

By: Senator(s) Thames

To: Public Health and Welfare

SENATE BILL NO. 2323

1 AN ACT TO AMEND SECTION 73-5-8, MISSISSIPPI CODE OF 1972, TO
2 PRESCRIBE CERTAIN QUALIFICATIONS FOR REGISTRATION AS A BARBER
3 INSTRUCTOR; TO AMEND SECTION 73-5-9, MISSISSIPPI CODE OF 1972, TO
4 PROHIBIT A BUSINESS ESTABLISHMENT FROM ADVERTISING BARBERING
5 SERVICES WITHOUT A VALID LICENSE; TO AMEND SECTION 73-5-12,
6 MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN QUALIFICATIONS FOR
7 A COSMETOLOGIST TO APPLY FOR A CERTIFICATE OF REGISTRATION AS A
8 BARBER; TO AMEND SECTION 73-5-25, MISSISSIPPI CODE OF 1972, TO
9 CLARIFY THE DISCIPLINARY AUTHORITY OF THE STATE BOARD OF BARBER
10 EXAMINERS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 73-5-8, Mississippi Code of 1972, is
13 amended as follows:

14 73-5-8. Any person is qualified to receive a certificate of
15 registration as a barber instructor who:

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

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

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

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

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

25 (f) Has (i) not less than two (2) years of active
26 experience as a registered barber and has successfully completed
27 not less than six hundred (600) hours of barber instructor
28 training at a school approved by the board, or (ii) less than two
29 (2) years of active experience as a registered barber and has
30 successfully completed not less than one thousand (1,000) hours of
31 barber instructor training at a school approved by the board; and

32 (g) Has passed a satisfactory examination conducted by
33 the board to determine his fitness to practice as a barber
34 instructor. * * *

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

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

50 **SECTION 2.** Section 73-5-9, Mississippi Code of 1972, is
51 amended as follows:

52 73-5-9. No person shall practice or attempt to practice
53 barbering in the State of Mississippi without a certificate of
54 registration as a registered barber issued pursuant to the
55 provisions of this chapter.

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

59 No establishment shall display a barber pole, barber sign or
60 advertise barbering services unless it is licensed by the State
61 Board of Barber Examiners.

62 **SECTION 3.** Section 73-5-12, Mississippi Code of 1972, is
63 amended as follows:

64 73-5-12. Any cosmetologist who can read, write and speak
65 English and has successfully completed not less than fifteen
66 hundred (1500) hours in an accredited school of cosmetology, and
67 holds a valid, current license, shall be eligible to take the
68 barber examination to secure a certificate of registration as a
69 barber upon successfully completing six hundred (600) hours in a
70 barber school approved by the Board of Barber Examiners.

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

73 **SECTION 4.** Section 73-5-25, Mississippi Code of 1972, is
74 amended as follows:

75 73-5-25. (1) The Board of Barber Examiners may refuse to
76 issue, or may suspend definitely or indefinitely, or revoke any
77 certificate of registration or license for any one or a
78 combination of the following causes:

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

84 (b) Gross malpractice or gross incompetency.

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

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

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

91 (f) Immoral or unprofessional conduct.

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

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

97 certificate of registration of any person for being out of
98 compliance with an order for support, as defined in Section
99 93-11-153. The procedure for suspension of a certificate for
100 being out of compliance with an order for support, and the
101 procedure for the reissuance or reinstatement of a certificate
102 suspended for that purpose, and the payment of any fees for the
103 reissuance or reinstatement of a certificate suspended for that
104 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
105 there is any conflict between any provision of Section 93-11-157
106 or 93-11-163 and any provision of this chapter, the provisions of
107 Section 93-11-157 or 93-11-163, as the case may be, shall control.

108 **SECTION 5.** This act shall take effect and be in force from
109 and after July 1, 2005.