

By: Huggins (By Request)

To: Public Health and Welfare

SENATE BILL NO. 2427
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 73-5-7, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT REGULATIONS OF THE STATE BOARD OF BARBER EXAMINERS
3 RELATING TO SANITATION SHALL HAVE THE WRITTEN APPROVAL OF THE
4 STATE BOARD OF HEALTH; TO AMEND SECTION 73-5-3, MISSISSIPPI CODE
5 OF 1972, TO AUTHORIZE THE BOARD OF BARBER EXAMINERS TO EMPLOY AN
6 OFFICE ADMINISTRATOR; TO AMEND SECTION 73-5-8, MISSISSIPPI CODE OF
7 1972, TO REVISE THE QUALIFICATIONS FOR A CERTIFICATE OF
8 REGISTRATION AS A BARBER INSTRUCTOR; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 73-5-7, Mississippi Code of 1972, is
11 amended as follows:[JU1]

12 73-5-7. (1) The Board of Barber Examiners shall have
13 authority to make reasonable rules and regulations for the
14 administration of the provisions of this chapter. Provided,
15 however, that any and all rules and regulations relating to
16 sanitation shall, before adoption by the board, have the written
17 approval of the State Board of Health. The Board of Barber
18 Examiners shall adopt * * * regulations * * * for the guidance of
19 registered barbers in the operation of a shop and in the practice
20 of barbering except, however, it shall be optional with the
21 individual barber as to whether he use a mug. Any member of the
22 Board of Barber Examiners shall have the authority to enter upon
23 and inspect any barbershop or barber school at any time during
24 business hours * * *. A copy of the rules and regulations of the
25 State Board of Barber Examiners shall be furnished * * * to the
26 owner or manager of each shop and barber school affected by this
27 chapter, and such copy shall be posted in a conspicuous place in

28 such barbershop or barber school.

29 (2) The board shall have authority to establish rules and
30 regulations governing schools of barbering in this state except
31 those schools operated by a state institution of higher learning
32 or by a public community or junior college. The board shall have
33 further authority to establish curriculum for such regulated
34 schools of barbering in this state.

35 Each regulated school of barbering shall submit the following
36 to the board before enrolling students:

37 (a) The address of proposed school, and the type and
38 size of building in which the school is to be located;

39 (b) The names and addresses of owners and officers of
40 such school, and the names, addresses and instructor license
41 number of managers, supervisors and instructors of such school;

42 (c) A list of equipment and teaching aids; and

43 (d) A copy of the contract to be used between the
44 school and the student.

45 All regulated schools of barbering in the State of
46 Mississippi shall be required to maintain a surety bond in the
47 amount of Twenty-five Thousand Dollars (\$25,000.00) to ensure that
48 in the event a school ceases operation, that all unused tuition
49 fees will be refunded to the students concerned. This bond shall
50 remain in effect for the duration of the school's operation.

51 (3) The Board of Barber Examiners shall adopt rules and
52 regulations establishing a procedure for the processing and
53 investigation of complaints filed with the board. The board shall
54 keep records of all complaints, and such records shall indicate
55 the action taken on the complaints.

56 (4) The Board of Barber Examiners shall keep a record of its
57 proceedings relating to the issuance, refusal, suspension and
58 revocation of certificates of registration. The record shall also
59 contain the name, place of business and the residence of each
60 registered barber, and the date and number of his certificate of
61 registration. The record shall be open to public inspection at
62 all reasonable times.

63 SECTION 2. Section 73-5-3, Mississippi Code of 1972, is
64 amended as follows:[CRG2]

65 73-5-3. The board shall elect a president and secretary and
66 shall adopt and use a common seal for the authentication of its
67 records and orders. The secretary shall keep a record of all
68 proceedings and acts of the board and an accurate account of all
69 funds received and disbursed, which shall be considered as public
70 records.

71 The secretary shall execute and file with the Secretary of
72 State a bond in the sum of Ten Thousand Dollars (\$10,000.00)
73 conditioned according to law, the bond to be made in a surety
74 company authorized to do business in this state and approved by
75 the Governor. The premium for such bond shall be paid out of the
76 funds in the board's special fund in the State Treasury.

77 A majority of the board shall constitute a quorum, and it is
78 authorized to perform the requirements of this chapter at any
79 regular or special meeting called for that purpose.

80 The members of the board * * * shall receive as compensation
81 a per diem as provided in Section 25-3-69 and, in addition, shall
82 receive reimbursement for expenses as provided in Section 25-3-41
83 on an itemized statement filed with and approved by the office
84 administrator of the board. No member of the board shall draw a
85 per diem for more than thirty-six (36) days in any one (1)
86 calendar year, except as hereinafter provided for the president of
87 the board. Each member of the board, including the secretary, is
88 hereby authorized to receive mileage as provided in Section
89 25-3-41 for use of his automobile while engaged in the business of
90 the board. In addition to the per diem and expense reimbursement
91 herein authorized for board members, the president of the board
92 shall also receive additional per diem and expense reimbursement
93 for not to exceed twelve (12) days for attending to board
94 business, upon presenting an itemized statement of such expenses
95 to the board and approval by the board.

96 * * * The board is hereby authorized to employ an office
97 administrator to devote his full time to the business and clerical

98 work of the board and to fix the compensation of that position at
99 a salary not to exceed the sum of Thirty-five Thousand Dollars
100 (\$35,000.00) per annum * * *. The board is further authorized to
101 employ three (3) inspectors, one (1) to be appointed from each of
102 the three (3) Supreme Court districts, to make periodic
103 inspections of all barbershops throughout the state; and the
104 inspectors shall file with the board a written report of their
105 findings and recommendations. The board is further authorized to
106 employ one (1) inspector-at-large to oversee the three (3)
107 inspectors, to fill in an absence of one (1) of the three (3)
108 inspectors and to assist an inspector with problem areas. The
109 board is further authorized to employ the necessary personnel to
110 carry out the provisions of this chapter, and to maintain and pay
111 the expenses of an office to be located in the City of Jackson.
112 All per diem, salaries and expenses shall be paid exclusively from
113 the funds in the board's special fund, and salaries and expenses
114 of personnel may be disbursed monthly.

115 The board shall require such of its employees as it may
116 consider necessary to make bond and file same with the Secretary
117 of State in such sums as it may consider necessary to protect the
118 interests of the barbers of the State of Mississippi and require
119 the faithful performance of their duties.

120 SECTION 3. Section 73-5-8, Mississippi Code of 1972, is
121 amended as follows:[CRG3]

122 73-5-8. Any person is qualified to receive a certificate of
123 registration as a barber instructor who:

124 (a) Is twenty-one (21) years of age or older;
125 (b) Is of good moral and temperate habits;
126 (c) Is able to read, write and speak English;
127 (d) Possesses a high school education or its
128 equivalent;

129 (e) Has successfully completed not less than fifteen
130 hundred (1500) hours at a barbering school approved by the State

131 Board of Barber Examiners and holds a valid certificate of
132 registration to practice barbering;

133 (f) Has not less than two (2) years of active
134 experience as a registered barber; * * *

135 (g) Has passed a satisfactory examination conducted by
136 the board to determine his fitness to practice as a barber
137 instructor;

138 (h) Has maintained at least a 3.0 G.P.A in his
139 barbering course; and

140 (i) Has successfully completed not less than nine (9)
141 unit hours of academic courses, comprised of vocational
142 certification courses mandated by the State Department of
143 Education.

144 However, any person who has successfully completed not less
145 than five hundred (500) hours of barber instructor training as
146 prescribed by the board at an approved barbering school
147 immediately after successful completion of not less than fifteen
148 hundred (1500) hours of barber training shall not be required to
149 have two (2) years of active experience before he may receive a
150 certificate of registration as a barber instructor.

151 All persons who have received a certificate of registration
152 as a barber instructor from the board prior to July 1, 1985, shall
153 be considered to have met the requirements of this section, and
154 all such certificates of registration shall be renewable as
155 otherwise provided in this chapter.

156 The board will implement an active and inactive instructor
157 license. Instructors holding an active license shall be required
158 to submit proof of twelve (12) hours of continuing education each
159 year to the Board of Barber Examiners. Such education shall be
160 acquired in classes or trade shows teaching materials that are
161 approved by the board. Instructors holding an inactive license
162 shall be required to submit proof of twelve (12) hours continuing
163 education prior to upgrading to an active status.

164 SECTION 4. This act shall take effect and be in force from
165 and after July 1, 2000.