

By: Senator(s) Thames

To: Public Health and
Welfare; Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2326

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 73-5-3, MISSISSIPPI CODE OF 1972, TO REVISE THE COMPENSATION OF
5 THE MEMBERS OF THE BOARD OF BARBER EXAMINERS AND TO AUTHORIZE THE
6 BOARD TO EMPLOY AN ADDITIONAL INSPECTOR; TO AMEND SECTION 73-5-8,
7 MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS FOR A
8 BARBER INSTRUCTOR CERTIFICATE; TO AMEND SECTION 73-5-21,
9 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF BARBER
10 EXAMINERS TO TEST PRACTICING BARBERS FROM ANOTHER STATE WHO APPLY
11 FOR A CERTIFICATE; TO AMEND SECTION 73-5-29, MISSISSIPPI CODE OF
12 1972, TO REVISE THE FEES FOR EXAMINATION, CERTIFICATE AND RENEWAL;
13 TO AMEND SECTION 73-5-33, MISSISSIPPI CODE OF 1972, TO REVISE THE
14 FEE FOR EACH CHAIR MANNED BY A REGISTERED BARBER IN A SHOP; TO
15 AMEND SECTION 73-5-35, MISSISSIPPI CODE OF 1972, TO REVISE THE
16 ANNUAL LICENSE FEES IMPOSED ON ALL BARBER SCHOOLS; TO AMEND
17 SECTION 73-5-45, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC
18 REPEALER ON THOSE STATUTES WHICH CREATE AND EMPOWER THE STATE
19 BOARD OF BARBER EXAMINERS; AND FOR RELATED PURPOSES.

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

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

23 73-5-1. The State Board of Barber Examiners is hereby
24 continued and reconstituted as follows: The Board of Barber
25 Examiners shall consist of five (5) members, to be appointed by
26 the Governor, with the advice and consent of the Senate, one (1)
27 member to be appointed from each of the congressional districts as
28 existing on January 1, 1991. Each member shall be a practical
29 barber and a qualified elector of this state. He shall have been
30 engaged in the practice of barbering in the State of Mississippi
31 for at least five (5) years immediately prior to the time of his
32 appointment and shall be a person of good moral character. From
33 and after July 1, 1983, the appointments to the board shall be
34 made in the manner hereinafter provided, and the present members
35 of the State Board of Barber Examiners whose terms have not



36 expired by July 1, 1983, shall continue to serve until their
37 successors shall have been appointed and qualified. The Governor
38 shall appoint, with the advice and consent of the Senate, five (5)
39 members from the congressional districts as follows: The member
40 from the First Congressional District shall be appointed for a
41 term of two (2) years to commence on July 1, 1983; the member from
42 the Second Congressional District shall be appointed for a term of
43 four (4) years to commence on July 1, 1984; the member from the
44 Third Congressional District shall be appointed for a term of two
45 (2) years to commence on July 1, 1983; the member from the Fourth
46 Congressional District shall be appointed for a term of four (4)
47 years to commence on July 1, 1984; and the member from the Fifth
48 Congressional District shall be appointed for a term of one (1)
49 year to commence on July 1, 1983. The members of the board as
50 constituted on July 1, 2002, whose terms have not expired shall
51 serve the balance of their terms, after which time the membership
52 of the board shall be appointed as follows: There shall be
53 appointed one (1) member of the board from each of the four (4)
54 Mississippi congressional districts as they currently exist, and
55 one (1) from the state at large, and the Governor shall make
56 appointments from the congressional district having the smallest
57 number of board members until the membership includes one (1)
58 member from each district as required.

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

66 The Governor may remove any one or more members of said board
67 for just cause. Members appointed to fill vacancies caused by
68 death, resignation or removal of any member or members shall serve



69 only for the unexpired term of their predecessors. Any member who
70 shall not attend two (2) consecutive meetings of the board for
71 reasons other than illness of such member shall be subject to
72 removal by the Governor. The president of the board shall notify
73 the Governor in writing when any such member has failed to attend
74 two (2) consecutive regular meetings.

75 **SECTION 2.** Section 73-5-3, Mississippi Code of 1972, is
76 reenacted and amended as follows:

77 73-5-3. The board shall elect a president and secretary and
78 shall adopt and use a common seal for the authentication of its
79 records and orders. The secretary shall keep a record of all
80 proceedings and acts of the board and an accurate account of all
81 funds received and disbursed, which shall be considered as public
82 records.

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

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

92 * * *

93 Each member of the board shall receive per diem in accordance
94 with Section 25-3-69 when actually attending to the work of the
95 board or any of its committees, and shall be reimbursed for
96 traveling expenses in accordance with Section 25-3-41 in carrying
97 out the provisions of this chapter. * * * The board is hereby
98 authorized to employ an office administrator with compensation to
99 be established by the State Personnel Board and the office
100 administrator shall devote his full time to the business and
101 clerical work of the board. The board is further authorized to



102 employ four (4) inspectors, one (1) to be appointed from each of
103 the three (3) Supreme Court districts and one (1) to be appointed
104 from the state at large, to make periodic inspections of all
105 barbershops throughout the state * * *. The board is further
106 authorized to employ the necessary personnel to carry out the
107 provisions of this chapter, and to maintain and pay the expenses
108 of an office to be located in the City of Jackson. All per diem,
109 salaries and expenses shall be paid exclusively from the funds in
110 the board's special fund, and salaries and expenses of personnel
111 may be 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 anytime during
159 business hours. A copy of the rules and regulations of the State
160 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 and amended 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 equivalent
206 plus twelve (12) hours of college credit from an accredited
207 college or university;

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

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

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

217 (h) Has successfully completed not less than six
218 hundred (600) hours of barber instructor training at a school
219 approved by the board.

220 * * *

221 All persons who have received a certificate of registration
222 as a barber instructor from the board prior to July 1, 2002, shall
223 be considered to have met the requirements of this section, and
224 all such certificates of registration shall be renewable as
225 otherwise provided in this chapter.

226 The board will implement an active and inactive instructor
227 license. In order to renew an active license, instructors holding
228 an active license shall be required to submit proof of twelve (12)
229 hours of continuing education each year to the Board of Barber
230 Examiners. Such education shall be acquired in classes or trade
231 shows teaching materials that are approved by the board.
232 Instructors holding an inactive license shall be required to



233 submit proof of twelve (12) hours continuing education prior to
234 upgrading to an active status.

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

237 73-5-9. No person shall practice or attempt to practice
238 barbering in the State of Mississippi without a certificate of
239 registration as a registered barber issued pursuant to the
240 provisions of this chapter.

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

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

246 73-5-11. (1) To be eligible for enrollment at a barbering
247 school approved by the Board of Barber Examiners, a person shall
248 have a high school education or its equivalent, and/or shall have
249 satisfactorily passed the ability-to-benefit examinations approved
250 by the U.S. Department of Education.

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

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

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

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

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

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



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

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

272 73-5-12. Any cosmetologist who can read, write and speak
273 English and has successfully completed not less than fifteen
274 hundred (1500) hours in an accredited school of cosmetology, and
275 holds a valid, current license, shall be eligible to take the
276 barber examination to secure a certificate of registration as a
277 barber upon successfully completing five hundred (500) hours in a
278 barber school approved by the Board of Barber Examiners.

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

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

283 73-5-15. Each applicant for an examination shall:

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

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

294 Pay to the board the required fee.

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



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

300 73-5-17. The Board of Barber Examiners shall conduct
301 examinations of applicants for certificates of registration to
302 practice as registered barbers not less than three (3) times a
303 year, which examination shall be had in some town or city selected
304 by the examining board. Examinations of applicants for
305 certificates of registration as barber instructors shall be
306 conducted at a time and place selected by the examining board.

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

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

318 73-5-19. Whenever the applicable provisions of this chapter
319 have been complied with, the Board of Barber Examiners shall issue
320 a certificate of registration as a registered barber or barber
321 instructor, as the case may be.

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

324 73-5-21. Any person possessed of the following
325 qualifications shall, upon payment of the required fee, receive a
326 certificate of registration as a registered barber:

- 327 (a) Is at least eighteen (18) years old;
- 328 (b) Is of good moral character and temperate habits;

329 and



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

340 In addition to the above, the board may require the applicant
341 to successfully demonstrate sufficient knowledge of the Barber Law
342 of the State of Mississippi, as well as sufficient practical skill
343 by requiring the applicant to take a practical examination
344 approved by the board.

345 **SECTION 13.** Section 73-5-25, Mississippi Code of 1972, is
346 reenacted as follows:

347 73-5-25. (1) The Board of Barber Examiners may refuse to
348 issue, or may suspend definitely or indefinitely, or revoke any
349 certificate of registration for any one or a combination of the
350 following causes:

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

356 (b) Gross malpractice or gross incompetency.

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

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

361 (e) Habitual drunkenness or habitual addiction to the
362 use of morphine, cocaine or habit forming drug.



363 (f) Immoral or unprofessional conduct.

364 (g) Violation of regulations that may be prescribed as
365 provided for in Section 73-5-7 and the commission of any of the
366 offenses set forth in Section 73-5-43.

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

380 **SECTION 14.** Section 73-5-27, Mississippi Code of 1972, is
381 reenacted as follows:

382 73-5-27. The Board of Barber Examiners may neither refuse to
383 suspend or revoke, nor revoke or suspend any certificate of
384 registration as a registered barber or barber instructor, for any
385 of the causes enumerated in this chapter, unless the holder of
386 such certificate has been given at least twenty (20) days' notice,
387 in writing by registered mail, signed by the President and
388 Secretary of the Board of Barber Examiners, setting forth the
389 charges against such holder of such certificate and naming the
390 time and place for a hearing upon said charge or charges, and a
391 public hearing thereof by the Board of Barber Examiners.

392 Upon the hearing of any such charge or charges the board may
393 issue all subpoenas for all necessary witnesses for and against
394 the accused, and require their attendance upon such hearing, may
395 administer oaths, and may procure by process the production of all



396 necessary books and papers, bearing or touching upon such charges
397 against the accused.

398 **SECTION 15.** Section 73-5-29, Mississippi Code of 1972, is
399 reenacted and amended as follows:

400 73-5-29. The fee for taking an examination as a registered
401 barber shall be in the sum of not more than Fifty-five Dollars
402 (\$55.00), and the further sum of not more than Thirty-five Dollars
403 (\$35.00) shall be required for the issuance of a certificate for
404 the registered barber. The fee for taking an examination as a
405 registered barber instructor shall be in the sum of not more than
406 Fifty-five Dollars (\$55.00), and the further sum of not more than
407 Forty Dollars (\$40.00) shall be required for the issuance of a
408 certificate of registration for the registered barber instructor.
409 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall
410 be required for the issuance of a certificate of registration to a
411 practicing barber of another state as authorized by Section
412 73-5-21. Likewise, an annual renewal fee payable on the
413 anniversary date of the issuance of each certificate of
414 registration as a registered barber of not more than Thirty-five
415 Dollars (\$35.00) shall be charged for the issuance of the renewal
416 of the certificate; an annual renewal fee payable on the
417 anniversary date of the issuance of each certificate of
418 registration as a registered barber instructor of not more than
419 Forty Dollars (\$40.00) shall be charged for the issuance of the
420 renewal of the certificate; however, the renewal fee for a
421 registered barber who is sixty-five (65) years of age or older
422 shall be not more than Thirty Dollars (\$30.00). A fee of Ten
423 Dollars (\$10.00) for each year or any portion thereof in addition
424 to payment of all unpaid renewal fees in arrears and the regular
425 renewal fee shall be required for the restoration of expired
426 certificates of registration issued pursuant to this chapter.
427 Additionally, in order to restore any certificate of registration
428 issued pursuant to this chapter which has been expired for a



429 period of five (5) years or longer, the holder thereof must retake
430 and pass the appropriate examination. A penalty of Ten Dollars
431 (\$10.00) in addition to payment of all unpaid renewal fees in
432 arrears and the regular renewal fee shall be required for the
433 restoration of certificates that have expired for a period of
434 thirty (30) to sixty (60) days. A penalty of Twenty-five Dollars
435 (\$25.00) in addition to payment of all unpaid renewal fees in
436 arrears and the regular renewal fee shall be required for the
437 restoration of certificates that have been expired for a period
438 greater than sixty (60) days.

439 The board is hereby authorized to adopt and spread upon its
440 minutes the rules and regulations for the issuance of a duplicate
441 certificate for which a fee of not more than Ten Dollars (\$10.00)
442 may be charged. However, each duplicate certificate issued shall
443 have stamped across its face the word "duplicate" and shall bear
444 the number of the original certificate in lieu of which it is
445 issued.

446 **SECTION 16.** Section 73-5-31, Mississippi Code of 1972, is
447 reenacted as follows:

448 73-5-31. The board is hereby authorized to receive
449 applications for and give examinations to persons who have not
450 become legal residents of the State of Mississippi when such
451 applicants comply with the laws and regulations of said board and
452 are authorized to issue a certificate or license, as the case may
453 be, as fully as if said applicant was a resident of the State of
454 Mississippi. However, the board is authorized to charge a sum of
455 not more than Twenty Dollars (\$20.00) in addition to the other
456 fees charged a resident applicant to cover the necessary expenses
457 in making any investigation or obtaining information concerning
458 said applicant. Upon the successful compliance with the laws of
459 this state, such nonresident may be issued a certificate or
460 license as a resident.



461 **SECTION 17.** Section 73-5-33, Mississippi Code of 1972, is
462 reenacted and amended as follows:

463 73-5-33. (1) The board is hereby authorized and directed to
464 issue a license for each barbershop in operation in the State of
465 Mississippi, and the board shall prescribe the rules and
466 regulations and circulate the information necessary to obtain a
467 license for such barbershop. A fee of not more than Fifteen
468 Dollars (\$15.00) for each chair manned by a registered barber
469 located in the shop shall be required for the issuance of such
470 license, and the same fee shall be required for a renewal of the
471 license to the shop, the renewal due on the anniversary date of
472 each year. A fee of not more than Twenty-five Dollars (\$25.00) in
473 addition to the regular renewal fee shall be required for
474 restoration of any license which has expired for more than thirty
475 (30) days. Any barbershop license having passed the second year
476 anniversary date, in delinquency, shall be required to have a new
477 shop inspection and shall hereafter pay an initial fee of not more
478 than Forty-five Dollars (\$45.00) in addition to all other fees
479 required for restoration.

480 (2) All barbershop owners shall be responsible for employing
481 only licensed barbers in such shop. Any barbershop owner found by
482 the Board of Barber Examiners to employ an unlicensed barber or
483 barbers shall be fined One Hundred Fifty Dollars (\$150.00) payable
484 into the State General Fund, and shall be subject to closure until
485 such violations are corrected. Any barbershop operating within
486 the State of Mississippi without a license after July 1, 1968,
487 shall be subjected to closing by a proper order of a court of
488 competent jurisdiction upon a proper showing that it has failed to
489 comply with the terms of this chapter.

490 (3) The board is hereby authorized to assess against any
491 barbershop owner found to employ an unlicensed barber or barbers
492 any of the following costs that are expended by the board in the
493 conduct of a proceeding for violation of subsection (2): court



494 filing fees, court costs and the cost of serving process. Any
495 monies collected by the board under this subsection (3) shall be
496 deposited into the special fund operating account of the board.

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

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

505 **SECTION 18.** Section 73-5-35, Mississippi Code of 1972, is
506 reenacted and amended as follows:

507 73-5-35. All barber schools operated in this state shall pay
508 an annual license fee of One Hundred Dollars (\$100.00) and the
509 same fee shall be required for renewal of the license to each such
510 school on July 1 of each year. A fee of not more than Twenty-five
511 Dollars (\$25.00) shall be required for restoration of an expired
512 license which has been expired for a period of at least thirty
513 (30) days of the renewal date.

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

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

520 **SECTION 19.** Section 73-5-37, Mississippi Code of 1972, is
521 reenacted as follows:

522 73-5-37. Every registered barber and barber instructor who
523 continues in active practice or service shall annually on or
524 before the anniversary date of the issuance of his certificate of
525 registration renew the certificate by paying the required fee and
526 meeting all applicable requirements of the State Board of Health.



527 Every certificate of registration which has not been renewed
528 within thirty (30) days of its anniversary date shall expire. A
529 registered barber or barber instructors whose certificate of
530 registration has expired may have his certificate restored
531 immediately upon payment of the renewal fee plus the required
532 restoration fee.

533 **SECTION 20.** Section 73-5-39, Mississippi Code of 1972, is
534 reenacted as follows:

535 73-5-39. Any one or any combination of the following
536 practices (when done upon the upper part of the human body for
537 cosmetic purposes and not for the treatment of diseases, or
538 physical or mental ailment, and when done for payment either
539 directly or indirectly, or without payment, for the public
540 generally) constitutes the practice of barbering:

541 Shaving, trimming the beard or cutting the hair;

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

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

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

550 **SECTION 21.** Section 73-5-41, Mississippi Code of 1972, is
551 reenacted as follows:

552 73-5-41. The following persons are exempt from the
553 provisions of this chapter, wholly in the proper discharge of
554 their professional duties, to wit:

555 Persons authorized by the law of Mississippi to practice
556 medicine and surgery.

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

559 Registered nurses.



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

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

567 **SECTION 22.** Section 73-5-43, Mississippi Code of 1972, is
568 reenacted as follows:

569 73-5-43. Each of the following constitutes a misdemeanor,
570 punishable in any court of competent jurisdiction, upon conviction
571 thereof, by a fine of not less than Twenty-five Dollars (\$25.00)
572 nor more than Two Hundred Dollars (\$200.00), to-wit:

573 The violation of any of the provisions of Section 73-5-9; or
574 Obtaining or attempting to obtain a certificate of
575 registration for money other than the required fee, or any other
576 thing of value, or by fraudulent misrepresentation; or
577 Practicing or attempting to practice by fraudulent
578 misrepresentations; or

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

581 The use of any room or place for barbering which is also used
582 for residential or business purpose (except for the sale of hair
583 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco
584 and such commodities as are used or sold in a barbershop) unless a
585 substantial partition of ceiling height separates the portion used
586 for the residence or business purpose from that in which such
587 practice of barbering is carried on.

588 **SECTION 23.** Section 73-5-45, Mississippi Code of 1972, is
589 reenacted and amended as follows:

590 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code
591 of 1972, which create the State Board of Barber Examiners and



592 prescribe its duties and powers, shall stand repealed as of July
593 1, 2006.

594 **SECTION 24.** This act shall take effect and be in force from
595 and after June 30, 2002.

