

By: Representatives Bain, Mickens

To: Judiciary B

HOUSE BILL NO. 1196  
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 73-5-1, 73-5-8, 73-5-11, 73-5-21 AND  
2 73-5-25, MISSISSIPPI CODE OF 1972, TO CLARIFY THE QUALIFICATIONS  
3 OF BARBERS TO ENSURE THAT NO LICENSE SHALL BE DENIED SOLELY FOR  
4 LACK OF GOOD MORAL CHARACTER OR CONVICTION OF A NONVIOLENT FELONY  
5 OR CRIME OF MORAL TURPITUDE; TO AMEND SECTIONS 73-53-8, 73-53-13  
6 AND 73-53-17, MISSISSIPPI CODE OF 1972, TO CLARIFY THE  
7 QUALIFICATIONS OF SOCIAL WORKERS TO ENSURE THAT NO LICENSE SHALL  
8 BE DENIED SOLELY FOR LACK OF GOOD MORAL CHARACTER OR CONVICTION OF  
9 A NONVIOLENT FELONY OR CRIME OF MORAL TURPITUDE; AND FOR RELATED  
10 PURPOSES.

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

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

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



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



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

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

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

70 **SECTION 2.** Section 73-5-8, Mississippi Code of 1972, is  
71 amended as follows:



72           73-5-8. Any person is qualified to receive a certificate of  
73 registration as a barber instructor who:

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

75                   (b) Is of \* \* \* temperate habits;

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

77                   (d) Possesses a high school education or its  
78 equivalent;

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

83                   (f) Has (i) not less than two (2) years of active  
84 experience as a registered barber and has successfully completed  
85 not less than six hundred (600) hours of barber instructor  
86 training at a school approved by the board, or (ii) less than two  
87 (2) years of active experience as a registered barber and has  
88 successfully completed not less than one thousand (1,000) hours of  
89 barber instructor training at a school approved by the board; and

90                   (g) Has passed a satisfactory examination conducted by  
91 the board to determine his fitness to practice as a barber  
92 instructor.

93           All persons who have received a certificate of registration  
94 as a barber instructor from the board before July 1, 2002, shall  
95 be considered to have met the requirements of this section, and



96 all those certificates of registration shall be renewable as  
97 otherwise provided in this chapter.

98         The board will implement an active and inactive instructor  
99 license. In order to renew an active license, instructors holding  
100 an active license shall be required to submit proof of twelve (12)  
101 hours of continuing education each year to the Board of Barber  
102 Examiners. That education shall be acquired in classes or trade  
103 shows teaching materials that are approved by the board.  
104 Instructors holding an inactive license shall be required to  
105 submit proof of twelve (12) hours continuing education before  
106 upgrading to an active status.

107         **SECTION 3.** Section 73-5-11, Mississippi Code of 1972, is  
108 amended as follows:

109         73-5-11. (1) To be eligible for enrollment at a barbering  
110 school approved by the Board of Barber Examiners, a person shall  
111 have a high school education or its equivalent, and/or shall have  
112 satisfactorily passed the ability-to-benefit examinations approved  
113 by the U.S. Department of Education.

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

116                 (a) Who is qualified under the provisions of this  
117 chapter;

118                 (b) Who is of \* \* \* temperate habits;



119 (c) Who has completed not less than fifteen hundred  
120 (1500) hours at a barbering school approved by the State Board of  
121 Barber Examiners; and

122 (d) Who has passed a satisfactory examination conducted  
123 by the board of examiners to determine his fitness to practice  
124 barbering.

125 (3) A temporary permit to practice barbering until the next  
126 examination is given may be issued to a student who has completed  
127 not less than fifteen hundred (1500) hours at a barbering school  
128 approved by the Board of Barber Examiners. In no event shall a  
129 person be allowed to practice barbering on a temporary permit  
130 beyond the date the next examination is given, except because of  
131 personal illness.

132 **SECTION 4.** Section 73-5-21, Mississippi Code of 1972, is  
133 amended as follows:

134 73-5-21. Any person possessed of the following  
135 qualifications shall, upon payment of the required fee, receive a  
136 certificate of registration as a registered barber:

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

138 (b) Is of \* \* \* temperate habits; and

139 (c) Either has a license or certificate of registration  
140 as a practicing barber in another state or country that has  
141 substantially the same requirements for licensing or registration  
142 of barbers as are contained in this chapter, or can prove by sworn  
143 affidavits that he has lawfully practiced as a barber in another



144 state or country for at least five (5) years immediately before  
145 making application in this state, or can show to the satisfaction  
146 of the board that he had held a rating in a branch of the military  
147 service for two (2) or more years that required him to perform the  
148 duties of a barber. The issuance of a certificate of registration  
149 by reciprocity to a military-trained applicant, military spouse or  
150 person who establishes residence in this state shall be subject to  
151 the provisions of Section 73-50-1 or 73-50-2, as applicable.

152 In addition to the above, the board may require the applicant  
153 to successfully demonstrate sufficient knowledge of the Barber Law  
154 of the State of Mississippi, as well as sufficient practical skill  
155 by requiring the applicant to take a practical examination  
156 approved by the board.

157 **SECTION 5.** Section 73-5-25, Mississippi Code of 1972, is  
158 amended as follows:

159 73-5-25. (1) The Board of Barber Examiners may refuse to  
160 issue, or may suspend definitely or indefinitely, or revoke any  
161 certificate of registration or license for any one (1) or a  
162 combination of the following causes:

163 (a) Conviction of a \* \* \* disqualifying crime as  
164 provided in the Fresh Start Act of 2019 or a crime of violence as  
165 defined in Section 97-3-2 shown by a certified copy of the  
166 judgment of court in which such conviction is had, unless upon a  
167 full and unconditional pardon of such convict, and upon



168 satisfactory showing that such convict will in the future conduct  
169 himself in a law-abiding way.

170 (b) Gross malpractice or gross incompetency.

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

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

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

178 (f) Immoral or unprofessional conduct.

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

181 (2) In addition to the causes specified in subsection (1) of  
182 this section, the board shall be authorized to suspend the  
183 certificate of registration of any person for being out of  
184 compliance with an order for support, as defined in Section  
185 93-11-153. The procedure for suspension of a certificate for  
186 being out of compliance with an order for support, and the  
187 procedure for the reissuance or reinstatement of a certificate  
188 suspended for that purpose, and the payment of any fees for the  
189 reissuance or reinstatement of a certificate suspended for that  
190 purpose, shall be governed by Section 93-11-157 or 93-11-163. If  
191 there is any conflict between any provision of Section 93-11-157





192 or 93-11-163 and any provision of this chapter, the provisions of  
193 Section 93-11-157 or 93-11-163, as the case may be, shall control.

194 **SECTION 6.** Section 73-53-8, Mississippi Code of 1972, is  
195 amended as follows:

196 73-53-8. (1) There is created the Board of Examiners for  
197 Social Workers and Marriage and Family Therapists to license and  
198 regulate social workers and marriage and family therapists. The  
199 board shall be composed of ten (10) members, six (6) of which  
200 shall be social workers and four (4) of which shall be marriage  
201 and family therapists.

202 (2) Of the social worker members of the board, two (2) must  
203 be licensed social workers, and four (4) must be licensed master  
204 social workers or licensed certified social workers or a  
205 combination thereof. The marriage and family therapist members of  
206 the board must be licensed marriage and family therapists. For at  
207 least two (2) years immediately preceding his or her appointment,  
208 each marriage and family therapist appointee must have been  
209 actively engaged as a marriage and family therapist in rendering  
210 professional services in marriage and family therapy, or in the  
211 education and training of master's, doctoral or post-doctoral  
212 students of marriage and family therapy, or in marriage and family  
213 therapy research, and during the two (2) years preceding his or  
214 her appointment, must have spent the majority of the time devoted  
215 to that activity in this state. The initial marriage and family  
216 therapist appointees shall be deemed to be and shall become



217 licensed practicing marriage and family therapists immediately  
218 upon their appointment and qualification as members of the board.  
219 All subsequent marriage and family therapist appointees to the  
220 board must be licensed marriage and family therapists before their  
221 appointment.

222 (3) The Governor shall appoint six (6) members of the board,  
223 four (4) of which shall be social workers and two (2) of which  
224 shall be marriage and family therapists, and the Lieutenant  
225 Governor shall appoint four (4) members of the board, two (2) of  
226 which shall be social workers and two (2) of which shall be  
227 marriage and family therapists. Social worker members of the  
228 board shall be appointed from nominations submitted by the  
229 Mississippi Chapter of the National Association of Social Workers,  
230 and marriage and family therapist members of the board shall be  
231 appointed from nominations submitted by the Mississippi  
232 Association for Marriage and Family Therapy. All appointments  
233 shall be made with the advice and consent of the Senate.

234 (4) The initial appointments to the board shall be made as  
235 follows: The Governor shall appoint one (1) social worker member  
236 for a term that expires on June 30, 1999, one (1) social worker  
237 member for a term that expires on June 30, 2001, two (2) social  
238 worker members for terms that expire on June 30, 2002, one (1)  
239 marriage and family therapist member for a term that expires on  
240 June 30, 1998, and one (1) marriage and family therapist member  
241 for a term that expires on June 30, 2000. The Lieutenant Governor



242 shall appoint one (1) social worker member for a term that expires  
243 on June 30, 1998, one (1) social worker member for a term that  
244 expires on June 30, 2000, one (1) marriage and family therapist  
245 member for a term that expires on June 30, 1999, and one (1)  
246 marriage and family therapist member of the board for a term that  
247 expires on June 30, 2001. After the expiration of the initial  
248 terms, all subsequent appointments shall be made by the original  
249 appointing authorities for terms of four (4) years from the  
250 expiration date of the previous term. Upon the expiration of his  
251 or her term of office, a board member shall continue to serve  
252 until his or her successor has been appointed and has qualified.  
253 No person may be appointed more than once to fill an unexpired  
254 term or more than two (2) consecutive full terms.

255 (5) Any vacancy on the board before the expiration of a term  
256 shall be filled by appointment of the original appointing  
257 authority for the remainder of the unexpired term. Appointments  
258 to fill vacancies shall be made from nominations submitted by the  
259 appropriate organization as specified in subsection (2) of this  
260 section for the position being filled.

261 (6) The appointing authorities shall give due regard to  
262 geographic distribution, race and sex in making all appointments  
263 to the board.

264 (7) The board shall select one (1) of its members to serve  
265 as chairman during the term of his or her appointment to the  
266 board. No person may serve as chairman for more than four (4)



267 years. The board may remove any member of the board or the  
268 chairman from his or her position as chairman for (a) malfeasance  
269 in office, or (b) conviction of \* \* \* disqualifying crime as  
270 provided in the Fresh Start Act of 2019 or a crime of violence as  
271 defined in Section 97-3-2 while in office, or (c) failure to  
272 attend three (3) consecutive board meetings. However, no member  
273 may be removed until after a public hearing of the charges against  
274 him or her, and at least thirty (30) days' prior written notice to  
275 the accused member of the charges against him or her and of the  
276 date fixed for such hearing. No board member shall participate in  
277 any matter before the board in which he has a pecuniary interest,  
278 personal bias or other similar conflict of interest.

279 (8) Board members shall receive no compensation for their  
280 services, but shall be reimbursed for their actual and necessary  
281 expenses incurred in the performance of official board business as  
282 provided in Section 25-3-41.

283 (9) Four (4) social worker members and three (3) marriage  
284 and family therapist members of the board shall constitute a  
285 quorum of the board. In making its decisions and taking actions  
286 affecting the members of one (1) of the professions regulated by  
287 the board, the board shall consider the recommendations of the  
288 board members who are members of that profession. If the board is  
289 unable to have a quorum present at a regularly scheduled meeting  
290 location, the board may allow other members to participate in the  
291 meeting by telephone or other electronic means. In the case of an



292 administrative hearing, when recusals from the process are  
293 necessary, a quorum may consist of a simple majority of six (6)  
294 members.

295 (10) The principal office of the board shall be in the City  
296 of Jackson, but the board may act and exercise all of its powers  
297 at any other place. The board shall adopt an official seal, which  
298 shall be judicially noticed and which shall be affixed to all  
299 licenses issued by the board.

300 (11) The board is authorized to employ, subject to the  
301 approval of the State Personnel Board, an executive director and  
302 such attorneys, experts and other employees as it may, from time  
303 to time, find necessary for the proper performance of its duties  
304 and for which the necessary funds are available, and to set the  
305 salary of the executive director, subject to the approval of the  
306 State Personnel Board.

307 (12) The board, by a majority vote, from time to time, may  
308 make such provisions as it deems appropriate to authorize the  
309 performance by any board member or members, employee or other  
310 agent of the board of any function given the board in this chapter  
311 or Sections 73-54-1 through 73-54-39.

312 **SECTION 7.** Section 73-53-13, Mississippi Code of 1972, is  
313 amended as follows:

314 73-53-13. The board shall issue the appropriate license to  
315 applicants who meet the qualifications of this section.



316 (a) A license as a "licensed social worker" shall be  
317 issued to an applicant who demonstrates to the satisfaction of the  
318 board that he or she meets the following qualifications:

319 (i) Has a baccalaureate degree in social work from  
320 a college or university accredited by the Council on Social Work  
321 Education or Southern Association of Colleges and Schools and has  
322 satisfactorily completed the Association for Social Work Boards  
323 (ASWB) examination for this license; or

324 (ii) Has a comparable license or registration from  
325 another state or territory of the United States of America that  
326 imposes qualifications substantially similar to those of this  
327 chapter.

328 (b) A license as a "licensed master's social worker"  
329 shall be issued to an applicant who demonstrates to the  
330 satisfaction of the board that he or she meets the following  
331 qualifications:

332 (i) Has a doctorate or master's degree from a  
333 school of social work accredited by the Council on Social Work  
334 Education; and

335 (ii) Has satisfactorily completed the ASWB  
336 examination for this license; or

337 (iii) Has a comparable license or registration  
338 from another state or territory of the United States of America  
339 that imposes qualifications substantially similar to those of this  
340 chapter.



341 (c) A license as a "licensed certified social worker"  
342 shall be issued to an applicant who demonstrates to the  
343 satisfaction of the board that he or she meets the following  
344 qualifications:

345 (i) Is licensed under this section as a "master's  
346 social worker"; and

347 (ii) Has twenty-four (24) months of professional  
348 supervision and clinical or macro social work practice experience  
349 acceptable to the board, under appropriate supervision; and

350 (iii) Has satisfactorily completed the ASWB  
351 examination for this license; or

352 (iv) Has a comparable license or registration from  
353 another state or territory of the United States of America that  
354 imposes qualifications substantially similar to those of this  
355 chapter.

356 (d) In addition to the above qualifications, an  
357 applicant for any of the above licenses must prove to the board's  
358 satisfaction:

359 (i) Age of at least twenty-one (21) years, and

360 \* \* \*

361 ( \* \* \* ii) United States of America citizenship or  
362 status as a legal resident alien, and

363 ( \* \* \* iii) Absence of conviction of a \* \* \*

364 disqualifying crime as provided in the Fresh Start Act of 2019 or  
365 a crime of violence as defined in Section 97-3-2 for the last ten



366 (10) years. Conviction, as used in this subparagraph, includes a  
367 deferred conviction, deferred prosecution, deferred sentence,  
368 finding or verdict of guilt, an admission of guilty, or a plea of  
369 nolo contendere, and

370 (v) That the applicant has not been declared  
371 mentally incompetent by any court, and if any such decree has ever  
372 been rendered, that the decree has since been changed, and

373 (vi) Freedom from dependency on alcohol or drugs,  
374 and

375 (vii) Complete criminal history records check,  
376 including a fingerprint and an acceptable sex offender check, by  
377 appropriate governmental authorities as prescribed by the board.

378 (e) Only individuals licensed as "certified social  
379 workers" shall be permitted to call themselves "clinical social  
380 workers."

381 The issuance of a license by reciprocity to a  
382 military-trained applicant, military spouse or person who  
383 establishes residence in this state shall be subject to the  
384 provisions of Section 73-50-1 or 73-50-2, as applicable.

385 Each application or filing made under this section shall  
386 include the social security number(s) of the applicant in  
387 accordance with Section 93-11-64.

388 **SECTION 8.** Section 73-53-17, Mississippi Code of 1972, is  
389 amended as follows:





390           73-53-17. (1) Individuals licensed by the board shall  
391 conduct their activities, services and practice in accordance with  
392 the laws governing their professional practice and any rules  
393 promulgated by the board. Licensees and applicants may be subject  
394 to the exercise of the sanctions enumerated in Section 73-53-23 if  
395 the board finds that a licensee or applicant has committed any of  
396 the following:

397                   (a) Negligence in the practice or performance of  
398 professional services or activities;

399                   (b) Engaging in dishonorable, unethical or  
400 unprofessional conduct of a character likely to deceive, defraud  
401 or harm the public in the course of professional services or  
402 activities;

403                   (c) Perpetrating or cooperating in fraud or material  
404 deception in obtaining or renewing a license or attempting the  
405 same;

406                   (d) Violating the rules and regulations established by  
407 the board;

408                   (e) Violating the National Association of Social  
409 Workers Code of Ethics or the American Association for Marriage  
410 and Family Therapy Code of Ethics;

411                   (f) Being convicted of any crime which has a  
412 substantial relationship to the licensee's activities and services  
413 or an essential element of which is misstatement, fraud or  
414 dishonesty;



415 (g) Being convicted of \* \* \* disqualifying crime as  
416 provided in the Fresh Start Act of 2019 or a crime of violence as  
417 defined in Section 97-3-2;

418 (h) Engaging in or permitting the performance of  
419 unacceptable services personally due to the licensee's deliberate  
420 or grossly negligent act or acts or failure to act, regardless of  
421 whether actual damage or damages to the public is established, or  
422 assuming responsibility for another's work by signing documents  
423 without personal knowledge of the work as established by board  
424 rule;

425 (i) Continued practice although the licensee has become  
426 unfit to practice social work due to: (i) failure to keep abreast  
427 of current professional theory or practice; or (ii) physical or  
428 mental disability; the entry of an order or judgment by a court of  
429 competent jurisdiction that a licensee is in need of mental  
430 treatment or is incompetent shall constitute mental disability; or  
431 (iii) addiction or severe dependency upon alcohol or other drugs  
432 which may endanger the public by impairing the licensee's ability  
433 to practice;

434 (j) Continued practice although the individual failed  
435 to renew and has a lapsed license;

436 (k) Having disciplinary action taken against the  
437 licensee's license in another state;



438           (1) Making differential, detrimental treatment against  
439 any person because of race, color, creed, sex, religion or  
440 national origin;

441           (m) Engaging in lewd conduct in connection with  
442 professional services or activities;

443           (n) Engaging in false or misleading advertising;

444           (o) Contracting, assisting or permitting unlicensed  
445 persons to perform services for which a license is required under  
446 this chapter;

447           (p) Violation of any probation requirements placed on a  
448 licensee by the board;

449           (q) Revealing confidential information except as may be  
450 required by law;

451           (r) Failing to inform clients of the fact that the  
452 client no longer needs the services or professional assistance of  
453 the licensee;

454           (s) Charging excessive or unreasonable fees or engaging  
455 in unreasonable collection practices.

456           (2) The board may order a licensee to submit to a reasonable  
457 physical or mental examination if the licensee's physical or  
458 mental capacity to practice safely is at issue in a disciplinary  
459 proceeding.

460           (3) Failure to comply with a board order to submit to a  
461 physical or mental examination shall render a licensee subject to  
462 the summary suspension procedures described in Section 73-53-23.



463           (4) In addition to the reasons specified in subsection (1)  
464 of this section, the board shall be authorized to suspend the  
465 license of any licensee for being out of compliance with an order  
466 for support, as defined in Section 93-11-153. The procedure for  
467 suspension of a license for being out of compliance with an order  
468 for support, and the procedure for the reissuance or reinstatement  
469 of a license suspended for that purpose, and the payment of any  
470 fees for the reissuance or reinstatement of a license suspended  
471 for that purpose, shall be governed by Section 93-11-157 or  
472 93-11-163, as the case may be. If there is any conflict between  
473 any provision of Section 93-11-157 or 93-11-163 and any provision  
474 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
475 as the case may be, shall control.

476           **SECTION 9.** This act shall take effect and be in force from  
477 and after its passage.

