

By: Representative Ford

To: Public Health and Welfare

HOUSE BILL NO. 415  
(As Passed the House)

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 hereby  
12 continued and reconstituted as follows: The Board of Barber  
13 Examiners shall consist of five (5) members, to be appointed by  
14 the Governor, with the advice and consent of the Senate, one (1)  
15 member to be appointed from each of the congressional districts as  
16 existing on January 1, 1991. Each member shall be a practical  
17 barber and a qualified elector of this state. He shall have been  
18 engaged in the practice of barbering in the State of Mississippi  
19 for at least five (5) years immediately prior to the time of his  
20 appointment and shall be a person of good moral character. From  
21 and after July 1, 1983, the appointments to the board shall be  
22 made in the manner hereinafter provided, and the present members  
23 of the State Board of Barber Examiners whose terms have not  
24 expired by July 1, 1983, shall continue to serve until their  
25 successors shall have been appointed and qualified. The Governor  
26 shall appoint, with the advice and consent of the Senate, five (5)  
27 members from the congressional districts as follows: The member  
28 from the First Congressional District shall be appointed for a  
29 term of two (2) years to commence on July 1, 1983; the member from



30 the Second Congressional District shall be appointed for a term of  
31 four (4) years to commence on July 1, 1984; the member from the  
32 Third Congressional District shall be appointed for a term of two  
33 (2) years to commence on July 1, 1983; the member from the Fourth  
34 Congressional District shall be appointed for a term of four (4)  
35 years to 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.

38       Upon the expiration of the foregoing terms, all members of  
39 the board shall be appointed by the Governor, with the advice and  
40 consent of the Senate, for terms of four (4) years each from the  
41 expiration date of the previous term, until their successors shall  
42 have been appointed and qualified. No member of the board shall  
43 hold any elected office. Appointments made to fill a vacancy of a  
44 term shall be made by the Governor within sixty (60) days after  
45 the vacancy occurs.

46       The Governor may remove any one or more members of said board  
47 for just cause. Members appointed to fill vacancies caused by  
48 death, resignation or removal of any member or members shall serve  
49 only for the unexpired term of their predecessors. Any member who  
50 shall not attend two (2) consecutive meetings of the board for  
51 reasons other than illness of such member shall be subject to  
52 removal by the Governor. The president of the board shall notify  
53 the Governor in writing when any such member has failed to attend  
54 two (2) consecutive regular meetings.

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

57       73-5-3. The board shall elect a president and secretary and  
58 shall adopt and use a common seal for the authentication of its  
59 records and orders. The secretary shall keep a record of all  
60 proceedings and acts of the board and an accurate account of all  
61 funds received and disbursed, which shall be considered as public  
62 records.



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

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

72           The members of the board, except the secretary if the  
73 secretary devotes his full time to the business and clerical work  
74 of the board as hereinafter provided, shall receive as  
75 compensation a per diem as provided in Section 25-3-69 and, in  
76 addition, shall receive reimbursement for expenses as provided in  
77 Section 25-3-41 on an itemized statement filed with and approved  
78 by the secretary of the board. No member of the board shall draw  
79 a per diem for more than thirty-six (36) days in any one (1)  
80 calendar year, except as hereinafter provided for the president of  
81 the board. Each member of the board, including the secretary, is  
82 hereby authorized to receive mileage as provided in Section  
83 25-3-41 for use of his automobile while engaged in the business of  
84 the board. In addition to the per diem and expense reimbursement  
85 herein authorized for board members, the president of the board  
86 shall also receive additional per diem and expense reimbursement  
87 for not to exceed twelve (12) days for attending to board  
88 business, upon presenting an itemized statement of such expenses  
89 to the board and approval by the board.

90           The board is hereby authorized to fix the compensation of the  
91 secretary thereof at a salary not to exceed the sum of  
92 Twenty-eight Thousand Dollars (\$28,000.00) per annum, if the  
93 secretary shall devote his full time to the business and clerical  
94 work of the board. If the secretary is not available to devote  
95 his full time to the business and clerical work of the board, the



96 board is hereby authorized to employ an office administrator and  
97 to fix the compensation of that position at a salary not to exceed  
98 the sum of Twenty-eight Thousand Dollars (\$28,000.00) per annum,  
99 and the office administrator shall devote his full time to the  
100 business and clerical work of the board. The board is further  
101 authorized to employ three (3) inspectors, one (1) to be appointed  
102 from each of the three (3) Supreme Court districts, to make  
103 periodic inspections of all barbershops throughout the state; and  
104 the inspectors shall file with the board a written report of their  
105 findings and recommendations. The board is further authorized to  
106 employ the necessary personnel to carry out the provisions of this  
107 chapter, and to maintain and pay the expenses of an office to be  
108 located in the City of Jackson. All per diem, salaries and  
109 expenses shall be paid exclusively from the funds in the board's  
110 special fund, and salaries and expenses of personnel may be  
111 disbursed monthly.

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

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

119 73-5-5. (1) All fees and any other monies received by the  
120 board shall be deposited in a special fund that is created in the  
121 State Treasury and shall be used for the implementation and  
122 administration of this chapter when appropriated by the  
123 Legislature for such purpose. The monies in the special fund  
124 shall be subject to all provisions of the state budget laws that  
125 are applicable to special fund agencies, and disbursements from  
126 the special fund shall be made by the State Treasurer only upon  
127 warrants issued by the State Fiscal Officer upon requisitions  
128 signed by the president of the board and countersigned by the



129 secretary of the board. Any interest earned on this special fund  
130 shall be credited by the State Treasurer to the fund and shall not  
131 be paid into the State General Fund. Any unexpended monies  
132 remaining in the special fund at the end of a fiscal year shall  
133 not lapse into the State General Fund.

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

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

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



162 and such copy shall be posted in a conspicuous place in such  
163 barbershop or barber school.

164 (2) The board shall have authority to establish rules and  
165 regulations governing schools of barbering in this state except  
166 those schools operated by a state institution of higher learning  
167 or by a public community or junior college. The board shall have  
168 further authority to establish curriculum for such regulated  
169 schools of barbering in this state.

170 Each regulated school of barbering shall submit the following  
171 to the board before enrolling students:

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

174 (b) The names and addresses of owners and officers of  
175 such school, and the names, addresses and instructor license  
176 number of managers, supervisors and instructors of such school;

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

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

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

186 (3) The Board of Barber Examiners shall adopt rules and  
187 regulations establishing a procedure for the processing and  
188 investigation of complaints filed with the board. The board shall  
189 keep records of all complaints, and such records shall indicate  
190 the action taken on the complaints.

191 (4) The Board of Barber Examiners shall keep a record of its  
192 proceedings relating to the issuance, refusal, suspension and  
193 revocation of certificates of registration. The record shall also  
194 contain the name, place of business and the residence of each



195 registered barber, and the date and number of his certificate of  
196 registration. The record shall be open to public inspection at  
197 all reasonable times.

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

200 73-5-8. Any person is qualified to receive a certificate of  
201 registration as a barber instructor who:

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

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

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

205 (d) Possesses a high school education or its

206 equivalent;

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

211 (f) Has not less than two (2) years of active  
212 experience as a registered barber; and

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

216 However, any person who has successfully completed not less  
217 than five hundred (500) hours of barber instructor training as  
218 prescribed by the board at an approved barbering school  
219 immediately after successful completion of not less than fifteen  
220 hundred (1500) hours of barber training shall not be required to  
221 have two (2) years of active experience before he may receive a  
222 certificate of registration as a barber instructor.

223 All persons who have received a certificate of registration  
224 as a barber instructor from the board prior to July 1, 1985, shall  
225 be considered to have met the requirements of this section, and  
226 all such certificates of registration shall be renewable as  
227 otherwise provided in this chapter.



228           The board will implement an active and inactive instructor  
229 license. Instructors holding an active license shall be required  
230 to submit proof of twelve (12) hours of continuing education each  
231 year to the Board of Barber Examiners. Such education shall be  
232 acquired in classes or trade shows teaching materials that are  
233 approved by the board. Instructors holding an inactive license  
234 shall be required to submit proof of twelve (12) hours continuing  
235 education prior to upgrading to an active status.

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

238           73-5-9. No person shall practice or attempt to practice  
239 barbering in the State of Mississippi without a certificate of  
240 registration as a registered barber issued pursuant to the  
241 provisions of this chapter.

242           No person shall be a barber instructor in the State of  
243 Mississippi without a certificate of registration as a barber  
244 instructor issued pursuant to the provisions of this chapter.

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

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

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

254                   (a) Who is qualified under the provisions of this  
255 chapter;

256                   (b) Who is of good moral character and temperate  
257 habits;

258                   (c) Who has completed not less than fifteen hundred  
259 (1500) hours at a barbering school approved by the State Board of  
260 Barber Examiners; and





261 (d) Who has passed a satisfactory examination conducted  
262 by the board of examiners to determine his fitness to practice  
263 barbering.

264 (3) A temporary permit to practice barbering until the next  
265 examination is given may be issued to a student who has completed  
266 not less than fifteen hundred (1500) hours at a barbering school  
267 approved by the Board of Barber Examiners. In no event shall a  
268 person be allowed to practice barbering on a temporary permit  
269 beyond the date the next examination is given, except because of  
270 personal illness.

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

273 73-5-12. Any cosmetologist who can read, write and speak  
274 English and has successfully completed not less than fifteen  
275 hundred (1500) hours in an accredited school of cosmetology, and  
276 holds a valid, current license, shall be eligible to take the  
277 barber examination to secure a certificate of registration as a  
278 barber upon successfully completing five hundred (500) hours in a  
279 barber school approved by the board of barber examiners.

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

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

284 73-5-15. Each applicant for an examination shall:

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

289 Furnish to the board, at the time of the filing of such  
290 application, two (2) five inch (5") X three inch (3") signed  
291 photographs of the applicant, one (1) to accompany the  
292 application, and one (1) to be returned to the applicant to be



293 presented to the board when the applicant appears for examination;  
294 and

295 Pay to the board the required fee.

296 Each application or filing made under this section shall  
297 include the Social Security number(s) of the applicant in  
298 accordance with Section 93-11-64, Mississippi Code of 1972.

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

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

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

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

319 73-5-19. Whenever the applicable provisions of this chapter  
320 have been complied with, the Board of Barber Examiners shall issue  
321 a certificate of registration as a registered barber or barber  
322 instructor, as the case may be.

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



325           73-5-21. Any person possessed of the following  
326 qualifications shall, upon payment of the required fee, receive a  
327 certificate of registration as a registered barber:

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

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

330 and

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

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

343           73-5-23. Every holder of a certificate of registration as a  
344 registered barber shall display it in a conspicuous place adjacent  
345 to or near his work chair, and in plain view of the patrons of the  
346 shop in which he is engaged at work.

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

349           73-5-25. (1) The Board of Barber Examiners may refuse to  
350 issue, or may suspend definitely or indefinitely, or revoke any  
351 certificate of registration for any one or a combination of the  
352 following causes:

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



- 358 (b) Gross malpractice or gross incompetency.
- 359 (c) Continued practice by a person knowingly having an  
360 infectious or contagious disease.
- 361 (d) Advertising, practicing or attempting to practice  
362 under a trade name or name other than one's own.
- 363 (e) Habitual drunkenness or habitual addiction to the  
364 use of morphine, cocaine or habit forming drug.
- 365 (f) Immoral or unprofessional conduct.
- 366 (g) Violation of regulations that may be prescribed as  
367 provided for in Section 73-5-7 and the commission of any of the  
368 offenses set forth in Section 73-5-43.

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

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

384 73-5-27. The Board of Barber Examiners may neither refuse to  
385 suspend or revoke, nor revoke or suspend any certificate of  
386 registration as a registered barber or barber instructor, for any  
387 of the causes enumerated in this chapter, unless the holder of  
388 such certificate has been given at least twenty (20) days' notice,  
389 in writing by registered mail, signed by the President and  
390 Secretary of the Board of Barber Examiners, setting forth the



391 charges against such holder of such certificate and naming the  
392 time and place for a hearing upon said charge or charges, and a  
393 public hearing thereof by the Board of Barber Examiners.

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

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

402 73-5-29. The fee for taking an examination as a registered  
403 barber shall be in the sum of not more than Fifty-five Dollars  
404 (\$55.00), and the further sum of not more than Twenty-five Dollars  
405 (\$25.00) shall be required for the issuance of a certificate for  
406 the registered barber. The fee for taking an examination as a  
407 registered barber instructor shall be in the sum of not more than  
408 Fifty-five Dollars (\$55.00), and the further sum of not more than  
409 Thirty Dollars (\$30.00) shall be required for the issuance of a  
410 certificate of registration for the registered barber instructor.  
411 A fee of not more than One Hundred Dollars (\$100.00) shall be  
412 required for the issuance of a certificate of registration to a  
413 practicing barber of another state as authorized by Section  
414 73-5-21. Likewise, an annual renewal fee payable on the  
415 anniversary date of the issuance of each certificate of  
416 registration as a registered barber of not more than Twenty-five  
417 Dollars (\$25.00) shall be charged for the issuance of the renewal  
418 of the certificate; an annual renewal fee payable on the  
419 anniversary date of the issuance of each certificate of  
420 registration as a registered barber instructor of not more than  
421 Thirty Dollars (\$30.00) shall be charged for the issuance of the  
422 renewal of the certificate; however, the renewal fee for a  
423 registered barber who is sixty-five (65) years of age or older



424 shall be not more than Twenty Dollars (\$20.00). A fee of Ten  
425 Dollars (\$10.00) for each year or any portion thereof in addition  
426 to payment of all unpaid renewal fees in arrears and the regular  
427 renewal fee shall be required for the restoration of expired  
428 certificates of registration issued pursuant to this chapter.  
429 Additionally, in order to restore any certificate of registration  
430 issued pursuant to this chapter which has been expired for a  
431 period of five (5) years or longer, the holder thereof must retake  
432 and pass the appropriate examination. A penalty of Ten Dollars  
433 (\$10.00) in addition to payment of all unpaid renewal fees in  
434 arrears and the regular renewal fee shall be required for the  
435 restoration of certificates that have expired for a period of  
436 thirty (30) to sixty (60) days. A penalty of Twenty-five Dollars  
437 (\$25.00) in addition to payment of all unpaid renewal fees in  
438 arrears and the regular renewal fee shall be required for the  
439 restoration of certificates that have been expired for a period  
440 greater than sixty (60) days.

441 The board is hereby authorized to adopt and spread upon its  
442 minutes the rules and regulations for the issuance of a duplicate  
443 certificate for which a fee of not more than Three Dollars (\$3.00)  
444 may be charged. However, each duplicate certificate issued shall  
445 have stamped across its face the word "duplicate" and shall bear  
446 the number of the original certificate in lieu of which it is  
447 issued.

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

450 73-5-31. The board is hereby authorized to receive  
451 applications for and give examinations to persons who have not  
452 become legal residents of the State of Mississippi when such  
453 applicants comply with the laws and regulations of said board and  
454 are authorized to issue a certificate or license, as the case may  
455 be, as fully as if said applicant was a resident of the State of  
456 Mississippi. However, the board is authorized to charge a sum of



457 not more than twenty dollars (\$20.00) in addition to the other  
458 fees charged a resident applicant to cover the necessary expenses  
459 in making any investigation or obtaining information concerning  
460 said applicant. Upon the successful compliance with the laws of  
461 this state, such nonresident may be issued a certificate or  
462 license as a resident.

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

465         73-5-33. (1) The board is hereby authorized and directed to  
466 issue a license for each barbershop in operation in the State of  
467 Mississippi, and the board shall prescribe the rules and  
468 regulations and circulate the information necessary to obtain a  
469 license for such barbershop. A fee of not more than Ten Dollars  
470 (\$10.00) for each chair manned by a registered barber located in  
471 the shop shall be required for the issuance of such license, and  
472 the same fee shall be required for a renewal of the license to the  
473 shop, the renewal due on the anniversary date of each year. A fee  
474 of not more than Twenty-five Dollars (\$25.00) in addition to the  
475 regular renewal fee shall be required for restoration of any  
476 license which has expired for more than thirty (30) days. Any  
477 barbershop license having passed the second year anniversary date,  
478 in delinquency, shall be required to have a new shop inspection  
479 and shall hereafter pay an initial fee of not more than Forty-five  
480 Dollars (\$45.00) in addition to all other fees required for  
481 restoration.

482         (2) All barbershop owners shall be responsible for employing  
483 only licensed barbers in such shop. Any barbershop owner found by  
484 the Board of Barber Examiners to employ an unlicensed barber or  
485 barbers shall be fined One Hundred Fifty Dollars (\$150.00) payable  
486 into the State General Fund, and shall be subject to closure until  
487 such violations are corrected. Any barbershop operating within  
488 the State of Mississippi without a license after the effective  
489 date of this chapter shall be subjected to closing by a proper



490 order of a court of competent jurisdiction upon a proper showing  
491 that it has failed to comply with the terms of this chapter.

492 (3) The board is hereby authorized to assess against any  
493 barbershop owner found to employ an unlicensed barber or barbers  
494 any of the following costs that are expended by the board in the  
495 conduct of a proceeding for violation of subsection (2): court  
496 filing fees, court costs and the cost of serving process. Any  
497 monies collected by the board under this subsection (3) shall be  
498 deposited into the special fund operating account of the board.

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

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

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

509 73-5-35. All barber schools operated in this state shall pay  
510 an annual license fee of Seventy-five Dollars (\$75.00) and the  
511 same fee shall be required for renewal of the license to each such  
512 school on July 1 of each year. A fee of not more than Twenty-five  
513 Dollars (\$25.00) shall be required for restoration of an expired  
514 license which has been expired for a period of at least thirty  
515 (30) days of the renewal date.

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

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





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

524           73-5-37. Every registered barber and barber instructor who  
525 continues in active practice or service shall annually on or  
526 before the anniversary date of the issuance of his certificate of  
527 registration renew the certificate by paying the required fee and  
528 meeting all applicable requirements of the State Board of Health.  
529 Every certificate of registration which has not been renewed  
530 within thirty (30) days of its anniversary date shall expire. A  
531 registered barber or barber instructors whose certificate of  
532 registration has expired may have his certificate restored  
533 immediately upon payment of the renewal fee plus the required  
534 restoration fee.

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

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

543           Shaving, trimming the beard or cutting the hair;

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

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

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

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



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

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

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

561           Registered nurses.

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

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

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

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

575           The violation of any of the provisions of Section 73-5-9; or

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

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

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

583           The use of any room or place for barbering which is also used  
584 for residential or business purpose (except for the sale of hair  
585 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco  
586 and such commodities as are used or sold in a barber shop) unless



587 a substantial partition of ceiling height separates the portion  
588 used for the residence or business purpose from that in which such  
589 practice of barbering is carried on.

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

592 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code  
593 of 1972, which create the State Board of Barber Examiners and  
594 prescribe its duties and powers, shall stand repealed on July 1,  
595 2004.

596 **SECTION 25.** This act shall take effect and be in force from  
597 and after July 1, 2002.

