

By: Representative Evans (45th)

To: Public Health and Human Services; Ways and Means

HOUSE BILL NO. 145

1 AN ACT TO BRING FORWARD SECTION 73-5-1, MISSISSIPPI CODE OF
 2 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION
 3 73-5-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF
 4 BARBER EXAMINERS SHALL REQUIRE EACH BARBERSHOP OR BARBER SCHOOL TO
 5 DISPLAY THE BARBER POLE AS A SYMBOL IDENTIFYING THAT THE SERVICES
 6 OF HAIRCUTTING, BARBER SERVICES OR BARBER INSTRUCTION ARE BEING
 7 PROVIDED; TO DEFINE THE TERM "BARBER POLE"; TO IMPOSE FINES FOR
 8 PERSONS FRAUDULENTLY HOLDING THEMSELVES OUT AS A BARBER BY THE
 9 DISPLAY OF A BARBER POLE; TO AMEND SECTION 73-5-7, MISSISSIPPI
 10 CODE OF 1972, TO IMPOSE FINES FOR VIOLATION OF SANITATION RULES
 11 AND REGULATIONS; TO AMEND SECTION 73-5-9, MISSISSIPPI CODE OF
 12 1972, TO REQUIRE ESTABLISHMENTS TO HAVE A LICENSE FROM THE BOARD
 13 BEFORE DISPLAYING A BARBER POLE OR SIGN OR ADVERTISING BARBERING
 14 SERVICES; TO AMEND SECTION 73-5-29, MISSISSIPPI CODE OF 1972, TO
 15 INCREASE THE FEE FOR TAKING THE BARBER'S EXAMINATION; AND FOR
 16 RELATED PURPOSES.

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

18 **SECTION 1.** Section 73-5-1, Mississippi Code of 1972, is
 19 brought forward as follows:

20 73-5-1. The State Board of Barber Examiners is continued and
 21 reconstituted as follows: The Board of Barber Examiners shall
 22 consist of five (5) members, to be appointed by the Governor, with
 23 the advice and consent of the Senate, one (1) member to be
 24 appointed from each of the congressional districts as existing on
 25 January 1, 1991. Each member shall be a practical barber and a



26 qualified elector of this state. He shall have been engaged in
27 the practice of barbering in the State of Mississippi for at least
28 five (5) years immediately before the time of his appointment and
29 shall be a person of good moral character. From and after July 1,
30 1983, the appointments to the board shall be made in the manner
31 hereinafter provided, and the present members of the State Board
32 of Barber Examiners whose terms have not expired by July 1, 1983,
33 shall continue to serve until their successors have been appointed
34 and qualified. The Governor shall appoint, with the advice and
35 consent of the Senate, five (5) members from the congressional
36 districts as follows: The member from the First Congressional
37 District shall be appointed for a term of two (2) years to
38 commence on July 1, 1983; the member from the Second Congressional
39 District shall be appointed for a term of four (4) years to
40 commence on July 1, 1984; the member from the Third Congressional
41 District shall be appointed for a term of two (2) years to
42 commence on July 1, 1983; the member from the Fourth Congressional
43 District shall be appointed for a term of four (4) years to
44 commence on July 1, 1984; and the member from the Fifth
45 Congressional District shall be appointed for a term of one (1)
46 year to commence on July 1, 1983. The members of the board as
47 constituted on July 1, 2002, whose terms have not expired shall
48 serve the balance of their terms, after which time the membership
49 of the board shall be appointed as follows: There shall be
50 appointed one (1) member of the board from each of the four (4)



51 Mississippi congressional districts as they currently exist, and
52 one (1) from the state at large, and the Governor shall make
53 appointments from the congressional district having the smallest
54 number of board members until the membership includes one (1)
55 member from each district as required. From and after July 1,
56 2002, no member of the board who is connected in any way with any
57 barbering school shall participate in the administration of
58 examinations of barber applicants. From and after July 1, 2004,
59 no member of the board shall be connected in any way with any
60 school in which barbering is taught.

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

68 The Governor may remove any one or more members of the board
69 for just cause. Members appointed to fill vacancies caused by
70 death, resignation or removal of any member or members shall serve
71 only for the unexpired term of their predecessors. Any member who
72 does not attend two (2) consecutive meetings of the board for
73 reasons other than illness of the member shall be subject to
74 removal by the Governor. The president of the board shall notify



75 the Governor in writing when any such member has failed to attend
76 two (2) consecutive regular meetings.

77 **SECTION 2.** Section 73-5-3, Mississippi Code of 1972, is
78 amended as follows:

79 73-5-3. (1) The board shall elect a president and secretary
80 and shall adopt and use a common seal for the authentication of
81 its records and orders. The secretary shall keep a record of all
82 proceedings and acts of the board and an accurate account of all
83 funds received and disbursed, which shall be considered as public
84 records.

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

91 (3) A majority of the board shall constitute a quorum, and
92 it is authorized to perform the requirements of this chapter at
93 any regular or special meeting called for that purpose.

94 (4) Each member of the board shall receive per diem in
95 accordance with Section 25-3-69 when actually attending to the
96 work of the board or any of its committees, and shall be
97 reimbursed for traveling expenses in accordance with Section
98 25-3-41 in carrying out the provisions of this chapter. The board
99 shall employ an executive director with compensation to be



100 established by the State Personnel Board, and the executive
101 director shall devote his or her full time to oversee all
102 day-to-day operations of the board. The board may employ four (4)
103 inspectors, one (1) to be appointed from each of the four (4)
104 congressional districts, to make periodic inspections of all
105 barbershops throughout the state and one (1) chief inspector to be
106 appointed from the state at large to supervise inspections and
107 investigations statewide. The board shall employ the necessary
108 personnel to carry out the provisions of this chapter, and
109 maintain and pay the expenses of an office to be located in the
110 City of Jackson. All per diem, salaries and expenses shall be
111 paid exclusively from the funds in the board's special fund, and
112 salaries and expenses of personnel may be disbursed monthly.

113 (5) The board shall require such of its employees as it may
114 consider necessary to make bond and file same with the Secretary
115 of State in such sums as it may consider necessary to protect the
116 interests of the barbers of the State of Mississippi and require
117 the faithful performance of their duties.

118 (6) (a) The board shall require each barbershop and barber
119 school to display the barber pole as a symbol indentifying that
120 the services of haircutting, barber services or barber instruction
121 are being provided. For purposes of this chapter, the term
122 "barber pole" means a cylindrical tube with red, white and blue
123 stripes, which respectively signify blood, bandages and veins and
124 represent the profession and history of barbering.



125 (b) Any unauthorized use of a barber pole by a person,
126 entity or business providing barbering services without a license
127 issued by the board, or any failure by a licensed barbershop or
128 barber school to display a barber pole or failure to comply with
129 any regulation promulgated for this purpose, shall be subject to a
130 fine of not less than Twenty-five Dollars (\$25.00) and not more
131 than Two Hundred Dollars (\$200.00).

132 **SECTION 3.** Section 73-5-7, Mississippi Code of 1972, is
133 amended as follows:

134 73-5-7. (1) The Board of Barber Examiners shall have
135 authority to make reasonable rules and regulations for the
136 administration of the provisions of this chapter. * * *
137 However, * * * any and all rules and regulations relating to
138 sanitation shall, before adoption by the board, have the written
139 approval of the State Board of Health. The sanitation rules and
140 regulations also shall provide for the enforcement of fines in an
141 amount not less than One Hundred Dollars (\$100.00) and not more
142 than One Thousand Dollars (\$1,000.00) for infractions of those
143 rules and regulations discovered through routine inspections of
144 barbershops and barber schools. The Board of Barber Examiners
145 shall adopt regulations for the guidance of registered barbers in
146 the operation of a shop and in the practice of barbering except,
147 however, it shall be optional with the individual barber as to
148 whether he or she uses a mug. Any member or designee of the Board
149 of Barber Examiners shall have the authority to enter upon and



150 inspect any barbershop or barber school at anytime during business
151 hours. A copy of the rules and regulations of the State Board of
152 Barber Examiners shall be furnished to the owner or manager of
153 each shop and barber school affected by this chapter, and such
154 copy shall be posted in a conspicuous place in such barbershop or
155 barber school. The provisions of this subsection shall not apply
156 to state institutions of higher learning or public community or
157 junior colleges.

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

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

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

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

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

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



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

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

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

192 **SECTION 4.** Section 73-5-9, Mississippi Code of 1972, is
193 amended as follows:

194 73-5-9. (1) No person shall practice or attempt to practice
195 barbering in the State of Mississippi without a certificate of
196 registration as a registered barber issued pursuant to the
197 provisions of this chapter.



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

201 (3) No establishment shall display a barber pole, barber
202 sign or advertise barbering services unless the establishment is
203 licensed by the Board of Barber Examiners.

204 (* * *4) Any person or persons who violates any provision
205 of this chapter shall be guilty of a misdemeanor, punishable upon
206 conviction in a court of competent jurisdiction as follows:

207 (a) For the first offense, by a fine of not less than
208 Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars
209 (\$500.00);

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

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

216 **SECTION 5.** Section 73-5-29, Mississippi Code of 1972, is
217 amended as follows:

218 73-5-29. The fee for taking an examination as a registered
219 barber shall be in the sum of not more than * * * Sixty-five
220 Dollars (\$65.00), and the further sum of not more than Forty-five
221 Dollars (\$45.00) shall be required for the issuance of a
222 certificate for the registered barber. The fee for taking an



223 examination as a registered barber instructor shall be in the sum
224 of not more than Fifty-five Dollars (\$55.00), and the further sum
225 of not more than Fifty Dollars (\$50.00) shall be required for the
226 issuance of a certificate of registration for the registered
227 barber instructor. A fee of not more than One Hundred Fifty
228 Dollars (\$150.00) shall be required for the issuance of a
229 certificate of registration to a practicing barber of another
230 state as authorized by Section 73-5-21. Likewise, an annual
231 renewal fee payable on the anniversary date of the issuance of
232 each certificate of registration as a registered barber of not
233 more than Forty-five Dollars (\$45.00) shall be charged for the
234 issuance of the renewal of the certificate; an annual renewal fee
235 payable on the anniversary date of the issuance of each
236 certificate of registration as a registered barber instructor of
237 not more than Fifty Dollars (\$50.00) shall be charged for the
238 issuance of the renewal of the certificate; however, the renewal
239 fee for a registered barber and barber instructor who is
240 sixty-five (65) years of age or older shall be not more than
241 Thirty Dollars (\$30.00). No renewal fee shall be charged for
242 registered barbers and barber instructors who are at least
243 seventy-two (72) years of age. A fee of Ten Dollars (\$10.00) for
244 each year or any portion thereof in addition to payment of all
245 unpaid renewal fees in arrears and the regular renewal fee shall
246 be required for the restoration of expired certificates of
247 registration issued pursuant to this chapter. Additionally, in



248 order to restore any certificate of registration issued under this
249 chapter that has been expired for a period of five (5) years or
250 longer, the holder thereof must retake and pass the appropriate
251 examination. A penalty of Ten Dollars (\$10.00) in addition to
252 payment of all unpaid renewal fees in arrears and the regular
253 renewal fee shall be required for the restoration of certificates
254 that have expired for a period of thirty (30) to sixty (60) days.
255 A penalty of Twenty-five Dollars (\$25.00) in addition to payment
256 of all unpaid renewal fees in arrears and the regular renewal fee
257 shall be required for the restoration of certificates that have
258 been expired for a period greater than sixty (60) days.

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

265 **SECTION 6.** This act shall take effect and be in force from
266 and after July 1, 2018.

