

**THE MISSISSIPPI STATE BOARD OF  
COSMETOLOGY AND BARBERING  
RULES AND REGULATIONS**

**Title 30 Professions and Occupations  
Part 2101**

**Chapter 2 Public Records Request** Excluding records exempted under Mississippi law, the Board responds to any public records request pursuant to the Mississippi Public Records Act of 1983, MISS. CODE ANN. § 25-61-1, *et seq.*, in accordance with the following procedures:

**Rule 2.1 Submission of Request** Any request for information must be submitted in writing and either mailed or hand delivered to the address of record for the Board.

The request should describe in reasonable detail the record(s) sought and, if possible, include a clear and concise description of the record(s) desired including pertinent information such as names, date, etc. that may aid the Board in locating the requested record(s).

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

**Rule 2.2 Timetable for Processing** Any document request will be approved or denied by the Board within seven (7) working days after the request is received. In the event of a denial for all or part of the request, the executive director will provide an explanation of the denial to the requestor in writing. If the requested information is unable to be produced by the seventh (7<sup>th</sup>) day after the request is made, the Board will provide a written explanation regarding why the document(s) cannot be produced during that timeframe. Unless there is a mutual agreement of the parties, in no case shall the production of the requested record(s), after timely payment and unless otherwise exempt, be any later than fourteen (14) working days from the receipt of the request.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

**Rule 2.3 Exempt Documents** All applications for licensure including, but not limited to, exam results in the possession of the Board are exempt from the provisions of the Mississippi Public Records Act of 1983.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

**Rule 2.4 Third Party Information** Records furnished to the Board by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying, or reproduction until the third party has been advised that the documents will be released. Further, no third-party information will be released if a third party obtains a court order prohibiting the same. The requestor will be notified of any court orders that prohibit the release of the requested information.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

**Rule 2.5 Assessment of Costs to the Requestor** Prepayment by the requesting party of the cost estimated by the Board to review, notify any Third Parties, retrieve, search, duplicate, copy, and/or deliver the requested records shall be required.

Payment for information requested must be made in advance of receipt of document(s) and must be sufficient to cover the actual costs for the Board to furnish the information. Such costs include, but are not limited to, staff time to evaluate the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to deliver the information requested.

- A. An estimated cost will be provided to the requestor based on the volume of information, the format in which the information is stored and requested, and whether or not third-party information has been requested. The requestor may submit payment for processing of the request, amend the request, or withdraw the request. The requestor should submit written notice of their intent to either proceed or withdraw the request.
- B. If no response is given by the requestor within thirty (30) days of the estimated cost notification being sent, the Board will proceed no further with the request. If at a later date, the requestor decides to proceed with the request, he must submit a new request.
- C. Timely payment under paragraph B means payment received by the next business day after the estimated cost notification is provided to the requestor. By delaying the payment of the estimated fee past the next business day, the requestor acknowledges there may be a delay in the delivery of the requested documents. No request will be processed until payment is received.
- D. The decision to charge for public records is at the discretion of the executive director.

Source: MISS. CODE ANN. § 25-61-1.

**Rule 2.6 Request for Document Inspections** The requestor will be billed for the total amount of time expended by employees of the Board assisting with the inspection of documents. Additional fees incident to document production may be assessed.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

**Rule 2.7 Public Information via the Internet** Some information pertaining to the Mississippi State Board of Cosmetology and Barbering is available free of charge on the Board's webpage.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-61-1 *et seq.*

#### **Chapter 4 Proceedings on Proposed Rules**

**Rule 4.1 Oral Proceedings Allowed** The Board will conduct an oral proceeding on a proposed regulation or amendment if requested by a political subdivision, an agency, or ten (10) persons within twenty (20) days after the filing of the notice of the proposed regulation.

- A. Each request must be submitted on 8-1/2" x 11" white paper and must be printed, typewritten, or legibly handwritten.
- B. The request may be in the form of a letter addressed to the Board or in the form of a pleading as if filed with the court.
- C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
- D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

**Rule 4.2 Notification of Oral Proceeding** The date, time, and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

**Rule 4.3 Presiding Officer** The Board President or their designee, who is familiar with the substance of the proposed regulation, shall preside at the oral proceeding on a proposed regulation.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

**Rule 4.4 Public Presentations and Participation** Public participation shall be permitted at oral proceedings in accordance with the following:

- A. At an oral proceeding on a proposed regulation, persons may make oral statements and make documentary and physical submissions.
- B. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one (1) business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer, in their discretion, may allow

individuals to participate that have not previously contacted the Board.

- C. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
- D. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
- E. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
- F. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in their discretion interrupt or end the person's time where the orderly conduct of the proceeding so requires.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

**Rule 4.5 Conduct at Oral Proceedings**

- A. The presiding officer shall have authority to conduct the proceeding in their discretion for the orderly conduct of the proceeding. The presiding officer shall:
  - 1. call proceeding to order;
  - 2. give a brief synopsis of the proposed regulation, a statement of the statutory authority for the proposed regulation, and the reasons provided by the Board for the proposed regulation;
  - 3. call on those individuals who have contacted the Board about speaking in favor of or against the proposed regulation;
  - 4. allow for rebuttal statements following all participant's comments; and
  - 5. adjourn the proceeding.
- B. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that regulation-making proceeding, including any prior written submissions made by those participants in that proceeding, but no participant shall be required to answer any question.

C. Physical and documentary submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.

D. The Board may record oral proceedings by stenographic or electronic means.

Source: MISS. CODE ANN. §§ 73-7-7 & 25-43-3.104.

## **Chapter 10 Establishments: Salons/Shops**

**Rule 10.1 Unlicensed Practice Prohibited** An establishment owner must ensure that all persons performing or offering to perform any service within the scope of practice of any profession licensed by this Board are properly licensed at all times. No one shall work within the scope of practice of any profession licensed by the Board within an establishment without a valid license or permit.

An establishment may not perform or offer to perform any service within the scope of any profession licensed by this Board that is outside of the scope of the establishment's license.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-9; 73-7-35 (2).

**Rule 10.2 Enforcement** The holder of an establishment license is the owner of the establishment. The holder of the establishment license shall be responsible for the implementation and maintenance of the sanitary conditions of the establishment as well as compliance with all Board rules and regulations. Any licensee shall be held individually responsible for the implementation and maintenance of the sanitary conditions of his station and/or equipment as well as compliance with all Board rules and regulations

Source: MISS. CODE ANN. § 73-7-7.

**Rule 10.3 Posting Board Required Information** A licensed establishment must post in a conspicuous place any information or announcement so required by the Board.

Source: MISS. CODE ANN. § 73-7-7.

**Rule 10.4 Establishment License Application** All establishments where any profession licensed by the Board is practiced must also hold an establishment license. An application entitled "establishment application" available on the Board's website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Proof of business's good standing filed with the Mississippi Secretary of State, if applicable;
- B. Building permit (new construction), if applicable;
- C. Evidence of successful inspection by the county/city and fire department, if applicable;

- D. List, including quantity, of equipment in the establishment;
- E. List of all licensed practitioners associated with the establishment; and
- F. Non-refundable fee.

An establishment license is non-transferable. Any change to the establishment ownership, location (including area within a building i.e. suite), and/or name requires the submission of a new establishment license application. No license shall be issued until all fines previously assessed to the establishment have been paid in full.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-17; 73-7-35.

**Rule 10.5 Establishment License Inspection** An establishment license cannot be issued until after an inspection by the Board or a Board agent is successfully passed. The establishment inspection may be scheduled only after the submission of a complete application as per Rule 10.4. If an applicant fails to appear at the scheduled inspection date and time, the applicant must pay a re-inspection fee, unless good cause is shown in writing, before another inspection may be scheduled.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-17; 73-7-35.

**Rule 10.6 Establishment License Renewal** An establishment license must be renewed biennially. An application entitled “establishment renewal” available on the Board’s website or otherwise may be made available by the Board. The application must be accompanied by:

- A. Proof of business’s good standing filed with the Mississippi Secretary of State, if applicable;
- B. List of all licensed practitioners associated with the establishment; and
- C. Non-refundable fee.

An establishment license that is not renewed within one (1) year from the date of expiration must make a new application for licensure complying with Rule 10.4 and successfully complete the inspection described in Rule 10.5.

No license shall be renewed until all fines previously assessed to the establishment have been paid in full.

Source: MISS. CODE ANN. §§ 73-7-7; 73-7-17; 73-7-35.

**Rule 10.7 Required Equipment** A licensed establishment must maintain in a sanitary and safe operating order all of the Board required equipment. A complete list of Board required equipment is available on the Board’s website or otherwise may be made available by the Board.

Source: MISS. CODE ANN. § 73-7-7.

**Rule 10.8 Display of Barber Pole** A barber pole is a pole or cylinder with alternating stripes of any combination including, but not limited to, red and white or red, white, and blue, which run diagonally along the length of the cylinder or pole; or any depiction, rendering, or other representation of a “barber pole” that appears in any form, which would create the impression to members of the general public that a business located near the object is a licensed to offer the services of barbering.

A barber pole may be displayed only if the establishment is licensed to offer the services of barbering.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-11.

**Rule 10.9 Establishments Attached to a Residence** An establishment may be attached to a residence if:

1. There is a wall between the establishment and residence that is complete from floor to ceiling; if there is a door located within this wall, it must remain closed at all times;
2. There is an outside entrance into the establishment;
3. There is a restroom conveniently located for client use; and
4. All equipment required by Rule 10.7 is located within the establishment and not within the residence.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-33.

**Rule 10.10 Nursing Home Establishments** A nursing home is an establishment wherein residents are confined due to illness. A retirement home/community is not a nursing home.

An establishment license as issued by this Board is not required for a nursing home establishment that is part of a patient care facility if the services are restricted to only residents.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-35.

**Rule 10.11 Mobile Establishments** A mobile establishment is a self-contained, enclosed motor vehicle that is movable to different locations. Mobile establishments may not be operated in Mississippi.

Source: MISS. CODE ANN. § 73-7-7.

**Rule 10.12 Inspection** All establishments licensed by the Board shall be inspected, without prior announcement, biennially at minimum. The Board or its agent(s) may conduct an establishment inspection as part of the investigation of a complaint. Interference with an inspection

may result in the issuance of a citation for violation and may result in further discipline.

A licensee shall make his government issued photo identification available upon request of the Board or its agent(s).

An establishment shall meet all applicable health and safety standards required by local, state, and/or federal law.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-11.

**Rule 10.13 Violations Resulting from Inspection** When the Board or its agent(s) find a violation(s), a citation for violation shall be provided to the licensee on the Board's form which also includes the monetary penalty, if any, assessed for the violation. Notice shall be issued by certified mail or by personal service.

Within thirty (30) days, the licensee who received a citation for violation may invoke their right to a hearing under Chapter 12 or may waive this right and pay the monetary penalty assessed. If no hearing is requested, monetary penalty(s) should be paid within thirty (30) days and must be paid prior to the renewal of any license issued by the Board.

If an establishment with any unpaid monetary penalty is sold, such unpaid monetary penalty will be assessed to the new establishment owner. An establishment with any unpaid monetary penalty that moves locations or changes names will have any unpaid monetary penalty due and owing by the owner on file with the Board at the time of the location or name change.

Source: MISS. CODE ANN. §§ 73-7-7 & 73-7-27.