

By: Senator(s) Thames

To: Public Health and Welfare

SENATE BILL NO. 2061

1 AN ACT TO REENACT SECTIONS 73-5-1 THROUGH 73-5-43,
 2 MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE STATE BOARD
 3 OF BARBER EXAMINERS; TO AMEND SECTION 73-5-1, MISSISSIPPI CODE OF
 4 1972, TO DELETE CERTAIN RESTRICTIONS ON THE MEMBERSHIP OF THE
 5 STATE BOARD OF BARBER EXAMINERS; TO AMEND SECTION 73-5-8,
 6 MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN QUALIFICATIONS FOR
 7 REGISTRATION AS A BARBER INSTRUCTOR; TO AMEND SECTION 73-5-9,
 8 MISSISSIPPI CODE OF 1972, TO PROHIBIT A BUSINESS ESTABLISHMENT
 9 FROM ADVERTISING BARBERING SERVICES WITHOUT A VALID LICENSE; TO
 10 AMEND SECTION 73-5-12, MISSISSIPPI CODE OF 1972, TO PRESCRIBE
 11 CERTAIN QUALIFICATIONS FOR A COSMETOLOGIST TO APPLY FOR A
 12 CERTIFICATE OF REGISTRATION AS A BARBER; TO AMEND SECTION 73-5-45,
 13 MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON
 14 THOSE STATUTES WHICH CREATE THE STATE BOARD OF BARBER EXAMINERS
 15 AND PRESCRIBE ITS DUTIES AND POWERS; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 73-5-1, Mississippi Code of 1972, is
 18 amended as follows:

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

34 consent of the Senate, five (5) members from the congressional
35 districts as follows: The member from the First Congressional
36 District shall be appointed for a term of two (2) years to
37 commence on July 1, 1983; the member from the Second Congressional
38 District shall be appointed for a term of four (4) years to
39 commence on July 1, 1984; the member from the Third Congressional
40 District shall be appointed for a term of two (2) years to
41 commence on July 1, 1983; the member from the Fourth Congressional
42 District shall be appointed for a term of four (4) years to
43 commence on July 1, 1984; and the member from the Fifth
44 Congressional District shall be appointed for a term of one (1)
45 year to commence on July 1, 1983. The members of the board as
46 constituted on July 1, 2002, whose terms have not expired shall
47 serve the balance of their terms, after which time the membership
48 of the board shall be appointed as follows: There shall be
49 appointed one (1) member of the board from each of the four (4)
50 Mississippi congressional districts as they currently exist, and
51 one (1) from the state at large, and the Governor shall make
52 appointments from the congressional district having the smallest
53 number of board members until the membership includes one (1)
54 member from each district as required. * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

163 Each regulated school of barbering shall submit the following
164 to the board before enrolling students:

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

167 (b) The names and addresses of owners and officers of
168 such school, and the names, addresses and instructor license
169 number of managers, supervisors and instructors of such school;

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

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

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

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

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

191 **SECTION 5.** Section 73-5-8, Mississippi Code of 1972, is
192 amended as follows:

193 73-5-8. Any person is qualified to receive a certificate of
194 registration as a barber instructor who:

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

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

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

198 (d) Possesses a high school education or its
199 equivalent;

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

204 (f) Has (i) not less than two (2) years of active
205 experience as a registered barber and has successfully completed
206 not less than six hundred (600) hours of barber instructor
207 training at a school approved by the board, or (ii) less than two
208 (2) years of active experience as a registered barber and has
209 successfully completed not less than one thousand (1,000) hours of
210 barber instructor training at a school approved by the board; and

211 (g) Has passed a satisfactory examination conducted by
212 the board to determine his fitness to practice as a barber
213 instructor. * * *

214 * * *

215 All persons who have received a certificate of registration
216 as a barber instructor from the board before July 1, 2002, shall
217 be considered to have met the requirements of this section, and
218 all those certificates of registration shall be renewable as
219 otherwise provided in this chapter.

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

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

229 **SECTION 6.** Section 73-5-9, Mississippi Code of 1972, is
230 amended as follows:

231 73-5-9. No person shall practice or attempt to practice
232 barbering in the State of Mississippi without a certificate of
233 registration as a registered barber issued pursuant to the
234 provisions of this chapter.

235 No person shall be a barber instructor in the State of
236 Mississippi without a certificate of registration as a barber
237 instructor issued pursuant to the provisions of this chapter.

238 No establishment shall display a barber pole, barber sign or
239 advertise barbering services unless it is licensed by the State
240 Board of Barber Examiners.

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

243 73-5-11. (1) To be eligible for enrollment at a barbering
244 school approved by the Board of Barber Examiners, a person shall
245 have a high school education or its equivalent, and/or shall have
246 satisfactorily passed the ability-to-benefit examinations approved
247 by the U.S. Department of Education.

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

250 (a) Who is qualified under the provisions of this
251 chapter;

252 (b) Who is of good moral character and temperate
253 habits;

254 (c) Who has completed not less than fifteen hundred
255 (1500) hours at a barbering school approved by the State Board of
256 Barber Examiners; and

257 (d) Who has passed a satisfactory examination conducted
258 by the board of examiners to determine his fitness to practice
259 barbering.

260 (3) A temporary permit to practice barbering until the next
261 examination is given may be issued to a student who has completed
262 not less than fifteen hundred (1500) hours at a barbering school
263 approved by the Board of Barber Examiners. In no event shall a

264 person be allowed to practice barbering on a temporary permit
265 beyond the date the next examination is given, except because of
266 personal illness.

267 **SECTION 8.** Section 73-5-12, Mississippi Code of 1972, is
268 amended as follows:

269 73-5-12. Any cosmetologist who can read, write and speak
270 English and has successfully completed not less than fifteen
271 hundred (1500) hours in an accredited school of cosmetology, and
272 holds a valid, current license, shall be eligible to take the
273 barber examination to secure a certificate of registration as a
274 barber upon successfully completing six hundred (600) hours in a
275 barber school approved by the Board of Barber Examiners.

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

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

280 73-5-15. Each applicant for an examination shall:

281 Make application to the Board of Barber Examiners on blank
282 forms prepared and furnished by the board, such application to
283 contain proof under the applicant's oath for the particular
284 qualifications of the applicant; and,

285 Furnish to the board, at the time of the filing of such
286 application, two (2) five inch (5") X three inch (3") signed
287 photographs of the applicant, one (1) to accompany the
288 application, and one (1) to be returned to the applicant to be
289 presented to the board when the applicant appears for examination;
290 and,

291 Pay to the board the required fee.

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

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

297 73-5-17. The Board of Barber Examiners shall conduct
298 examinations of applicants for certificates of registration to
299 practice as registered barbers not less than three (3) times a
300 year, which examination shall be had in some town or city selected
301 by the examining board. Examinations of applicants for
302 certificates of registration as barber instructors shall be
303 conducted at a time and place selected by the examining board.

304 The examination of applicants for certificates of
305 registration as registered barbers shall include both a practical
306 demonstration and a written and oral test, and shall embrace the
307 subjects usually practiced in a duly licensed shop of Mississippi
308 under the direct and personal supervision of a registered barber.
309 The examination of applicants for certificates of registration as
310 barber instructors shall include such subjects as the board deems
311 necessary to determine the applicant's fitness to practice as a
312 barber instructor.

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

315 73-5-19. Whenever the applicable provisions of this chapter
316 have been complied with, the Board of Barber Examiners shall issue
317 a certificate of registration as a registered barber or barber
318 instructor, as the case may be.

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

321 73-5-21. Any person possessed of the following
322 qualifications shall, upon payment of the required fee, receive a
323 certificate of registration as a registered barber:

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

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

326 and

327 (c) Either has a license or certificate of registration
328 as a practicing barber in another state or country that has
329 substantially the same requirements for licensing or registration

330 of barbers as are contained in this chapter, or can prove by sworn
331 affidavits that he has lawfully practiced as a barber in another
332 state or country for at least five (5) years immediately before
333 making application in this state, or can show to the satisfaction
334 of the board that he had held a rating in a branch of the military
335 service for two (2) or more years that required him to perform the
336 duties of a barber.

337 In addition to the above, the board may require the applicant
338 to successfully demonstrate sufficient knowledge of the Barber Law
339 of the State of Mississippi, as well as sufficient practical skill
340 by requiring the applicant to take a practical examination
341 approved by the board.

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

344 73-5-23. Every holder of a certificate of registration as a
345 registered barber shall display it in a conspicuous place adjacent
346 to or near his work chair, and in plain view of the patrons of the
347 shop in which he is engaged at work.

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

350 73-5-25. (1) The Board of Barber Examiners may refuse to
351 issue, or may suspend definitely or indefinitely, or revoke any
352 certificate of registration for any one or a combination of the
353 following causes:

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

359 (b) Gross malpractice or gross incompetency.

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

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

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

366 (f) Immoral or unprofessional conduct.

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

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

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

385 73-5-27. The Board of Barber Examiners may neither refuse to
386 suspend or revoke, nor revoke or suspend any certificate of
387 registration as a registered barber or barber instructor, for any
388 of the causes enumerated in this chapter, unless the holder of
389 such certificate has been given at least twenty (20) days' notice,
390 in writing by registered mail, signed by the President and
391 Secretary of the Board of Barber Examiners, setting forth the
392 charges against such holder of such certificate and naming the
393 time and place for a hearing upon said charge or charges, and a
394 public hearing thereof by the Board of Barber Examiners.

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

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

403 73-5-29. The fee for taking an examination as a registered
404 barber shall be in the sum of not more than Fifty-five Dollars
405 (\$55.00), and the further sum of not more than Thirty-five Dollars
406 (\$35.00) shall be required for the issuance of a certificate for
407 the registered barber. The fee for taking an examination as a
408 registered barber instructor shall be in the sum of not more than
409 Fifty-five Dollars (\$55.00), and the further sum of not more than
410 Forty Dollars (\$40.00) shall be required for the issuance of a
411 certificate of registration for the registered barber instructor.
412 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall
413 be required for the issuance of a certificate of registration to a
414 practicing barber of another state as authorized by Section
415 73-5-21. Likewise, an annual renewal fee payable on the
416 anniversary date of the issuance of each certificate of
417 registration as a registered barber of not more than Thirty-five
418 Dollars (\$35.00) shall be charged for the issuance of the renewal
419 of the certificate; an annual renewal fee payable on the
420 anniversary date of the issuance of each certificate of
421 registration as a registered barber instructor of not more than
422 Forty Dollars (\$40.00) shall be charged for the issuance of the
423 renewal of the certificate; however, the renewal fee for a
424 registered barber who is sixty-five (65) years of age or older
425 shall be not more than Thirty Dollars (\$30.00). A fee of Ten
426 Dollars (\$10.00) for each year or any portion thereof in addition
427 to payment of all unpaid renewal fees in arrears and the regular

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

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

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

450 73-5-31. The board is hereby authorized to receive
451 applications for and give examinations to persons who have not
452 become legal residents of the State of Mississippi when such
453 applicants comply with the laws and regulations of said board and
454 are authorized to issue a certificate or license, as the case may
455 be, as fully as if said applicant was a resident of the State of
456 Mississippi. However, the board is authorized to charge a sum of
457 not more than Twenty Dollars (\$20.00) in addition to the other
458 fees charged a resident applicant to cover the necessary expenses
459 in making any investigation or obtaining information concerning
460 said applicant. Upon the successful compliance with the laws of

461 this state, such nonresident may be issued a certificate or
462 license as a resident.

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

465 73-5-33. (1) The board shall issue a license for each
466 barbershop in operation in the State of Mississippi, and the board
467 shall prescribe the rules and regulations and circulate the
468 information necessary to obtain a license for the barbershop. A
469 fee of not more than Fifteen Dollars (\$15.00) for each chair
470 manned by a registered barber located in the shop shall be
471 required for the issuance of the license, and the same fee shall
472 be required for a renewal of the license to the shop, the renewal
473 due on the anniversary date of each year. A fee of not more than
474 Twenty-five Dollars (\$25.00) in addition to the regular renewal
475 fee shall be required for restoration of any license that has
476 expired for more than thirty (30) days. Any barbershop license
477 having passed the second year anniversary date, in delinquency,
478 shall be required to have a new shop inspection and shall
479 hereafter pay an initial fee of not more than Forty-five Dollars
480 (\$45.00) in addition to all other fees required for restoration.

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

491 (3) The board may assess against any barbershop owner found
492 to employ an unlicensed barber or barbers any of the following
493 costs that are expended by the board in the conduct of a

494 proceeding for violation of subsection (2): court filing fees,
495 court costs and the cost of serving process. Any monies collected
496 by the board under this subsection (3) shall be deposited into the
497 special fund operating account of the board.

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

503 (5) All licensees shall notify the State Board of Barber
504 Examiners of the location of the barbershop at which they are
505 employed.

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

508 73-5-35. All barber schools operated in this state shall pay
509 an annual license fee of One Hundred Dollars (\$100.00) and the
510 same fee shall be required for renewal of the license to each such
511 school on July 1 of each year. A fee of not more than Twenty-five
512 Dollars (\$25.00) shall be required for restoration of an expired
513 license that has been expired for a period of at least thirty (30)
514 days of the renewal date.

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

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

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

523 73-5-37. Every registered barber and barber instructor who
524 continues in active practice or service shall annually on or
525 before the anniversary date of the issuance of his certificate of
526 registration renew the certificate by paying the required fee and

527 meeting all applicable requirements of the State Board of Health.
528 Every certificate of registration which has not been renewed
529 within thirty (30) days of its anniversary date shall expire. A
530 registered barber or barber instructors whose certificate of
531 registration has expired may have his certificate restored
532 immediately upon payment of the renewal fee plus the required
533 restoration fee.

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

536 73-5-39. Any one or any combination of the following
537 practices (when done upon the upper part of the human body for
538 cosmetic purposes and not for the treatment of diseases, or
539 physical or mental ailment, and when done for payment either
540 directly or indirectly, or without payment, for the public
541 generally) constitutes the practice of barbering:

542 Shaving, trimming the beard or cutting the hair;

543 Giving facial or scalp massages or treatments with oils,
544 creams, lotions or other preparations, either by hand or
545 mechanical devices;

546 Singeing, shampooing, coloring or dyeing of the hair or
547 beard, or any chemical services as pertains to hair perms, hair
548 color or straightening;

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

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

553 73-5-41. The following persons are exempt from the
554 provisions of this chapter, wholly in the proper discharge of
555 their professional duties, to wit:

556 Persons authorized by the law of Mississippi to practice
557 medicine and surgery.

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

560 Registered nurses.

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

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

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

570 73-5-43. Each of the following constitutes a misdemeanor,
571 punishable in any court of competent jurisdiction, upon conviction
572 thereof, by a fine of not less than Twenty-five Dollars (\$25.00)
573 nor more than Two Hundred Dollars (\$200.00), to-wit:

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

578 Practicing or attempting to practice by fraudulent
579 misrepresentations; or

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

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

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

591 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code
592 of 1972, which create the State Board of Barber Examiners and

593 prescribe its duties and powers, shall stand repealed as of July
594 1, 2008.

595 **SECTION 25.** This act shall take effect and be in force from
596 and after June 30, 2004.