MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Senator(s) Thames

To: Public Health and Welfare

SENATE BILL NO. 2102

AN ACT TO REENACT SECTIONS 73-5-1 THROUGH 73-5-43, MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE STATE BOARD OF BARBER EXAMINERS; TO AMEND SECTION 73-5-45, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THOSE STATUTES WHICH CREATE THE STATE BOARD OF BARBER EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; AND FOR RELATED PURPOSES.

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

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

73-5-1. The State Board of Barber Examiners is continued and reconstituted as follows: The Board of Barber Examiners shall consist of five (5) members, to be appointed by the Governor, with the advice and consent of the Senate, one (1) member to be appointed from each of the congressional districts as existing on January 1, 1991. Each member shall be a practical barber and a qualified elector of this state. He shall have been engaged in the practice of barbering in the State of Mississippi for at least five (5) years immediately before the time of his appointment and shall be a person of good moral character. From and after July 1, 1983, the appointments to the board shall be made in the manner hereinafter provided, and the present members of the State Board of Barber Examiners whose terms have not expired by July 1, 1983, shall continue to serve until their successors have been appointed and qualified. The Governor shall appoint, with the advice and consent of the Senate, five (5) members from the congressional districts as follows: The member from the First Congressional District shall be appointed for a term of two (2) years to commence on July 1, 1983; the member from the Second Congressional District shall be appointed for a term of four (4) years to

commence on July 1, 1984; the member from the Third Congressional District shall be appointed for a term of two (2) years to commence on July 1, 1983; the member from the Fourth Congressional District shall be appointed for a term of four (4) years to commence on July 1, 1984; and the member from the Fifth Congressional District shall be appointed for a term of one (1) year to commence on July 1, 1983. The members of the board as constituted on July 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required. From and after July 1, 2002, no member of the board who is connected in any way with any barbering school shall participate in the administration of examinations of barber applicants. From and after July 1, 2004, no member of the board shall be connected in any way with any school in which barbering is taught.

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

The Governor may remove any one or more members of the board for just cause. Members appointed to fill vacancies caused by death, resignation or removal of any member or members shall serve only for the unexpired term of their predecessors. Any member who does not attend two (2) consecutive meetings of the board for

reasons other than illness of the member shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

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

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

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

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

Each member of the board shall receive per diem in accordance with Section 25-3-69 when actually attending to the work of the board or any of its committees, and shall be reimbursed for traveling expenses in accordance with Section 25-3-41 in carrying out the provisions of this chapter. The board may employ an office administrator with compensation to be established by the State Personnel Board, and the office administrator shall devote his full time to the business and clerical work of the board. The board may employ four (4) inspectors, one (1) to be appointed from each of the three (3) Supreme Court districts and one (1) to be appointed from the state at large, to make periodic inspections of all barbershops throughout the state. The board may employ the

necessary personnel to carry out the provisions of this chapter, and maintain and pay the expenses of an office to be located in the City of Jackson. All per diem, salaries and expenses shall be paid exclusively from the funds in the board's special fund, and salaries and expenses of personnel may be disbursed monthly.

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

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

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

(2) The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies. In addition, the Governor, in his discretion, shall have the power from time to time to require an audit of the financial affairs of the board, the same to be made by the State Auditor upon request

of the Governor. The Governor shall have the power to suspend any member of the board who shall be found short in any account until such time as it shall be definitely determined whether such shortage was the result of an act of dishonesty on the part of the member.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Is of good moral and temperate habits;

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

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

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

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

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

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

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

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

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

73-5-9. No person shall practice or attempt to practice barbering in the State of Mississippi without a certificate of

registration as a registered barber issued pursuant to the provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pay to the board the required fee.

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

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

73-5-17. The Board of Barber Examiners shall conduct examinations of applicants for certificates of registration to practice as registered barbers not less than three (3) times a year, which examination shall be had in some town or city selected by the examining board. Examinations of applicants for

certificates of registration as barber instructors shall be conducted at a time and place selected by the examining board.

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

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

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

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

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

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

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

(c) Either has a license or certificate of registration as a practicing barber in another state or country that has substantially the same requirements for licensing or registration of barbers as are contained in this chapter, or can prove by sworn affidavits that he has lawfully practiced as a barber in another state or country for at least five (5) years immediately before making application in this state, or can show to the satisfaction of the board that he had held a rating in a branch of the military

service for two (2) or more years that required him to perform the duties of a barber.

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

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

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

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

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

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

(b) Gross malpractice or gross incompetency.

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

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

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

(f) Immoral or unprofessional conduct.

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

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

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

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

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

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

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

73-5-29. The fee for taking an examination as a registered barber shall be in the sum of not more than Fifty-five Dollars ($55.00), and the further sum of not more than Thirty-five Dollars ($35.00) shall be required for the issuance of a certificate for the registered barber. The fee for taking an examination as a registered barber instructor shall be in the sum of not more than Fifty-five Dollars ($55.00), and the further sum of not more than Forty Dollars ($40.00) shall be required for the issuance of a certificate of registration for the registered barber instructor. A fee of not more than One Hundred Fifty Dollars ($150.00) shall be required for the issuance of a certificate of registration to a practicing barber of another state as authorized by Section 73-5-21. Likewise, an annual renewal fee payable on the anniversary date of the issuance of each certificate of registration as a registered barber of not more than Thirty-five Dollars ($35.00) shall be charged for the issuance of the renewal of the certificate; an annual renewal fee payable on the anniversary date of the issuance of each certificate of registration as a registered barber instructor of not more than Forty Dollars ($40.00) shall be charged for the issuance of the renewal of the certificate; however, the renewal fee for a registered barber who is sixty-five (65) years of age or older shall be not more than Thirty Dollars ($30.00). A fee of Ten Dollars ($10.00) for each year or any portion thereof in addition to payment of all unpaid renewal fees in arrears and the regular renewal fee shall be required for the restoration of expired certificates of registration issued pursuant to this chapter. Additionally, in order to restore any certificate of registration issued under this chapter that has been expired for a period of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

73-5-37. Every registered barber and barber instructor who continues in active practice or service shall annually on or before the anniversary date of the issuance of his certificate of registration renew the certificate by paying the required fee and meeting all applicable requirements of the State Board of Health. Every certificate of registration which has not been renewed within thirty (30) days of its anniversary date shall expire. A registered barber or barber instructors whose certificate of

registration has expired may have his certificate restored immediately upon payment of the renewal fee plus the required restoration fee.

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

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

Shaving, trimming the beard or cutting the hair;

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

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

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

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

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

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

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

Registered nurses.

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

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

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

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

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

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

Practicing or attempting to practice by fraudulent misrepresentations; or

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

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

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

73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code of 1972, which create the State Board of Barber Examiners and prescribe its duties and powers, shall stand repealed as of July 1, 2008.

SECTION 25. This act shall take effect and be in force from and after June 30, 2004.

ST: State Board of Barber Examiners; extend repealer on.