



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2316/1  
MPG:wlj:ph

## 2011 SENATE BILL 489

February 20, 2012 - Introduced by Senators GROTHMAN, HARSDORF, SCHULTZ and TAYLOR, cosponsored by Representatives KOOYENGA, LITJENS, YOUNG, HONADEL, SPANBAUER, KRUG and CRAIG. Referred to Committee on Labor, Public Safety, and Urban 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)

**SENATE BILL 489**

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.

**SENATE BILL 489**

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.

**SENATE BILL 489**

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

**SENATE BILL 489**

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:

**SENATE BILL 489****SECTION 2**

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:

**SENATE BILL 489**

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:

**SENATE BILL 489****SECTION 18**

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:



**SENATE BILL 489**

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.

**SENATE BILL 489****SECTION 32**

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.

**SENATE BILL 489**

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   
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.

**SENATE BILL 489****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:

**SENATE BILL 489**

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:



**SENATE BILL 489**

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:

**SENATE BILL 489****SECTION 58**

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.



**SENATE BILL 489**

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:

**SENATE BILL 489****SECTION 68**

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:

**SENATE BILL 489**

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~~

**SENATE BILL 489****SECTION 74**

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:

**SENATE BILL 489**

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,

**SENATE BILL 489****SECTION 79**

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:

**SENATE BILL 489**

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

**SENATE BILL 489****SECTION 89**

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



**SENATE BILL 489**

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.



**SENATE BILL 489**

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.

**SENATE BILL 489**

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).

**SENATE BILL 489**

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.

**SENATE BILL 489**

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.

**SENATE BILL 489**

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

**SENATE BILL 489**

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.



**SENATE BILL 489**

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.

**SENATE BILL 489**

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.

**SENATE BILL 489**

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.

**SENATE BILL 489**

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,

**SENATE BILL 489**

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

**SENATE BILL 489****SECTION 102**

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.

**SENATE BILL 489**

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

**SENATE BILL 489**

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



**SENATE BILL 489**

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.

**SENATE BILL 489**

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.**

