

By: Senator(s) Thames

To: Public Health and Welfare

SENATE BILL NO. 2102

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 73-5-45, MISSISSIPPI CODE OF
4 1972, TO EXTEND THE AUTOMATIC REPEALER ON THOSE STATUTES WHICH
5 CREATE THE STATE BOARD OF BARBER EXAMINERS AND PRESCRIBE ITS
6 DUTIES AND POWERS; 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 Governor,
52 with the advice and consent of the Senate, for terms of four (4)
53 years each from the expiration date of the previous term, until
54 their successors have been appointed and qualified. No member of
55 the board shall hold any elected office. Appointments made to
56 fill a vacancy of a term shall be made by the Governor within
57 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, 2008.

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