

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2326

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

25 **SECTION 1.** Section 73-5-1, Mississippi Code of 1972, is
26 reenacted and amended as follows:
27 73-5-1. The State Board of Barber Examiners is * * *
28 continued and reconstituted as follows: The Board of Barber
29 Examiners shall consist of five (5) members, to be appointed by
30 the Governor, with the advice and consent of the Senate, one (1)
31 member to be appointed from each of the congressional districts as
32 existing on January 1, 1991. Each member shall be a practical
33 barber and a qualified elector of this state. He shall have been
34 engaged in the practice of barbering in the State of Mississippi
35 for at least five (5) years immediately before the time of his
36 appointment and shall be a person of good moral character. From
37 and after July 1, 1983, the appointments to the board shall be
38 made in the manner hereinafter provided, and the present members
39 of the State Board of Barber Examiners whose terms have not
40 expired by July 1, 1983, shall continue to serve until their
41 successors * * * have been appointed and qualified. The Governor
42 shall appoint, with the advice and consent of the Senate, five (5)
43 members from the congressional districts as follows: The member
44 from the First Congressional District shall be appointed for a

45 term of two (2) years to commence on July 1, 1983; the member from
46 the Second Congressional District shall be appointed for a term of
47 four (4) years to commence on July 1, 1984; the member from the
48 Third Congressional District shall be appointed for a term of two
49 (2) years to commence on July 1, 1983; the member from the Fourth
50 Congressional District shall be appointed for a term of four (4)
51 years to commence on July 1, 1984; and the member from the Fifth
52 Congressional District shall be appointed for a term of one (1)
53 year to commence on July 1, 1983. The members of the board as
54 constituted on July 1, 2002, whose terms have not expired shall
55 serve the balance of their terms, except as otherwise provided in
56 this paragraph, after which time the membership of the board shall
57 be appointed as follows: There shall be appointed one (1) member
58 of the board from each of the four (4) Mississippi congressional
59 districts as they currently exist, and one (1) from the state at
60 large, and the Governor shall make appointments from the
61 congressional district having the smallest number of board members
62 until the membership includes one (1) member from each district as
63 required. From and after July 1, 2002, no member of the board
64 shall be connected in any way with any school in which barbering
65 is taught.

66 * * * All members of the board shall be appointed by the
67 Governor, with the advice and consent of the Senate, for terms of
68 four (4) years each from the expiration date of the previous term,
69 until their successors * * * have been appointed and qualified.

70 No member of the board shall hold any elected office.

71 Appointments made to fill a vacancy of a term shall be made by the
72 Governor within sixty (60) days after the vacancy occurs.

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

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

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

84 73-5-3. The board shall elect a president and secretary and
85 shall adopt and use a common seal for the authentication of its
86 records and orders. The secretary shall keep a record of all
87 proceedings and acts of the board and an accurate account of all
88 funds received and disbursed, which shall be considered as public
89 records.

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

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

99 * * *

100 Each member of the board shall receive per diem in accordance
101 with Section 25-3-69 when actually attending to the work of the
102 board or any of its committees, and shall be reimbursed for
103 traveling expenses in accordance with Section 25-3-41 in carrying
104 out the provisions of this chapter. * * * The board may employ an
105 office administrator with compensation to be established by the
106 State Personnel Board, and the office administrator shall devote
107 his full time to the business and clerical work of the board. The
108 board may employ four (4) inspectors, one (1) to be appointed from
109 each of the three (3) Supreme Court districts and one (1) to be
110 appointed from the state at large, to make periodic inspections of
111 all barbershops throughout the state * * *. The board may employ
112 the necessary personnel to carry out the provisions of this
113 chapter, and * * * maintain and pay the expenses of an office to
114 be located in the City of Jackson. All per diem, salaries and

115 expenses shall be paid exclusively from the funds in the board's
116 special fund, and salaries and expenses of personnel may be
117 disbursed monthly.

118 The board shall require such of its employees as it may
119 consider necessary to make bond and file same with the Secretary
120 of State in such sums as it may consider necessary to protect the
121 interests of the barbers of the State of Mississippi and require
122 the faithful performance of their duties.

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

125 73-5-5. (1) All fees and any other monies received by the
126 board shall be deposited in a special fund that is created in the
127 State Treasury and shall be used for the implementation and
128 administration of this chapter when appropriated by the
129 Legislature for such purpose. The monies in the special fund
130 shall be subject to all provisions of the state budget laws that
131 are applicable to special fund agencies, and disbursements from
132 the special fund shall be made by the State Treasurer only upon
133 warrants issued by the State Fiscal Officer upon requisitions
134 signed by the president of the board and countersigned by the
135 secretary of the board. Any interest earned on this special fund
136 shall be credited by the State Treasurer to the fund and shall not
137 be paid into the State General Fund. Any unexpended monies
138 remaining in the special fund at the end of a fiscal year shall
139 not lapse into the State General Fund.

140 (2) The State Auditor shall audit the financial affairs of
141 the board and the transactions involving the special fund at least
142 once a year in the same manner as for other special fund agencies.

143 In addition, the Governor, in his discretion, shall have the
144 power from time to time to require an audit of the financial
145 affairs of the board, the same to be made by the State Auditor
146 upon request of the Governor. The Governor shall have the power
147 to suspend any member of the board who shall be found short in any
148 account until such time as it shall be definitely determined
149 whether such shortage was the result of an act of dishonesty on

150 the part of the member.

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

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

170 (2) The board shall have authority to establish rules and
171 regulations governing schools of barbering in this state except
172 those schools operated by a state institution of higher learning
173 or by a public community or junior college. The board shall have
174 further authority to establish curriculum for such regulated
175 schools of barbering in this state.

176 Each regulated school of barbering shall submit the following
177 to the board before enrolling students:

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

180 (b) The names and addresses of owners and officers of
181 such school, and the names, addresses and instructor license
182 number of managers, supervisors and instructors of such school;

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

184 (d) A copy of the contract to be used between the

185 school and the student.

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

192 (3) The Board of Barber Examiners shall adopt rules and
193 regulations establishing a procedure for the processing and
194 investigation of complaints filed with the board. The board shall
195 keep records of all complaints, and such records shall indicate
196 the action taken on the complaints.

197 (4) The Board of Barber Examiners shall keep a record of its
198 proceedings relating to the issuance, refusal, suspension and
199 revocation of certificates of registration. The record shall also
200 contain the name, place of business and the residence of each
201 registered barber, and the date and number of his certificate of
202 registration. The record shall be open to public inspection at
203 all reasonable times.

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

206 73-5-8. Any person is qualified to receive a certificate of
207 registration as a barber instructor who:

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

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

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

211 (d) Possesses a high school education or its
212 equivalent * * *;

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

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

219 (g) Has passed a satisfactory examination conducted by

220 the board to determine his fitness to practice as a barber
221 instructor; and

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

225 * * *

226 All persons who have received a certificate of registration
227 as a barber instructor from the board before July 1, 2002, shall
228 be considered to have met the requirements of this section, and
229 all those certificates of registration shall be renewable as
230 otherwise provided in this chapter.

231 The board will implement an active and inactive instructor
232 license. In order to renew an active license, instructors holding
233 an active license shall be required to submit proof of twelve (12)
234 hours of continuing education each year to the Board of Barber
235 Examiners. That education shall be acquired in classes or trade
236 shows teaching materials that are approved by the board.
237 Instructors holding an inactive license shall be required to
238 submit proof of twelve (12) hours continuing education before
239 upgrading to an active status.

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

242 73-5-9. No person shall practice or attempt to practice
243 barbering in the State of Mississippi without a certificate of
244 registration as a registered barber issued pursuant to the
245 provisions of this chapter.

246 No person shall be a barber instructor in the State of
247 Mississippi without a certificate of registration as a barber
248 instructor issued pursuant to the provisions of this chapter.

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

251 73-5-11. (1) To be eligible for enrollment at a barbering
252 school approved by the Board of Barber Examiners, a person shall
253 have a high school education or its equivalent, and/or shall have
254 satisfactorily passed the ability-to-benefit examinations approved

255 by the U.S. Department of Education.

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

258 (a) Who is qualified under the provisions of this
259 chapter;

260 (b) Who is of good moral character and temperate
261 habits;

262 (c) Who has completed not less than fifteen hundred
263 (1500) hours at a barbering school approved by the State Board of
264 Barber Examiners; and

265 (d) Who has passed a satisfactory examination conducted
266 by the board of examiners to determine his fitness to practice
267 barbering.

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

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

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

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

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

288 73-5-15. Each applicant for an examination shall:

289 Make application to the Board of Barber Examiners on blank

290 forms prepared and furnished by the board, such application to
291 contain proof under the applicant's oath for the particular
292 qualifications of the applicant; and,

293 Furnish to the board, at the time of the filing of such
294 application, two (2) five inch (5") X three inch (3") signed
295 photographs of the applicant, one (1) to accompany the
296 application, and one (1) to be returned to the applicant to be
297 presented to the board when the applicant appears for examination;
298 and,

299 Pay to the board the required fee.

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

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

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

312 The examination of applicants for certificates of
313 registration as registered barbers shall include both a practical
314 demonstration and a written and oral test, and shall embrace the
315 subjects usually practiced in a duly licensed shop of Mississippi
316 under the direct and personal supervision of a registered barber.

317 The examination of applicants for certificates of registration as
318 barber instructors shall include such subjects as the board deems
319 necessary to determine the applicant's fitness to practice as a
320 barber instructor.

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

323 73-5-19. Whenever the applicable provisions of this chapter
324 have been complied with, the Board of Barber Examiners shall issue

325 a certificate of registration as a registered barber or barber
326 instructor, as the case may be.

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

329 73-5-21. Any person possessed of the following
330 qualifications shall, upon payment of the required fee, receive a
331 certificate of registration as a registered barber:

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

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

334 and

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

345 In addition to the above, the board may require the applicant
346 to successfully demonstrate sufficient knowledge of the Barber Law
347 of the State of Mississippi, as well as sufficient practical skill
348 by requiring the applicant to take a practical examination
349 approved by the board.

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

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

356 (a) Conviction of a felony shown by a certified copy of
357 the judgment of court in which such conviction is had, unless upon
358 a full and unconditional pardon of such convict, and upon
359 satisfactory showing that such convict will in the future conduct

360 himself in a law-abiding way.

361 (b) Gross malpractice or gross incompetency.

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

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

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

368 (f) Immoral or unprofessional conduct.

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

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

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

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

395 time and place for a hearing upon said charge or charges, and a
396 public hearing thereof by the Board of Barber Examiners.

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

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

405 73-5-29. The fee for taking an examination as a registered
406 barber shall be in the sum of not more than Fifty-five Dollars
407 (\$55.00), and the further sum of not more than Thirty-five Dollars
408 (\$35.00) shall be required for the issuance of a certificate for
409 the registered barber. The fee for taking an examination as a
410 registered barber instructor shall be in the sum of not more than
411 Fifty-five Dollars (\$55.00), and the further sum of not more than
412 Forty Dollars (\$40.00) shall be required for the issuance of a
413 certificate of registration for the registered barber instructor.

414 A fee of not more than One Hundred Fifty Dollars (\$150.00) shall
415 be required for the issuance of a certificate of registration to a
416 practicing barber of another state as authorized by Section
417 73-5-21. Likewise, an annual renewal fee payable on the
418 anniversary date of the issuance of each certificate of
419 registration as a registered barber of not more than Thirty-five
420 Dollars (\$35.00) shall be charged for the issuance of the renewal
421 of the certificate; an annual renewal fee payable on the
422 anniversary date of the issuance of each certificate of
423 registration as a registered barber instructor of not more than
424 Forty Dollars (\$40.00) shall be charged for the issuance of the
425 renewal of the certificate; however, the renewal fee for a
426 registered barber who is sixty-five (65) years of age or older
427 shall be not more than Thirty Dollars (\$30.00). A fee of Ten
428 Dollars (\$10.00) for each year or any portion thereof in addition
429 to payment of all unpaid renewal fees in arrears and the regular

430 renewal fee shall be required for the restoration of expired
431 certificates of registration issued pursuant to this chapter.
432 Additionally, in order to restore any certificate of registration
433 issued under this chapter that has been expired for a period of
434 five (5) years or longer, the holder thereof must retake and pass
435 the appropriate examination. A penalty of Ten Dollars (\$10.00) in
436 addition to payment of all unpaid renewal fees in arrears and the
437 regular renewal fee shall be required for the restoration of
438 certificates that have expired for a period of thirty (30) to
439 sixty (60) days. A penalty of Twenty-five Dollars (\$25.00) in
440 addition to payment of all unpaid renewal fees in arrears and the
441 regular renewal fee shall be required for the restoration of
442 certificates that have been expired for a period greater than
443 sixty (60) days.

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

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

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

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

467 73-5-33. (1) The board shall issue a license for each
468 barbershop in operation in the State of Mississippi, and the board
469 shall prescribe the rules and regulations and circulate the
470 information necessary to obtain a license for the barbershop. A
471 fee of not more than Fifteen Dollars (\$15.00) for each chair
472 manned by a registered barber located in the shop shall be
473 required for the issuance of the license, and the same fee shall
474 be required for a renewal of the license to the shop, the renewal
475 due on the anniversary date of each year. A fee of not more than
476 Twenty-five Dollars (\$25.00) in addition to the regular renewal
477 fee shall be required for restoration of any license that has
478 expired for more than thirty (30) days. Any barbershop license
479 having passed the second year anniversary date, in delinquency,
480 shall be required to have a new shop inspection and shall
481 hereafter pay an initial fee of not more than Forty-five Dollars
482 (\$45.00) in addition to all other fees required for restoration.

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

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

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

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

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

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

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

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

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

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

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

535 restoration fee.

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

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

544 Shaving, trimming the beard or cutting the hair;

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

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

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

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

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

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

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

562 Registered nurses.

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

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

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

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

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

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

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

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

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

593 73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code
594 of 1972, which create the State Board of Barber Examiners and
595 prescribe its duties and powers, shall stand repealed as of July
596 1, 2004.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 REENACTED
4 SECTION 73-5-1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
5 APPOINTMENT OF BOARD MEMBERS FROM THE NEW CONGRESSIONAL DISTRICTS;
6 TO PROVIDE THAT BOARD MEMBERS SHALL NOT BE CONNECTED WITH BARBER

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