

By: Senator(s) Thames

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2326  
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 73-5-1 THROUGH 73-5-43,  
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF BARBER  
3 EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND REENACTED  
4 SECTION 73-5-1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
5 APPOINTMENT OF BOARD MEMBERS FROM THE NEW CONGRESSIONAL DISTRICTS;  
6 TO AMEND REENACTED SECTION 73-5-3, MISSISSIPPI CODE OF 1972, TO  
7 REVISE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF BARBER  
8 EXAMINERS; AND TO AUTHORIZE THE BOARD TO EMPLOY AN ADDITIONAL  
9 INSPECTOR; TO AMEND REENACTED SECTION 73-5-8, MISSISSIPPI CODE OF  
10 1972, TO REVISE THE QUALIFICATIONS FOR A BARBER INSTRUCTOR  
11 CERTIFICATE; TO AMEND REENACTED SECTION 73-5-21, MISSISSIPPI CODE  
12 OF 1972, TO AUTHORIZE THE BOARD TO TEST PRACTICING BARBERS FROM  
13 ANOTHER STATE WHO APPLY FOR A CERTIFICATE; TO AMEND REENACTED  
14 SECTION 73-5-29, MISSISSIPPI CODE OF 1972, TO REVISE THE FEES FOR  
15 EXAMINATION, CERTIFICATE AND RENEWAL; TO AMEND REENACTED SECTION  
16 73-5-33, MISSISSIPPI CODE OF 1972, TO REVISE THE FEE FOR EACH  
17 CHAIR MANNED BY A REGISTERED BARBER IN A SHOP; TO AMEND REENACTED  
18 SECTION 73-5-35, MISSISSIPPI CODE OF 1972, TO REVISE THE ANNUAL  
19 LICENSE FEES IMPOSED ON ALL BARBER SCHOOLS; TO AMEND SECTION  
20 73-5-45, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC  
21 REPEALER ON THOSE STATUTES THAT CREATE AND EMPOWER THE STATE BOARD  
22 OF BARBER EXAMINERS; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Section 73-5-1, Mississippi Code of 1972, is  
25 reenacted and amended as follows:

26 73-5-1. The State Board of Barber Examiners is \* \* \*  
27 continued and reconstituted as follows: The Board of Barber  
28 Examiners shall consist of five (5) members, to be appointed by  
29 the Governor, with the advice and consent of the Senate, one (1)  
30 member to be appointed from each of the congressional districts as  
31 existing on January 1, 1991. Each member shall be a practical  
32 barber and a qualified elector of this state. He shall have been  
33 engaged in the practice of barbering in the State of Mississippi  
34 for at least five (5) years immediately before the time of his  
35 appointment and shall be a person of good moral character. From  
36 and after July 1, 1983, the appointments to the board shall be  
37 made in the manner hereinafter provided, and the present members



38 of the State Board of Barber Examiners whose terms have not  
39 expired by July 1, 1983, shall continue to serve until their  
40 successors \* \* \* have been appointed and qualified. The Governor  
41 shall appoint, with the advice and consent of the Senate, five (5)  
42 members from the congressional districts as follows: The member  
43 from the First Congressional District shall be appointed for a  
44 term of two (2) years to commence on July 1, 1983; the member from  
45 the Second Congressional District shall be appointed for a term of  
46 four (4) years to commence on July 1, 1984; the member from the  
47 Third Congressional District shall be appointed for a term of two  
48 (2) years to commence on July 1, 1983; the member from the Fourth  
49 Congressional District shall be appointed for a term of four (4)  
50 years to commence on July 1, 1984; and the member from the Fifth  
51 Congressional District shall be appointed for a term of one (1)  
52 year to commence on July 1, 1983. The members of the board as  
53 constituted on July 1, 2002, whose terms have not expired shall  
54 serve the balance of their terms, after which time the membership  
55 of the board shall be appointed as follows: There shall be  
56 appointed one (1) member of the board from each of the four (4)  
57 Mississippi congressional districts as they currently exist, and  
58 one (1) from the state at large, and the Governor shall make  
59 appointments from the congressional district having the smallest  
60 number of board members until the membership includes one (1)  
61 member from each district as required. From and after July 1,  
62 2002, no member of the board who is connected in any way with any  
63 barbering school shall participate in the administration of  
64 examinations of barber applicants. From and after July 1, 2004,  
65 no member of the board shall be connected in any way with any  
66 school in which barbering is taught.

67 \* \* \* All members of the board shall be appointed by the  
68 Governor, with the advice and consent of the Senate, for terms of  
69 four (4) years each from the expiration date of the previous term,  
70 until their successors \* \* \* have been appointed and qualified.



71 No member of the board shall hold any elected office.  
72 Appointments made to fill a vacancy of a term shall be made by the  
73 Governor within sixty (60) days after the vacancy occurs.

74 The Governor may remove any one or more members of the board  
75 for just cause. Members appointed to fill vacancies caused by  
76 death, resignation or removal of any member or members shall serve  
77 only for the unexpired term of their predecessors. Any member who  
78 does not attend two (2) consecutive meetings of the board for  
79 reasons other than illness of the member shall be subject to  
80 removal by the Governor. The president of the board shall notify  
81 the Governor in writing when any such member has failed to attend  
82 two (2) consecutive regular meetings.

83 **SECTION 2.** Section 73-5-3, Mississippi Code of 1972, is  
84 reenacted and amended as follows:

85 73-5-3. The board shall elect a president and secretary and  
86 shall adopt and use a common seal for the authentication of its  
87 records and orders. The secretary shall keep a record of all  
88 proceedings and acts of the board and an accurate account of all  
89 funds received and disbursed, which shall be considered as public  
90 records.

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

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

100 \* \* \*

101 Each member of the board shall receive per diem in accordance  
102 with Section 25-3-69 when actually attending to the work of the  
103 board or any of its committees, and shall be reimbursed for



104 traveling expenses in accordance with Section 25-3-41 in carrying  
105 out the provisions of this chapter. \* \* \* The board may employ an  
106 office administrator with compensation to be established by the  
107 State Personnel Board, and the office administrator shall devote  
108 his full time to the business and clerical work of the board. The  
109 board may employ four (4) inspectors, one (1) to be appointed from  
110 each of the three (3) Supreme Court districts and one (1) to be  
111 appointed from the state at large, to make periodic inspections of  
112 all barbershops throughout the state \* \* \*. The board may employ  
113 the necessary personnel to carry out the provisions of this  
114 chapter, and \* \* \* maintain and pay the expenses of an office to  
115 be located in the City of Jackson. All per diem, salaries and  
116 expenses shall be paid exclusively from the funds in the board's  
117 special fund, and salaries and expenses of personnel may be  
118 disbursed monthly.

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

124 **SECTION 3.** Section 73-5-5, Mississippi Code of 1972, is  
125 reenacted as follows:

126 73-5-5. (1) All fees and any other monies received by the  
127 board shall be deposited in a special fund that is created in the  
128 State Treasury and shall be used for the implementation and  
129 administration of this chapter when appropriated by the  
130 Legislature for such purpose. The monies in the special fund  
131 shall be subject to all provisions of the state budget laws that  
132 are applicable to special fund agencies, and disbursements from  
133 the special fund shall be made by the State Treasurer only upon  
134 warrants issued by the State Fiscal Officer upon requisitions  
135 signed by the president of the board and countersigned by the  
136 secretary of the board. Any interest earned on this special fund



137 shall be credited by the State Treasurer to the fund and shall not  
138 be paid into the State General Fund. Any unexpended monies  
139 remaining in the special fund at the end of a fiscal year shall  
140 not lapse into the State General Fund.

141 (2) The State Auditor shall audit the financial affairs of  
142 the board and the transactions involving the special fund at least  
143 once a year in the same manner as for other special fund agencies.  
144 In addition, the Governor, in his discretion, shall have the power  
145 from time to time to require an audit of the financial affairs of  
146 the board, the same to be made by the State Auditor upon request  
147 of the Governor. The Governor shall have the power to suspend any  
148 member of the board who shall be found short in any account until  
149 such time as it shall be definitely determined whether such  
150 shortage was the result of an act of dishonesty on the part of the  
151 member.

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

154 73-5-7. (1) The Board of Barber Examiners shall have  
155 authority to make reasonable rules and regulations for the  
156 administration of the provisions of this chapter. Provided,  
157 however, that any and all rules and regulations relating to  
158 sanitation shall, before adoption by the board, have the written  
159 approval of the State Board of Health. The Board of Barber  
160 Examiners shall adopt regulations for the guidance of registered  
161 barbers in the operation of a shop and in the practice of  
162 barbering except, however, it shall be optional with the  
163 individual barber as to whether he or she uses a mug. Any member  
164 of the Board of Barber Examiners shall have the authority to enter  
165 upon and inspect any barbershop or barber school at anytime during  
166 business hours. A copy of the rules and regulations of the State  
167 Board of Barber Examiners shall be furnished to the owner or  
168 manager of each shop and barber school affected by this chapter,



169 and such copy shall be posted in a conspicuous place in such  
170 barbershop or barber school.

171 (2) The board shall have authority to establish rules and  
172 regulations governing schools of barbering in this state except  
173 those schools operated by a state institution of higher learning  
174 or by a public community or junior college. The board shall have  
175 further authority to establish curriculum for such regulated  
176 schools of barbering in this state.

177 Each regulated school of barbering shall submit the following  
178 to the board before enrolling students:

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

181 (b) The names and addresses of owners and officers of  
182 such school, and the names, addresses and instructor license  
183 number of managers, supervisors and instructors of such school;

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

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

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

193 (3) The Board of Barber Examiners shall adopt rules and  
194 regulations establishing a procedure for the processing and  
195 investigation of complaints filed with the board. The board shall  
196 keep records of all complaints, and such records shall indicate  
197 the action taken on the complaints.

198 (4) The Board of Barber Examiners shall keep a record of its  
199 proceedings relating to the issuance, refusal, suspension and  
200 revocation of certificates of registration. The record shall also  
201 contain the name, place of business and the residence of each



202 registered barber, and the date and number of his certificate of  
203 registration. The record shall be open to public inspection at  
204 all reasonable times.

205 **SECTION 5.** Section 73-5-8, Mississippi Code of 1972, is  
206 reenacted and amended as follows:

207 73-5-8. Any person is qualified to receive a certificate of  
208 registration as a barber instructor who:

209 (a) Is twenty-one (21) years of age or older;

210 (b) Is of good moral and temperate habits;

211 (c) Is able to read, write and speak English;

212 (d) Possesses a high school education or its

213 equivalent \* \* \*;

214 (e) Has successfully completed not less than fifteen  
215 hundred (1500) hours at a barbering school approved by the State  
216 Board of Barber Examiners and holds a valid certificate of  
217 registration to practice barbering;

218 (f) Has not less than two (2) years of active  
219 experience as a registered barber; \* \* \*

220 (g) Has passed a satisfactory examination conducted by  
221 the board to determine his fitness to practice as a barber  
222 instructor; and

223 (h) Has successfully completed not less than six  
224 hundred (600) hours of barber instructor training at a school  
225 approved by the board.

226 \* \* \*

227 All persons who have received a certificate of registration  
228 as a barber instructor from the board before July 1, 2002, shall  
229 be considered to have met the requirements of this section, and  
230 all those certificates of registration shall be renewable as  
231 otherwise provided in this chapter.

232 The board will implement an active and inactive instructor  
233 license. In order to renew an active license, instructors holding  
234 an active license shall be required to submit proof of twelve (12)



235 hours of continuing education each year to the Board of Barber  
236 Examiners. That education shall be acquired in classes or trade  
237 shows teaching materials that are approved by the board.  
238 Instructors holding an inactive license shall be required to  
239 submit proof of twelve (12) hours continuing education before  
240 upgrading to an active status.

241 **SECTION 6.** Section 73-5-9, Mississippi Code of 1972, is  
242 reenacted as follows:

243 73-5-9. No person shall practice or attempt to practice  
244 barbering in the State of Mississippi without a certificate of  
245 registration as a registered barber issued pursuant to the  
246 provisions of this chapter.

247 No person shall be a barber instructor in the State of  
248 Mississippi without a certificate of registration as a barber  
249 instructor issued pursuant to the provisions of this chapter.

250 **SECTION 7.** Section 73-5-11, Mississippi Code of 1972, is  
251 reenacted as follows:

252 73-5-11. (1) To be eligible for enrollment at a barbering  
253 school approved by the Board of Barber Examiners, a person shall  
254 have a high school education or its equivalent, and/or shall have  
255 satisfactorily passed the ability-to-benefit examinations approved  
256 by the U.S. Department of Education.

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

259 (a) Who is qualified under the provisions of this  
260 chapter;

261 (b) Who is of good moral character and temperate  
262 habits;

263 (c) Who has completed not less than fifteen hundred  
264 (1500) hours at a barbering school approved by the State Board of  
265 Barber Examiners; and





266 (d) Who has passed a satisfactory examination conducted  
267 by the board of examiners to determine his fitness to practice  
268 barbering.

269 (3) A temporary permit to practice barbering until the next  
270 examination is given may be issued to a student who has completed  
271 not less than fifteen hundred (1500) hours at a barbering school  
272 approved by the Board of Barber Examiners. In no event shall a  
273 person be allowed to practice barbering on a temporary permit  
274 beyond the date the next examination is given, except because of  
275 personal illness.

276 **SECTION 8.** Section 73-5-12, Mississippi Code of 1972, is  
277 reenacted as follows:

278 73-5-12. Any cosmetologist who can read, write and speak  
279 English and has successfully completed not less than fifteen  
280 hundred (1500) hours in an accredited school of cosmetology, and  
281 holds a valid, current license, shall be eligible to take the  
282 barber examination to secure a certificate of registration as a  
283 barber upon successfully completing five hundred (500) hours in a  
284 barber school approved by the Board of Barber Examiners.

285 All fees for application, examination, registration and  
286 renewal thereof shall be the same as provided for in this chapter.

287 **SECTION 9.** Section 73-5-15, Mississippi Code of 1972, is  
288 reenacted as follows:

289 73-5-15. Each applicant for an examination shall:

290 Make application to the Board of Barber Examiners on blank  
291 forms prepared and furnished by the board, such application to  
292 contain proof under the applicant's oath for the particular  
293 qualifications of the applicant; and,

294 Furnish to the board, at the time of the filing of such  
295 application, two (2) five inch (5") X three inch (3") signed  
296 photographs of the applicant, one (1) to accompany the  
297 application, and one (1) to be returned to the applicant to be



298 presented to the board when the applicant appears for examination;  
299 and,

300 Pay to the board the required fee.

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

304 **SECTION 10.** Section 73-5-17, Mississippi Code of 1972, is  
305 reenacted as follows:

306 73-5-17. The Board of Barber Examiners shall conduct  
307 examinations of applicants for certificates of registration to  
308 practice as registered barbers not less than three (3) times a  
309 year, which examination shall be had in some town or city selected  
310 by the examining board. Examinations of applicants for  
311 certificates of registration as barber instructors shall be  
312 conducted at a time and place selected by the examining board.

313 The examination of applicants for certificates of  
314 registration as registered barbers shall include both a practical  
315 demonstration and a written and oral test, and shall embrace the  
316 subjects usually practiced in a duly licensed shop of Mississippi  
317 under the direct and personal supervision of a registered barber.  
318 The examination of applicants for certificates of registration as  
319 barber instructors shall include such subjects as the board deems  
320 necessary to determine the applicant's fitness to practice as a  
321 barber instructor.

322 **SECTION 11.** Section 73-5-19, Mississippi Code of 1972, is  
323 reenacted as follows:

324 73-5-19. Whenever the applicable provisions of this chapter  
325 have been complied with, the Board of Barber Examiners shall issue  
326 a certificate of registration as a registered barber or barber  
327 instructor, as the case may be.

328 **SECTION 12.** Section 73-5-21, Mississippi Code of 1972, is  
329 reenacted and amended as follows:



330           73-5-21. Any person possessed of the following  
331 qualifications shall, upon payment of the required fee, receive a  
332 certificate of registration as a registered barber:

333           (a) Is at least eighteen (18) years old;

334           (b) Is of good moral character and temperate habits;

335 and

336           (c) Either has a license or certificate of registration  
337 as a practicing barber in another state or country that has  
338 substantially the same requirements for licensing or registration  
339 of barbers as are contained in this chapter, or can prove by sworn  
340 affidavits that he has lawfully practiced as a barber in another  
341 state or country for at least five (5) years immediately before  
342 making application in this state, or can show to the satisfaction  
343 of the board that he had held a rating in a branch of the military  
344 service for two (2) or more years that required him to perform the  
345 duties of a barber.

346           In addition to the above, the board may require the applicant  
347 to successfully demonstrate sufficient knowledge of the Barber Law  
348 of the State of Mississippi, as well as sufficient practical skill  
349 by requiring the applicant to take a practical examination  
350 approved by the board.

351           **SECTION 13.** Section 73-5-25, Mississippi Code of 1972, is  
352 reenacted as follows:

353           73-5-25. (1) The Board of Barber Examiners may refuse to  
354 issue, or may suspend definitely or indefinitely, or revoke any  
355 certificate of registration for any one or a combination of the  
356 following causes:

357           (a) Conviction of a felony shown by a certified copy of  
358 the judgment of court in which such conviction is had, unless upon  
359 a full and unconditional pardon of such convict, and upon  
360 satisfactory showing that such convict will in the future conduct  
361 himself in a law-abiding way.

362           (b) Gross malpractice or gross incompetency.



363 (c) Continued practice by a person knowingly having an  
364 infectious or contagious disease.

365 (d) Advertising, practicing or attempting to practice  
366 under a trade name or name other than one's own.

367 (e) Habitual drunkenness or habitual addiction to the  
368 use of morphine, cocaine or habit forming drug.

369 (f) Immoral or unprofessional conduct.

370 (g) Violation of regulations that may be prescribed as  
371 provided for in Section 73-5-7 and the commission of any of the  
372 offenses set forth in Section 73-5-43.

373 (2) In addition to the causes specified in subsection (1) of  
374 this section, the board shall be authorized to suspend the  
375 certificate of registration of any person for being out of  
376 compliance with an order for support, as defined in Section  
377 93-11-153. The procedure for suspension of a certificate for  
378 being out of compliance with an order for support, and the  
379 procedure for the reissuance or reinstatement of a certificate  
380 suspended for that purpose, and the payment of any fees for the  
381 reissuance or reinstatement of a certificate suspended for that  
382 purpose, shall be governed by Section 93-11-157 or 93-11-163. If  
383 there is any conflict between any provision of Section 93-11-157  
384 or 93-11-163 and any provision of this chapter, the provisions of  
385 Section 93-11-157 or 93-11-163, as the case may be, shall control.

386 **SECTION 14.** Section 73-5-27, Mississippi Code of 1972, is  
387 reenacted as follows:

388 73-5-27. The Board of Barber Examiners may neither refuse to  
389 suspend or revoke, nor revoke or suspend any certificate of  
390 registration as a registered barber or barber instructor, for any  
391 of the causes enumerated in this chapter, unless the holder of  
392 such certificate has been given at least twenty (20) days' notice,  
393 in writing by registered mail, signed by the President and  
394 Secretary of the Board of Barber Examiners, setting forth the  
395 charges against such holder of such certificate and naming the



396 time and place for a hearing upon said charge or charges, and a  
397 public hearing thereof by the Board of Barber Examiners.

398 Upon the hearing of any such charge or charges the board may  
399 issue all subpoenas for all necessary witnesses for and against  
400 the accused, and require their attendance upon such hearing, may  
401 administer oaths, and may procure by process the production of all  
402 necessary books and papers, bearing or touching upon such charges  
403 against the accused.

404 **SECTION 15.** Section 73-5-29, Mississippi Code of 1972, is  
405 reenacted and amended as follows:

406 73-5-29. The fee for taking an examination as a registered  
407 barber shall be in the sum of not more than Fifty-five Dollars  
408 (\$55.00), and the further sum of not more than Thirty-five Dollars  
409 (\$35.00) shall be required for the issuance of a certificate for  
410 the registered barber. The fee for taking an examination as a  
411 registered barber instructor shall be in the sum of not more than  
412 Fifty-five Dollars (\$55.00), and the further sum of not more than  
413 Forty Dollars (\$40.00) shall be required for the issuance of a  
414 certificate of registration for the registered barber instructor.  
415 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall  
416 be required for the issuance of a certificate of registration to a  
417 practicing barber of another state as authorized by Section  
418 73-5-21. Likewise, an annual renewal fee payable on the  
419 anniversary date of the issuance of each certificate of  
420 registration as a registered barber of not more than Thirty-five  
421 Dollars (\$35.00) shall be charged for the issuance of the renewal  
422 of the certificate; an annual renewal fee payable on the  
423 anniversary date of the issuance of each certificate of  
424 registration as a registered barber instructor of not more than  
425 Forty Dollars (\$40.00) shall be charged for the issuance of the  
426 renewal of the certificate; however, the renewal fee for a  
427 registered barber who is sixty-five (65) years of age or older  
428 shall be not more than Thirty Dollars (\$30.00). A fee of Ten



429 Dollars (\$10.00) for each year or any portion thereof in addition  
430 to payment of all unpaid renewal fees in arrears and the regular  
431 renewal fee shall be required for the restoration of expired  
432 certificates of registration issued pursuant to this chapter.  
433 Additionally, in order to restore any certificate of registration  
434 issued under this chapter that has been expired for a period of  
435 five (5) years or longer, the holder thereof must retake and pass  
436 the appropriate examination. A penalty of Ten Dollars (\$10.00) in  
437 addition to payment of all unpaid renewal fees in arrears and the  
438 regular renewal fee shall be required for the restoration of  
439 certificates that have expired for a period of thirty (30) to  
440 sixty (60) days. A penalty of Twenty-five Dollars (\$25.00) in  
441 addition to payment of all unpaid renewal fees in arrears and the  
442 regular renewal fee shall be required for the restoration of  
443 certificates that have been expired for a period greater than  
444 sixty (60) days.

445 The board may adopt and spread upon its minutes the rules and  
446 regulations for the issuance of a duplicate certificate for which  
447 a fee of not more than Ten Dollars (\$10.00) may be charged.  
448 However, each duplicate certificate issued shall have stamped  
449 across its face the word "duplicate" and shall bear the number of  
450 the original certificate in lieu of which it is issued.

451 **SECTION 16.** Section 73-5-31, Mississippi Code of 1972, is  
452 reenacted as follows:

453 73-5-31. The board is hereby authorized to receive  
454 applications for and give examinations to persons who have not  
455 become legal residents of the State of Mississippi when such  
456 applicants comply with the laws and regulations of said board and  
457 are authorized to issue a certificate or license, as the case may  
458 be, as fully as if said applicant was a resident of the State of  
459 Mississippi. However, the board is authorized to charge a sum of  
460 not more than Twenty Dollars (\$20.00) in addition to the other  
461 fees charged a resident applicant to cover the necessary expenses



462 in making any investigation or obtaining information concerning  
463 said applicant. Upon the successful compliance with the laws of  
464 this state, such nonresident may be issued a certificate or  
465 license as a resident.

466 **SECTION 17.** Section 73-5-33, Mississippi Code of 1972, is  
467 reenacted and amended as follows:

468 73-5-33. (1) The board shall issue a license for each  
469 barbershop in operation in the State of Mississippi, and the board  
470 shall prescribe the rules and regulations and circulate the  
471 information necessary to obtain a license for the barbershop. A  
472 fee of not more than Fifteen Dollars (\$15.00) for each chair  
473 manned by a registered barber located in the shop shall be  
474 required for the issuance of the license, and the same fee shall  
475 be required for a renewal of the license to the shop, the renewal  
476 due on the anniversary date of each year. A fee of not more than  
477 Twenty-five Dollars (\$25.00) in addition to the regular renewal  
478 fee shall be required for restoration of any license that has  
479 expired for more than thirty (30) days. Any barbershop license  
480 having passed the second year anniversary date, in delinquency,  
481 shall be required to have a new shop inspection and shall  
482 hereafter pay an initial fee of not more than Forty-five Dollars  
483 (\$45.00) in addition to all other fees required for restoration.

484 (2) All barbershop owners shall be responsible for employing  
485 only licensed barbers in the shop. Any barbershop owner found by  
486 the Board of Barber Examiners to employ an unlicensed barber or  
487 barbers shall be fined One Hundred Fifty Dollars (\$150.00) payable  
488 into the State General Fund, and shall be subject to closure until  
489 those violations are corrected. Any barbershop operating within  
490 the State of Mississippi without a license after July 1, 1968,  
491 shall be subjected to closing by a proper order of a court of  
492 competent jurisdiction upon a proper showing that it has failed to  
493 comply with the terms of this chapter.



494 (3) The board may assess against any barbershop owner found  
495 to employ an unlicensed barber or barbers any of the following  
496 costs that are expended by the board in the conduct of a  
497 proceeding for violation of subsection (2): court filing fees,  
498 court costs and the cost of serving process. Any monies collected  
499 by the board under this subsection (3) shall be deposited into the  
500 special fund operating account of the board.

501 (4) All new barbershops or change of ownership or location  
502 of barbershops shall hereafter pay an initial fee of not more than  
503 Twenty-five Dollars (\$25.00) in addition to all other fees  
504 required before beginning business. The fee shall not be  
505 transferable upon change of ownership or location.

506 (5) All licensees shall notify the State Board of Barber  
507 Examiners of the location of the barbershop at which they are  
508 employed.

509 **SECTION 18.** Section 73-5-35, Mississippi Code of 1972, is  
510 reenacted and amended as follows:

511 73-5-35. All barber schools operated in this state shall pay  
512 an annual license fee of One Hundred Dollars (\$100.00) and the  
513 same fee shall be required for renewal of the license to each such  
514 school on July 1 of each year. A fee of not more than Twenty-five  
515 Dollars (\$25.00) shall be required for restoration of an expired  
516 license that has been expired for a period of at least thirty (30)  
517 days of the renewal date.

518 The license to operate those schools shall be issued by the  
519 Board of Barber Examiners after approval by the board. This  
520 license shall not be transferable for any cause and must be  
521 renewed annually.

522 All barber schools operated in this state shall be under the  
523 direct supervision of a registered barber instructor at all times.

524 **SECTION 19.** Section 73-5-37, Mississippi Code of 1972, is  
525 reenacted as follows:





526           73-5-37. Every registered barber and barber instructor who  
527 continues in active practice or service shall annually on or  
528 before the anniversary date of the issuance of his certificate of  
529 registration renew the certificate by paying the required fee and  
530 meeting all applicable requirements of the State Board of Health.  
531 Every certificate of registration which has not been renewed  
532 within thirty (30) days of its anniversary date shall expire. A  
533 registered barber or barber instructors whose certificate of  
534 registration has expired may have his certificate restored  
535 immediately upon payment of the renewal fee plus the required  
536 restoration fee.

537           **SECTION 20.** Section 73-5-39, Mississippi Code of 1972, is  
538 reenacted as follows:

539           73-5-39. Any one or any combination of the following  
540 practices (when done upon the upper part of the human body for  
541 cosmetic purposes and not for the treatment of diseases, or  
542 physical or mental ailment, and when done for payment either  
543 directly or indirectly, or without payment, for the public  
544 generally) constitutes the practice of barbering:

545           Shaving, trimming the beard or cutting the hair;

546           Giving facial or scalp massages or treatments with oils,  
547 creams, lotions or other preparations, either by hand or  
548 mechanical devices;

549           Singeing, shampooing, coloring or dyeing of the hair or  
550 beard, or any chemical services as pertains to hair perms, hair  
551 color or straightening;

552           Applying cosmetic preparations, antiseptics, powders, clays  
553 or lotions to scalp, face, neck or upper part of the body.

554           **SECTION 21.** Section 73-5-41, Mississippi Code of 1972, is  
555 reenacted as follows:

556           73-5-41. The following persons are exempt from the  
557 provisions of this chapter, wholly in the proper discharge of  
558 their professional duties, to wit:



559 Persons authorized by the law of Mississippi to practice  
560 medicine and surgery.

561 Commissioned medical or surgical officers of the United  
562 States Army, Navy or Marine hospital service.

563 Registered nurses.

564 Cosmetologists, and nothing in this chapter shall affect the  
565 jurisdiction of the State Board of Cosmetology.

566 The provision of this section shall not be construed to  
567 authorize any of the persons exempted to shave, trim the beard, or  
568 cut the hair of any person, or perform any other act that  
569 constitutes barbering, for cosmetic purposes, with the exception  
570 of persons licensed by the State Board of Cosmetology.

571 **SECTION 22.** Section 73-5-43, Mississippi Code of 1972, is  
572 reenacted as follows:

573 73-5-43. Each of the following constitutes a misdemeanor,  
574 punishable in any court of competent jurisdiction, upon conviction  
575 thereof, by a fine of not less than Twenty-five Dollars (\$25.00)  
576 nor more than Two Hundred Dollars (\$200.00), to-wit:

577 The violation of any of the provisions of Section 73-5-9; or  
578 Obtaining or attempting to obtain a certificate of  
579 registration for money other than the required fee, or any other  
580 thing of value, or by fraudulent misrepresentation; or

581 Practicing or attempting to practice by fraudulent  
582 misrepresentations; or

583 The willful failure to display a certificate of registration  
584 as required by Section 73-5-23; or

585 The use of any room or place for barbering which is also used  
586 for residential or business purpose (except for the sale of hair  
587 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco  
588 and such commodities as are used or sold in a barbershop) unless a  
589 substantial partition of ceiling height separates the portion used  
590 for the residence or business purpose from that in which such  
591 practice of barbering is carried on.



592           **SECTION 23.** Section 73-5-45, Mississippi Code of 1972, is  
593 reenacted and amended as follows:

594           73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code  
595 of 1972, which create the State Board of Barber Examiners and  
596 prescribe its duties and powers, shall stand repealed as of July  
597 1, 2004.

598           **SECTION 24.** This act shall take effect and be in force from  
599 and after June 30, 2002.

