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§ 73-7-1. State board of cosmetology; membership and appointment; salaries and expenses; notice of meetings [Repealed effective July 1, 2024].

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

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

To be eligible for appointment as a member of the State Board of Cosmetology, the person applying shall have been a citizen of this state for a minimum of five (5) years immediately prior to appointment. Such person shall be at least thirty (30) years of age, possess a high school education or its equivalent, and shall have been a licensed cosmetologist with not less than ten (10) years' active practice in cosmetology. No member of the board shall be connected in any way with any school wherein cosmetology is taught, nor shall any two (2) members of the board be graduates of the same school of cosmetology.

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

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

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

History

Codes, 1942, § 8915-01; Laws, 1948, ch. 367, § 1; Laws, 1960, ch. 384, § 1; Laws, 1964, ch. 450, § 1; Laws, 1970, ch. 405.5, § 1; Laws, 1974, ch. 362, § 1; Laws, 1978, ch. 506, § 1; Laws, 1981, ch. 531, § 1; Laws, 1983, ch. 487, § 1; reenacted, Laws, 1991, ch. 553, § 1; Laws, 1992, ch. 502, § 8; reenacted, Laws, 1993, ch. 596, § 2; reenacted, Laws, 1995, ch. 383, § 1; reenacted and amended, Laws, 1997, ch. 513, § 1; reenacted without change, Laws, 2005, ch. 492, § 1; reenacted without change, Laws, 2010, ch. 487, § 1; reenacted without change, Laws, 2011, ch. 525, § 1; reenacted without change, Laws, 2013, ch. 523, § 1, eff from and after July 1, 2013; reenacted without change, Laws, 2021, ch. 470, § 1, eff from and after April 19, 2021.

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§ 73-7-2. Definitions [Repealed effective July 1, 2024].

As used in this chapter, the following terms shall have the meanings ascribed herein unless the context otherwise requires:

- (a) "Board" means the State Board of Cosmetology.
- (b) "Cosmetology" means any one (1) or a combination of the following practices if they are performed on a person's head, face, neck, shoulder, arms, hands, legs or feet for cosmetic purposes:
 - (i) Cutting, clipping or trimming hair and hair pieces.
 - (ii) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, bleaching, tinting, coloring or similarly treating hair and hair pieces.
 - (iii) Cleansing, stimulating, manipulating, beautifying or applying oils, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical apparatus.
 - (iv) Arching eyebrows, to include tweezing, waxing, threading or any other methods of epilation, or tinting eyebrows and eyelashes.
 - (v) Removing superfluous hair by the use of depilation.
 - (vi) Manicuring and pedicuring.

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

- (c) "Cosmetologist" means a person who for compensation, whether direct or indirect, engages in the practice of cosmetology.
- (d) "Esthetics" means any one (1) or a combination of the following practices:
 - (i) Massaging the face or neck of a person.
 - (ii) Arching eyebrows to include trimming, tweezing, waxing, threading or any other method of epilation or tinting eyebrows and eyelashes.
 - (iii) Tinting eyelashes or eyebrows.
 - (iv) Waxing, stimulating, cleaning or beautifying the face, neck, arms or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus, or by the use of a cosmetic preparation.

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

- (e) "Esthetician" means any person who, for compensation, either direct or indirect, engages in the practice of esthetics.
- (f) "Instructor" means a person licensed to teach cosmetology, or manicuring and pedicuring, or esthetics, or all of those, pursuant to this chapter, and shall include those persons engaged in the instruction of student instructors.
- (g) "Manicuring and pedicuring" means any one (1) or a combination of the following practices:
 - (i) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating a person's nails.
 - (ii) Applying artificial nails.
 - (iii) Massaging or cleaning a person's hands, arms, legs or feet.
- (h) "Manicurist" means a person who for compensation, either direct or indirect, engages in the practice of manicuring and pedicuring.
- (i) "Master" means a person holding a cosmetology, manicuring and esthetics license who has completed the minimum course of continuing education prescribed by Section 73-7-14.
- (j) "Salon" means an establishment operated for the purpose of engaging in the practice of cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.
- (k) "School" means an establishment, public or private, operated for the purpose of teaching cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.

History

Laws, 1987, ch. 516, § 1; reenacted, Laws, 1991, ch. 553, § 2; reenacted, Laws, 1993, ch. 596, § 3; reenacted, Laws, 1995, ch. 383, § 2; reenacted without change, Laws, 1997, ch. 513, § 2; reenacted without change, Laws, 2005, ch. 492, § 2; reenacted without change, Laws, 2010, ch. 487, § 2; reenacted without change, Laws, 2011, ch. 525, § 2; Laws, 2013, ch. 523, § 2, eff from and after July 1, 2013; reenacted and amended, Laws, 2021, ch. 470, § 2, eff from and after April 19, 2021.

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§ 73-7-3. Employees; location of offices; compensation [Repealed effective July 1, 2024].

The board shall be authorized to employ such clerical and stenographic assistance, bookkeepers, investigators and other agents as they may deem necessary to carry out the provisions of this chapter, and to fix their tenure of employment and compensation therefor. The members of the board shall file a bond with the Secretary of State in the sum of not less than Five Thousand Dollars (\$5,000.00) payable to the State of Mississippi for the faithful performance of their duties. The bond shall be made by a surety company authorized to do business in this state, the premium of the bond to be paid out of any money in the board's special fund in the State Treasury.

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

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

History

Codes, 1942, § 8915-02; Laws, 1948, ch. 367, § 2; Laws, 1952, ch. 322; Laws, 1960, ch. 384, § 2; Laws, 1964, ch. 450, § 2; Laws, 1970, ch. 405.5, § 2; Laws, 1974, ch. 363; reenacted, Laws, 1983, ch. 487, § 2; reenacted, Laws, 1991, ch. 553, § 3; Laws, 1992, ch. 502, § 9; reenacted, Laws, 1993, ch. 596, § 4; reenacted, Laws, 1995, ch. 383, § 3; reenacted and amended, Laws, 1997, ch. 513, § 3; Laws, 2000, ch. 485, § 1; reenacted without change, Laws, 2005, ch. 492, § 3; reenacted without change, Laws, 2010, ch. 487, § 3; reenacted without change, Laws, 2011, ch. 525, § 3; reenacted without change, Laws, 2013, ch. 523, § 3, eff from and after July 1, 2013; reenacted without change, Laws, 2021, ch. 470, § 3, eff from and after April 19, 2021.

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§ 73-7-5. Money received by board to be deposited in special fund; regulation of fund; audit; suspension of board members [Repealed effective July 1, 2024].

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

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

History

Codes, 1942, § 8915-03; Laws, 1948, ch. 367, § 3; Laws, 1964, ch. 450; Laws, 1983, ch. 487, § 3; reenacted, Laws, 1991, ch. 553, § 4; Laws, 1992, ch. 502, § 2; reenacted, Laws, 1993, ch. 596, § 5; reenacted, Laws, 1995, ch. 383, § 4; reenacted without change, Laws, 1997, ch. 513, § 4; reenacted without change, Laws, 2005, ch. 492, § 4; reenacted without change, Laws, 2010, ch. 487, § 4; reenacted without change, Laws, 2011, ch. 525, § 4; reenacted without change, Laws, 2013, ch. 523, § 4, eff from and after July 1, 2013; reenacted without change, Laws, 2021, ch. 470, § 4, eff from and after April 19, 2021.

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§ 73-7-7. Powers of the board [Repealed effective July 1, 2024].

(1) The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter. The board shall set up a curriculum for operation of schools of cosmetology and the other professions it is charged to regulate in this state. The board shall receive and consider for adoption recommendations for rules and regulations, school curriculum, and related matters from the Mississippi Cosmetology Council, whose membership shall consist of, in addition to the board members, five (5) elected delegates from the Mississippi Cosmetology Association, five (5) elected delegates from the Mississippi Cosmetology School Association, five (5) elected delegates from the Mississippi Independent Beauticians Association, and five (5) elected delegates from the School Owners and Teachers Association. The board may revoke the license of any cosmetologist, esthetician, manicurist, instructor, school of cosmetology, or salon, or may refuse to issue a license to any cosmetologist, esthetician, manicurist, instructor, school of cosmetology, or salon that fails or refuses to comply with the provisions of this chapter and the rules and regulations of the board in carrying out the provisions of this chapter.

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

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

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

History

Codes, 1942, § 8915-04; Laws, 1948, ch. 367, § 4; Laws, 1964, ch. 450, § 4; Laws, 1978, ch. 506, § 2; Laws, 1982, ch. 448, § 1; reenacted, Laws, 1983, ch. 483, § 4; Laws, 1987, ch. 516, § 2; reenacted, Laws, 1991, ch. 553, § 5; reenacted, Laws, 1993, ch. 596, § 6; reenacted, Laws, 1995, ch. 383, § 5; reenacted and amended, Laws, 1997, ch. 513, § 5; Laws, 2000, ch. 485, § 2; reenacted without change, Laws, 2005, ch. 492, § 5; reenacted without change, Laws, 2010, ch. 487, § 5; reenacted without change, Laws, 2011, ch. 525, § 5; Laws, 2013, ch. 523, § 5, eff from and after July 1, 2013; reenacted without change, Laws, 2021, ch. 470, § 5, eff from and after April 19, 2021.

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§ 73-7-9. Certificate of registration required [Repealed effective July 1, 2024].

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

History

Codes, 1942, § 8915-05; Laws, 1948, ch. 367, § 5; Laws, 1964, ch. 450, § 5; reenacted, Laws, 1983, ch. 487, § 5; Laws, 1987, ch. 516, § 3; reenacted, Laws, 1991, ch. 553, § 6; reenacted, Laws, 1993, ch. 596, § 7; reenacted, Laws, 1995, ch. 383, § 6; reenacted and amended, Laws, 1997, ch. 513, § 6; reenacted without change, Laws, 2005, ch. 492, § 6; reenacted without change, Laws, 2010, ch. 487, § 6; reenacted without change, Laws, 2011, ch. 525, § 6; Laws, 2013, ch. 523, § 6, eff from and after July 1, 2013; reenacted without change, Laws, 2021, ch. 470, § 6, eff from and after April 19, 2021.

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