

By: Senator(s) Blackwell, McMahan,
Chassaniol, Kirby, Younger, Norwood, Polk

To: Public Health and
Welfare

SENATE BILL NO. 2876

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 six (6) members to be
29 appointed by the Governor, with the advice and consent of the
30 Senate, and will consist of three (3) members from the cosmetology
31 professions and three (3) barbers. No more than three (3) members
32 shall be appointed from each Supreme Court District as they
33 currently exist, and one (1) member from each district shall be a
34 barber. The initial term of office for the members appointed from
35 the First Supreme Court District shall be two (2) years, the
36 initial term of office for the members appointed from the Second
37 Supreme Court District shall be three (3) years, and the initial
38 term of office for the members appointed from the Third Supreme
39 Court District shall be four (4) years. Subsequent terms of
40 office shall be six (6) years.

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



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

63 However, in the event of vacancy by death or resignation of
64 any member of the board, the Governor shall, within thirty (30)
65 days, appoint a person possessing all qualifications required to
66 serve the remainder of the term. No person shall serve in an
67 interim or hold-over capacity for longer than ninety (90) days.

68 Any member who shall not attend two (2) consecutive meetings of
69 the board for reasons other than illness of such member shall be
70 subject to removal by the Governor. The president of the board
71 shall notify the Governor in writing when any such member has
72 failed to attend two (2) 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
119 combination of the following practices if they are performed on a
120 person's head, face, neck, shoulder, arms, hands, legs or feet for
121 cosmetic 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, as well as
199 all employees of the board, except for investigators, shall file a
200 bond with the Secretary of State in the sum of not less than * * *
201 Twenty-five Thousand Dollars (\$25,000.00) payable to the State of
202 Mississippi for the faithful performance of their duties. The
203 bond shall be made by a surety company authorized to do business
204 in this state, the premium of the bond to be paid out of any money
205 in the board's special fund in the State Treasury.

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

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



222 (4) The board should use the standards established by
223 Sections 25-3-91 through 25-3-95 and rules promulgated by the
224 State Personnel Board to determine whether employees and the
225 board's executive director may receive sick leave, compensatory
226 leave or administrative leave.

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

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



247 shop, or may refuse to issue a license to any cosmetologist,
248 barber, esthetician, * * * nail technician, instructor, school
249 of * * * all professions regulated by the board, or salon/barber
250 shop that fails or refuses to comply with the provisions of this
251 chapter and the rules and regulations of the board in carrying out
252 the provisions of this chapter.

253 (2) The board shall have authority to prescribe reasonable
254 rules and regulations governing sanitation of schools of * * * any
255 and all professions regulated by the board, salons and barber
256 shops for the guidance of persons licensed under this chapter in
257 the operation of schools of * * * any and all professions
258 regulated by the board, salons and barber shops and in the
259 practice of cosmetology, esthetics, * * * barbering and * * * nail
260 technology. However, any and all rules and regulations relating
261 to sanitation shall, before adoption by the board, have the
262 written approval of the State Board of Health. When the board has
263 reason to believe that any of the provisions of this chapter or of
264 the rules and regulations of the board have been violated, either
265 upon receipt of a written complaint alleging such violations or
266 upon the board's own initiative, the board, or any of its
267 authorized agents, shall investigate same and shall have authority
268 to enter upon the premises of a school of * * * any and all
269 professions regulated by the board, salons, or barber shops at any
270 time during the regular business hours of that school or
271 salon/barber shop to conduct the investigation. Such



272 investigation may include, but not be limited to, conducting oral
273 interviews with the complaining party, school or salon/barber shop
274 owner(s) and/or students of the school, and reviewing records of
275 the school or salon/barber shop pertinent to the complaint and
276 related to an area subject to the authority of the board. Such
277 investigation shall not include written interviews or surveys of
278 school employees or students, and the privacy of patrons shall be
279 respected by any person making such investigation.

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

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

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

291 73-7-9. No person required by this chapter to have a license
292 shall conduct a * * * salon/barber shop or school of * * * any and
293 all professions regulated by the board, or practice cosmetology,
294 barbering, esthetics, * * * nail technology, or practice as an
295 instructor, unless such person has received a license or temporary
296 permit therefor from the board. * * * Anyone determined to have



297 violated any of these rules or regulations prior to being licensed
298 by the board shall be subject to the same discipline by the board
299 as licensees. They may be disciplined and fined accordingly.

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

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

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

311 A barber pole can only be displayed if the business carries a
312 barber shop license or is dual licensed as a cosmetology and
313 barber shop. Such business must have at least one (1) barber
314 currently employed at the business to display a barber pole.

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

317 73-7-12. Effective January 1, * * * 2025, the State Board of
318 Cosmetology and Barbering shall terminate its student testing
319 contract with proper notice and shall conduct examinations for
320 cosmetologists, barbers, estheticians, * * * nail technicians and
321 instructors at such times and locations as determined by the



322 board. The members of the board shall not personally administer
323 or monitor the examinations, but the board shall contract for
324 administrators of the examinations. A member of the board shall
325 not receive any per diem compensation for any day that the member
326 is present at the site where the examinations are being
327 administered.

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

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



346 (2) The * * * State Board of Cosmetology and Barbering may,
347 in its discretion, issue to any student who has completed the
348 prescribed hours in a licensed school and paid the required fee a
349 temporary permit until such time as the next examination may be
350 held, but such student shall be issued only one (1) temporary
351 permit. Application for an examination and license shall be
352 accompanied by two (2) passport photographs of the applicant. No
353 temporary permit will be issued to an applicant from any other
354 state to operate a * * * salon or school of cosmetology in this
355 state unless in case of emergency.

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

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



370 examination, * * * licensure and renewal thereof shall be the same
371 as provided for cosmetologists.

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

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



395 intent to take such action to the board. Any licensed
396 cosmetologist, barber, esthetician, * * * or nail technician
397 registered on the "inactive" list shall not be eligible for
398 registration on the active list until either of the following
399 conditions have been satisfied:

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

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

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

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

415 73-7-14. (1) Any person who holds a current, valid
416 cosmetology, * * * barbering, nail technician or esthetics license
417 may be licensed as a master cosmetologist, * * * barber, nail
418 technician or esthetician if he or she has been a licensed
419 cosmetologist, * * * barber, nail technician or esthetician in



420 this state for a period of not less than twelve (12) months, and
421 has completed a minimum course of sixteen (16) hours' study in
422 continuing education approved by the board within the licensing
423 period preceding initial application for the license, and has paid
424 the original license fee. Master cosmetologist, * * * barber,
425 nail technician or esthetician licenses shall be renewable upon
426 completion of a minimum course of eight (8) hours' study in
427 continuing education approved by the board within a licensing
428 period and payment of the required renewal fee. This is an
429 optional license and persons who do not wish to complete the
430 continuing education requirement may obtain a cosmetology license
431 when renewing their license.

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

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

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

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

444 * * *



445 (* * *a) Is a graduate of a licensed cosmetology
446 school;

447 (* * *b) Has a high school education or its
448 equivalent;

449 (* * *c) Has successfully completed one thousand
450 (1,000) hours of instructor training in a licensed school of
451 cosmetology;

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

454 (* * *e) Holds a current, valid Mississippi
455 cosmetology license; and

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

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

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

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

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



470 successfully completed one thousand (1,000) hours of instructor
471 training in a licensed school of barbering; and

472 (d) Holds a current, valid Mississippi barbering
473 license.

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

477 * * *

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

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

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

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

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

492 (* * *4) The board shall admit to examination for a * * *
493 nail technology instructor's license any person who has made



494 application to the board in proper form, has paid the required
495 fee, and who:

496 * * *

497 (* * *a) Has a high school education or its
498 equivalent;

499 (* * *b) Has successfully completed one thousand
500 (1,000) hours of instructor training in a licensed school in which
501 the practice of * * * nail technology is taught;

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

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

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

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



518 examination shall be accompanied by two (2) recent head
519 photographs of the applicant.

520 (* * *6) Renewal requirements.

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

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

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



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

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

547 73-7-16. (1) * * * All schools of any occupation licensed
548 by the board or school owners shall have a school license and
549 shall pay to the board the required license fee. The board is
550 hereby authorized and empowered to promulgate necessary and
551 reasonable rules and regulations for the issuance of school
552 licenses.

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

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

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



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

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

575 (7) Schools shall provide favorable conditions for effective
576 classroom instruction. A total pattern of successful instruction
577 includes:

578 (a) Well-defined instructional objectives;

579 (b) Systematic planning;

580 (c) Selection and use of varied types of learning
581 materials and experiences;

582 (d) Adaptation of organization and instructional
583 procedures to student needs;

584 (e) Use of varied evaluation instruments and
585 procedures; and

586 (f) Good student and teacher morale.

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



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

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

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



616 closure, which must be approved by the board. In the event a
617 school files a bankruptcy petition, a certified copy must be filed
618 with the Board of Cosmetology and Barbering.

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

620 (a) Temporary licenses may be issued for a one-year
621 period. These licenses may be issued to new schools with less
622 than two (2) graduating classes. Schools shall submit annual
623 reports by July 16 of each year unless otherwise specified.
624 Prospective students prior to enrolling and enrolled students
625 shall be notified in writing of the school's temporary status.

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

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



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

643 (i) Any significant violation(s) in the most
644 recent year; and

645 (ii) Either the school's annual pass rate or the
646 school's comprehensive pass rate does not meet or exceed the
647 board's current minimum standard.

648 (d) Nonconditional licenses may be issued for a
649 two-year period. Such schools shall submit annual reports by July
650 16 of each year unless otherwise specified. These licenses may be
651 issued to schools with two (2) or more graduating classes and with
652 all of the following:

653 (i) No significant violation(s) in the most
654 recent year; and

655 (ii) Either an annual pass rate or a comprehensive
656 pass rate that meets or exceeds the board's current minimum
657 standard.

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

662 (14) School owners, instructors, and/or employees or
663 contractors of the school shall adhere to the Mississippi Board of
664 Cosmetology and Barbering statute and relative rules and



665 regulations and shall regard students with the same care and
666 consideration as clients.

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

670 (16) There shall be no automatic renewal of school licenses,
671 and each licensee shall be audited for conformity. Prior to the
672 issuance of any such license, the board shall inspect the premises
673 to determine if same qualifies with the law.

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

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

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

682 73-7-17. (1) All salon/barber shop owners shall have a
683 salon/barber shop license and shall pay to the board the required
684 license fee therefor and pay the required renewal fee for renewal
685 thereof. A grace period of sixty (60) days will be given in which
686 to renew the license, and upon the expiration of the grace period
687 of sixty (60) days any applicant for the renewal of a salon/barber
688 shop license will be required to pay a delinquent fee in addition
689 to the renewal fee. A salon/barber shop license that has been



690 expired for over one (1) year is nonrenewable and requires a new
691 application. Prior to the initial issuance of such license, the
692 board shall inspect the premises to determine if same qualifies
693 with the law, upon payment by the applicant of the required
694 inspection fee.

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

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

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

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

705 * * *

706 (* * *b) Has a high school education or its
707 equivalent; and

708 (* * *c) Has successfully completed a course of
709 training in esthetics of not less than six hundred (600) hours in
710 an accredited school in which the practice of esthetics is taught,
711 including not less than one hundred (100) hours of theory and five
712 hundred (500) hours of skill practice or an apprenticeship program
713 of twelve hundred (1200) hours certified by the State Board of
714 Cosmetology and Barbering. Apprenticeships provided for in this



715 section may be mentored by a person with an instructor license in
716 cosmetology or esthetics. Only one (1) apprentice may be mentored
717 by any person at the same time.

718 * * *

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

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

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

737 (* * *4) Every person who has completed not less than three
738 hundred fifty (350) hours of training in esthetics approved by the
739 board in this or any other state prior to July 1, 1987, shall be



740 registered with the board within a period not exceeding six (6)
741 months after July 1, 1987, and shall be granted an esthetician's
742 license by the board if such person presents satisfactory evidence
743 to the board that he or she has fulfilled all the requirements to
744 be admitted to examination except the training hours requirement.

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

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

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

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



765 Checks returned to the board because of insufficient funds shall
766 result in nonrenewal of the license, which will require the
767 penalty fee for insufficient fund checks plus all other amounts
768 due for renewal of the license before the license may be renewed.
769 After one (1) year has passed from the expiration date of the
770 license, a delinquent fee must be paid for each year up to three
771 (3) years, after which the required examination must be taken.
772 All applications for examination required by this chapter shall
773 expire ninety (90) days from the date thereof.

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

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

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

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

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

787 * * *

788 (* * * b) Has successfully completed no less than three
789 hundred fifty (350) hours of practice and related theory in * * *



790 nail technology over a period of no less than nine (9) weeks in an
791 accredited school of * * * where nail technology is taught in this
792 or any other state or in an apprenticeship program of seven
793 hundred (700) hours certified by the State Board of Cosmetology
794 and Barbering. Apprenticeships provided for in this section may
795 be monitored or mentored by a person with an instructor license in
796 cosmetology or nail technology. Only one (1) apprentice may be
797 mentored by any person at the same time; and

798 (* * *c) Has a high school education or its
799 equivalent, or has been successfully enrolled in a community
800 college.

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

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



814 (* * *3) Licensed * * * nail technicians desiring to pursue
815 additional hours to be eligible for a license as a cosmetologist
816 may be credited with * * * any hours acquired in studying and
817 training to be a * * * nail technician which may be applied to the
818 number of hours required for a cosmetology license examination.

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

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

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

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

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



839 between participating states. Applications must be accompanied by
840 (a) proof satisfactory to the board that the required hours have
841 been completed, and (b) the required reciprocity fee, which shall
842 be paid to the board. Such an application must be accompanied by
843 two (2) recent passport-style photographs of the applicant.

844 (2) An instructor from any other state may be qualified for
845 a Mississippi instructor's license upon presenting a valid
846 instructor's license and proof of a high school education or its
847 equivalent, provided that the instructor (a) is not less than
848 twenty-one (21) years of age, (b) has completed training
849 equivalent to the State of Mississippi's training as provided in
850 Section 73-7-15 or has three (3) years or more of experience as a
851 licensed instructor prior to application, (c) * * * has
852 completed * * * six (6) semester hours in college courses approved
853 by the board, and (* * *d) has completed a minimum of five (5)
854 continuing education hours in Mississippi board laws, rules and
855 regulations. Such application must be accompanied by two (2)
856 recent passport photographs of the applicant. Applicants shall
857 pay the required license fee.

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



864 recent passport photographs of the applicant and other
865 documentation as required for application for a Mississippi
866 instructor's license by reciprocity. Upon proof of completion of
867 college courses and payment of the required license fee, a
868 Mississippi instructor's license shall be issued.

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

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

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

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

884 73-7-27. (1) Any complaint may be filed with the board by a
885 member or agent of the board or by any person charging any
886 licensee of the board with the commission of any of the offenses
887 enumerated in subsection (2) of this section. Such complaint
888 shall be in writing, signed by the accuser or accusers, and



889 verified under oath, and such complaints shall be investigated as
890 set forth in Section 73-7-7. If, after the investigation, the
891 board through its administrative review agents determines that
892 there is not substantial justification to believe that the accused
893 licensee has committed any of the offenses enumerated, it may
894 dismiss the complaint or may prepare a formal complaint proceeding
895 against the licensee as hereinafter provided. When used with
896 reference to any complaint filed against a licensee herein, the
897 term "not substantial justification" means a complaint that is
898 frivolous, groundless in fact or law, or vexatious, as determined
899 by unanimous vote of the board. In the event of a dismissal, the
900 person filing the accusation and the accused licensee shall be
901 given written notice of the board's determination. If the board
902 determines there is reasonable cause to believe the accused has
903 committed any of those offenses, the secretary of the board shall
904 give written notice of such determination to the accused licensee
905 and set a day for a hearing as provided in subsection (3) of this
906 section.

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



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

929 (3) (a) The board shall not revoke, suspend or refuse to
930 issue or renew any license or certificate, or fine, place on
931 probation or otherwise discipline any person in a disciplinary
932 matter except after a hearing of which the applicant or licensee
933 or holder of the certificate affected shall be given at least
934 twenty (20) days' notice in writing, specifying the reason or
935 reasons for denying the applicant a license or certificate of
936 registration, or in the case of any other disciplinary action, the
937 offense or offenses of which the licensee or holder of a
938 certificate of registration is charged. Such notice may be served



939 by mailing a copy thereof by United States first-class certified
940 mail, postage prepaid, to the last-known residence or business
941 address of such applicant, licensee or holder of a certificate.
942 The hearing on such charges shall be at such time and place as the
943 board may prescribe. The provisions of this paragraph (a) shall
944 not apply to the board's collection of a civil penalty or fine
945 imposed by the board under paragraph (b) of this subsection.

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



963 (c) The board may temporarily suspend a license under
964 this chapter without any hearing, simultaneously with the
965 institution of proceedings under this section, if it finds that
966 the evidence in support of the board's determination is clear,
967 competent, and unequivocal that the licensee's continuation in
968 practice would constitute an imminent danger to public health and
969 safety.

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

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



987 (6) Where in any proceeding before the board any witness
988 shall fail or refuse to attend upon subpoena issued by the board,
989 shall refuse to testify, or shall refuse to produce any books and
990 papers, the production of which is called for by the subpoena, the
991 attendance of such witness and the giving of his testimony and the
992 production of the books and papers shall be enforced by any court
993 of competent jurisdiction of this state, in the same manner as are
994 enforced for the attendance and testimony of witnesses in civil
995 cases in the courts of this state.

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



1012 within the thirty-day period. Appeal shall be to the Chancery
1013 Court of the First Judicial District of Hinds County, Mississippi.
1014 The appeal shall thereupon be heard in due course by the court
1015 which shall review the record and make its determination thereon.

1016 (8) The appellant shall, together with the notice of
1017 appeal, * * * first pay the costs for the transcription of the
1018 record of the hearing(s) and proceeding(s) before the board in
1019 which the adverse ruling, order or decision of the board was made.

1020 (9) In the event of an appeal, the court shall dispose of
1021 the appeal and enter its decision promptly. The hearing on the
1022 appeal may, in the discretion of the chancellor, be tried in
1023 vacation. If there is an appeal, such appeal may, in the
1024 discretion of and on motion to the chancery court, act as a
1025 supersedeas. However, any fine imposed by the board under the
1026 provisions of this chapter shall not take effect until after the
1027 time for appeal has expired, and an appeal of the imposition of
1028 such a fine shall act as a supersedeas.

1029 (10) Any fine imposed by the board upon a licensee or holder
1030 of a certificate shall be in accordance with the following * * *
1031 class designation of fines:

1032 (a) * * * Class C. Class C violations shall be set at
1033 no less than Eight Hundred Dollars (\$800.00) nor more than One
1034 Thousand Dollars (\$1,000.00). Class C violations are specific to
1035 the following:



1036 (i) Unlicensed practice or the use of fraudulent
1037 statements to obtain any benefits or privileges under this chapter
1038 or practicing one (1) of the professions without a license. These
1039 violations will be handled in accordance with the requirements of
1040 Section 73-7-27 or 73-7-37, as applicable; and

1041 (ii) Extremely dangerous to the health and safety
1042 of the general public.

1043 (b) * * * Class B. Class B violations shall be set at
1044 no less than Two Hundred Fifty Dollars (\$250.00) nor more than
1045 Seven Hundred Fifty Dollars (\$750.00). Class B violations are
1046 major health and safety concerns that are detrimental to public
1047 safety and welfare.

1048 (c) Class A. Class A violations shall be set at no
1049 less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars
1050 (\$200.00). Class A violations are minor health and safety
1051 violations that are detrimental to public safety and welfare.

1052 (11) In addition to the reasons specified in subsection (2)
1053 of this section, the board shall be authorized to suspend the
1054 license of any licensee for being out of compliance with an order
1055 for support, as defined in Section 93-11-153. The procedure for
1056 suspension of a license for being out of compliance with an order
1057 for support, and the procedure for the reissuance or reinstatement
1058 of a license suspended for that purpose, and the payment of any
1059 fees for the reissuance or reinstatement of a license suspended
1060 for that purpose, shall be governed by Section 93-11-157 or



1061 93-11-163, as the case may be. Actions taken by the board in
1062 suspending a license when required by Section 93-11-157 or
1063 93-11-163 are not actions from which an appeal may be taken under
1064 this section. Any appeal of a license suspension that is required
1065 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1066 with the appeal procedure specified in Section 93-11-157 or
1067 93-11-163, as the case may be, rather than the procedure specified
1068 in this section. If there is any conflict between any provision
1069 of Section 93-11-157 or 93-11-163 and any provision of this
1070 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1071 case may be, shall control.

1072 **SECTION 20.** Section 73-7-29, Mississippi Code of 1972, is
1073 amended as follows:

1074 73-7-29. The State Board of Cosmetology and Barbering shall
1075 assess fees in the following amounts and for the following
1076 purposes:

- 1077 (a) Initial license/renewal for cosmetologist, * * *
1078 barber, nail technician or esthetician * * *.....\$ 50.00
1079 (b) Instructor initial license/renewal.....80.00
1080 (c) Master cosmetologist or barber license/
1081 renewal..... 70.00
1082 (d) Delinquent renewal penalty - cosmetologist, * * *
1083 barber nail technician, esthetician * * * and
1084 instructor..... 50.00



1085 There shall be no renewal fee for any licensee seventy (70)
1086 years of age or older or any applicant properly applying under the
1087 Military Family Freedom Act.

1088	(e) Salon/ <u>barber shop</u> application and initial	
1089	inspection.....	85.00
1090	(f) Salon/ <u>barber shop</u> reinspection.....	35.00
1091	(g) Salon/ <u>barber shop</u> change of ownership or	
1092	location, or both.....	85.00
1093	(h) Salon/ <u>barber shop</u> renewal.....	60.00
1094	(i) Salon/ <u>barber shop</u> delinquent renewal	
1095	penalty.....	50.00
1096	(j) Application and initial inspection for a	
1097	new school.....	300.00
1098	(k) New school reinspection.....	100.00
1099	(l) School change of ownership.....	300.00
1100	(m) School relocation.....	150.00
1101	(n) School renewal.....	75.00
1102	(o) School delinquent renewal penalty.....	100.00
1103	(p) Duplicate license.....	10.00
1104	(q) Penalty for insufficient fund checks.....	20.00
1105	(r) Affidavit processing.....	15.00
1106	(s) <u>Application under Reciprocity or UROLA</u>	85.00
1107	(t) <u>Demonstrator Permit</u>	10.00

1108 The State Board of Cosmetology and Barbering may charge
1109 additional fees for services which the board deems appropriate to



1110 carry out its intent and purpose. These additional fees shall not
1111 exceed the cost of rendering the service.

1112 The board is fully authorized to make refunds of any deposits
1113 received by the board for services which are not rendered.
1114 Refunds will automatically be made on overpayment of fees.
1115 Refunds will be made on underpayments by written requests from
1116 applicants. If no request for refund is made within sixty (60)
1117 days, the fees will be forfeited.

1118 **SECTION 21.** Section 73-7-31, Mississippi Code of 1972, is
1119 amended as follows:

1120 73-7-31. Nothing in this chapter shall apply to:

1121 (a) * * * Cosmetology, barbering, nail technology, or
1122 facial treatments given in the home to members of family or
1123 friends for which no charge is made. Cosmetology, barbering, nail
1124 technology, or facial treatments given at an event venue to
1125 members of family or friends for which no charge is made may be
1126 permitted upon the express, written approval of the board.

1127 (b) Persons whose practice is limited to only
1128 performing makeup artistry, threading or applying or removing
1129 eyelash extensions; however, a person may perform a combination of
1130 not more than three (3) such practices and still be exempt from
1131 this chapter.

1132 * * *

1133 (* * *c) Persons engaged in the practice of hair
1134 braiding as defined in Section 73-7-71 who have completed the



1135 self-test part of the brochure on infection control techniques
1136 prepared by the State Department of Health and who keep the
1137 brochure and completed self-test available at the location at
1138 which the person is engaged in hair braiding.

1139 **SECTION 22.** Section 73-7-33, Mississippi Code of 1972, is
1140 amended as follows:

1141 73-7-33. In addition to the rules and regulations that may
1142 be prescribed and promulgated by the board under authority of this
1143 chapter, the following rules and regulations shall be observed:

1144 Every establishment must be kept sanitary, including all
1145 utensils and equipment, must be well ventilated and properly
1146 lighted. Each salon/barber shop must be provided with hot and
1147 cold running water. Electrical appliances must be properly
1148 installed and grounded.

1149 Cosmetologists, barbers, estheticians, and nail technicians
1150 shall be allowed to wear any type of clothing or apparel while at
1151 work as long as such clothing or apparel is sanitary.

1152 Cosmetologists shall be allowed to use any type of hair
1153 roller as long as they do so in a sanitary manner.

1154 Persons with a communicable disease or parasitic infection
1155 that is medically recognized to be a direct threat of transmission
1156 by the type of contact that practitioners have with clients are
1157 not to be permitted to practice in an establishment until their
1158 condition is no longer communicable under those circumstances. No
1159 work shall be performed on any patron having a visible disease



1160 unless the patron shall produce a certificate from a practicing
1161 physician stating that the patron is free from infectious,
1162 contagious or communicable disease. A cosmetologist's license
1163 does not authorize such person to treat or prescribe for an
1164 infectious, contagious or any other disease.

1165 A home salon/barber shop must have a solid wall to the
1166 ceiling with an outside entrance, or if a door exists between the
1167 salon/barber shop and the remainder of the house, the door must be
1168 kept closed at all times while service is being rendered.

1169 **SECTION 23.** Section 73-7-35, Mississippi Code of 1972, is
1170 amended as follows:

1171 73-7-35. (1) No person licensed pursuant to this chapter
1172 shall practice his or her profession except within the physical
1173 confines of a salon/barber shop possessing and displaying a
1174 properly executed license issued pursuant to Section 73-7-17.
1175 However, this requirement shall not prevent a person from
1176 rendering his or her services to any person who may be confined to
1177 his or her home, a hospital, or other place as a result of
1178 illness, and cosmetologists and barbers shall be permitted to
1179 render their services to deceased persons away from their
1180 salons/barber shops.

1181 (2) No salon/barber shop owner licensed pursuant to this
1182 chapter shall allow a cosmetologist, barber, esthetician, or * * *
1183 nail technician to practice his/her profession in the salon/barber



1184 shop without possessing a valid license issued pursuant to this
1185 chapter.

1186 **SECTION 24.** Section 73-7-37, Mississippi Code of 1972, is
1187 amended as follows:

1188 73-7-37. (1) The violation of any of the provisions of this
1189 chapter, including the use of fraudulent statements to obtain any
1190 benefits or privileges under this chapter or practicing one (1) of
1191 these professions without a license, shall constitute a
1192 misdemeanor, punishable in any court of competent jurisdiction at
1193 the seat of government, and any person or firm convicted of the
1194 violation of any of the provisions of this chapter shall be fined
1195 not less than * * * Five Hundred Dollars (\$500.00) nor more
1196 than * * * One Thousand Dollars (\$1,000.00). The court shall not
1197 be authorized to suspend or suspend the execution of the fine
1198 required under this section.

1199 (2) If any person, * * * salon/barber shop, school or other
1200 type of business entity engaged in the practice or teaching of the
1201 provisions governed by this chapter violates any of the provisions
1202 of this chapter, the secretary of the board, upon direction of a
1203 majority of the board and in the name of the board, acting through
1204 the Attorney General or an attorney employed by the board, shall
1205 apply in the Chancery Court of the * * * county in which the
1206 person or licensee resides or in the county in which the person or
1207 licensee practices, or the county in which the salon/barber shop,
1208 school or other type of business entity is located, for an order



1209 enjoining such violation or for an order enforcing compliance with
1210 the provisions of this chapter. Upon the filing of a verified
1211 petition in the chancery court and after notice as provided under
1212 the Mississippi Rules of Civil Procedure, such court, if satisfied
1213 by the sworn petition, by affidavit or otherwise, that such person
1214 or entity has violated any of the provisions of this chapter, may
1215 issue an injunction without notice or bond, enjoining such
1216 continued violation and such injunction shall remain in force and
1217 effect until a final hearing. If at such hearing it is established
1218 that such person or entity has violated or is violating any of the
1219 provisions of this chapter, the court may enter a decree
1220 permanently enjoining such violation or enforcing compliance with
1221 this chapter. In addition, the court may enter a judgment against
1222 such person or entity for attorney's fees, court costs and the
1223 actual costs incurred by the board in investigating the actions of
1224 such person or entity for which the board brought the suit for an
1225 injunction. In case of violation of any decree issued in
1226 compliance with this subsection, the court may punish the offender
1227 for contempt of court and the court shall proceed as in other
1228 cases.

1229 (3) The proceedings in this section shall be in addition to
1230 and not in lieu of the other remedies and penalties provided in
1231 this chapter.

1232 **SECTION 25.** The following shall be codified as Section
1233 73-7-14.1, Mississippi Code of 1972:



1234 73-7-14.1 (1) To be eligible for enrollment at a barbering
1235 school approved by the State Board of Cosmetology and Barbering, a
1236 person shall be at least sixteen (16) years of age, have a minimum
1237 high school education or its equivalent, and/or shall have
1238 satisfactorily passed the Ability-to-Benefit Examinations approved
1239 by the U.S. Department of Education.

1240 (2) Any person is qualified to receive a certificate of
1241 registration to practice barbering:

1242 (a) Who is qualified under the provisions of this
1243 chapter;

1244 (b) Who is of good moral character and temperate
1245 habits;

1246 (c) Who has completed not less than fifteen hundred
1247 (1500) hours at a barbering school approved by the State Board of
1248 Cosmetology and Barbering or three thousand (3,000) hours of State
1249 Board of Cosmetology and Barbering-approved apprenticeship
1250 training. Apprenticeships shall only be mentored by those with a
1251 barber instructor license and there shall be only one (1)
1252 apprentice per mentor; and

1253 (d) Who has passed a satisfactory examination conducted
1254 by the board to determine his fitness to practice barbering.

1255 (3) A temporary permit to practice barbering until the next
1256 examination is given may be issued to a student who has completed
1257 not less than fifteen hundred (1500) hours at a barbering school
1258 approved by the State Board of Cosmetology and Barbering or three



1259 thousand (3,000) hours of State Board of Cosmetology and
1260 Barbering-approved apprenticeship training. In no event shall a
1261 person be allowed to practice barbering on a temporary permit
1262 beyond the date the next examination is given, except because of
1263 personal illness.

1264 (4) The ability to read, write, and speak English shall not
1265 be a requirement for licensure as a registered barber.

1266 **SECTION 26.** The following shall be codified as Section
1267 73-7-14.2, Mississippi Code of 1972:

1268 73-7-14.2 Any cosmetologist who has successfully completed
1269 not less than fifteen hundred (1500) hours in an accredited school
1270 of cosmetology, and holds a valid current license, shall be
1271 eligible to take the barber examination to secure a certificate of
1272 registration as a barber upon successfully completing six hundred
1273 (600) hours in a barber school approved by the State Board of
1274 Cosmetology and Barbering.

1275 All fees for application, examination, licensure, and renewal
1276 thereof shall be the same as provided for in this chapter.

1277 **SECTION 27.** The following shall be codified as Section
1278 73-7-39, Mississippi Code of 1972:

1279 73-7-39. On or before December 15, 2025, the Legislative
1280 PEER Committee shall conduct a review of the operations of the
1281 board and report its findings to the Legislature with
1282 recommendation on whether or not the board has carried out its
1283 mandate effectively and efficiently. PEER shall also make



1284 recommendations to the Legislature on improvements that need to be
1285 made to ensure effective and efficient operations in the future.

1286 **SECTION 28.** The following shall be codified as Section
1287 73-7-41, Mississippi Code of 1972:

1288 73-7-41. The Department of Finance and Administration, the
1289 Department of Information Technology Services, and the State
1290 Personnel Board, shall assist the boards in carrying out the
1291 consolidation required by this act.

1292 **SECTION 29.** Sections 73-5-1 through 73-5-45, Mississippi
1293 Code of 1972, which creates the State Board of Barber Examiners,
1294 are hereby repealed.

1295 **SECTION 30.** Sections 1 through 27 of this act shall take
1296 effect and be in force from and after July 1, 2024, and shall
1297 stand repealed on June 30, 2026. Section 28 of this act shall
1298 become effective from and after its passage and shall stand
1299 repealed on July 1, 2025. Section 29 of this act shall take
1300 effect and be in force from and after July 1, 2024.

