



State of Wisconsin
2011 - 2012 LEGISLATURE



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2011 ASSEMBLY BILL 658

March 5, 2012 - Introduced by Representatives KOOYENGA, LITJENS, YOUNG, HONADEL, SPANBAUER, KRUG and CRAIG, cosponsored by Senators GROTHMAN, HARSDORF, SCHULTZ and TAYLOR. Referred to Committee on Homeland Security and State Affairs.

1 **AN ACT to repeal** 440.60 (3), 440.60 (9), 440.63 (1) (a) 1., 440.63 (1) (a) 2. and
2 454.01 (5) (b); **to renumber** 454.01 (5) (c) and (d); **to renumber and amend**
3 440.08 (2) (a) 20., 440.60 (4), 440.60 (5), 440.60 (10), 440.62 (3) (a), 440.62 (5)
4 (b), 440.63 (1) (a) (intro.), 454.01 (6) and 454.01 (12); **to consolidate,**
5 **renumber and amend** 454.01 (5) (intro.) and (a); **to amend** 15.405 (17),
6 106.52 (1) (e) 1., 440.03 (13) (b) 13., 440.03 (13) (b) 14., 440.03 (13) (b) 15., 440.08
7 (2) (a) 16., 440.08 (2) (a) 17., 440.08 (2) (a) 18., 440.08 (2) (a) 19., 440.60 (14),
8 440.62 (1) (a), 440.62 (1) (c), 440.63 (1) (b), (c) and (d), 440.63 (3) (a) (intro.), 2.
9 and 4., 440.635, 440.64 (1) (a), chapter 454 (title), 454.01 (intro.), 454.01 (10),
10 454.01 (11), 454.01 (15), 454.02 (1), 454.02 (2) (intro.), 454.02 (3) (intro.), 454.04
11 (1) (a), 454.04 (1) (b), 454.04 (1) (c), 454.04 (1) (d), 454.04 (2) (a), 454.04 (2) (b),
12 454.04 (2) (c), 454.04 (2) (d), 454.06 (2) (intro.), (b) and (c), 454.06 (3) (intro.), (a),
13 (b) and (d), 454.06 (4) (b) 1. and 2., 454.06 (5) (b) 1. and 2., 454.06 (6) (b) 1. and
14 2., 454.06 (7), 454.06 (10) (a), 454.07 (1), 454.08 (1) (a), 454.08 (1) (b), 454.08 (2)

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1 (a), 454.08 (2) (b), 454.08 (2) (c), 454.08 (2) (d), 454.08 (5), 454.08 (6), 454.10 (2),
2 454.10 (3) (a), 454.12 (intro.), 454.13 (1) (intro.), 454.13 (2), 454.15 (1), 454.15
3 (2) (intro.), 454.15 (2) (a), 454.15 (2) (c), 454.15 (2) (d), 454.15 (2) (i) and 454.16;
4 and **to create** 15.405 (18), 440.03 (13) (b) 19e., 440.03 (13) (b) 19m., 440.03 (13)
5 (b) 19s., 440.08 (2) (a) 24b., 440.08 (2) (a) 24d., 440.08 (2) (a) 24g., 440.08 (2) (a)
6 24i., 440.08 (2) (a) 24k., 440.60 (5e), 440.60 (5m), 440.60 (5s), 440.62 (1) (cm),
7 440.62 (3) (ag), 440.62 (3) (ar) 4m., 440.62 (5) (b) 2., 440.63 (1) (am), 440.63 (3)
8 (am), subchapter I (title) [precedes 454.01], 454.01 (7m) (intro.), (a) and (b),
9 454.01 (11m), 454.01 (15m), 454.06 (8m), 454.15 (2) (j) and subchapter II of
10 chapter 454 [precedes 454.20] of the statutes; **relating to:** separation of the
11 licensing requirements for barbering and cosmetology, creation of the
12 barbering examining board, and providing a penalty.

Analysis by the Legislative Reference Bureau

Barbering and cosmetology licensing

Under current law, the Barbering and Cosmetology Examining Board (board) regulates the practices in this state of barbers and cosmetologists, aesthetists, manicurists, electrologists, managers of establishments where any of those practices are performed, and the establishments themselves. The board issues one license that covers the practice of barbers and cosmetologists (barbering and cosmetology license). The board also issues one manager license, which requires as a prerequisite that the person holds a barbering and cosmetology license, and one license for barbering and cosmetology establishment. The board issues separate licenses for aesthetists, manicurists, and electrologists, defined below.

This bill establishes licensure requirements related to barbering that are independent of the requirements related to cosmetology renames the board the Cosmetology Examining Board, and creates the Barbering Examining Board for the regulation of barbering in this state. Under the bill, the Cosmetology Examining Board continues to regulate the practice of cosmetologists, aesthetists, manicurists, and electrologists.

The members of the Barbering Examining Board are as follows:

1. Four members who are licensed barbers.
2. Two members who are public members.
3. One member who is a representative of a school of barbering.

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The governor appoints the members of the Barbering Examining Board to serve staggered four-year terms.

Current law defines barbering and cosmetology together as a practice that may include one or more of the following services, if performed for compensation:

1. Arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work upon the hair or beard of a person.

2. Aesthetics, which includes beautifying or cleansing or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics to or massaging, stimulating, wrapping, exercising, or performing similar work upon the skin of a person.

3. Manicuring, which is cleansing, cutting, shaping, beautifying, or massaging limited to the hands, feet, or nails of a person.

4. Removing a person's hair by means other than by use of an electric needle. The removal of hair from the human body by use of an electric needle is electrolysis.

Under current law, a person who holds a barbering and cosmetology license, or a licensed manager, may practice aesthetics and manicuring without being separately licensed in those areas. The practice of electrolysis requires licensure as an electrologist. Also under current law, a licensed manager may manage any establishment where barbering and cosmetology, aesthetics, manicuring, or electrolysis takes place.

Similarly, under current law, a person who holds a barbering and cosmetology license, or a licensed manager, may use titles that are associated with the practice of barbering and cosmetology or may use titles that are associated with the practice of a manicurist or aesthetist, but that person may not use titles associated with the practice of an electrologist unless the person is also licensed as an electrologist.

Under the bill, a person who is licensed by the Barbering Examining Board solely as a barber or barbering manager may practice only barbering or manage only a barbering establishment licensed by the Barbering Examining Board, and such a person may use titles associated only with barbering. The bill defines barbering as arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work upon the hair of the head, neck, or face of a person.

The bill defines cosmetology as performing one or more of the following: barbering, aesthetics, manicuring, or removing a person's hair by means other than by use of an electric needle. Under the bill, a person who is licensed by the Cosmetology Examining Board as a cosmetologist or cosmetology manager may practice barbering, aesthetics, or manicuring but not electrolysis unless the person also holds a license as an electrologist. A licensed cosmetology manager may manage any establishment where barbering, cosmetology, aesthetics, manicuring, or electrolysis is performed.

Similarly, under the bill, a licensed cosmetologist or cosmetology manager may use titles associated with barbering, cosmetology, aesthetics, or manicuring, but that person may not use titles associated with practice as an electrologist unless the person also holds a license as an electrologist.

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Under current law, a person must meet all of the education, examination, and practice requirements for initial licensure as a barber and cosmetologist or manager, whether or not that person intends to provide solely services that are traditionally associated with barbering, such as shaving and cutting hair or intends to manage an establishment where only those kinds of services are performed. Also under current law, the board may establish continuing education requirements for barbers and cosmetologists, aesthetists, manicurists, electrologists, and managers as a part of the disciplinary process to ensure competency, or if necessary to preserve the public health, safety, or welfare.

Under the bill, the Barbering Examining Board establishes initial licensure requirements for barbers and barbering managers that are independent of those for cosmetologists. The bill eliminates any continuing education requirements for barbers.

Also under the bill, the Barbering Examining Board regulates and licenses establishments where only barbering may take place. The Cosmetology Examining Board regulates and licenses establishments where the practices of cosmetology, aesthetics, manicuring, or electrology may take place, in addition to barbering.

Inactive licenses

Under current law, a person who holds a barbering and cosmetology license, or who holds a license as an aesthetist, manicurist, electrologist, or manager, must meet certain renewal requirements, such as the payment of a renewal fee, and may have to meet continuing education requirements, if that person wishes to maintain that license.

Under the bill, any person to whom the Cosmetology Examining Board or the Barbering Examining Board has issued a license may apply to the appropriate board to have that license classified as inactive. The Cosmetology Examining Board or the Barbering Examining Board may classify a license as inactive if the licensed person is otherwise in good standing with the appropriate board and intends to refrain from practice under the license. A person who holds an inactive license is not required to meet continuing education requirements for the license and may pay one-half the usual renewal fee for the license. A person who holds an inactive license may not practice under that license unless the person's active status is returned by the appropriate board or unless the work performed is minimal, as determined by the appropriate board.

Barbering and cosmetology schools and instructors

Under current law, the Department of Safety and Professional Services (DSPS) directly licenses barbering and cosmetology schools and specialty schools. A specialty school is one that concentrates in aesthetics, manicuring, or electrology. DSPS issues one license for barbering and cosmetology schools. A licensed barbering and cosmetology school may offer courses of instruction in barbering and cosmetology, aesthetics, manicuring, and electrology.

Under current law, DSPS also certifies instructors in barbering and cosmetology, aesthetics, manicuring, and electrology. DSPS issues one certification for barbering and cosmetology instructors, and a person who is certified as a

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barbering and cosmetology instructor may teach in a barbering and cosmetology school or in a specialty school.

The bill establishes licensure requirements for barbering schools that are independent of the requirements for cosmetology schools. Under the bill, a licensed barbering school may offer courses of instruction only in barbering, while a licensed cosmetology school may offer courses of instruction in cosmetology, as well as barbering, aesthetics, manicuring, and electrology if certain requirements relating to instruction in each of those practices are met.

Similarly, the bill establishes certification requirements for barbering instructors that are independent of the certification requirements for cosmetology instructors. Under the bill, a certified barbering instructor may provide instruction in barbering. A certified cosmetology instructor may provide instruction in barbering, cosmetology, aesthetics, and manicuring.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.405 (17) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 **15.405 (17)** ~~BARBERING AND COSMETOLOGY~~ COSMETOLOGY EXAMINING BOARD.

4 There is created a ~~barbering and~~ cosmetology examining board in the department of
5 safety and professional services. The ~~barbering and~~ cosmetology examining board
6 shall consist of 9 members appointed for 4-year terms. Four members shall be
7 licensed ~~barbers,~~ aestheticians, or cosmetologists, 2 members shall be public
8 members, one member shall be a representative of a private school of ~~barbering or~~
9 cosmetology, one member shall be a representative of a public school of ~~barbering or~~
10 cosmetology and one member shall be a licensed electrologist. Except for the 2
11 members representing schools, no member may be connected with or have any
12 financial interest in a ~~barbering or~~ cosmetology school.

13 **SECTION 2.** 15.405 (18) of the statutes is created to read:

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1 15.405 (18) BARBERING EXAMINING BOARD. There is created a barbering
2 examining board in the department of safety and professional services. The
3 barbering examining board shall consist of 7 members appointed for 4-year terms.
4 Four members shall be licensed barbers, 2 members shall be public members, and
5 one member shall be a representative of a school of barbering. Except for the member
6 who is a representative of a school of barbering, no member may be connected with
7 or have any financial interest in a school of barbering.

8 **SECTION 3.** 106.52 (1) (e) 1. of the statutes is amended to read:

9 106.52 (1) (e) 1. "Public place of accommodation or amusement" shall be
10 interpreted broadly to include, but not be limited to, places of business or recreation;
11 lodging establishments; restaurants; taverns; barber ~~or~~, cosmetologist, aesthetician,
12 electrologist, or manicuring establishments; nursing homes; clinics; hospitals;
13 cemeteries; and any place where accommodations, amusement, goods, or services are
14 available either free or for a consideration, subject to subd. 2.

15 **SECTION 4.** 440.03 (13) (b) 13. of the statutes is amended to read:

16 440.03 (13) (b) 13. Barber ~~or cosmetologist~~.

17 **SECTION 5.** 440.03 (13) (b) 14. of the statutes is amended to read:

18 440.03 (13) (b) 14. Barbering ~~or cosmetology~~ instructor.

19 **SECTION 6.** 440.03 (13) (b) 15. of the statutes is amended to read:

20 440.03 (13) (b) 15. Barbering ~~or cosmetology~~ manager.

21 **SECTION 7.** 440.03 (13) (b) 19e. of the statutes is created to read:

22 440.03 (13) (b) 19e. Cosmetologist.

23 **SECTION 8.** 440.03 (13) (b) 19m. of the statutes is created to read:

24 440.03 (13) (b) 19m. Cosmetology instructor.

25 **SECTION 9.** 440.03 (13) (b) 19s. of the statutes is created to read:

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1 440.03 **(13)** (b) 19s. Cosmetology manager.

2 **SECTION 10.** 440.08 (2) (a) 16. of the statutes is amended to read:

3 440.08 **(2)** (a) 16. Barbering ~~or cosmetology~~ establishment: April 1 of each
4 odd-numbered year.

5 **SECTION 11.** 440.08 (2) (a) 17. of the statutes is amended to read:

6 440.08 **(2)** (a) 17. Barbering ~~or cosmetology~~ instructor: April 1 of each
7 odd-numbered year.

8 **SECTION 12.** 440.08 (2) (a) 18. of the statutes is amended to read:

9 440.08 **(2)** (a) 18. Barbering ~~or cosmetology~~ manager: April 1 of each
10 odd-numbered year.

11 **SECTION 13.** 440.08 (2) (a) 19. of the statutes is amended to read:

12 440.08 **(2)** (a) 19. Barbering ~~or cosmetology~~ school: April 1 of each
13 odd-numbered year.

14 **SECTION 14.** 440.08 (2) (a) 20. of the statutes is renumbered 440.08 (2) (a) 15m.
15 and amended to read:

16 440.08 **(2)** (a) 15m. Barber ~~or cosmetologist~~: April 1 of each odd-numbered
17 year.

18 **SECTION 15.** 440.08 (2) (a) 24b. of the statutes is created to read:

19 440.08 **(2)** (a) 24b. Cosmetologist: April 1 of each odd-numbered year.

20 **SECTION 16.** 440.08 (2) (a) 24d. of the statutes is created to read:

21 440.08 **(2)** (a) 24d. Cosmetology establishment: April 1 of each odd-numbered
22 year.

23 **SECTION 17.** 440.08 (2) (a) 24g. of the statutes is created to read:

24 440.08 **(2)** (a) 24g. Cosmetology instructor: April 1 of each odd-numbered year.

25 **SECTION 18.** 440.08 (2) (a) 24i. of the statutes is created to read:

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1 440.08 (2) (a) 24i. Cosmetology manager: April 1 of each odd-numbered year.

2 **SECTION 19.** 440.08 (2) (a) 24k. of the statutes is created to read:

3 440.08 (2) (a) 24k. Cosmetology school: April 1 of each odd-numbered year.

4 **SECTION 20.** 440.60 (3) of the statutes is repealed.

5 **SECTION 21.** 440.60 (4) of the statutes is renumbered 440.60 (4m) and amended
6 to read:

7 440.60 (4m) “Barbering ~~or cosmetology~~” has the meaning specified in s. 454.01
8 ~~(5) 454.20 (2).~~

9 **SECTION 22.** 440.60 (5) of the statutes is renumbered 440.60 (4e) and amended
10 to read:

11 440.60 (4e) “Barber ~~or cosmetologist~~” has the meaning specified in s. 454.01
12 ~~(6) 454.20 (1).~~

13 **SECTION 23.** 440.60 (5e) of the statutes is created to read:

14 440.60 (5e) “Cosmetologist” has the meaning specified in s. 454.01 (7e).

15 **SECTION 24.** 440.60 (5m) of the statutes is created to read:

16 440.60 (5m) “Cosmetology” has the meaning specified in s. 454.01 (7m).

17 **SECTION 25.** 440.60 (5s) of the statutes is created to read:

18 440.60 (5s) “Cosmetology manager” has the meaning specified in s. 454.01 (7s).

19 **SECTION 26.** 440.60 (9) of the statutes is repealed.

20 **SECTION 27.** 440.60 (10) of the statutes is renumbered 440.60 (4s) and amended
21 to read:

22 440.60 (4s) “~~Manager~~ Barbering manager” has the meaning specified in s.
23 454.01 ~~(12) 454.20 (3).~~

24 **SECTION 28.** 440.60 (14) of the statutes is amended to read:

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1 440.60 (14) "School" means any facility, other than a specialty school, that
2 offers instruction in barbering ~~or~~, cosmetology, aesthetics, electrology, or manicuring.

3 **SECTION 29.** 440.62 (1) (a) of the statutes is amended to read:

4 440.62 (1) (a) No person may operate a school unless the school holds a current
5 license as a school of barbering ~~or~~, cosmetology, aesthetics, electrology, or
6 manicuring, as appropriate, issued by the department.

7 **SECTION 30.** 440.62 (1) (c) of the statutes is amended to read:

8 440.62 (1) (c) No school may use the title "school of barbering ~~or cosmetology~~"
9 or any similar title unless the school holds a current school of barbering ~~or~~
10 ~~cosmetology~~ license issued by the department.

11 **SECTION 31.** 440.62 (1) (cm) of the statutes is created to read:

12 440.62 (1) (cm) No school may use the title "school of cosmetology" or any
13 similar title unless the school holds a current school of cosmetology license issued by
14 the department.

15 **SECTION 32.** 440.62 (3) (a) of the statutes is renumbered 440.62 (3) (ar), and
16 440.62 (3) (ar) (intro.), 2., 3., 4. and 8. of the statutes, as renumbered, are amended
17 to read:

18 440.62 (3) (ar) *School of ~~barbering or~~ cosmetology license.* (intro.) The
19 department shall issue a school of ~~barbering or~~ cosmetology license to each school
20 that meets all of the following requirements:

21 2. Requires as a prerequisite to graduation completion of a course of instruction
22 in ~~barbering or~~ cosmetology of at least 1,800 training hours in not less than 10
23 months. The course of instruction may not exceed 8 training hours in any one day
24 for any student or 48 hours in any one week for any student.

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1 3. If the school offers a course of theoretical instruction for cosmetology
2 managers, requires as a prerequisite to completion of the that course of instruction
3 ~~for managers~~ the completion of at least 150 training hours of theoretical instruction.

4 4. If the school offers a course of theoretical instruction for apprentices under
5 s. 454.10, requires as a prerequisite to completion of the course of instruction for
6 those apprentices the completion of at least 288 training hours in not less than 9
7 weeks and not more than 2 years.

8 8. Satisfies the requirements for schools of ~~barbering or~~ cosmetology
9 established in rules promulgated under subs. (2) (e) and (5) (b) 1. and s. 440.64 (1)
10 (b).

11 **SECTION 33.** 440.62 (3) (ag) of the statutes is created to read:

12 440.62 (3) (ag) *School of barbering.* The department shall issue a school of
13 barbering license to each school that meets all of the following requirements:

14 1. Satisfies the conditions in sub. (2).

15 2. Requires as a prerequisite to graduation completion of a course of instruction
16 in barbering of at least 1,800 training hours in not less than 10 months. The course
17 of instruction may not exceed 8 training hours in any one day for any student or 48
18 hours in any one week for any student.

19 3. If the school offers a course of theoretical instruction for barbering managers,
20 requires as a prerequisite to completion of that course of instruction the completion
21 of at least 150 training hours of theoretical instruction.

22 4. If the school offers a course of theoretical instruction for apprentices under
23 s. 454.26, requires as a prerequisite to completion of the course of instruction for
24 those apprentices the completion of at least 288 training hours in not less than 9
25 weeks and not more than 2 years.

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1 5. Satisfies the requirements for schools of barbering established in rules
2 promulgated under subs. (2) (e) and (5) (b) 2. and s. 440.64 (1) (b).

3 **SECTION 34.** 440.62 (3) (ar) 4m. of the statutes is created to read:

4 440.62 (3) (ar) 4m. If the school offers a course of instruction in barbering, the
5 course of instruction satisfies the requirements under par. (ag) 2.

6 **SECTION 35.** 440.62 (5) (b) of the statutes is renumbered 440.62 (5) (b) 1. and
7 amended to read:

8 440.62 (5) (b) 1. The cosmetology examining board shall promulgate rules
9 prescribing the subjects required to be included in courses of instruction at schools
10 of cosmetology and specialty schools and establishing minimum standards for
11 courses of instruction and instructional materials and equipment at schools of of
12 cosmetology and specialty schools.

13 **SECTION 36.** 440.62 (5) (b) 2. of the statutes is created to read:

14 440.62 (5) (b) 2. The barbering examining board shall promulgate rules
15 prescribing the subjects required to be included in courses of instruction at schools
16 of barbering and establishing minimum standards for courses of instruction and
17 instructional materials and equipment at schools of barbering.

18 **SECTION 37.** 440.63 (1) (a) (intro.) of the statutes is renumbered 440.63 (1) (a)
19 and amended to read:

20 440.63 (1) (a) No person may provide practical instruction in barbering or
21 cosmetology in a school of barbering or cosmetology unless the person holds a current
22 barbering instructor or cosmetology instructor certificate issued by the department,
23 except as follows:

24 **SECTION 38.** 440.63 (1) (a) 1. of the statutes is repealed.

25 **SECTION 39.** 440.63 (1) (a) 2. of the statutes is repealed.

ASSEMBLY BILL 658**SECTION 40**

1 **SECTION 40.** 440.63 (1) (am) of the statutes is created to read:

2 440.63 (1) (am) No person may provide practical instruction in cosmetology
3 unless the person holds a current cosmetology instructor certificate issued by the
4 department.

5 **SECTION 41.** 440.63 (1) (b), (c) and (d) of the statutes are amended to read:

6 440.63 (1) (b) No person may provide practical instruction in ~~a school of~~
7 aesthetics unless the person holds a current ~~barbering or cosmetology instructor or~~
8 aesthetics instructor or cosmetology instructor certificate issued by the department.

9 (c) No person may provide practical instruction in electrology ~~in a school of~~
10 ~~barbering or cosmetology or school of electrology~~ unless the person holds a current
11 electrology instructor certificate issued by the department.

12 (d) No person may provide practical instruction in ~~a school of~~ manicuring
13 unless the person holds a current ~~barbering or cosmetology instructor or~~ manicuring
14 instructor or cosmetology instructor certificate issued by the department.

15 **SECTION 42.** 440.63 (3) (a) (intro.), 2. and 4. of the statutes are amended to read:

16 440.63 (3) (a) *Barbering or cosmetology instructor certification.* (intro.) The
17 department shall issue a barbering ~~or cosmetology~~ instructor certificate to each
18 person who meets all of the following requirements:

19 2. Completes 2,000 hours of practice as a licensed barber ~~or cosmetologist~~ or
20 holds a current barbering manager license issued by the barbering examining board.

21 4. Passes an examination conducted by the department to determine fitness as
22 a barbering ~~or cosmetology~~ instructor.

23 **SECTION 43.** 440.63 (3) (am) of the statutes is created to read:

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1 440.63 **(3)** (am) *Cosmetology instructor certification*. The department shall
2 issue a cosmetology instructor certificate to each person who meets all of the
3 following requirements:

4 1. Satisfies the conditions in sub. (2).

5 2. Completes 2,000 hours of practice as a licensed cosmetologist or holds a
6 current cosmetology manager license issued by the cosmetology examining board.

7 3. Completes 150 training hours of instructor training approved by the
8 department.

9 4. Passes an examination conducted by the department to determine fitness as
10 a cosmetology instructor.

11 **SECTION 44.** 440.635 of the statutes is amended to read:

12 440.635 **(1)** No person may provide practical instruction in a specialty school
13 of aesthetics unless the person holds a current cosmetology manager license issued
14 by the cosmetology examining board or a current ~~barbering~~ or cosmetology instructor
15 or aesthetics instructor certificate issued by the department.

16 **(2)** No person may provide practical instruction in a specialty school of
17 electrology unless the person holds a current electrologist license and a current
18 cosmetology manager license issued by the cosmetology examining board or an
19 electrology instructor certificate issued by the department.

20 **(3)** No person may provide practical instruction in a specialty school of
21 manicuring unless the person holds a current cosmetology manager license issued
22 by the cosmetology examining board or a current ~~barbering~~ or cosmetology instructor
23 or manicuring instructor certificate issued by the department.

24 **SECTION 45.** 440.64 (1) (a) of the statutes is amended to read:

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1 **SECTION 52.** 454.01 (6) of the statutes is renumbered 454.01 (7e) and amended
2 to read:

3 454.01 (7e) “~~Barber or cosmetologist~~ Cosmetologist” means a person who
4 practices ~~barbering or~~ cosmetology.

5 **SECTION 53.** 454.01 (7m) (intro.), (a) and (b) of the statutes are created to read:

6 454.01 (7m) (intro.) “Cosmetology” means, for compensation, performing one
7 or more of the following:

8 (a) Barbering.

9 (b) Aesthetics.

10 **SECTION 54.** 454.01 (10) of the statutes is amended to read:

11 454.01 (10) “Establishment” means any place in which barbering or,
12 cosmetology, aesthetics, electrology, or manicuring is performed.

13 **SECTION 55.** 454.01 (11) of the statutes is amended to read:

14 454.01 (11) “Examining board” means the ~~barbering and~~ cosmetology
15 examining board.

16 **SECTION 56.** 454.01 (11m) of the statutes is created to read:

17 454.01 (11m) “Inactive license” means a license issued under s. 454.06 (2) to
18 (6) that is classified as inactive by the examining board under s. 454.06 (8m).

19 **SECTION 57.** 454.01 (12) of the statutes is renumbered 454.01 (7s) and amended
20 to read:

21 454.01 (7s) “~~Manager~~ Cosmetology manager” means a person who practices
22 ~~barbering or~~ cosmetology and who is responsible for supervising and managing the
23 operation of an establishment and ensuring that the establishment operates in
24 compliance with this chapter and rules promulgated by the examining board.

25 **SECTION 58.** 454.01 (15) of the statutes is amended to read:

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1 454.01 (15) “Student” means a person who is ~~not licensed to practice barbering~~
2 ~~or cosmetology and who is engaged in learning the~~ and not licensed to practice of
3 barbering ~~or~~, cosmetology, aesthetics, electrology, or manicuring at a school licensed
4 under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under
5 s. 440.62 (4).

6 **SECTION 59.** 454.01 (15m) of the statutes is created to read:

7 454.01 (15m) “Theoretical instruction” has the meaning given in s. 440.60 (17).

8 **SECTION 60.** 454.02 (1) of the statutes is amended to read:

9 454.02 (1) Licenses A license to practice barbering or cosmetology ~~do~~ does not
10 confer the right to diagnose, prescribe for, or treat diseases or conditions except as
11 indicated in the definition of ~~barbering or cosmetology~~ in s. 454.01 (5) (7m) or under
12 the direction of a licensed and practicing physician.

13 **SECTION 61.** 454.02 (2) (intro.) of the statutes is amended to read:

14 454.02 (2) (intro.) ~~Barbering or~~ Cosmetology, aesthetics,
15 electrology, and manicuring do not include any of the following:

16 **SECTION 62.** 454.02 (3) (intro.) of the statutes is amended to read:

17 454.02 (3) (intro.) ~~Barbering or cosmetology~~ Cosmetology, aesthetics, and
18 manicuring do not include any of the following:

19 **SECTION 63.** 454.04 (1) (a) of the statutes is amended to read:

20 454.04 (1) (a) ~~Except as permitted under pars. (b) and (d), no~~ No person may
21 engage in ~~barbering or cosmetology~~ unless the person has received training in the
22 areas of service provided and holds a current ~~barber or cosmetologist license, or~~
23 cosmetology manager license or issued by the examining board that is not an inactive
24 license or temporary permit issued by the examining board or is an apprentice under
25 s. 454.10 or a student in a ~~barbering or cosmetology~~ course of instruction.

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1 **SECTION 64.** 454.04 (1) (b) of the statutes is amended to read:

2 454.04 (1) (b) No person may engage in aesthetics unless the person has
3 received training in the areas of service provided and holds a current aesthetician
4 license, ~~barber or cosmetologist license, or cosmetology manager license, issued by~~
5 the examining board that is not an inactive license or temporary permit or training
6 permit issued by the examining board or is an apprentice under s. 454.10 or a student
7 in an aesthetics or ~~barbering~~ or cosmetology course of instruction.

8 **SECTION 65.** 454.04 (1) (c) of the statutes is amended to read:

9 454.04 (1) (c) No person may engage in electrology unless the person holds a
10 current electrologist license, issued by the examining board that is not an inactive
11 license or temporary permit or training permit issued by the examining board or is
12 a student in an electrology course of instruction.

13 **SECTION 66.** 454.04 (1) (d) of the statutes is amended to read:

14 454.04 (1) (d) No person may engage in manicuring unless the person has
15 received training in the areas of service provided and holds a current manicurist
16 license, ~~barber or cosmetologist license, or cosmetology manager license, issued by~~
17 the examining board that is not an inactive license or temporary permit or training
18 permit issued by the examining board or is an apprentice under s. 454.10 or a student
19 in a manicuring or ~~barbering~~ or cosmetology course of instruction.

20 **SECTION 67.** 454.04 (2) (a) of the statutes is amended to read:

21 454.04 (2) (a) No person may use the title "~~barber cosmetologist~~", "~~barber~~",
22 "~~cosmetologist~~" or "~~hairstylist~~" or any other similar title unless the person holds a
23 current ~~barber or cosmetologist license or cosmetology manager license issued by the~~
24 examining board that is not an inactive license.

25 **SECTION 68.** 454.04 (2) (b) of the statutes is amended to read:

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1 454.04 (2) (b) No person may use the title “aesthetician” or any other similar
2 title unless the person holds a current aesthetician license, ~~barber or~~ cosmetologist
3 license, or cosmetology manager license issued by the examining board that is not
4 an inactive license.

5 **SECTION 69.** 454.04 (2) (c) of the statutes is amended to read:

6 454.04 (2) (c) No person may use the title “electrologist” or any other similar
7 title unless the person holds a current electrologist license issued by the examining
8 board that is not an inactive license.

9 **SECTION 70.** 454.04 (2) (d) of the statutes is amended to read:

10 454.04 (2) (d) No person may use the title “manicurist” or any other similar title
11 unless the person holds a current manicurist license, ~~barber or~~ cosmetologist license,
12 or cosmetology manager license issued by the examining board that is not an inactive
13 license.

14 **SECTION 71.** 454.06 (2) (intro.), (b) and (c) of the statutes are amended to read:

15 454.06 (2) ~~BARBER OR COSMETOLOGIST~~ COSMETOLOGIST LICENSE. (intro.) The
16 examining board shall issue a ~~barber or~~ cosmetologist license to any person who does
17 all of the following:

18 (b) Graduates from a course of instruction of at least 1,800 training hours in
19 not less than 10 months in a school of ~~barbering or~~ cosmetology licensed under s.
20 440.62 (3) ~~(a)~~ (ar) or exempted under s. 440.61 or has successfully completed an
21 apprenticeship under s. 454.10.

22 (c) Passes an examination conducted by the examining board to determine
23 fitness to practice ~~barbering or~~ cosmetology.

24 **SECTION 72.** 454.06 (3) (intro.), (a), (b) and (d) of the statutes are amended to
25 read:

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1 454.06 (3) ~~MANAGER~~ COSMETOLOGY MANAGER LICENSE. (intro.) The examining
2 board shall issue a cosmetology manager license to any person who does all of the
3 following:

4 (a) Holds a ~~barber or~~ cosmetologist license.

5 (b) Completes 4,000 hours of practice as a licensed ~~barber or~~ cosmetologist
6 under the supervision of a licensed cosmetology manager or completes 2,000 hours
7 of practice as a licensed ~~barber or~~ cosmetologist and 150 training hours of theoretical
8 instruction in a school of ~~barbering or~~ cosmetology licensed under s. 440.62 (3) ~~(a)~~ (ar)
9 or exempted under s. 440.61.

10 (d) Passes an examination conducted by the examining board to determine
11 fitness to practice as a cosmetology manager.

12 **SECTION 73.** 454.06 (4) (b) 1. and 2. of the statutes are amended to read:

13 454.06 (4) (b) 1. A course of instruction in aesthetics of at least 450 training
14 hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering~~
15 ~~or~~ cosmetology or a school of aesthetics licensed under s. 440.62 (3) ~~(a)~~ (ar) or (b) or
16 exempted under s. 440.61.

17 2. At least 450 training hours of ~~training~~ in not less than 11 weeks and not more
18 than 30 weeks under the supervision of a ~~barber or cosmetologist~~ cosmetology
19 instructor or aesthetics instructor certified under s. 440.63 (3) ~~(a)~~ (am) or (b) or a
20 licensed cosmetology manager, in a licensed establishment that is also licensed as a
21 specialty school of aesthetics under s. 440.62 (4) (a).

22 **SECTION 74.** 454.06 (5) (b) 1. and 2. of the statutes are amended to read:

23 454.06 (5) (b) 1. A course of instruction in electrology of at least 450 training
24 hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering~~

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1 or cosmetology, or a school of electrology licensed under s. 440.62 (3) ~~(a)~~ (ar) or (c) or
2 exempted under s. 440.61.

3 2. At least 450 training hours ~~of training~~ in not less than 11 weeks and not more
4 than 30 weeks under the supervision of an electrology instructor certified under s.
5 440.63 (3) (c), or a licensed electrologist who is also a licensed cosmetology manager,
6 in a licensed establishment that is also licensed as a specialty school of electrology
7 under s. 440.62 (4) (b).

8 **SECTION 75.** 454.06 (6) (b) 1. and 2. of the statutes are amended to read:

9 454.06 **(6)** (b) 1. A course of instruction in manicuring of at least 300 training
10 hours in not less than 7 weeks and not more than 20 weeks, in a school of ~~barbering~~
11 or cosmetology or a school of manicuring licensed under s. 440.62 (3) ~~(a)~~ (ar) or (d)
12 or exempted under s. 440.61.

13 2. At least 300 training hours of training in not less than 7 weeks and not more
14 than 20 weeks under the supervision of a ~~barber or cosmetologist~~ cosmetology
15 instructor or manicuring instructor certified under s. 440.63 (3) ~~(a)~~ (am) or (d) or a
16 licensed cosmetology manager, in a licensed establishment that is also licensed as a
17 specialty school of manicuring under s. 440.62 (4) (c).

18 **SECTION 76.** 454.06 (7) of the statutes is amended to read:

19 454.06 **(7)** POSTING OF LICENSE CERTIFICATES. The examining board shall furnish
20 a certificate to each licensee, certifying that the holder is licensed to practice
21 ~~barbering or cosmetology~~, aesthetics, electrology, or manicuring or is a licensed
22 cosmetology manager. The licensee shall post the certificate in a conspicuous place
23 in the licensed establishment. A licensee who holds an inactive license may not post
24 a certificate for that inactive license.

25 **SECTION 77.** 454.06 (8m) of the statutes is created to read:

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1 454.06 **(8m)** INACTIVE LICENSES. (a) Any person who has been issued a license
2 under subs. (2) to (6) may apply to the examining board to classify that license as
3 inactive. Upon application under this paragraph, the examining board may classify
4 a license as inactive if the examining board determines that the person who holds
5 that license is in good standing with the examining board and intends to refrain from
6 the practice that is authorized under the license during the period that the license
7 is an inactive license.

8 (b) An inactive license is subject to sub. (8), except that the amount of the
9 renewal fee for an inactive license shall be one-half of the amount of the renewal fee
10 determined by the department for the license under s. 440.03 (9) (a).

11 (c) The examining board may remove the inactive classification of an inactive
12 license if the person who holds that inactive license applies to the examining board
13 to remove the inactive classification and the person meets any additional
14 requirements of the examining board.

15 (d) A person may perform work that is included in the practice for which that
16 person holds an inactive license if that work is minimal, as determined by the
17 examining board by rule.

18 **SECTION 78.** 454.06 (10) (a) of the statutes is amended to read:

19 454.06 **(10)** (a) The examining board may issue a temporary permit to practice
20 as a ~~barber or~~ cosmetologist without examination if the applicant meets all of the
21 requirements of sub. (2) for licensure except passage of an examination and if the
22 applicant is scheduled to take the examination for licensure.

23 **SECTION 79.** 454.07 (1) of the statutes is amended to read:

24 454.07 **(1)** The examining board shall, in accordance with s. 440.07 (2), conduct
25 examinations for ~~barber or~~ cosmetologist, cosmetology manager, aesthetician,

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1 electrologist, and manicurist licenses not less than 8 times annually, at times and
2 places determined by the examining board.

3 **SECTION 80.** 454.08 (1) (a) of the statutes is amended to read:

4 454.08 (1) (a) The examining board may promulgate rules permitting the
5 provision of personal care ~~barbering or~~ cosmetology, aesthetics, electrology, or
6 manicuring services outside of licensed establishments by ~~barbers or~~ cosmetologists,
7 aestheticians, electrologists, and manicurists to persons who are unable to leave
8 their homes because of illness or disability or who are in hospitals, nursing homes,
9 correctional institutions, or other institutions.

10 **SECTION 81.** 454.08 (1) (b) of the statutes is amended to read:

11 454.08 (1) (b) Except as permitted by rule promulgated under par. (a), no
12 person may practice ~~barbering or~~ cosmetology, aesthetics, electrology, or manicuring
13 in an establishment unless the establishment is licensed to provide that practice
14 under sub. (2).

15 **SECTION 82.** 454.08 (2) (a) of the statutes is amended to read:

16 454.08 (2) (a) A ~~barber or cosmetologist~~ cosmetology establishment license
17 ~~which~~ that authorizes the practice of barbering ~~or~~, cosmetology, aesthetics,
18 electrology, and manicuring in the licensed establishment.

19 **SECTION 83.** 454.08 (2) (b) of the statutes is amended to read:

20 454.08 (2) (b) An ~~aesthetician~~ aesthetics establishment license ~~which~~ that
21 authorizes the practice of aesthetics in the licensed establishment.

22 **SECTION 84.** 454.08 (2) (c) of the statutes is amended to read:

23 454.08 (2) (c) An ~~electrologist~~ electrology establishment license ~~which~~ that
24 authorizes the practice of electrology in the licensed establishment.

25 **SECTION 85.** 454.08 (2) (d) of the statutes is amended to read:

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1 454.08 (2) (d) A ~~manieurist~~ manicuring establishment license ~~which that~~
2 authorizes the practice of manicuring in the licensed establishment.

3 **SECTION 86.** 454.08 (5) of the statutes is amended to read:

4 454.08 (5) A person who is not licensed under s. 454.06 by the examining board
5 may own or operate an establishment, but may not practice barbering ~~or~~,
6 cosmetology, aesthetics, electrology, or manicuring.

7 **SECTION 87.** 454.08 (6) of the statutes is amended to read:

8 454.08 (6) A person who owns ~~one or more barber or cosmetologist~~
9 ~~establishments~~ a cosmetology establishment shall employ at least one person as a
10 manager who holds a cosmetology manager license and ~~works full time in the~~
11 ~~establishments~~ manages the establishment on a full-time basis. The cosmetology
12 manager shall ensure that the establishment operates in compliance with this
13 subchapter and rules promulgated by the examining board.

14 **SECTION 88.** 454.10 (2) of the statutes is amended to read:

15 454.10 (2) Apprentices shall receive at least 3,712 hours of practical training
16 and at least 288 training hours of theoretical instruction ~~in theory~~ in a school of
17 ~~barbering or~~ cosmetology in order to complete the apprenticeship program and be
18 eligible to take the examination for a ~~barber or cosmetologist~~ license. Apprentices
19 shall receive training for a total of at least 32 hours per week. The training shall be
20 completed in not less than 2 years and not more than 4 years.

21 **SECTION 89.** 454.10 (3) (a) of the statutes is amended to read:

22 454.10 (3) (a) No apprentice under this section may practice ~~barbering or~~
23 ~~cosmetology~~ except under the supervision of a licensed cosmetology manager, whose
24 cosmetology license is not an inactive license, or under the supervision of a licensed
25 ~~barber or cosmetologist~~, whose cosmetology license is not an inactive license, and to

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1 whom supervisory authority has been delegated by a licensed cosmetology manager.
2 A licensed cosmetology manager may only delegate supervisory authority to a
3 licensed ~~barber or~~ cosmetologist who has completed at least 2,000 hours of practice
4 as a licensed ~~barber or~~ cosmetologist.

5 **SECTION 90.** 454.12 (intro.) of the statutes is amended to read:

6 **454.12 Continuing education.** (intro.) The examining board may impose
7 continuing education requirements on licensees a person who holds a license under
8 this subchapter that is not an inactive license either:

9 **SECTION 91.** 454.13 (1) (intro.) of the statutes is amended to read:

10 454.13 (1) (intro.) Upon application and payment of the fee specified in s.
11 440.05 (2), the examining board may issue a license to practice ~~barbering or~~
12 cosmetology, aesthetics, electrology, or manicuring or to practice as a cosmetology
13 manager to an applicant who is licensed in another state or territory of the United
14 States or in another country to perform services ~~which~~ that are substantially the
15 same as those performed by licensees in this state and to whom either of the following
16 applies:

17 **SECTION 92.** 454.13 (2) of the statutes is amended to read:

18 454.13 (2) The examining board may enter into reciprocal agreements with
19 officials of other states for licensing ~~barbers or~~ cosmetologists, aestheticians,
20 electrologists, manicurists, and cosmetology managers and grant licenses to persons
21 licensed in other states according to the terms of such an agreement.

22 **SECTION 93.** 454.15 (1) of the statutes is amended to read:

23 454.15 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
24 board may make investigations or conduct hearings to determine whether a person

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1 has violated this ~~chapter~~ subchapter or any rule promulgated under this ~~chapter~~
2 subchapter.

3 **SECTION 94.** 454.15 (2) (intro.) of the statutes is amended to read:

4 454.15 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1) and this
5 ~~chapter~~ subchapter, the examining board may revoke, limit, suspend, or refuse to
6 issue or renew, in accordance with the severity of the violation, a license or permit
7 issued under this ~~chapter~~ subchapter or reprimand the holder of a license or permit
8 issued under this ~~chapter~~ subchapter if it finds that the holder or applicant has done
9 any of the following:

10 **SECTION 95.** 454.15 (2) (a) of the statutes is amended to read:

11 454.15 (2) (a) Made a material misstatement in an application for license or
12 permit or renewal, or in an application to classify a license as an inactive license.

13 **SECTION 96.** 454.15 (2) (c) of the statutes is amended to read:

14 454.15 (2) (c) Engaged in conduct in the practice of barbering ~~or~~, cosmetology,
15 aesthetics, electrology, or manicuring ~~which~~ that evidences a lack of knowledge or
16 ability to apply professional principles or skills.

17 **SECTION 97.** 454.15 (2) (d) of the statutes is amended to read:

18 454.15 (2) (d) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a
19 felony committed while engaged in the practice of barbering ~~or~~, cosmetology,
20 aesthetics, electrology, or manicuring.

21 **SECTION 98.** 454.15 (2) (i) of the statutes is amended to read:

22 454.15 (2) (i) Violated this ~~chapter~~ subchapter or any rule promulgated under
23 this ~~chapter~~ subchapter.

24 **SECTION 99.** 454.15 (2) (j) of the statutes is created to read:

25 454.15 (2) (j) Violated subch. II or any rule promulgated under subch. II.

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1 **(9)** “Licensed barbering manager” means a person licensed by the board under
2 s. 454.23 (3) whose license is not an inactive license under s. 454.23 (6).

3 **(10)** “Licensed cosmetologist” means a person licensed by the cosmetology
4 examining board under s. 454.06 (2) whose license is not an inactive license under
5 s. 454.06 (8m).

6 **(11)** “Licensed cosmetology establishment” means an establishment licensed
7 by the cosmetology examining board under s. 454.08 (2) (a).

8 **(12)** “Licensed cosmetology manager” means a person licensed by the
9 cosmetology examining board under s. 454.06 (3) whose license is not an inactive
10 license under s. 454.06 (8m).

11 **(13)** “Student” has the meaning given in s. 454.01 (15).

12 **(14)** “Training hour” has the meaning given in s. 454.01 (16).

13 **454.21 Limitations and exceptions.** Barbering does not include any of the
14 following:

15 (a) A service performed by a person licensed, certified, or registered under the
16 laws of this state as a physician, physician assistant, nurse, or funeral director if the
17 service is within the scope of the license, certificate, or registration.

18 (b) A service performed in a correctional institution, hospital, or licensed
19 nursing home under the supervision of a person responsible for inmate or patient
20 care.

21 **454.22 Practice.** **(1)** No person may engage in barbering unless the person
22 is one of the following:

23 (a) A licensed barber.

24 (b) A licensed barbering manager.

25 (c) An apprentice in barbering under s. 454.26.

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1 (d) A student in a barbering course of instruction.

2 (e) A person who holds a temporary permit to practice barbering granted by the
3 board under s. 454.23 (7).

4 (f) A licensed cosmetologist.

5 (g) A licensed cosmetology manager.

6 (h) An apprentice in cosmetology under s. 454.10.

7 (g) A student in a cosmetology course of instruction.

8 (h) A person who holds a temporary permit to practice cosmetology granted by
9 the cosmetology examining board under s. 454.06 (10).

10 **(2)** No person may use the title “barber” or “hairstylist” or any other similar
11 title unless the person is a licensed barber, licensed barbering manager, licensed
12 cosmetologist, or licensed cosmetology manager.

13 **454.23 Licensure. (1) APPLICATION.** An applicant for licensure under this
14 section shall submit an application to the board on a form prescribed by the board.

15 **(2) BARBER LICENSE.** The board shall grant a barber license to any person who
16 submits an application under sub. (1) and satisfies all of the following conditions:

17 (a) The applicant pays the initial credential fee determined by the department
18 under s. 440.03 (9) (a), except as provided in s. 454.27 (1).

19 (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant presents evidence
20 satisfactory to the board that the applicant has not been convicted of a felony
21 committed while engaged in the practice of barbering.

22 (c) The applicant graduates from high school or attains high school graduation
23 equivalency as determined by the department of public instruction; is participating
24 in a program approved by the board; or is at least 18 years old and meets the ability
25 to benefit rule under 20 USC 1091 (d).

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1 (d) The applicant graduates from a course of instruction in barbering of at least
2 1,800 training hours in barbering in not less than 10 months in a school of barbering
3 licensed under s. 440.62 (3) (ag), a school of cosmetology licensed under s. 440.62 (3)
4 (ar), or a school that is exempted under s. 440.61 or the applicant successfully
5 completes an apprenticeship under s. 454.26.

6 (c) The applicant passes an examination conducted by the board to determine
7 fitness to practice barbering.

8 **(3) BARBERING MANAGER LICENSE.** The board shall grant a barbering manager
9 license to any person who satisfies all of the following conditions:

10 (a) The person is a licensed barber or licensed cosmetologist.

11 (b) The person completes 4,000 hours of practice as a licensed barber or licensed
12 cosmetologist under the supervision of a licensed barbering manager or licensed
13 cosmetology manager or completes 2,000 hours of practice as a licensed barber or
14 licensed cosmetologist and 150 training hours of theoretical instruction in barbering
15 in a school of barbering licensed under s. 440.62 (3) (ag) or school of cosmetology
16 licensed under s. 440.62 (3) (ar) or exempted under s. 440.61.

17 (c) Pays the fee under s. 440.05 (1).

18 (d) Passes an examination conducted by the board to determine fitness to
19 practice as a barbering manager.

20 **(4) POSTING OF LICENSE CERTIFICATE.** The board shall issue a certificate to each
21 person licensed under sub. (2) or (3), certifying that the holder is a licensed barber
22 or licensed barbering manager. The licensee shall post the certificate in a
23 conspicuous place in the primary establishment where the licensee practices.

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1 **(5) EXPIRATION AND RENEWAL.** The renewal dates for licenses granted under
2 subs. (2) and (3) are specified under s. 440.08 (2) (a), and the renewal fees for those
3 licenses are determined by the department under s. 440.03 (9) (a).

4 **(6) INACTIVE LICENSE.** (a) Any person who is issued a license under sub. (2) or
5 (3) may apply to the board to classify that license as inactive. Upon application under
6 this paragraph, the board may classify a license as inactive if the board determines
7 that the person who holds that license is in good standing with the board and intends
8 to refrain from barbering during the period that the license is inactive.

9 (b) An inactive license is subject to sub. (5), except that the amount of the
10 renewal fee for an inactive license shall be one-half of the amount of the renewal fee
11 determined by the department for the license under s. 440.03 (9) (a).

12 (c) The board may remove the inactive classification of an inactive license if the
13 person who holds that inactive license applies to the board to remove the inactive
14 classification and the person meets any additional requirements of the board.

15 (d) A person whose license is inactive under this subsection may perform
16 minimal barbering work, as determined by the board by rule.

17 **(7) TEMPORARY PERMIT.** (a) The board may grant a temporary permit to practice
18 as a barber if an applicant under sub. (2) satisfies all of the conditions under sub. (2)
19 except passage of the examination for licensure and the applicant is scheduled to
20 take that examination.

21 (b) A temporary permit granted under par. (a) is valid for 6 months and may
22 not be renewed. The fee for a temporary permit is specified in s. 440.05 (6).

23 **454.24 Examinations.** (1) The board shall, in accordance with s. 440.07 (2),
24 conduct examinations for barber licenses at least 8 times annually, at times and
25 places determined by the board.

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1 (2) The examination for a license under s. 454.23 (2) or (3) shall consist of
2 written tests and practical demonstrations requiring applicants to demonstrate
3 minimum competency in services and subjects substantially related to the practice
4 of a barber or barbering manager, as appropriate, and public health and safety.

5 (3) A person is not eligible for examination for a license granted under s. 454.23
6 (2) or (3) unless the person completes the requirements for licensure under s. 454.23
7 (2) or (3) except passage of the examination.

8 (4) An applicant for a license under s. 454.23 (2) or (3) shall file an application
9 for examination in the office of the board at least 3 weeks before the examination.
10 If an applicant fails to file the application within the required time, the board may
11 postpone the applicant's examination to the date of the next available regular
12 examination. The board may require an applicant who fails to appear for or to
13 complete an examination to reapply for examination. An applicant who fails an
14 examination may request reexamination and shall pay a fee for reexamination,
15 according to the procedures and fees established under s. 440.06.

16 **454.25 Barbering establishment license.** (1) (a) The board may
17 promulgate rules permitting the provision of barbering services outside of a licensed
18 barbering establishment or a licensed cosmetology establishment by a barber to a
19 person who is unable to leave his or her home because of illness or disability or who
20 is in a hospital, nursing home, correctional institution, or other institution.

21 (b) Except as permitted by rule promulgated under par. (a), no person may
22 practice barbering in an establishment unless the establishment is a licensed
23 barbering establishment or licensed cosmetology establishment.

24 (2) The board shall grant a barbering establishment license that authorizes the
25 practice of barbering in the licensed establishment to any person who pays the initial

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1 credential fee determined by the department under s. 440.03 (9) (a) and who satisfies
2 the requirements established by the board by rule, including proof of ownership of
3 the business that operates the establishment. Any change of ownership of a licensed
4 barbering establishment shall be reported to the board by the new owner within 5
5 days after the change of ownership.

6 (3) The board shall, by rule, establish minimum standards concerning the
7 maintenance, equipment, plans, and specifications for licensed barbering
8 establishments as they relate to the public health and safety. The board may not
9 license a barbering establishment under this section unless the establishment meets
10 the standards established by the board. A person proposing to open a barbering
11 establishment in a new location shall apply to the board for an inspection and
12 approval of the establishment, submitting an exact description and floor plan of the
13 proposed establishment on a form provided by the department.

14 (4) A person who is not a licensed barber, licensed barbering manager, licensed
15 cosmetologist, or licensed cosmetology manager may own or operate a licensed
16 barbering establishment, but may not practice barbering.

17 (5) A person who owns a licensed barbering establishment shall employ at least
18 one person as a manager who is a licensed barbering manager or licensed
19 cosmetology manager and works full-time in the establishment.

20 (7) Commercial businesses and practices other than barbering may be operated
21 in a licensed barbering establishment, except that a business or practice that poses
22 a sanitation or health hazard may not be conducted within a licensed barbering
23 establishment.

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1 **(8)** The board shall furnish a certificate to the owner of a licensed barbering
2 establishment, certifying that the establishment is licensed by the board. The owner
3 shall post the certificate in a conspicuous place in the establishment.

4 **(9)** The renewal date for a barbering establishment license is specified under
5 s. 440.08 (2) (a), and the renewal fee for a barbering establishment license is
6 determined by the department under s. 440.03 (9) (a).

7 **454.26 Apprenticeship. (1)** An apprentice in barbering shall be employed
8 under an apprentice contract under s. 106.01 and shall be governed by s. 106.01, the
9 apprenticeship rules of the department of workforce development, and the rules of
10 the board.

11 **(2)** An apprentice in barbering shall receive at least 3,712 hours of practical
12 training in barbering and at least 288 training hours of instruction in barbering in
13 a school of barbering or school of cosmetology in order to complete the apprenticeship
14 program and be eligible to take the examination for a barber license. An apprentice
15 in barbering shall receive training in barbering for a total of at least 32 hours per
16 week. The training shall be completed in not less than 2 years and not more than
17 4 years.

18 **(3) (a)** An apprentice in barbering may not practice barbering except under the
19 supervision of a licensed barbering manager or licensed cosmetology manager or
20 under the supervision of a licensed barber or licensed cosmetologist to whom
21 supervisory authority has been delegated by a licensed barbering manager or
22 licensed cosmetology manager. A licensed barbering manager or licensed
23 cosmetology manager may only delegate supervisory authority to a licensed barber
24 or licensed cosmetologist who has completed at least 2,000 hours of practice as a
25 licensed barber or licensed cosmetologist.

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1 (b) An apprentice in barbering shall be trained in all branches of practical work
2 and in all subjects required to be taught in a school of barbering as prescribed by the
3 board by rule.

4 (4) A person who successfully completes the requirements of sub. (2) may not
5 continue to practice as an apprentice in barbering but may apply for a temporary
6 permit under s. 454.23 (7).

7 **454.27 Licensees of other jurisdictions. (1)** Upon application and payment
8 of the fee specified in s. 440.05 (2), the board may grant a license to practice barbering
9 or to practice as a barbering manager to an applicant who is licensed in another state
10 or territory of the United States or in another country to perform services that are
11 substantially the same as those performed by a licensed barber or licensed barbering
12 manager in this state and to whom at least one of the following applies:

13 (a) The applicant has at least 4,000 hours of experience in licensed practice, has
14 never been disciplined by the licensing authority of another jurisdiction, and is not
15 a party to a proceeding before the licensing agency in which it is alleged that the
16 applicant was negligent in the licensed practice or violated any law relating to the
17 licensed practice.

18 (b) The applicant meets the requirements established in a reciprocal
19 agreement under sub. (2) between the board and the licensing authority in the state
20 where the applicant is licensed.

21 (2) The board may enter into a reciprocal agreement with the officials of
22 another state for the licensing of barbers in this state and may grant a license to a
23 person licensed in the other state according to the terms of that agreement.

24 **454.28 Inspections. (1)** The department shall appoint inspectors under the
25 classified service to inspect licensed barbering establishments.

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1 (2) An inspector appointed under sub. (1) may enter and inspect any licensed
2 barbering establishment at any time during business hours.

3 **454.285 Disclosure of temporary permit status.** A person practicing under
4 a temporary permit to practice barbering granted under s. 454.23 (7) shall, before
5 performing any barbering services, inform the person receiving the barbering service
6 that he or she is practicing under a temporary permit and that he or she has satisfied
7 all requirements except passage of an examination for a barbering license.

8 **454.29 Disciplinary proceedings and actions.** (1) Subject to the rules
9 promulgated under s. 440.03 (1), the board may make investigations or conduct
10 hearings to determine whether a person has violated this subchapter or any rule
11 promulgated under this subchapter

12 (2) Subject to the rules promulgated under s. 440.03 (1) and this subchapter,
13 the board may revoke, limit, suspend, or refuse to issue or renew, in accordance with
14 the severity of the violation, a license or temporary permit granted under this
15 subchapter or reprimand the holder of a license or temporary permit granted under
16 this subchapter if the board finds that the holder or applicant has done any of the
17 following:

18 (a) Made a material misstatement in an application for a license, renewal of a
19 license, or temporary permit.

20 (b) Failed to correct or take substantial steps approved by the board to correct
21 a violation of any sanitary or other rule of the board within the time limit stated by
22 the board in a notification of violation.

23 (c) Engaged in conduct in the practice of barbering that evidences a lack of
24 knowledge or ability to apply professional principles or skills.

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1 (d) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a felony
2 committed while engaged in the practice of barbering.

3 (e) Continued practice while knowingly having an infectious, contagious, or
4 communicable disease.

5 (f) Advertised in a manner that is false, deceptive, or misleading.

6 (g) Advertised, practiced, or attempted to practice under another's name or
7 another's trade name.

8 (h) Subject to ss. 111.321, 111.322, and 111.34, been addicted to alcohol or other
9 drugs to an extent related to the individual's ability to adequately undertake the
10 job-related responsibilities of that individual's licensure.

11 (i) Violated this subchapter or any rule promulgated under this subchapter.

12 **(3)** The board may, in addition to or in lieu of a reprimand or revocation,
13 limitation, suspension, or denial of a license or temporary permit, assess against a
14 person who has done any of the things under sub. (2) (a) to (i) a forfeiture of not more
15 than \$1,000 for each separate offense. Each day of continued violation constitutes
16 a separate offense.

17 **454.295 Penalties.** Any person who violates this subchapter or any rule
18 promulgated under this subchapter shall be fined not less than \$100 nor more than
19 \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.

20 **SECTION 102. Nonstatutory provisions.**

21 (1) TREATMENT OF CURRENT LICENSED BARBERS OR COSMETOLOGISTS, MANAGERS,
22 ESTABLISHMENTS, AND SCHOOLS OF BARBERING OR COSMETOLOGY AND CURRENT CERTIFIED
23 BARBERING OR COSMETOLOGY INSTRUCTORS.

24 (a) *Barbers.* Notwithstanding section 454.23 (1) and (2) of the statutes, as
25 created by this act, and subject to a notification and renewal under this paragraph,

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1 on the effective date of this paragraph, a person who, immediately prior to the
2 effective date of this paragraph, held a valid barber or cosmetologist license granted
3 by the barbering and cosmetology examining board, is considered to be a licensed
4 barber, as defined in section 454.20 (7) of the statutes, as created by this act. The
5 barbering examining board shall issue a barber license to that person under section
6 454.23 (2) of the statutes, as created by this act, if the person notifies the barbering
7 examining board that the person intends to practice as a barber subject to subchapter
8 II of chapter 454 of the statutes, as created by this act, and satisfies the applicable
9 renewal requirements for a barber license under section 440.08 of the statutes, as
10 affected by this act, before April 1, 2013.

11 (b) *Cosmetologists*. Notwithstanding section 454.06 (1) and (2) of the statutes,
12 as affected by this act, and subject to a notification and renewal under this
13 paragraph, on the effective date of this paragraph, a person who, immediately prior
14 to the effective date of this paragraph, held a valid barber or cosmetologist license
15 granted by the barbering and cosmetology examining board, is considered to be a
16 licensed cosmetologist, as defined in section 454.20 (10) of the statutes, as created
17 by this act. The cosmetology examining board shall issue a cosmetologist license to
18 that person under section 454.06 (2) of the statutes, as affected by this act, if the
19 person notifies the cosmetology examining board that the person intends to practice
20 as a cosmetologist subject to subchapter I of chapter 454 of the statutes, as created
21 by this act, and satisfies the applicable renewal requirements for a cosmetologist
22 license under section 440.08 of the statutes, as affected by this act, before April 1,
23 2013.

24 (c) *Barbering managers*. Notwithstanding section 454.23 (1) and (3) of the
25 statutes, as created by this act, and subject to a notification and renewal under this

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1 paragraph, on the effective date of this paragraph, a person who, immediately prior
2 to the effective date of this paragraph, held a valid manager license granted by the
3 barbering and cosmetology examining board, is considered to be a licensed barbering
4 manager, as defined in section 454.20 (9) of the statutes, as created by this act. The
5 barbering examining board shall issue a barbering manager license to that person
6 under section 454.23 (3) of the statutes, as created by this act, if the person notifies
7 the barbering examining board that the person intends to practice as a barbering
8 manager subject to subchapter II of chapter 454 of the statutes, as created by this
9 act, and satisfies the applicable renewal requirements for a barbering manager
10 license under section 440.08 of the statutes, as affected by this act, before April 1,
11 2013.

12 (d) *Cosmetology managers.* Notwithstanding section 454.06 (1) and (3) of the
13 statutes, as affected by this act, and subject to a notification and renewal under this
14 paragraph, on the effective date of this paragraph, a person who, immediately prior
15 to the effective date of this paragraph, held a valid manager license granted by the
16 barbering and cosmetology examining board, is considered to be a licensed
17 cosmetology manager, as defined in section 454.20 (12) of the statutes, as created by
18 this act. The cosmetology examining board shall issue a cosmetology manager
19 license to that person under section 454.06 (3) of the statutes, as affected by this act,
20 if the person notifies the cosmetology examining board that the person intends to
21 practice as a cosmetology manager subject to subchapter I of chapter 454 of the
22 statutes, as created by this act, and satisfies the applicable renewal requirements for
23 a cosmetology manager license under section 440.08 of the statutes, as affected by
24 this act, before April 1, 2013.

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1 (e) *Barbering establishments.* Notwithstanding section 454.25 of the statutes,
2 as created by this act, and subject to a notification and renewal under this paragraph,
3 on the effective date of this paragraph, an establishment, as defined under section
4 454.01 (10) of the statutes, that, immediately prior to the effective date of this
5 paragraph, held a valid barbering or cosmetologist establishment license granted by
6 the barbering and cosmetology examining board, is considered to be a licensed
7 barbering establishment, as defined in section 454.20 (8) of the statutes, as created
8 by this act. The barbering examining board shall issue a barbering establishment
9 license for that establishment under section 454.25 (2) of the statutes, as created by
10 this act, if an authorized representative of the establishment notifies the barbering
11 examining board that the establishment will be maintained as a barbering
12 establishment subject to subchapter II of chapter 454 of the statutes, as created by
13 this act, and the applicable renewal requirements for a barbering establishment
14 license under section 440.08 of the statutes, as affected by this act, are satisfied for
15 the establishment before April 1, 2013.

16 (f) *Cosmetology establishments.* Notwithstanding section 454.08 of the
17 statutes, as affected by this act, and subject to a notification and renewal under this
18 paragraph, on the effective date of this paragraph, an establishment, as defined
19 under section 454.01 (10) of the statutes, as affected by this act, that, immediately
20 prior to the effective date of this paragraph, held a valid barbering or cosmetologist
21 establishment license granted by the barbering and cosmetology examining board,
22 is considered to be a licensed cosmetology establishment, as defined in section 454.20
23 (11) of the statutes, as created by this act. The cosmetology examining board shall
24 issue a cosmetology establishment license for that establishment under section
25 454.08 (2) (a) of the statutes, as affected by this act, if an authorized representative

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1 of the establishment notifies the cosmetology examining board that the
2 establishment will be maintained as a cosmetology establishment subject to
3 subchapter I of chapter 454 of the statutes, as created by this act, and the applicable
4 renewal requirements for a cosmetology establishment license under section 440.08
5 of the statutes, as affected by this act, are satisfied for the establishment before April
6 1, 2013.

7 (g) *Schools of barbering.* Notwithstanding section 440.62 (3) (ag) of the
8 statutes, as created by this act, and subject to a notification and renewal under this
9 paragraph, on the effective date of this paragraph, a school, as defined in section
10 440.60 (14) of the statutes, as affected by this act, that, immediately prior to the
11 effective date of this paragraph, held a valid school of barbering or cosmetology
12 license granted by the department of safety and professional services, is considered
13 to be a licensed school of barbering under subchapter VI of chapter 440 of the
14 statutes, as affected by this act. The department of safety and professional services
15 shall issue a school of barbering license to that school under section 440.62 (3) (ag)
16 of the statutes, as created by this act, if an authorized representative of the school
17 notifies the department of safety and professional services that the school will be
18 maintained as a school of barbering subject to subchapter VI of chapter 440 of the
19 statutes, as affected by this act, and the applicable renewal requirements for a school
20 of barbering license under section 440.08 of the statutes, as affected by this act, are
21 satisfied for the school before April 1, 2013.

22 (h) *Schools of cosmetology.* Notwithstanding section 440.62 (3) (ar) of the
23 statutes, as created by this act, and subject to a notification and renewal under this
24 paragraph, on the effective date of this paragraph, a school, as defined in section
25 440.60 (14) of the statutes, as affected by this act, that, immediately prior to the

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1 effective date of this paragraph, held a valid school of barbering or cosmetology
2 license granted by the department of safety and professional services is considered
3 to be a licensed school of cosmetology under subchapter VI of chapter 440 of the
4 statutes, as affected by this act. The department of safety and professional services
5 shall issue a school of barbering license to that school under section 440.62 (3) (ar)
6 of the statutes, as created by this act, if an authorized representative of the school
7 notifies the department of safety and professional services that the school will be
8 maintained as a school of cosmetology subject to subchapter VI of chapter 440 of the
9 statutes, as affected by this act, and the applicable renewal requirements for a school
10 of cosmetology license under section 440.08 of the statutes, as affected by this act, are
11 satisfied for the school before April 1, 2013.

12 (i) *Barbering instructors.* Notwithstanding section 440.63 (3) (a) of the
13 statutes, as affected by this act, and subject to a notification and renewal under this
14 paragraph, on the effective date of this paragraph, a person who, immediately prior
15 to the effective date of this paragraph, held a valid barbering or cosmetology
16 instructor certificate granted by the department of safety and professional services,
17 is considered to be a certified barbering instructor under subchapter VI of chapter
18 440 of the statutes, as affected by this act. The department of safety and professional
19 services shall issue a barbering instructor certificate to that person under section
20 440.63 (3) (a) of the statutes, as affected by this act, if the person notifies the
21 department of safety and professional services that the person intends to act as a
22 barbering instructor subject to subchapter VI of chapter 440 of the statutes, as
23 affected by this act, and satisfies the applicable renewal requirements for a
24 barbering instructor certificate under section 440.08 of the statutes, as affected by
25 this act, before April 1, 2013.

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1 (j) *Cosmetology instructors.* Notwithstanding section 440.63 (3) (am) of the
2 statutes, as created by this act, and subject to a notification and renewal under this
3 paragraph, on the effective date of this paragraph, a person who, immediately prior
4 to the effective date of this paragraph, held a valid barbering or cosmetology
5 instructor certificate granted by the department of safety and professional services,
6 is considered to be a certified cosmetology instructor under subchapter VI of chapter
7 440 of the statutes, as affected by this act. The department of safety and professional
8 services shall issue a cosmetology instructor certificate to that person under section
9 440.63 (3) (am) of the statutes, as created by this act, if the person notifies the
10 department of safety and professional services that the person intends to act as a
11 cosmetology instructor subject to subchapter VI of chapter 440 of the statutes, as
12 affected by this act, and satisfies the applicable renewal requirements for a
13 cosmetology instructor certificate under section 440.08 of the statutes, as affected by
14 this act, before April 1, 2013.

15 (2) INITIAL APPOINTMENTS. Notwithstanding the lengths of terms specified in
16 section 15.405 (18) of the statutes, as created by this act, the initial members of the
17 barbering examining board shall be appointed for the following terms:

18 (a) Two barbers licensed under section 454.23 (2) of the statutes, as created by
19 this act, for terms expiring on July 1, 2014.

20 (b) Two barbers licensed under section 454.23 (2) of the statutes, as created by
21 this act, for terms expiring on July 1, 2014.

22 (c) Two public members, for terms expiring on July 1, 2015.

23 (d) The member who is a representative of a school of barbering, for a term
24 expiring on July 1, 2016.

25 **SECTION 103. Effective date.**

