

By: Representatives White, Dixon

To: Public Health and Human Services

HOUSE BILL NO. 502

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 REPEAL ON
5 THE PROVISIONS OF LAW THAT CREATE THE STATE BOARD OF BARBER
6 EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; AND FOR RELATED
7 PURPOSES.

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

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

11 73-5-1. The State Board of Barber Examiners is continued and
12 reconstituted as follows: The Board of Barber Examiners shall
13 consist of five (5) members, to be appointed by the Governor, with
14 the advice and consent of the Senate, one (1) member to be
15 appointed from each of the congressional districts as existing on
16 January 1, 1991. Each member shall be a practical barber and a
17 qualified elector of this state. He shall have been engaged in
18 the practice of barbering in the State of Mississippi for at least
19 five (5) years immediately before the time of his appointment and
20 shall be a person of good moral character. From and after July 1,



21 1983, the appointments to the board shall be made in the manner
22 hereinafter provided, and the present members of the State Board
23 of Barber Examiners whose terms have not expired by July 1, 1983,
24 shall continue to serve until their successors have been appointed
25 and qualified. The Governor shall appoint, with the advice and
26 consent of the Senate, five (5) members from the congressional
27 districts as follows: The member from the First Congressional
28 District shall be appointed for a term of two (2) years to
29 commence on July 1, 1983; the member from the Second Congressional
30 District shall be appointed for a term of four (4) years to
31 commence on July 1, 1984; the member from the Third Congressional
32 District shall be appointed for a term of two (2) years to
33 commence on July 1, 1983; the member from the Fourth Congressional
34 District shall be appointed for a term of four (4) years to
35 commence on July 1, 1984; and the member from the Fifth
36 Congressional District shall be appointed for a term of one (1)
37 year to commence on July 1, 1983. The members of the board as
38 constituted on July 1, 2002, whose terms have not expired shall
39 serve the balance of their terms, after which time the membership
40 of the board shall be appointed as follows: There shall be
41 appointed one (1) member of the board from each of the four (4)
42 Mississippi congressional districts as they currently exist, and
43 one (1) from the state at large, and the Governor shall make
44 appointments from the congressional district having the smallest
45 number of board members until the membership includes one (1)



46 member from each district as required. From and after July 1,
47 2002, no member of the board who is connected in any way with any
48 barbering school shall participate in the administration of
49 examinations of barber applicants. From and after July 1, 2004,
50 no member of the board shall be connected in any way with any
51 school in which barbering is taught.

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

59 The Governor may remove any one or more members of the board
60 for just cause. Members appointed to fill vacancies caused by
61 death, resignation or removal of any member or members shall serve
62 only for the unexpired term of their predecessors. Any member who
63 does not attend two (2) consecutive meetings of the board for
64 reasons other than illness of the member shall be subject to
65 removal by the Governor. The president of the board shall notify
66 the Governor in writing when any such member has failed to attend
67 two (2) consecutive regular meetings.

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



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

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

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

85 Each member of the board shall receive per diem in accordance
86 with Section 25-3-69 when actually attending to the work of the
87 board or any of its committees, and shall be reimbursed for
88 traveling expenses in accordance with Section 25-3-41 in carrying
89 out the provisions of this chapter. The board shall employ an
90 executive director with compensation to be established by the
91 State Personnel Board, and the executive director shall devote his
92 or her full time to oversee all day-to-day operations of the
93 board. The board may employ four (4) inspectors, one (1) to be
94 appointed from each of the four (4) congressional districts, to



95 make periodic inspections of all barbershops throughout the state
96 and one (1) chief inspector to be appointed from the state at
97 large to supervise inspections and investigations statewide. The
98 board shall employ the necessary personnel to carry out the
99 provisions of this chapter, and maintain and pay the expenses of
100 an office to be located in the City of Jackson. All per diem,
101 salaries and expenses shall be paid exclusively from the funds in
102 the board's special fund, and salaries and expenses of personnel
103 may be disbursed monthly.

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

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

111 73-5-5. (1) All fees and any other monies received by the
112 board shall be deposited in a special fund that is created in the
113 State Treasury and shall be used for the implementation and
114 administration of this chapter when appropriated by the
115 Legislature for such purpose. The monies in the special fund
116 shall be subject to all provisions of the state budget laws that
117 are applicable to special fund agencies, and disbursements from
118 the special fund shall be made by the State Treasurer only upon
119 warrants issued by the State Fiscal Officer upon requisitions



120 signed by the president of the board and countersigned by the
121 secretary of the board. Any interest earned on this special fund
122 shall be credited by the State Treasurer to the fund and shall not
123 be paid into the State General Fund. Any unexpended monies
124 remaining in the special fund at the end of a fiscal year shall
125 not lapse into the State General Fund.

126 (2) The State Auditor shall audit the financial affairs of
127 the board and the transactions involving the special fund at least
128 once a year in the same manner as for other special fund agencies.
129 In addition, the Governor, in his discretion, shall have the power
130 from time to time to require an audit of the financial affairs of
131 the board, the same to be made by the State Auditor upon request
132 of the Governor. The Governor shall have the power to suspend any
133 member of the board who shall be found short in any account until
134 such time as it shall be definitely determined whether such
135 shortage was the result of an act of dishonesty on the part of the
136 member.

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

139 73-5-7. (1) The Board of Barber Examiners shall have
140 authority to make reasonable rules and regulations for the
141 administration of the provisions of this chapter. Provided,
142 however, that any and all rules and regulations relating to
143 sanitation shall, before adoption by the board, have the written
144 approval of the State Board of Health. The Board of Barber



145 Examiners shall adopt regulations for the guidance of registered
146 barbers in the operation of a shop and in the practice of
147 barbering except, however, it shall be optional with the
148 individual barber as to whether he or she uses a mug. Any member
149 or designee of the Board of Barber Examiners shall have the
150 authority to enter upon and inspect any barbershop or barber
151 school at anytime during business hours. A copy of the rules and
152 regulations of the State Board of Barber Examiners shall be
153 furnished to the owner or manager of each shop and barber school
154 affected by this chapter, and such copy shall be posted in a
155 conspicuous place in such barbershop or barber school.

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

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

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

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

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



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

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

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

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

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

192 73-5-8. Any person is qualified to receive a certificate of
193 registration as a barber instructor who:

194 (a) Is eighteen (18) years of age or older;



- 195 (b) Is of good moral and temperate habits;
- 196 (c) Is able to read, write and speak English;
- 197 (d) Possesses a high school education or its
198 equivalent;
- 199 (e) Has successfully completed not less than fifteen
200 hundred (1500) hours at a barbering school approved by the State
201 Board of Barber Examiners and holds a valid certificate of
202 registration to practice barbering;
- 203 (f) Has (i) not less than two (2) years of active
204 experience as a registered barber and has successfully completed
205 not less than six hundred (600) hours of barber instructor
206 training at a school approved by the board, or (ii) less than two
207 (2) years of active experience as a registered barber and has
208 successfully completed not less than one thousand (1,000) hours of
209 barber instructor training at a school approved by the board; and
- 210 (g) Has passed a satisfactory examination conducted by
211 the board to determine his fitness to practice as a barber
212 instructor.

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

218 The board will implement an active and inactive instructor
219 license. In order to renew an active license, instructors holding



220 an active license shall be required to submit proof of twelve (12)
221 hours of continuing education each year to the Board of Barber
222 Examiners. That education shall be acquired in classes or trade
223 shows teaching materials that are approved by the board.
224 Instructors holding an inactive license shall be required to
225 submit proof of twelve (12) hours continuing education before
226 upgrading to an active status.

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

229 73-5-9. (1) No person shall practice or attempt to practice
230 barbering in the State of Mississippi without a certificate of
231 registration as a registered barber issued pursuant to the
232 provisions of this chapter.

233 (2) No person shall be a barber instructor in the State of
234 Mississippi without a certificate of registration as a barber
235 instructor issued pursuant to the provisions of this chapter.

236 (3) Any person or persons who violates any provision of this
237 chapter shall be guilty of a misdemeanor, punishable upon
238 conviction in a court of competent jurisdiction as follows:

239 (a) For the first offense, by a fine of not less than
240 Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars
241 (\$500.00);

242 (b) For the second offense, by a fine of not less than
243 Five Hundred One Dollars (\$501.00) nor more than One Thousand
244 Dollars (\$1,000.00);



245 (c) For the third and any later offense, by
246 imprisonment for not less than five (5) days nor more than six (6)
247 months in the county jail.

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

250 73-5-11. (1) To be eligible for enrollment at a barbering
251 school approved by the Board of Barber Examiners, a person shall
252 have a high school education or its equivalent, and/or shall have
253 satisfactorily passed the ability-to-benefit examinations approved
254 by the U.S. Department of Education.

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

257 (a) Who is qualified under the provisions of this
258 chapter;

259 (b) Who is of good moral character and temperate
260 habits;

261 (c) Who has completed not less than fifteen hundred
262 (1500) hours at a barbering school approved by the State Board of
263 Barber Examiners; and

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

267 (3) A temporary permit to practice barbering until the next
268 examination is given may be issued to a student who has completed
269 not less than fifteen hundred (1500) hours at a barbering school



270 approved by the Board of Barber Examiners. In no event shall a
271 person be allowed to practice barbering on a temporary permit
272 beyond the date the next examination is given, except because of
273 personal illness.

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

276 73-5-12. Any cosmetologist who can read, write and speak
277 English and has successfully completed not less than fifteen
278 hundred (1500) hours in an accredited school of cosmetology, and
279 holds a valid, current license, shall be eligible to take the
280 barber examination to secure a certificate of registration as a
281 barber upon successfully completing six hundred (600) hours in a
282 barber school approved by the Board of Barber Examiners.

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

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

287 73-5-15. Each applicant for an examination shall:

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

292 Furnish to the board, at the time of the filing of such
293 application, two (2) five-inch (5") X three-inch (3") signed
294 photographs of the applicant, one (1) to accompany the



295 application, and one (1) to be returned to the applicant to be
296 presented to the board when the applicant appears for examination;
297 and,

298 Pay to the board the required fee.

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

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

304 73-5-17. The Board of Barber Examiners shall conduct
305 examinations of applicants for certificates of registration to
306 practice as registered barbers not less than three (3) times a
307 year, which examination shall be had in some town or city selected
308 by the examining board. Examinations of applicants for
309 certificates of registration as barber instructors shall be
310 conducted at a time and place selected by the examining board.

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



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

322 73-5-19. Whenever the applicable provisions of this chapter
323 have been complied with, the Board of Barber Examiners shall issue
324 a certificate of registration as a registered barber or barber
325 instructor, as the case may be.

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

328 73-5-21. Any person possessed of the following
329 qualifications shall, upon payment of the required fee, receive a
330 certificate of registration as a registered barber:

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

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

333 and

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



344 by reciprocity to a military-trained applicant or military spouse
345 shall be subject to the provisions of Section 73-50-1.

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

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

353 73-5-23. (1) Every holder of a certificate of registration
354 as a registered barber shall display it in a conspicuous place
355 adjacent to or near his or her work chair, and in plain view of
356 the patrons of the shop in which he or she is engaged at work.

357 (2) It shall be the responsibility of all owners, managers,
358 or persons in charge of a barbershop at the time of an inspection
359 to ensure that all licenses are displayed at all times.

360 (3) Any owner or barber found in violation of this section
361 shall be fined not less than Twenty-five Dollars (\$25.00) nor more
362 than Five Hundred Dollars (\$500.00).

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

365 73-5-25. (1) The Board of Barber Examiners may refuse to
366 issue, or may suspend definitely or indefinitely, or revoke any
367 certificate of registration or license for any one (1) or a
368 combination of the following causes:



369 (a) Conviction of a felony shown by a certified copy of
370 the judgment of court in which such conviction is had, unless upon
371 a full and unconditional pardon of such convict, and upon
372 satisfactory showing that such convict will in the future conduct
373 himself in a law-abiding way.

374 (b) Gross malpractice or gross incompetency.

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

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

379 (e) Habitual drunkenness or habitual addiction to the
380 use of morphine, cocaine or habit-forming drug, or any other
381 illegal controlled substances.

382 (f) Immoral or unprofessional conduct.

383 (g) Violation of regulations that may be prescribed as
384 provided for in Sections 73-5-7 through 73-5-43.

385 (2) In addition to the causes specified in subsection (1) of
386 this section, the board shall be authorized to suspend the
387 certificate of registration of any person for being out of
388 compliance with an order for support, as defined in Section
389 93-11-153. The procedure for suspension of a certificate for
390 being out of compliance with an order for support, and the
391 procedure for the reissuance or reinstatement of a certificate
392 suspended for that purpose, and the payment of any fees for the
393 reissuance or reinstatement of a certificate suspended for that



394 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
395 there is any conflict between any provision of Section 93-11-157
396 or 93-11-163 and any provision of this chapter, the provisions of
397 Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

400 73-5-27. The Board of Barber Examiners may neither refuse to
401 suspend or revoke, nor revoke or suspend any certificate of
402 registration as a registered barber or barber instructor, for any
403 of the causes enumerated in this chapter, unless the holder of
404 such certificate has been given at least twenty (20) days' notice,
405 in writing by registered mail, signed by the President and
406 Secretary of the Board of Barber Examiners, setting forth the
407 charges against such holder of such certificate and naming the
408 time and place for a hearing upon the charge or charges, and a
409 public hearing thereof by the Board of Barber Examiners. The
410 person shall return a written response within ten (10) business
411 days acknowledging receipt of the letter and confirmation of
412 attendance at the board hearing no later than the close of
413 business of the tenth day.

414 Upon the hearing of any such charge or charges the board may
415 issue all subpoenas for all necessary witnesses for and against
416 the accused, and require their attendance upon such hearing, may
417 administer oaths, and may procure by process the production of all



418 necessary books and papers, bearing or touching upon such charges
419 against the accused.

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

422 73-5-29. The fee for taking an examination as a registered
423 barber shall be in the sum of not more than Fifty-five Dollars
424 (\$55.00), and the further sum of not more than Forty-five Dollars
425 (\$45.00) shall be required for the issuance of a certificate for
426 the registered barber. The fee for taking an examination as a
427 registered barber instructor shall be in the sum of not more than
428 Fifty-five Dollars (\$55.00), and the further sum of not more than
429 Fifty Dollars (\$50.00) shall be required for the issuance of a
430 certificate of registration for the registered barber instructor.
431 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall
432 be required for the issuance of a certificate of registration to a
433 practicing barber of another state as authorized by Section
434 73-5-21. Likewise, an annual renewal fee payable on the
435 anniversary date of the issuance of each certificate of
436 registration as a registered barber of not more than Forty-five
437 Dollars (\$45.00) shall be charged for the issuance of the renewal
438 of the certificate; an annual renewal fee payable on the
439 anniversary date of the issuance of each certificate of
440 registration as a registered barber instructor of not more than
441 Fifty Dollars (\$50.00) shall be charged for the issuance of the
442 renewal of the certificate; however, the renewal fee for a



443 registered barber and barber instructor who is sixty-five (65)
444 years of age or older shall be not more than Thirty Dollars
445 (\$30.00). No renewal fee shall be charged for registered barbers
446 and barber instructors who are at least seventy-two (72) years of
447 age. A fee of Ten Dollars (\$10.00) for each year or any portion
448 thereof in addition to payment of all unpaid renewal fees in
449 arrears and the regular renewal fee shall be required for the
450 restoration of expired certificates of registration issued
451 pursuant to this chapter. Additionally, in order to restore any
452 certificate of registration issued under this chapter that has
453 been expired for a period of five (5) years or longer, the holder
454 thereof must retake and pass the appropriate examination. A
455 penalty of Ten Dollars (\$10.00) in addition to payment of all
456 unpaid renewal fees in arrears and the regular renewal fee shall
457 be required for the restoration of certificates that have expired
458 for a period of thirty (30) to sixty (60) days. A penalty of
459 Twenty-five Dollars (\$25.00) in addition to payment of all unpaid
460 renewal fees in arrears and the regular renewal fee shall be
461 required for the restoration of certificates that have been
462 expired for a period greater than sixty (60) days.

463 The board may adopt and spread upon its minutes the rules and
464 regulations for the issuance of a duplicate certificate for which
465 a fee of not more than Ten Dollars (\$10.00) may be charged.
466 However, each duplicate certificate issued shall have stamped



467 across its face the word "duplicate" and shall bear the number of
468 the original certificate in lieu of which it is issued.

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

471 73-5-31. The board is hereby authorized to receive
472 applications for and give examinations to persons who have not
473 become legal residents of the State of Mississippi when such
474 applicants comply with the laws and regulations of said board and
475 are authorized to issue a certificate or license, as the case may
476 be, as fully as if said applicant was a resident of the State of
477 Mississippi. However, the board is authorized to charge a sum of
478 not more than Twenty Dollars (\$20.00) in addition to the other
479 fees charged a resident applicant to cover the necessary expenses
480 in making any investigation or obtaining information concerning
481 said applicant. Upon the successful compliance with the laws of
482 this state, such nonresident may be issued a certificate or
483 license as a resident.

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

486 73-5-33. (1) The board shall issue a license for each
487 barbershop in operation in the State of Mississippi, and the board
488 shall prescribe the rules and regulations and circulate the
489 information necessary to obtain a license for the barbershop. A
490 fee of not more than Fifteen Dollars (\$15.00) for each chair
491 manned by a registered barber located in the shop shall be



492 required for the issuance of the license, and the same fee shall
493 be required for a renewal of the license to the shop, the renewal
494 due on the anniversary date of each year. A fee of not more than
495 Twenty-five Dollars (\$25.00) in addition to the regular renewal
496 fee shall be required for restoration of any license that has
497 expired for more than thirty (30) days. Any barbershop license
498 having passed the second year anniversary date, in delinquency,
499 shall be required to have a new shop inspection and shall
500 hereafter pay an initial fee of not more than Forty-five Dollars
501 (\$45.00) in addition to all other fees required for restoration.

502 (2) All barbershop owners shall be responsible for employing
503 only licensed barbers in the shop. Any barbershop owner found by
504 the Board of Barber Examiners to employ an unlicensed barber or
505 barbers shall be fined Five Hundred Dollars (\$500.00) payable into
506 the State General Fund, and shall be subject to closure until
507 those violations are corrected. For any later violation, the fine
508 shall be One Thousand Dollars (\$1,000.00). Any barbershop
509 operating within the State of Mississippi without a license after
510 July 1, 1968, shall be subjected to closing by a proper order of a
511 court of competent jurisdiction upon a proper showing that it has
512 failed to comply with the terms of this chapter.

513 (3) The board may assess against any barbershop owner found
514 to employ an unlicensed barber or barbers any of the following
515 costs that are expended by the board in the conduct of a
516 proceeding for violation of subsection (2): court filing fees,



517 court costs and the cost of serving process. Any monies collected
518 by the board under this subsection (3) shall be deposited into the
519 special fund operating account of the board.

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

525 (5) All licensees shall notify the State Board of Barber
526 Examiners of the location of the barbershop at which they are
527 employed.

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

530 73-5-35. All barber schools operated in this state shall pay
531 an annual license fee of One Hundred Dollars (\$100.00) and the
532 same fee shall be required for renewal of the license to each such
533 school on July 1 of each year. A fee of not more than Twenty-five
534 Dollars (\$25.00) shall be required for restoration of an expired
535 license that has been expired for a period of at least thirty (30)
536 days of the renewal date.

537 The license to operate those schools shall be issued by the
538 Board of Barber Examiners after approval by the board. This
539 license shall not be transferable for any cause and must be
540 renewed annually.



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

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

545 73-5-37. Except as provided in Section 33-1-39, every
546 registered barber and barber instructor who continues in active
547 practice or service shall annually on or before the anniversary
548 date of the issuance of his certificate of registration renew the
549 certificate by paying the required fee and meeting all applicable
550 requirements of the State Board of Health. Every certificate of
551 registration which has not been renewed within thirty (30) days of
552 its anniversary date shall expire. A registered barber or barber
553 instructor whose certificate of registration has expired may have
554 his certificate restored immediately upon payment of the renewal
555 fee plus the required restoration fee.

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

558 73-5-39. Any one (1) or any combination of the following
559 practices (when done upon the upper part of the human body for
560 cosmetic purposes and not for the treatment of diseases, or
561 physical or mental ailment, and when done for payment either
562 directly or indirectly, or without payment, for the public
563 generally) constitutes the practice of barbering:

564 Shaving, trimming the beard or cutting the hair by use of any
565 electric instruments, razors or shears;



566 Giving facial or scalp massages or treatments with oils,
567 creams, lotions or other preparations, either by hand or
568 mechanical devices;

569 Singeing, shampooing, coloring or dyeing of the hair or
570 beard, or any chemical services as pertains to hair perms, hair
571 color or straightening;

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

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

576 73-5-41. The following persons are exempt from the
577 provisions of this chapter, wholly in the proper discharge of
578 their professional duties, to wit:

579 Persons authorized by the law of Mississippi to practice
580 medicine and surgery.

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

583 Registered nurses.

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

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



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

593 73-5-43. Each of the following constitutes a misdemeanor,
594 punishable in any court of competent jurisdiction, upon conviction
595 thereof, by a fine of not less than Twenty-five Dollars (\$25.00)
596 nor more than One Thousand Dollars (\$1,000.00):

597 The violation of any of the provisions of Sections 73-5-9,
598 73-5-33 and 73-5-23; or

599 Any acts or threats of violence against any members or
600 employees of the board; or

601 Obtaining or attempting to obtain a certificate of
602 registration for money other than the required fee, or any other
603 thing of value, or by fraudulent misrepresentation; or

604 Practicing or attempting to practice by fraudulent
605 misrepresentations; or

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

608 The use of any room or place for barbering which is also used
609 for residential or business purpose (except for the sale of hair
610 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco
611 and such commodities as are used or sold in a barbershop) unless a
612 substantial partition of ceiling height separates the portion used
613 for the residence or business purpose from that in which such
614 practice of barbering is carried on.



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

617 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code
618 of 1972, which create the State Board of Barber Examiners and
619 prescribe its duties and powers, shall stand repealed as of July
620 1, * * *2019.

621 **SECTION 25.** This act shall take effect and be in force from
622 and after July 1, 2016.

