 and shall be due by July 16 of each year unless otherwise  
611 specified. Prospective students before enrolling and enrolled  
612 students shall be notified in writing of the school's temporary  
613 status.

614 (b) Probationary licenses indicate warning status and  
615 may be issued for a one-year period. These licenses may be issued  
616 to new schools with less than two (2) graduating classes and with  
617 any significant violation(s) in the most recent year. Annual  
618 reports shall be required and shall be due by July 16 of each year  
619 unless otherwise specified. Prospective students prior to



620 enrolling and enrolled students shall be notified in writing of  
621 the school's probationary status.

622 (c) Conditional licenses may be issued to schools for a  
623 one-year period. Conditional license status for schools that  
624 previously held a nonconditional license shall not exceed two (2)  
625 years. Annual reports shall be required and shall be due by July  
626 16 of each year unless otherwise specified. Prospective students  
627 prior to enrolling and enrolled students shall be notified in  
628 writing of the school's conditional status. These licenses may be  
629 issued to schools with two (2) or more graduating classes and with  
630 any of the following:

631 (i) Any significant violation(s) in the most  
632 recent year.

633 (ii) Either the school's annual pass rate or the  
634 school's comprehensive pass rate does not meet or exceed the  
635 board's current minimum standard.

636 (d) Nonconditional licenses may be issued for a  
637 two-year period. Annual reports shall be required and shall be  
638 due July 16 of each year unless otherwise specified. These  
639 licenses may be issued to schools with two (2) or more graduating  
640 classes and with all of the following:

641 (i) No significant violation(s) in the most recent  
642 year; and



643 (ii) Either the school's annual pass rate or the  
644 school's comprehensive pass rate meets or exceeds the board's  
645 current minimum standard.

646 (14) The combined temporary, probationary, and/or  
647 conditional license status for schools shall not exceed a  
648 five-year-consecutive period before moving to a nonconditional  
649 license status.

650 (15) No license issued by the board may be renewed until all  
651 monetary fines and penalties assessed by the board to the licensee  
652 are paid in full.

653 (16) School owners, instructors, and/or employees or  
654 contractors of the school shall adhere to the board's statutes and  
655 rules and regulations and shall regard students with the same care  
656 and consideration as clients.

657 **SECTION 13.** Section 73-7-17, Mississippi Code of 1972, is  
658 reenacted and amended as follows:

659 73-7-17. (1) All salon owners shall have a salon license  
660 and shall pay to the board the required license fee therefor and  
661 pay the required renewal fee for renewal thereof. A grace period  
662 of sixty (60) days will be given in which to renew the license,  
663 and upon the expiration of the grace period of sixty (60) days any  
664 applicant for the renewal of a salon license will be required to  
665 pay a delinquent fee in addition to the renewal fee. A salon  
666 license that has been expired for over one (1) year is  
667 nonrenewable and requires a new application. Prior to the initial



668 issuance of such license, the board shall inspect the premises to  
669 determine if same qualifies with the law, upon payment by the  
670 applicant of the required inspection fee.

671 (2) Each application or filing made under this section shall  
672 include the social security number(s) of the applicant in  
673 accordance with Section 93-11-64 \* \* \*.

674 (3) 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 14.** Section 73-7-18, Mississippi Code of 1972, is  
678 reenacted and amended as follows:

679 73-7-18. (1) The board shall admit to examination for an  
680 esthetician's license any person who is at least sixteen (16)  
681 years old and who has made application to the board in proper  
682 form, has paid the required fee, and who:

683 \* \* \*

684 ( \* \* \*a) Has a high school education or its equivalent  
685 or has been successfully enrolled in a community college; and

686 ( \* \* \*b) Has successfully completed a course of  
687 training in esthetics of not less than six hundred (600)  
688 hours \* \* \*, comprised of not less than one hundred (100) hours of  
689 theory and five hundred (500) hours of skill practice, in a  
690 licensed school in which the practice of esthetics is taught or of  
691 no less than twelve hundred (1200) hours in an apprenticeship  
692 program certified by the board.



693 \* \* \*

694 Apprenticeships provided for in this section shall be  
695 monitored or mentored by a person with an instructor license in  
696 cosmetology or esthetics. Only one (1) apprentice may be mentored  
697 by any person at the same time.

698 (2) The board may, in its discretion, issue to any student  
699 who has completed the prescribed hours in a licensed school or  
700 approved apprenticeship program and paid the required fee a  
701 temporary permit until such time as the next examination may be  
702 held but not exceeding six (6) months. Such student shall be  
703 issued only one (1) temporary permit. Application for an  
704 examination and license shall be accompanied by two (2) recent  
705 passport-style photographs of the applicant. No temporary permit  
706 may be issued to an applicant from any other state to operate a  
707 beauty salon or school of any profession regulated by the board in  
708 this state unless in case of emergency.

709 (3) Licensed estheticians desiring to pursue additional  
710 hours to be eligible for a license as a cosmetologist may be  
711 credited with any hours acquired in studying and training to be an  
712 esthetician, which may be applied to the number of hours required  
713 for a cosmetology license examination.

714 ( \* \* \*4) Every person who has completed not less than three  
715 hundred fifty (350) hours of training in esthetics approved by the  
716 board in this or any other state prior to July 1, 1987, shall  
717 be \* \* \* granted an esthetician's license by the board if such



718 person presents satisfactory evidence to the board that he or she  
719 has fulfilled all the requirements to be admitted to examination  
720 except the training hours requirement.

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

724 **SECTION 15.** Section 73-7-19, Mississippi Code of 1972, is  
725 reenacted and amended as follows:

726 73-7-19. (1) Except as provided in Section 33-1-39, all  
727 licenses shall be renewed biennially under the fee schedule in  
728 Section 73-7-29. Applications for renewal of licenses for  
729 cosmetologists, estheticians, \* \* \* nail technicians, and  
730 instructors must be accompanied by the required renewal fee. A  
731 grace period of sixty (60) days will be given in which to renew  
732 the license \* \* \*. \* \* \* Upon the expiration of the grace period  
733 of sixty (60) days, any applicant for the renewal of a license  
734 will be required to pay the required renewal fee and a delinquent  
735 fee in addition to the renewal fee. The fees may be paid \* \* \*  
736 according to the manner prescribed by the board in rules and  
737 regulations \* \* \*. Checks returned to the board because of  
738 insufficient funds shall result in nonrenewal of the license,  
739 which will require the penalty fee for insufficient fund checks  
740 plus all other amounts due for renewal of the license before the  
741 license may be renewed. After one (1) year has passed from the  
742 expiration date of the license, a delinquent fee must be paid for



743 each year up to three (3) years, after which the required  
744 examination must be taken before a license can be renewed. All  
745 applications for examination required by this chapter shall expire  
746 ninety (90) days from the date thereof.

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

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

753 **SECTION 16.** Section 73-7-21, Mississippi Code of 1972, is  
754 reenacted and amended as follows:

755 73-7-21. (1) The board shall admit to examination for  
756 a \* \* \* nail technician's license any person who is at least  
757 sixteen (16) years old and who has made application to the board  
758 in proper form, who has paid the required fee, and who:

759 (a) \* \* \* Has a high school education or its equivalent  
760 or has been successfully enrolled in a community college; and

761 ( \* \* \* b) Has successfully completed no less than three  
762 hundred fifty (350) hours of practice and related theory in \* \* \*  
763 nail technology over a period of no less than nine (9) weeks  
764 in \* \* \* a licensed school \* \* \* in which the practice of nail  
765 technology is taught in this or any other state \* \* \* or no less  
766 than seven hundred (700) hours in an apprenticeship program  
767 certified by the board. Apprenticeships provided for in this



768 section shall be monitored or mentored by a person with an  
769 instructor license in cosmetology or nail technology. Only one  
770 (1) apprentice may be mentored by any person at the same time.

771 \* \* \*

772 (2) The board may, in its discretion, issue to any student  
773 who has completed the prescribed hours in a licensed school or  
774 approved apprenticeship program and paid the required fee a  
775 temporary permit until such time as the next examination may be  
776 held but not exceeding six (6) months. Such student shall be  
777 issued only one (1) temporary permit. Application for an  
778 examination and license shall be accompanied by two (2) recent  
779 passport-style photographs of the applicant. No temporary permit  
780 will be issued to an applicant from any other state to operate a  
781 beauty salon or school of any profession regulated by this board  
782 in the state unless in case of emergency.

783 ( \* \* \*3) Licensed \* \* \* nail technicians desiring to pursue  
784 additional hours to be eligible for a license as a cosmetologist  
785 may be credited with \* \* \* any hours acquired in studying and  
786 training to be a \* \* \* nail technician which may be applied to the  
787 number of hours required for a cosmetology license examination.

788 ( \* \* \*4) The board shall adopt regulations governing the  
789 use of electric nail files for the purpose of filing false or  
790 natural nails.





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

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

797 **SECTION 17.** Section 73-7-23, Mississippi Code of 1972, is  
798 reenacted and amended as follows:

799 73-7-23. (1) The board may, upon application, issue a  
800 license by reciprocity to any cosmetologist, nail technician, or  
801 esthetician \* \* \* who demonstrates proof that the applicant holds  
802 a valid, current license in another state with similar educational  
803 requirements to those required by the chapter, and that all other  
804 licensure requirements, including the passage of an examination,  
805 under this chapter are met. \* \* \* Applicants must also (a)  
806 successfully pass an examination and (b) pay the required  
807 reciprocity fee, which shall be paid to the board. Such  
808 application must be accompanied by two (2) recent passport-style  
809 photographs of the applicant.

810 (2) An instructor from any other state may be qualified for  
811 a Mississippi instructor's license upon presenting a valid  
812 instructor's license from the other state and \* \* \* (a) has  
813 completed training and education equivalent to the State of  
814 Mississippi's education and training as provided in Section  
815 73-7-15 or has three (3) years or more of experience as a licensed



816 instructor prior to application, \* \* \* (b) has completed \* \* \* six  
817 (6) semester hours in college courses approved by the board, and  
818 ( \* \* \* c) has completed a minimum of five (5) continuing education  
819 hours in Mississippi \* \* \* State Board of Cosmetology laws, rules  
820 and regulations. Such application must be accompanied by two (2)  
821 recent passport photographs of the applicant. Applicants shall  
822 pay the required license fee.

823 (3) An applicant for a Mississippi instructor's license by  
824 reciprocity who has not completed the college courses requirement  
825 at the time of application may apply for a onetime temporary  
826 teaching permit, which shall be valid for six (6) months and shall  
827 be nonrenewable. Such application must be accompanied by proof of  
828 enrollment in college course(s), required permit fee, two (2)  
829 recent passport photographs of the applicant and other  
830 documentation as required for application for a Mississippi  
831 instructor's license by reciprocity. Upon proof of completion of  
832 college courses and payment of the required license fee, a  
833 Mississippi instructor's license shall be issued.

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

838 **SECTION 18.** Section 73-7-25, Mississippi Code of 1972, is  
839 reenacted and amended as follows:



840           73-7-25. Every demonstrator in the field of cosmetology,  
841 esthetics, or nail technology shall, before making demonstrations  
842 in a salon or school, apply for and obtain a permit from the  
843 board. For such permit, which shall be for one (1) year, the  
844 required fee shall be paid to the board. This section shall be  
845 construed to apply to demonstrators in salons and schools.

846           **SECTION 19.** Section 73-7-27, Mississippi Code of 1972, is  
847 reenacted and amended as follows:

848           73-7-27. (1) Any complaint may be filed with the board by a  
849 member or agent of the board or by any person charging any  
850 licensee of the board with the commission of any of the offenses  
851 enumerated in subsection (2) of this section. Such complaint  
852 shall be in writing, signed by the accuser or accusers, and  
853 verified under oath, and such complaints shall be investigated as  
854 set forth in Section 73-7-7. \* \* \* After the investigation, the  
855 board may dismiss the complaint if the board, through its  
856 administrative review agents determines that there is not  
857 substantial justification to believe that the accused licensee has  
858 committed any of the offenses enumerated, \* \* \* or the \* \* \* board  
859 may prepare a formal complaint proceeding against the licensee as  
860 hereinafter provided. When used with reference to any complaint  
861 filed against a licensee herein, the term "not substantial  
862 justification" means a complaint that is frivolous, groundless in  
863 fact or law, or vexatious, as determined by unanimous vote of the  
864 board. In the event of a dismissal, the person filing the



865 accusation and the accused licensee shall be given written notice  
866 of the board's determination. If the board determines there is  
867 reasonable cause to believe the accused has committed any of those  
868 offenses, the secretary of the board or the executive director  
869 shall give written notice of such determination to the accused  
870 licensee and set a day for a hearing as provided in subsection (3)  
871 of this section.

872 (2) The board shall have the power to revoke, suspend or  
873 refuse to issue or renew any license or certificate provided for  
874 in this chapter, and to fine, place on probation and/or otherwise  
875 discipline an applicant, \* \* \* licensee or holder of a  
876 certificate, upon proof that such person: (a) has not complied  
877 with or has violated any of the rules and regulations promulgated  
878 by the board; (b) has not complied with \* \* \* an order, decision,  
879 or ruling of the board; (c) has committed fraud or dishonest  
880 conduct in the taking of the examination herein provided for; (d)  
881 has been convicted of a felony; (e) has committed grossly  
882 unprofessional or dishonest conduct; (f) is addicted to the  
883 excessive use of intoxicating liquors or to the use of drugs to  
884 such an extent as to render him or her unfit to practice in any of  
885 the practices or occupations set forth in this chapter; (g) has  
886 advertised by means of knowingly false or deceptive  
887 statements; \* \* \* (h) has failed to display the license or  
888 certificate issued to him or her as provided for in this chapter;  
889 or (i) has been convicted of violating any of the provisions of



890 this chapter. A conviction of violating any of the provisions of  
891 this chapter shall be grounds for automatic suspension of the  
892 license or certificate of such person.

893 (3) (a) The board shall not revoke, suspend or refuse to  
894 issue or renew any license or certificate, or fine, place on  
895 probation or otherwise discipline any \* \* \* applicant, licensee or  
896 holder of a certificate in a disciplinary matter except after a  
897 hearing of which the applicant or licensee or holder of the  
898 certificate affected shall be given at least twenty (20) days'  
899 notice in writing, specifying the reason or reasons for denying  
900 the applicant a license or certificate of registration, or in the  
901 case of any other disciplinary action, the offense or offenses of  
902 which the licensee or holder of a certificate of registration is  
903 charged. Such notice may be served by mailing a copy thereof by  
904 United States first-class certified mail, postage prepaid, to the  
905 last-known residence or business address of such applicant,  
906 licensee or holder of a certificate. The hearing on such charges  
907 shall be at such time and place as the board may prescribe. The  
908 provisions of this paragraph (a) shall not apply to the board's  
909 collection of a civil penalty or fine imposed by the board under  
910 paragraph (b) of this subsection.

911 (b) Any civil penalty or fine imposed by the board under  
912 this chapter resulting from an inspection or audit shall become  
913 due and payable when the applicant, licensee or holder of a  
914 certificate incurring the penalty receives a notice in writing



915 from the board of the penalty. The notice shall be sent by  
916 registered or certified mail or by personal service. The person  
917 to whom the notice is addressed shall have thirty (30) days from  
918 the date of the notice in which to make written application for a  
919 hearing. Any person who makes the application for a hearing shall  
920 be entitled to a hearing. The hearing shall be conducted as a  
921 contested case hearing. When an order assessing a civil penalty  
922 under this section becomes final by operation of law or on appeal,  
923 unless the amount of penalty is paid within thirty (30) days after  
924 the order becomes final, it may be recorded with the circuit clerk  
925 in any county of this state. The clerk shall then record the name  
926 of the person incurring the penalty and the amount of the penalty  
927 in the lien record book.

928 (c) The board may temporarily suspend a license under  
929 this chapter without any hearing, simultaneously with the  
930 institution of proceedings under this section, if it finds that  
931 the evidence in support of the board's determination is clear,  
932 competent, and unequivocal that the licensee's continuation in  
933 practice would constitute an imminent danger to public health and  
934 safety.

935 (4) At such hearings, all witnesses shall be sworn by  
936 a \* \* \* court reporter, and stenographic notes of the proceedings  
937 shall be taken. Any party to the proceedings \* \* \*, at the  
938 request of such party, shall be furnished with a copy of such  
939 stenographic notes upon payment to the board of such fees as it



940 shall prescribe, not exceeding, however, the actual costs of  
941 transcription.

942 (5) The board is \* \* \* authorized and empowered to issue  
943 subpoenas for the attendance of witnesses and the production of  
944 books and papers. The process issued by the board shall extend to  
945 all parts of the state and such process shall be served by any  
946 person designated by the board for such service. The person  
947 serving such process shall receive such compensation as may be  
948 allowed by the board, not to exceed the fee prescribed by law for  
949 similar services. All witnesses who shall be subpoenaed, and who  
950 shall appear in any proceedings before the board, shall receive  
951 the same fees and mileage as allowed by law.

952 (6) Where in any proceeding before the board any witness  
953 shall fail or refuse to attend upon subpoena issued by the board,  
954 shall refuse to testify, or shall refuse to produce any books and  
955 papers, the production of which is called for by the subpoena, the  
956 attendance of such witness and the giving of his testimony and the  
957 production of the books and papers shall be enforced by any court  
958 of competent jurisdiction of this state, in the same manner as are  
959 enforced for the attendance and testimony of witnesses in civil  
960 cases in the courts of this state.

961 (7) The board shall conduct the hearing in an orderly and  
962 continuous manner, granting continuances only when the ends of  
963 justice may be served. The board shall, within sixty (60) days  
964 after conclusion of the hearing, reduce its decision to writing



965 and forward an attested true copy thereof to the last-known  
966 residence or business address of such applicant, licensee or  
967 holder of a certificate, by way of United States first-class  
968 certified mail, postage prepaid. \* \* \*

969 (8) Any and all parties to the hearing shall have the right  
970 of appeal from an adverse ruling, \* \* \* order, or decision of the  
971 board to the Chancery Court of the First Judicial District of  
972 Hinds County, Mississippi, upon forwarding notice of appeal to the  
973 board within thirty (30) days after the decision of the board is  
974 mailed in the manner here contemplated. \* \* \* The appellant  
975 shall, together with the notice of appeal, \* \* \* first pay the  
976 costs for the transcription of the record of the hearing(s) and  
977 proceeding(s) before the board in which the adverse ruling, order  
978 or decision of the board was made. \* \* \*

979 Any fine imposed by the board under the provisions of this  
980 chapter shall not take effect until after the time for appeal has  
981 expired, and an appeal of the imposition of such a fine shall act  
982 as a supersedeas bond. The appeal shall thereupon be heard in due  
983 course by the court, which shall review the record and make its  
984 determination thereon.

985 (9) The board, in its discretion, may assess and tax any  
986 part or all of the costs of any disciplinary proceedings conducted  
987 under this section against the accused if the accused is found  
988 guilty of the charges.





989 (10) Any fine imposed by the board upon a licensee or holder  
990 of a certificate shall be in accordance with the following \* \* \*  
991 class designation of fines:

992 (a) \* \* \* Class A - Class A violations or the  
993 violations are minor health and safety violations that are  
994 detrimental to public safety and welfare. Violations under this  
995 class shall be set at no less than Fifty Dollars (\$50.00) \* \* \*  
996 but no more than \* \* \* Two Hundred Dollars (\$200.00).

997 (b) \* \* \* Class B - Class B violations are major health  
998 and safety concerns that are detrimental to public safety and  
999 welfare and shall be set at no less than \* \* \* Two Hundred Fifty  
1000 Dollars (\$250.00) \* \* \* but not more than \* \* \* Seven Hundred  
1001 Fifty Dollars (\$750.00).

1002 (c) Class C - Class C violations shall be set at no  
1003 less than Eight Hundred Dollars (\$800.00) but no more than One  
1004 Thousand Dollars (\$1,000.00) and are violations specific to the  
1005 following:

1006 (i) Unlicensed practice or the use of fraudulent  
1007 statements to obtain any benefits or privileges under this chapter  
1008 or practicing one (1) of the professions regulated by the board  
1009 without a license. These violations will be handled in accordance  
1010 with the requirements of Section 73-7-27 or Section 73-7-37 when  
1011 applicable.

1012 (ii) Extremely dangerous to the health and safety  
1013 of the public.



1014           The power and authority of the board to impose such fines  
1015 under this section shall not be affected or diminished by any  
1016 other proceeding, civil or criminal, concerning the same violation  
1017 or violations.

1018           (11) In addition to the reasons specified in subsection (2)  
1019 of this section, the board shall be authorized to suspend the  
1020 license of any licensee for being out of compliance with an order  
1021 for support, as defined in Section 93-11-153. The procedure for  
1022 suspension of a license for being out of compliance with an order  
1023 for support, and the procedure for the reissuance or reinstatement  
1024 of a license suspended for that purpose, and the payment of any  
1025 fees for the reissuance or reinstatement of a license suspended  
1026 for that purpose, shall be governed by Section 93-11-157 or  
1027 93-11-163, as the case may be. Actions taken by the board in  
1028 suspending a license when required by Section 93-11-157 or  
1029 93-11-163 are not actions from which an appeal may be taken under  
1030 this section. Any appeal of a license suspension that is required  
1031 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
1032 with the appeal procedure specified in Section 93-11-157 or  
1033 93-11-163, as the case may be, rather than the procedure specified  
1034 in this section. If there is any conflict between any provision  
1035 of Section 93-11-157 or 93-11-163 and any provision of this  
1036 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
1037 case may be, shall control.



1038           **SECTION 20.** Section 73-7-29, Mississippi Code of 1972, is  
1039 reenacted and amended as follows:

1040           73-7-29. The \* \* \* board \* \* \* shall assess fees in the  
1041 following amounts and for the following purposes:

- 1042           (a) Initial license/renewal for cosmetologist, \* \* \*  
1043 nail technician, or esthetician \* \* \*.....\$ 50.00
- 1044           (b) Instructor initial license/renewal..... 80.00
- 1045           (c) Master \* \* \* license/renewal..... 70.00
- 1046           (d) Delinquent renewal penalty - cosmetologist, \* \* \*  
1047 nail technician, esthetician, \* \* \* and instructor..... 50.00
- 1048           There shall be no renewal fee for any licensee seventy (70)  
1049 years of age or older or any applicant under the Military Family  
1050 Freedom Act.
- 1051           (e) Salon application and initial inspection.... 85.00
- 1052           (f) Salon reinspection..... 35.00
- 1053           (g) Salon change of ownership or location,  
1054 or both..... 85.00
- 1055           (h) Salon renewal..... 60.00
- 1056           (i) Salon delinquent renewal penalty..... 50.00
- 1057           (j) Application and initial inspection for a  
1058 new school..... 300.00
- 1059           (k) New school reinspection..... 100.00
- 1060           (l) School change of ownership..... 300.00
- 1061           (m) School relocation..... 150.00
- 1062           (n) School renewal..... 75.00



1063	(o) School delinquent renewal penalty.....	100.00
1064	(p) Duplicate license.....	10.00
1065	(q) Penalty for insufficient fund checks.....	20.00
1066	(r) Affidavit processing.....	15.00
1067	(s) <u>Application under reciprocity or UROLA.....</u>	<u>55.00</u>
1068	(t) <u>Demonstrator permit.....</u>	<u>10.00</u>

1069       The \* \* \* board \* \* \* may charge additional fees for services  
1070 which the board deems appropriate to carry out its intent and  
1071 purpose. These additional fees shall not exceed the cost of  
1072 rendering the service.

1073       The board is fully authorized to make refunds of any deposits  
1074 received by the board for services which are not rendered.  
1075 Refunds will automatically be made on overpayment of fees. All  
1076 other refunds will be made \* \* \* upon the written requests from  
1077 applicants. If no request for refund is made within sixty (60)  
1078 days, the fees will be forfeited.

1079       **SECTION 21.** Section 73-7-31, Mississippi Code of 1972, is  
1080 reenacted and amended as follows:

1081       73-7-31. Nothing in this chapter shall apply to:

1082       (a) \* \* \* Cosmetology, nail technology or facial  
1083 treatments given in the home to members of family or friends for  
1084 which no charge is made. Cosmetology, nail technology, or facial  
1085 treatments given at an event venue to members of family or friends  
1086 for which no charge is made may be permitted upon the express,  
1087 written approval of the board.



1088 (b) Persons whose practice is limited to only  
1089 performing makeup artistry, threading or applying or removing  
1090 eyelash extensions; however, a person may perform a combination of  
1091 not more than these three (3) such practices and still be exempt  
1092 from this chapter.

1093 (c) \* \* \* Persons engaged in the practice of hair  
1094 braiding as defined in Section 73-7-71 who have completed the  
1095 self-test part of the brochure on infection control techniques  
1096 prepared by the State Department of Health and who keep the  
1097 brochure and completed self-test available at the location at  
1098 which the person is engaged in hair braiding.

1099 **SECTION 22.** Section 73-7-33, Mississippi Code of 1972, is  
1100 reenacted and amended as follows:

1101 73-7-33. (1) In addition to the rules and regulations that  
1102 may be prescribed and promulgated by the board under authority of  
1103 this chapter, the following rules and regulations shall be  
1104 observed:

1105 (a) Every establishment must be kept sanitary,  
1106 including all utensils and equipment, must be well ventilated and  
1107 properly lighted. Each salon must be provided with hot and cold  
1108 running water. Electrical appliances must be properly installed  
1109 and grounded.

1110 (b) Cosmetologists, estheticians, and nail technicians  
1111 shall be allowed to wear any type of clothing or apparel while at  
1112 work as long as such clothing or apparel is clean and sanitary.



1113           (c) Cosmetologists shall be allowed to use any type of  
1114 hair roller as long as they do so in a sanitary manner.

1115           (d) Persons with a communicable disease or parasitic  
1116 infection that is medically recognized to be a direct threat of  
1117 transmission by the type of contact that practitioners have with  
1118 clients are not to be permitted to practice in an establishment  
1119 until their condition is no longer communicable under those  
1120 circumstances. No work shall be performed on any patron having a  
1121 visible disease unless the patron shall produce a certificate from  
1122 a practicing physician stating that the patron is free from  
1123 infectious, contagious or communicable disease. A \* \* \* license  
1124 regulated by this board does not authorize such \* \* \* licensee to  
1125 treat or prescribe for an infectious, contagious or any other  
1126 disease.

1127           (e) A home salon must have a solid wall to the ceiling  
1128 with an outside entrance, or if a door exists between the salon  
1129 and the remainder of the house, the door must be kept closed at  
1130 all times while service is being rendered.

1131           **SECTION 23.** Section 73-7-35, Mississippi Code of 1972, is  
1132 reenacted and amended as follows:

1133           73-7-35. (1) No person licensed pursuant to this chapter  
1134 shall practice his or her profession except within the physical  
1135 confines of a salon possessing and displaying a properly executed  
1136 license issued pursuant to Section 73-7-17. However, this  
1137 requirement shall not prevent a person from rendering his or her



1138 services to any person who may be confined to his or her home, a  
1139 hospital, or other place as a result of illness, and  
1140 cosmetologists shall be permitted to render their services to  
1141 deceased persons away from their \* \* \* salon.

1142 (2) No salon owner licensed pursuant to this chapter shall  
1143 allow a cosmetologist, esthetician, or \* \* \* nail technician to  
1144 practice his/her profession in the salon without possessing a  
1145 valid license issued pursuant to this chapter.

1146 **SECTION 24.** Section 73-7-37, Mississippi Code of 1972, is  
1147 reenacted and amended as follows:

1148 73-7-37. (1) The violation of any of the provisions of this  
1149 chapter, including the use of fraudulent statements to obtain any  
1150 benefits or privileges under this chapter or practicing one (1) of  
1151 these professions without a license, shall constitute a  
1152 misdemeanor, punishable in any court of competent jurisdiction at  
1153 the seat of government, and any person or firm convicted of the  
1154 violation of any of the provisions of this chapter shall be fined  
1155 not less than \* \* \* Five Hundred Dollars (\$500.00) but not more  
1156 than One Thousand Dollars (\$1,000.00). The court shall not be  
1157 authorized to suspend or suspend the execution of the fine  
1158 required under this section.

1159 (2) If any person, \* \* \* salon, school or \* \* \* other type  
1160 of business entity engaged in the practice or teaching of the  
1161 professions regulated by the board violates any of the provisions  
1162 of this chapter, the secretary of the board, upon direction of a



1163 majority of the board and in the name of the board, acting through  
1164 the Attorney General or an attorney employed by the board, shall  
1165 apply in the \* \* \* chancery court of the county in Mississippi in  
1166 which the person or licensee resides or in the county which the  
1167 person or licensee practices, or the county in which the salon,  
1168 school, or other type of business entity is located, for an order  
1169 enjoining such violation or for an order enforcing compliance with  
1170 the provisions of this chapter. Upon the filing of a verified  
1171 petition in the chancery court and after notice as provided under  
1172 the Mississippi Rules of Civil Procedure, such court, if satisfied  
1173 by the sworn petition, by affidavit or otherwise, that such person  
1174 or entity has violated any of the provisions of this chapter, may  
1175 issue an injunction without notice or bond, enjoining such  
1176 continued violation and such injunction shall remain in force and  
1177 effect until a final hearing. If at such hearing it is  
1178 established that such person or entity has violated or is  
1179 violating any of the provisions of this chapter, the court may  
1180 enter a decree permanently enjoining such violation or enforcing  
1181 compliance with this chapter. In addition, the court may enter a  
1182 judgment against such person or entity for attorney's fees, court  
1183 costs and the actual costs incurred by the board in investigating  
1184 the actions of such person for which the board brought the suit  
1185 for an injunction. In case of violation of any decree issued in  
1186 compliance with this subsection, the court may punish the offender





1187 for contempt of court and the court shall proceed as in other  
1188 cases.

1189 (3) The proceedings in this section shall be in addition to  
1190 and not in lieu of the other remedies and penalties provided in  
1191 this chapter.

1192 **SECTION 25.** Section 73-7-63, Mississippi Code of 1972, is  
1193 amended as follows:

1194 73-7-63. Sections 73-7-1 through 73-7-37, which create the  
1195 State Board of Cosmetology and prescribe its duties and powers,  
1196 shall stand repealed on July 1, \* \* \* 2027.

1197 **SECTION 26.** This act shall take effect and be in force from  
1198 and after July 1, 2024.

