

By: Representative Watson

To: Public Health and Human  
Services

## HOUSE BILL NO. 283

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 SECTION  
4 73-5-45, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE  
5 REPEALER ON THE SECTION OF LAW THAT CREATES THE STATE BOARD OF  
6 BARBER EXAMINERS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 73-5-1, Mississippi Code of 1972, is  
9 reenacted as follows:

10 73-5-1. The State Board of Barber Examiners is continued and  
11 reconstituted as follows: The Board of Barber Examiners shall  
12 consist of five (5) members, to be appointed by the Governor, with  
13 the advice and consent of the Senate, one (1) member to be  
14 appointed from each of the congressional districts as existing on  
15 January 1, 1991. Each member shall be a practical barber and a  
16 qualified elector of this state. He shall have been engaged in  
17 the practice of barbering in the State of Mississippi for at least  
18 five (5) years immediately before the time of his appointment and  
19 shall be a person of good moral character. From and after July 1,  
20 1983, the appointments to the board shall be made in the manner  
21 hereinafter provided, and the present members of the State Board  
22 of Barber Examiners whose terms have not expired by July 1, 1983,  
23 shall continue to serve until their successors have been appointed  
24 and qualified. The Governor shall appoint, with the advice and  
25 consent of the Senate, five (5) members from the congressional  
26 districts as follows: The member from the First Congressional  
27 District shall be appointed for a term of two (2) years to  
28 commence on July 1, 1983; the member from the Second Congressional  
29 District shall be appointed for a term of four (4) years to

30 commence on July 1, 1984; the member from the Third Congressional  
31 District shall be appointed for a term of two (2) years to  
32 commence on July 1, 1983; the member from the Fourth Congressional  
33 District shall be appointed for a term of four (4) years to  
34 commence on July 1, 1984; and the member from the Fifth  
35 Congressional District shall be appointed for a term of one (1)  
36 year to commence on July 1, 1983. The members of the board as  
37 constituted on July 1, 2002, whose terms have not expired shall  
38 serve the balance of their terms, after which time the membership  
39 of the board shall be appointed as follows: There shall be  
40 appointed one (1) member of the board from each of the four (4)  
41 Mississippi congressional districts as they currently exist, and  
42 one (1) from the state at large, and the Governor shall make  
43 appointments from the congressional district having the smallest  
44 number of board members until the membership includes one (1)  
45 member from each district as required. From and after July 1,  
46 2002, no member of the board who is connected in any way with any  
47 barbering school shall participate in the administration of  
48 examinations of barber applicants. From and after July 1, 2004,  
49 no member of the board shall be connected in any way with any  
50 school in which barbering is taught.

51 All members of the board shall be appointed by the  
52 Governor, with the advice and consent of the Senate, for terms of  
53 four (4) years each from the expiration date of the previous term,  
54 until their successors have been appointed and qualified. No  
55 member of the board shall hold any elected office. Appointments  
56 made to fill a vacancy of a term shall be made by the Governor  
57 within sixty (60) days after the vacancy occurs.

58 The Governor may remove any one or more members of the board  
59 for just cause. Members appointed to fill vacancies caused by  
60 death, resignation or removal of any member or members shall serve  
61 only for the unexpired term of their predecessors. Any member who  
62 does not attend two (2) consecutive meetings of the board for

63 reasons other than illness of the member shall be subject to  
64 removal by the Governor. The president of the board shall notify  
65 the Governor in writing when any such member has failed to attend  
66 two (2) consecutive regular meetings.

67 **SECTION 2.** Section 73-5-3, Mississippi Code of 1972, is  
68 reenacted as follows:

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

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

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

84 Each member of the board shall receive per diem in accordance  
85 with Section 25-3-69 when actually attending to the work of the  
86 board or any of its committees, and shall be reimbursed for  
87 traveling expenses in accordance with Section 25-3-41 in carrying  
88 out the provisions of this chapter. The board may employ an  
89 office administrator with compensation to be established by the  
90 State Personnel Board, and the office administrator shall devote  
91 his full time to the business and clerical work of the board. The  
92 board may employ four (4) inspectors, one (1) to be appointed from  
93 each of the three (3) Supreme Court districts and one (1) to be  
94 appointed from the state at large, to make periodic inspections of  
95 all barbershops throughout the state. The board may employ the

96 necessary personnel to carry out the provisions of this chapter,  
97 and maintain and pay the expenses of an office to be located in  
98 the City of Jackson. All per diem, salaries and expenses shall be  
99 paid exclusively from the funds in the board's special fund, and  
100 salaries and expenses of personnel may be disbursed monthly.

101 The board shall require such of its employees as it may  
102 consider necessary to make bond and file same with the Secretary  
103 of State in such sums as it may consider necessary to protect the  
104 interests of the barbers of the State of Mississippi and require  
105 the faithful performance of their duties.

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

108 73-5-5. (1) All fees and any other monies received by the  
109 board shall be deposited in a special fund that is created in the  
110 State Treasury and shall be used for the implementation and  
111 administration of this chapter when appropriated by the  
112 Legislature for such purpose. The monies in the special fund  
113 shall be subject to all provisions of the state budget laws that  
114 are applicable to special fund agencies, and disbursements from  
115 the special fund shall be made by the State Treasurer only upon  
116 warrants issued by the State Fiscal Officer upon requisitions  
117 signed by the president of the board and countersigned by the  
118 secretary of the board. Any interest earned on this special fund  
119 shall be credited by the State Treasurer to the fund and shall not  
120 be paid into the State General Fund. Any unexpended monies  
121 remaining in the special fund at the end of a fiscal year shall  
122 not lapse into the State General Fund.

123 (2) The State Auditor shall audit the financial affairs of  
124 the board and the transactions involving the special fund at least  
125 once a year in the same manner as for other special fund agencies.  
126 In addition, the Governor, in his discretion, shall have the power  
127 from time to time to require an audit of the financial affairs of  
128 the board, the same to be made by the State Auditor upon request

129 of the Governor. The Governor shall have the power to suspend any  
130 member of the board who shall be found short in any account until  
131 such time as it shall be definitely determined whether such  
132 shortage was the result of an act of dishonesty on the part of the  
133 member.

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

136 73-5-7. (1) The Board of Barber Examiners shall have  
137 authority to make reasonable rules and regulations for the  
138 administration of the provisions of this chapter. Provided,  
139 however, that any and all rules and regulations relating to  
140 sanitation shall, before adoption by the board, have the written  
141 approval of the State Board of Health. The Board of Barber  
142 Examiners shall adopt regulations for the guidance of registered  
143 barbers in the operation of a shop and in the practice of  
144 barbering except, however, it shall be optional with the  
145 individual barber as to whether he or she uses a mug. Any member  
146 of the Board of Barber Examiners shall have the authority to enter  
147 upon and inspect any barbershop or barber school at anytime during  
148 business hours. A copy of the rules and regulations of the State  
149 Board of Barber Examiners shall be furnished to the owner or  
150 manager of each shop and barber school affected by this chapter,  
151 and such copy shall be posted in a conspicuous place in such  
152 barbershop or barber school.

153 (2) The board shall have authority to establish rules and  
154 regulations governing schools of barbering in this state except  
155 those schools operated by a state institution of higher learning  
156 or by a public community or junior college. The board shall have  
157 further authority to establish curriculum for such regulated  
158 schools of barbering in this state.

159 Each regulated school of barbering shall submit the following  
160 to the board before enrolling students:

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

163           (b) The names and addresses of owners and officers of  
164 such school, and the names, addresses and instructor license  
165 number of managers, supervisors and instructors of such school;

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

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

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

175           (3) The Board of Barber Examiners shall adopt rules and  
176 regulations establishing a procedure for the processing and  
177 investigation of complaints filed with the board. The board shall  
178 keep records of all complaints, and such records shall indicate  
179 the action taken on the complaints.

180           (4) The Board of Barber Examiners shall keep a record of its  
181 proceedings relating to the issuance, refusal, suspension and  
182 revocation of certificates of registration. The record shall also  
183 contain the name, place of business and the residence of each  
184 registered barber, and the date and number of his certificate of  
185 registration. The record shall be open to public inspection at  
186 all reasonable times.

187           **SECTION 5.** Section 73-5-8, Mississippi Code of 1972, is  
188 reenacted as follows:

189           73-5-8. Any person is qualified to receive a certificate of  
190 registration as a barber instructor who:

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

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

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

194           (d) Possesses a high school education or its  
195 equivalent;

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

200           (f) Has not less than two (2) years of active  
201 experience as a registered barber;

202           (g) Has passed a satisfactory examination conducted by  
203 the board to determine his fitness to practice as a barber  
204 instructor; and

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

208           All persons who have received a certificate of registration  
209 as a barber instructor from the board before July 1, 2002, shall  
210 be considered to have met the requirements of this section, and  
211 all those certificates of registration shall be renewable as  
212 otherwise provided in this chapter.

213           The board will implement an active and inactive instructor  
214 license. In order to renew an active license, instructors holding  
215 an active license shall be required to submit proof of twelve (12)  
216 hours of continuing education each year to the Board of Barber  
217 Examiners. That education shall be acquired in classes or trade  
218 shows teaching materials that are approved by the board.

219           Instructors holding an inactive license shall be required to  
220 submit proof of twelve (12) hours continuing education before  
221 upgrading to an active status.

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

224           73-5-9. No person shall practice or attempt to practice  
225 barbering in the State of Mississippi without a certificate of

226 registration as a registered barber issued pursuant to the  
227 provisions of this chapter.

228 No person shall be a barber instructor in the State of  
229 Mississippi without a certificate of registration as a barber  
230 instructor issued pursuant to the provisions of this chapter.

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

233 73-5-11. (1) To be eligible for enrollment at a barbering  
234 school approved by the Board of Barber Examiners, a person shall  
235 have a high school education or its equivalent, and/or shall have  
236 satisfactorily passed the ability-to-benefit examinations approved  
237 by the U.S. Department of Education.

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

240 (a) Who is qualified under the provisions of this  
241 chapter;

242 (b) Who is of good moral character and temperate  
243 habits;

244 (c) Who has completed not less than fifteen hundred  
245 (1500) hours at a barbering school approved by the State Board of  
246 Barber Examiners; and

247 (d) Who has passed a satisfactory examination conducted  
248 by the board of examiners to determine his fitness to practice  
249 barbering.

250 (3) A temporary permit to practice barbering until the next  
251 examination is given may be issued to a student who has completed  
252 not less than fifteen hundred (1500) hours at a barbering school  
253 approved by the Board of Barber Examiners. In no event shall a  
254 person be allowed to practice barbering on a temporary permit  
255 beyond the date the next examination is given, except because of  
256 personal illness.

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



259           73-5-12. Any cosmetologist who can read, write and speak  
260 English and has successfully completed not less than fifteen  
261 hundred (1500) hours in an accredited school of cosmetology, and  
262 holds a valid, current license, shall be eligible to take the  
263 barber examination to secure a certificate of registration as a  
264 barber upon successfully completing five hundred (500) hours in a  
265 barber school approved by the Board of Barber Examiners.

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

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

270           73-5-15. Each applicant for an examination shall:

271           Make application to the Board of Barber Examiners on blank  
272 forms prepared and furnished by the board, such application to  
273 contain proof under the applicant's oath for the particular  
274 qualifications of the applicant; and,

275           Furnish to the board, at the time of the filing of such  
276 application, two (2) five inch (5") X three inch (3") signed  
277 photographs of the applicant, one (1) to accompany the  
278 application, and one (1) to be returned to the applicant to be  
279 presented to the board when the applicant appears for examination;  
280 and,

281           Pay to the board the required fee.

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

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

287           73-5-17. The Board of Barber Examiners shall conduct  
288 examinations of applicants for certificates of registration to  
289 practice as registered barbers not less than three (3) times a  
290 year, which examination shall be had in some town or city selected  
291 by the examining board. Examinations of applicants for

292 certificates of registration as barber instructors shall be  
293 conducted at a time and place selected by the examining board.

294 The examination of applicants for certificates of  
295 registration as registered barbers shall include both a practical  
296 demonstration and a written and oral test, and shall embrace the  
297 subjects usually practiced in a duly licensed shop of Mississippi  
298 under the direct and personal supervision of a registered barber.  
299 The examination of applicants for certificates of registration as  
300 barber instructors shall include such subjects as the board deems  
301 necessary to determine the applicant's fitness to practice as a  
302 barber instructor.

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

305 73-5-19. Whenever the applicable provisions of this chapter  
306 have been complied with, the Board of Barber Examiners shall issue  
307 a certificate of registration as a registered barber or barber  
308 instructor, as the case may be.

309 **SECTION 12.** Section 73-5-21, Mississippi Code of 1972, is  
310 reenacted as follows:

311 73-5-21. Any person possessed of the following  
312 qualifications shall, upon payment of the required fee, receive a  
313 certificate of registration as a registered barber:

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

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

316 and

317 (c) Either has a license or certificate of registration  
318 as a practicing barber in another state or country that has  
319 substantially the same requirements for licensing or registration  
320 of barbers as are contained in this chapter, or can prove by sworn  
321 affidavits that he has lawfully practiced as a barber in another  
322 state or country for at least five (5) years immediately before  
323 making application in this state, or can show to the satisfaction  
324 of the board that he had held a rating in a branch of the military

325 service for two (2) or more years that required him to perform the  
326 duties of a barber.

327 In addition to the above, the board may require the applicant  
328 to successfully demonstrate sufficient knowledge of the Barber Law  
329 of the State of Mississippi, as well as sufficient practical skill  
330 by requiring the applicant to take a practical examination  
331 approved by the board.

332 **SECTION 13.** Section 73-5-23, Mississippi Code of 1972, is  
333 reenacted as follows:

334 73-5-23. Every holder of a certificate of registration as a  
335 registered barber shall display it in a conspicuous place adjacent  
336 to or near his work chair, and in plain view of the patrons of the  
337 shop in which he is engaged at work.

338 **SECTION 14.** Section 73-5-25, Mississippi Code of 1972, is  
339 reenacted as follows:

340 73-5-25. (1) The Board of Barber Examiners may refuse to  
341 issue, or may suspend definitely or indefinitely, or revoke any  
342 certificate of registration for any one or a combination of the  
343 following causes:

344 (a) Conviction of a felony shown by a certified copy of  
345 the judgment of court in which such conviction is had, unless upon  
346 a full and unconditional pardon of such convict, and upon  
347 satisfactory showing that such convict will in the future conduct  
348 himself in a law-abiding way.

349 (b) Gross malpractice or gross incompetency.

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

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

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

356 (f) Immoral or unprofessional conduct.

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

360 (2) In addition to the causes specified in subsection (1) of  
361 this section, the board shall be authorized to suspend the  
362 certificate of registration of any person for being out of  
363 compliance with an order for support, as defined in Section  
364 93-11-153. The procedure for suspension of a certificate for  
365 being out of compliance with an order for support, and the  
366 procedure for the reissuance or reinstatement of a certificate  
367 suspended for that purpose, and the payment of any fees for the  
368 reissuance or reinstatement of a certificate suspended for that  
369 purpose, shall be governed by Section 93-11-157 or 93-11-163. If  
370 there is any conflict between any provision of Section 93-11-157  
371 or 93-11-163 and any provision of this chapter, the provisions of  
372 Section 93-11-157 or 93-11-163, as the case may be, shall control.

373 **SECTION 15.** Section 73-5-27, Mississippi Code of 1972, is  
374 reenacted as follows:

375 73-5-27. The Board of Barber Examiners may neither refuse to  
376 suspend or revoke, nor revoke or suspend any certificate of  
377 registration as a registered barber or barber instructor, for any  
378 of the causes enumerated in this chapter, unless the holder of  
379 such certificate has been given at least twenty (20) days' notice,  
380 in writing by registered mail, signed by the President and  
381 Secretary of the Board of Barber Examiners, setting forth the  
382 charges against such holder of such certificate and naming the  
383 time and place for a hearing upon said charge or charges, and a  
384 public hearing thereof by the Board of Barber Examiners.

385 Upon the hearing of any such charge or charges the board may  
386 issue all subpoenas for all necessary witnesses for and against  
387 the accused, and require their attendance upon such hearing, may  
388 administer oaths, and may procure by process the production of all

389 necessary books and papers, bearing or touching upon such charges  
390 against the accused.

391         **SECTION 16.** Section 73-5-29, Mississippi Code of 1972, is  
392 reenacted as follows:

393         73-5-29. The fee for taking an examination as a registered  
394 barber shall be in the sum of not more than Fifty-five Dollars  
395 (\$55.00), and the further sum of not more than Thirty-five Dollars  
396 (\$35.00) shall be required for the issuance of a certificate for  
397 the registered barber. The fee for taking an examination as a  
398 registered barber instructor shall be in the sum of not more than  
399 Fifty-five Dollars (\$55.00), and the further sum of not more than  
400 Forty Dollars (\$40.00) shall be required for the issuance of a  
401 certificate of registration for the registered barber instructor.  
402 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall  
403 be required for the issuance of a certificate of registration to a  
404 practicing barber of another state as authorized by Section  
405 73-5-21. Likewise, an annual renewal fee payable on the  
406 anniversary date of the issuance of each certificate of  
407 registration as a registered barber of not more than Thirty-five  
408 Dollars (\$35.00) shall be charged for the issuance of the renewal  
409 of the certificate; an annual renewal fee payable on the  
410 anniversary date of the issuance of each certificate of  
411 registration as a registered barber instructor of not more than  
412 Forty Dollars (\$40.00) shall be charged for the issuance of the  
413 renewal of the certificate; however, the renewal fee for a  
414 registered barber who is sixty-five (65) years of age or older  
415 shall be not more than Thirty Dollars (\$30.00). A fee of Ten  
416 Dollars (\$10.00) for each year or any portion thereof in addition  
417 to payment of all unpaid renewal fees in arrears and the regular  
418 renewal fee shall be required for the restoration of expired  
419 certificates of registration issued pursuant to this chapter.  
420 Additionally, in order to restore any certificate of registration  
421 issued under this chapter that has been expired for a period of

422 five (5) years or longer, the holder thereof must retake and pass  
423 the appropriate examination. A penalty of Ten Dollars (\$10.00) in  
424 addition to payment of all unpaid renewal fees in arrears and the  
425 regular renewal fee shall be required for the restoration of  
426 certificates that have expired for a period of thirty (30) to  
427 sixty (60) days. A penalty of Twenty-five Dollars (\$25.00) in  
428 addition to payment of all unpaid renewal fees in arrears and the  
429 regular renewal fee shall be required for the restoration of  
430 certificates that have been expired for a period greater than  
431 sixty (60) days.

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

438 **SECTION 17.** Section 73-5-31, Mississippi Code of 1972, is  
439 reenacted as follows:

440 73-5-31. The board is hereby authorized to receive  
441 applications for and give examinations to persons who have not  
442 become legal residents of the State of Mississippi when such  
443 applicants comply with the laws and regulations of said board and  
444 are authorized to issue a certificate or license, as the case may  
445 be, as fully as if said applicant was a resident of the State of  
446 Mississippi. However, the board is authorized to charge a sum of  
447 not more than Twenty Dollars (\$20.00) in addition to the other  
448 fees charged a resident applicant to cover the necessary expenses  
449 in making any investigation or obtaining information concerning  
450 said applicant. Upon the successful compliance with the laws of  
451 this state, such nonresident may be issued a certificate or  
452 license as a resident.

453 **SECTION 18.** Section 73-5-33, Mississippi Code of 1972, is  
454 reenacted as follows:

455           73-5-33. (1) The board shall issue a license for each  
456 barbershop in operation in the State of Mississippi, and the board  
457 shall prescribe the rules and regulations and circulate the  
458 information necessary to obtain a license for the barbershop. A  
459 fee of not more than Fifteen Dollars (\$15.00) for each chair  
460 manned by a registered barber located in the shop shall be  
461 required for the issuance of the license, and the same fee shall  
462 be required for a renewal of the license to the shop, the renewal  
463 due on the anniversary date of each year. A fee of not more than  
464 Twenty-five Dollars (\$25.00) in addition to the regular renewal  
465 fee shall be required for restoration of any license that has  
466 expired for more than thirty (30) days. Any barbershop license  
467 having passed the second year anniversary date, in delinquency,  
468 shall be required to have a new shop inspection and shall  
469 hereafter pay an initial fee of not more than Forty-five Dollars  
470 (\$45.00) in addition to all other fees required for restoration.

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

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

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

493 (5) All licensees shall notify the State Board of Barber  
494 Examiners of the location of the barbershop at which they are  
495 employed.

496 **SECTION 19.** Section 73-5-35, Mississippi Code of 1972, is  
497 reenacted as follows:

498 73-5-35. All barber schools operated in this state shall pay  
499 an annual license fee of One Hundred Dollars (\$100.00) and the  
500 same fee shall be required for renewal of the license to each such  
501 school on July 1 of each year. A fee of not more than Twenty-five  
502 Dollars (\$25.00) shall be required for restoration of an expired  
503 license that has been expired for a period of at least thirty (30)  
504 days of the renewal date.

505 The license to operate those schools shall be issued by the  
506 Board of Barber Examiners after approval by the board. This  
507 license shall not be transferable for any cause and must be  
508 renewed annually.

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

511 **SECTION 20.** Section 73-5-37, Mississippi Code of 1972, is  
512 reenacted as follows:

513 73-5-37. Every registered barber and barber instructor who  
514 continues in active practice or service shall annually on or  
515 before the anniversary date of the issuance of his certificate of  
516 registration renew the certificate by paying the required fee and  
517 meeting all applicable requirements of the State Board of Health.  
518 Every certificate of registration which has not been renewed  
519 within thirty (30) days of its anniversary date shall expire. A  
520 registered barber or barber instructors whose certificate of



521 registration has expired may have his certificate restored  
522 immediately upon payment of the renewal fee plus the required  
523 restoration fee.

524         **SECTION 21.** Section 73-5-39, Mississippi Code of 1972, is  
525 reenacted as follows:

526         73-5-39. Any one or any combination of the following  
527 practices (when done upon the upper part of the human body for  
528 cosmetic purposes and not for the treatment of diseases, or  
529 physical or mental ailment, and when done for payment either  
530 directly or indirectly, or without payment, for the public  
531 generally) constitutes the practice of barbering:

532             Shaving, trimming the beard or cutting the hair;

533             Giving facial or scalp massages or treatments with oils,  
534 creams, lotions or other preparations, either by hand or  
535 mechanical devices;

536             Singeing, shampooing, coloring or dyeing of the hair or  
537 beard, or any chemical services as pertains to hair perms, hair  
538 color or straightening;

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

541         **SECTION 22.** Section 73-5-41, Mississippi Code of 1972, is  
542 reenacted as follows:

543         73-5-41. The following persons are exempt from the  
544 provisions of this chapter, wholly in the proper discharge of  
545 their professional duties, to wit:

546             Persons authorized by the law of Mississippi to practice  
547 medicine and surgery.

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

550             Registered nurses.

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

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

558           **SECTION 23.** Section 73-5-43, Mississippi Code of 1972, is  
559 reenacted as follows:

560           73-5-43. Each of the following constitutes a misdemeanor,  
561 punishable in any court of competent jurisdiction, upon conviction  
562 thereof, by a fine of not less than Twenty-five Dollars (\$25.00)  
563 nor more than Two Hundred Dollars (\$200.00), to-wit:

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

568           Practicing or attempting to practice by fraudulent  
569 misrepresentations; or

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

572           The use of any room or place for barbering which is also used  
573 for residential or business purpose (except for the sale of hair  
574 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco  
575 and such commodities as are used or sold in a barbershop) unless a  
576 substantial partition of ceiling height separates the portion used  
577 for the residence or business purpose from that in which such  
578 practice of barbering is carried on.

579           **SECTION 24.** Section 73-5-45, Mississippi Code of 1972, is  
580 amended as follows:

581           73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code  
582 of 1972, which create the State Board of Barber Examiners and  
583 prescribe its duties and powers, shall stand repealed as of July  
584 1, 2006.

585           **SECTION 25.** This act shall take effect and be in force from  
586 and after July 1, 2004.