

By: Senator(s) Thames

To: Public Health and Welfare; Appropriations

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.

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

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

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



69 73-5-3. The board shall elect a president and secretary and
70 shall adopt and use a common seal for the authentication of its
71 records and orders. The secretary shall keep a record of all
72 proceedings and acts of the board and an accurate account of all
73 funds received and disbursed, which shall be considered as public
74 records.

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

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

84 * * *

85 Each member of the board shall receive per diem in accordance
86 with Section 25-3-69 when actually attending to the work of the
87 board or any of its committees, and shall be reimbursed for
88 traveling expenses in accordance with Section 25-3-41 in carrying
89 out the provisions of this chapter. * * * The board is hereby
90 authorized to employ an office administrator with compensation to
91 be established by the State Personnel Board and the office
92 administrator shall devote his full time to the business and
93 clerical work of the board. The board is further authorized to
94 employ four (4) inspectors, one (1) to be appointed from each of
95 the three (3) Supreme Court districts and one (1) to be appointed
96 from the state at large, to make periodic inspections of all
97 barbershops throughout the state * * *. The board is further
98 authorized to employ the necessary personnel to carry out the
99 provisions of this chapter, and to maintain and pay the expenses
100 of an office to be located in the City of Jackson. All per diem,
101 salaries and expenses shall be paid exclusively from the funds in



102 the board's special fund, and salaries and expenses of personnel
103 may be disbursed monthly.

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

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

111 73-5-5. (1) All fees and any other monies received by the
112 board shall be deposited in a special fund that is created in the
113 State Treasury and shall be used for the implementation and
114 administration of this chapter when appropriated by the
115 Legislature for such purpose. The monies in the special fund
116 shall be subject to all provisions of the state budget laws that
117 are applicable to special fund agencies, and disbursements from
118 the special fund shall be made by the State Treasurer only upon
119 warrants issued by the State Fiscal Officer upon requisitions
120 signed by the president of the board and countersigned by the
121 secretary of the board. Any interest earned on this special fund
122 shall be credited by the State Treasurer to the fund and shall not
123 be paid into the State General Fund. Any unexpended monies
124 remaining in the special fund at the end of a fiscal year shall
125 not lapse into the State General Fund.

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



135 shortage was the result of an act of dishonesty on the part of the
136 member.

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

139 73-5-7. (1) The Board of Barber Examiners shall have
140 authority to make reasonable rules and regulations for the
141 administration of the provisions of this chapter. Provided,
142 however, that any and all rules and regulations relating to
143 sanitation shall, before adoption by the board, have the written
144 approval of the State Board of Health. The Board of Barber
145 Examiners shall adopt regulations for the guidance of registered
146 barbers in the operation of a shop and in the practice of
147 barbering except, however, it shall be optional with the
148 individual barber as to whether he or she uses a mug. Any member
149 of the Board of Barber Examiners shall have the authority to enter
150 upon and inspect any barbershop or barber school at any time
151 during business hours. A copy of the rules and regulations of the
152 State Board of Barber Examiners shall be furnished to the owner or
153 manager of each shop and barber school affected by this chapter,
154 and such copy shall be posted in a conspicuous place in such
155 barbershop or barber school.

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

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

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



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

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

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

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

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

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

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

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

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

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

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



197 (d) Possesses a high school education or its equivalent
198 plus twelve (12) hours of college credit from an accredited
199 college or university;

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

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

206 (g) Has passed a satisfactory examination conducted by
207 the board to determine his fitness to practice as a barber
208 instructor; and

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

212 * * *

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

218 The board will implement an active and inactive instructor
219 license. In order to renew an active license, instructors holding
220 an active license shall be required to submit proof of twelve (12)
221 hours of continuing education each year to the Board of Barber
222 Examiners. Such education shall be acquired in classes or trade
223 shows teaching materials that are approved by the board.
224 Instructors holding an inactive license shall be required to
225 submit proof of twelve (12) hours continuing education prior to
226 upgrading to an active status.

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



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

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

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

238 73-5-11. (1) To be eligible for enrollment at a barbering
239 school approved by the Board of Barber Examiners, a person shall
240 have a high school education or its equivalent, and/or shall have
241 satisfactorily passed the ability-to-benefit examinations approved
242 by the U.S. Department of Education.

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

245 (a) Who is qualified under the provisions of this
246 chapter;

247 (b) Who is of good moral character and temperate
248 habits;

249 (c) Who has completed not less than fifteen hundred
250 (1500) hours at a barbering school approved by the State Board of
251 Barber Examiners; and

252 (d) Who has passed a satisfactory examination conducted
253 by the board of examiners to determine his fitness to practice
254 barbering.

255 (3) A temporary permit to practice barbering until the next
256 examination is given may be issued to a student who has completed
257 not less than fifteen hundred (1500) hours at a barbering school
258 approved by the Board of Barber Examiners. In no event shall a
259 person be allowed to practice barbering on a temporary permit
260 beyond the date the next examination is given, except because of
261 personal illness.



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

264 73-5-12. Any cosmetologist who can read, write and speak
265 English and has successfully completed not less than fifteen
266 hundred (1500) hours in an accredited school of cosmetology, and
267 holds a valid, current license, shall be eligible to take the
268 barber examination to secure a certificate of registration as a
269 barber upon successfully completing five hundred (500) hours in a
270 barber school approved by the board of barber examiners.

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

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

275 73-5-15. Each applicant for an examination shall:

276 Make application to the Board of Barber Examiners on blank
277 forms prepared and furnished by the board, such application to
278 contain proof under the applicant's oath for the particular
279 qualifications of the applicant; and,

280 Furnish to the board, at the time of the filing of such
281 application, two (2) five inch (5") X three inch (3") signed
282 photographs of the applicant, one (1) to accompany the
283 application, and one (1) to be returned to the applicant to be
284 presented to the board when the applicant appears for examination;
285 and,

286 Pay to the board the required fee.

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

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

292 73-5-17. The Board of Barber Examiners shall conduct
293 examinations of applicants for certificates of registration to
294 practice as registered barbers not less than three (3) times a



295 year, which examination shall be had in some town or city selected
296 by the examining board. Examinations of applicants for
297 certificates of registration as barber instructors shall be
298 conducted at a time and place selected by the examining board.

299 The examination of applicants for certificates of
300 registration as registered barbers shall include both a practical
301 demonstration and a written and oral test, and shall embrace the
302 subjects usually practiced in a duly licensed shop of Mississippi
303 under the direct and personal supervision of a registered barber.
304 The examination of applicants for certificates of registration as
305 barber instructors shall include such subjects as the board deems
306 necessary to determine the applicant's fitness to practice as a
307 barber instructor.

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

310 73-5-19. Whenever the applicable provisions of this chapter
311 have been complied with, the Board of Barber Examiners shall issue
312 a certificate of registration as a registered barber or barber
313 instructor, as the case may be.

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

316 73-5-21. Any person possessed of the following
317 qualifications shall, upon payment of the required fee, receive a
318 certificate of registration as a registered barber:

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

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

321 and

322 (c) Either has a license or certificate of registration
323 as a practicing barber in another state or country which has
324 substantially the same requirements for licensing or registration
325 of barbers as are contained in this chapter, or can prove by sworn
326 affidavits that he has lawfully practiced as a barber in another
327 state or country for at least five (5) years immediately prior to



328 making application in this state, or can show to the satisfaction
329 of the board that he had held a rating in a branch of the military
330 service for two (2) or more years that required him to perform the
331 duties of a barber.

332 In addition to the above, the board may require the applicant
333 to successfully demonstrate sufficient knowledge of the barber law
334 of the State of Mississippi, as well as sufficient practical skill
335 by requiring the applicant to take a practical examination
336 approved by the board.

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

339 73-5-25. (1) The Board of Barber Examiners may refuse to
340 issue, or may suspend definitely or indefinitely, or revoke any
341 certificate of registration for any one or a combination of the
342 following causes:

343 (a) Conviction of a felony shown by a certified copy of
344 the judgment of court in which such conviction is had, unless upon
345 a full and unconditional pardon of such convict, and upon
346 satisfactory showing that such convict will in the future conduct
347 himself in a law-abiding way.

348 (b) Gross malpractice or gross incompetency.

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

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

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

355 (f) Immoral or unprofessional conduct.

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

359 (2) In addition to the causes specified in subsection (1) of
360 this section, the board shall be authorized to suspend the



361 certificate of registration of any person for being out of
362 compliance with an order for support, as defined in Section
363 93-11-153. The procedure for suspension of a certificate for
364 being out of compliance with an order for support, and the
365 procedure for the reissuance or reinstatement of a certificate
366 suspended for that purpose, and the payment of any fees for the
367 reissuance or reinstatement of a certificate suspended for that
368 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
369 there is any conflict between any provision of Section 93-11-157
370 or 93-11-163 and any provision of this chapter, the provisions of
371 Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

374 73-5-27. The Board of Barber Examiners may neither refuse to
375 suspend or revoke, nor revoke or suspend any certificate of
376 registration as a registered barber or barber instructor, for any
377 of the causes enumerated in this chapter, unless the holder of
378 such certificate has been given at least twenty (20) days' notice,
379 in writing by registered mail, signed by the President and
380 Secretary of the Board of Barber Examiners, setting forth the
381 charges against such holder of such certificate and naming the
382 time and place for a hearing upon said charge or charges, and a
383 public hearing thereof by the Board of Barber Examiners.

384 Upon the hearing of any such charge or charges the board may
385 issue all subpoenas for all necessary witnesses for and against
386 the accused, and require their attendance upon such hearing, may
387 administer oaths, and may procure by process the production of all
388 necessary books and papers, bearing or touching upon such charges
389 against the accused.

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

392 73-5-29. The fee for taking an examination as a registered
393 barber shall be in the sum of not more than Fifty-five Dollars



394 (\$55.00), and the further sum of not more than Thirty-five Dollars
395 (\$35.00) shall be required for the issuance of a certificate for
396 the registered barber. The fee for taking an examination as a
397 registered barber instructor shall be in the sum of not more than
398 Fifty-five Dollars (\$55.00), and the further sum of not more than
399 Forty Dollars (\$40.00) shall be required for the issuance of a
400 certificate of registration for the registered barber instructor.
401 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall
402 be required for the issuance of a certificate of registration to a
403 practicing barber of another state as authorized by Section
404 73-5-21. Likewise, an annual renewal fee payable on the
405 anniversary date of the issuance of each certificate of
406 registration as a registered barber of not more than Thirty-five
407 Dollars (\$35.00) shall be charged for the issuance of the renewal
408 of the certificate; an annual renewal fee payable on the
409 anniversary date of the issuance of each certificate of
410 registration as a registered barber instructor of not more than
411 Forty Dollars (\$40.00) shall be charged for the issuance of the
412 renewal of the certificate; however, the renewal fee for a
413 registered barber who is sixty-five (65) years of age or older
414 shall be not more than Thirty Dollars (\$30.00). A fee of Ten
415 Dollars (\$10.00) for each year or any portion thereof in addition
416 to payment of all unpaid renewal fees in arrears and the regular
417 renewal fee shall be required for the restoration of expired
418 certificates of registration issued pursuant to this chapter.
419 Additionally, in order to restore any certificate of registration
420 issued pursuant to this chapter which has been expired for a
421 period of five (5) years or longer, the holder thereof must retake
422 and pass the appropriate examination. A penalty of Ten Dollars
423 (\$10.00) in addition to payment of all unpaid renewal fees in
424 arrears and the regular renewal fee shall be required for the
425 restoration of certificates that have expired for a period of
426 thirty (30) to sixty (60) days. A penalty of Twenty-five Dollars



427 (\$25.00) in addition to payment of all unpaid renewal fees in
428 arrears and the regular renewal fee shall be required for the
429 restoration of certificates that have been expired for a period
430 greater than sixty (60) days.

431 The board is hereby authorized to adopt and spread upon its
432 minutes the rules and regulations for the issuance of a duplicate
433 certificate for which a fee of not more than Ten Dollars (\$10.00)
434 may be charged. However, each duplicate certificate issued shall
435 have stamped across its face the word "duplicate" and shall bear
436 the number of the original certificate in lieu of which it is
437 issued.

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

440 73-5-31. The board is hereby authorized to receive
441 applications for and give examinations to persons who have not
442 become legal residents of the State of Mississippi when such
443 applicants comply with the laws and regulations of said board and
444 are authorized to issue a certificate or license, as the case may
445 be, as fully as if said applicant was a resident of the State of
446 Mississippi. However, the board is authorized to charge a sum of
447 not more than Twenty Dollars (\$20.00) in addition to the other
448 fees charged a resident applicant to cover the necessary expenses
449 in making any investigation or obtaining information concerning
450 said applicant. Upon the successful compliance with the laws of
451 this state, such nonresident may be issued a certificate or
452 license as a resident.

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

455 73-5-33. (1) The board is hereby authorized and directed to
456 issue a license for each barbershop in operation in the State of
457 Mississippi, and the board shall prescribe the rules and
458 regulations and circulate the information necessary to obtain a
459 license for such barbershop. A fee of not more than Fifteen



460 Dollars (\$15.00) for each chair manned by a registered barber
461 located in the shop shall be required for the issuance of such
462 license, and the same fee shall be required for a renewal of the
463 license to the shop, the renewal due on the anniversary date of
464 each year. A fee of not more than Twenty-five Dollars (\$25.00) in
465 addition to the regular renewal fee shall be required for
466 restoration of any license which has expired for more than thirty
467 (30) days. Any barbershop license having passed the second year
468 anniversary date, in delinquency, shall be required to have a new
469 shop inspection and shall hereafter pay an initial fee of not more
470 than Forty-five Dollars (\$45.00) in addition to all other fees
471 required for restoration.

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

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

489 (4) All new barbershops or change of ownership or location
490 of barbershops shall hereafter pay an initial fee of not more than
491 Twenty-five Dollars (\$25.00) in addition to all other fees



492 required before beginning business. The fee shall not be
493 transferable upon change of ownership or location.

494 (5) All licensees shall notify the State Board of Barber
495 Examiners of the location of the barbershop at which they are
496 employed.

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

499 73-5-35. All barber schools operated in this state shall pay
500 an annual license fee of One Hundred Dollars (\$100.00) and the
501 same fee shall be required for renewal of the license to each such
502 school on July 1 of each year. A fee of not more than Twenty-five
503 Dollars (\$25.00) shall be required for restoration of an expired
504 license which has been expired for a period of at least thirty
505 (30) days of the renewal date.

506 The license to operate such schools shall be issued by the
507 Board of Barber Examiners after approval by said board. This
508 license shall not be transferable for any cause and must be
509 renewed annually.

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

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

514 73-5-37. Every registered barber and barber instructor who
515 continues in active practice or service shall annually on or
516 before the anniversary date of the issuance of his certificate of
517 registration renew the certificate by paying the required fee and
518 meeting all applicable requirements of the State Board of Health.
519 Every certificate of registration which has not been renewed
520 within thirty (30) days of its anniversary date shall expire. A
521 registered barber or barber instructors whose certificate of
522 registration has expired may have his certificate restored
523 immediately upon payment of the renewal fee plus the required
524 restoration fee.



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

527 73-5-39. Any one or any combination of the following
528 practices (when done upon the upper part of the human body for
529 cosmetic purposes and not for the treatment of diseases, or
530 physical or mental ailment, and when done for payment either
531 directly or indirectly, or without payment, for the public
532 generally) constitutes the practice of barbering:

533 Shaving, trimming the beard or cutting the hair;

534 Giving facial or scalp massages or treatments with oils,
535 creams, lotions or other preparations, either by hand or
536 mechanical devices;

537 Singeing, shampooing, coloring or dyeing of the hair or
538 beard, or any chemical services as pertains to hair perms, hair
539 color or straightening;

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

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

544 73-5-41. The following persons are exempt from the
545 provisions of this chapter, wholly in the proper discharge of
546 their professional duties, to wit:

547 Persons authorized by the law of Mississippi to practice
548 medicine and surgery.

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

551 Registered nurses.

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

554 The provision of this section shall not be construed to
555 authorize any of the persons exempted to shave, trim the beard, or
556 cut the hair of any person, or perform any other act that



557 constitutes barbering, for cosmetic purposes, with the exception
558 of persons licensed by the State Board of Cosmetology.

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

561 73-5-43. Each of the following constitutes a misdemeanor,
562 punishable in any court of competent jurisdiction, upon conviction
563 thereof, by a fine of not less than Twenty-five Dollars (\$25.00)
564 nor more than Two Hundred Dollars (\$200.00), to-wit:

565 The violation of any of the provisions of Section 73-5-9; or
566 Obtaining or attempting to obtain a certificate of
567 registration for money other than the required fee, or any other
568 thing of value, or by fraudulent misrepresentation; or

569 Practicing or attempting to practice by fraudulent
570 misrepresentations; or

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

573 The use of any room or place for barbering which is also used
574 for residential or business purpose (except for the sale of hair
575 tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco
576 and such commodities as are used or sold in a barber shop) unless
577 a substantial partition of ceiling height separates the portion
578 used for the residence or business purpose from that in which such
579 practice of barbering is carried on.

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

582 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code
583 of 1972, which create the State Board of Barber Examiners and
584 prescribe its duties and powers, shall stand repealed as of July
585 1, 2006.

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

