



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 82
[2017 Senate Bill 109]

**Barbering and Cosmetology
Licensure**

2017 Wisconsin Act 82 (“the Act”) makes changes to licensure for barbering, cosmetology, aesthetics, electrology, and manicuring with regard to instructor certificates, manager licenses, and practice outside of a licensed establishment.

INSTRUCTOR CERTIFICATE

Prior law required a person providing practical instruction in barbering, cosmetology, aesthetics, electrology, or manicuring in a licensed school, other than a specialty school, to hold an instructor certificate issued by the Department of Safety and Professional Services (DSPS). To obtain an instructor certificate, an individual was generally required to have at least 2,000 hours of experience in licensed practice, complete 150 hours of instructor training, and pass an exam conducted by DSPS.

The Act allows a licensed barber, cosmetologist, aesthetician, electrologist, or manicurist to provide practical instruction in a licensed school without obtaining an instructor certificate. DSPS will also continue to issue instructor certificates under the same criteria as above. No person may use a title that implies he or she is a Wisconsin certified instructor, or represent him or herself to be a certified instructor, unless the person is certified as an instructor. DSPS may not require renewal of an instructor certificate and may only charge a one-time certification fee.

MANAGER LICENSE

Prior law required an owner of a barbering establishment to employ at least one person as a manager who is a licensed barbering manager or licensed cosmetology manager. Likewise, an owner of a cosmetology establishment was required to employ a manager who was a licensed cosmetology manager. To receive a manager license, a person was required to be a licensed

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

barber or cosmetologist, pass an examination, and have either of the following: (1) 4,000 hours of practice; or (2) 2,000 hours of practice and 150 training hours of theoretical instruction.

The Act eliminates the cosmetology manager and barbering manager licenses. Instead, it requires an owner of a cosmetology establishment to employ at least one person as a manager who is a licensed cosmetologist, and also requires the owner of a barbering establishment to employ at least one person as a manager who is a licensed barber or cosmetologist. The manager must manage the establishment on a full-time basis and is responsible to ensure compliance with state law. The Act's transitional provisions specify that on November 29, 2017, a licensed cosmetology manager becomes a licensed cosmetologist, and a licensed barbering manager becomes a licensed barber.

PRACTICE OUTSIDE OF A LICENSED ESTABLISHMENT

Prior law prohibited the practice of barbering, cosmetology, aesthetics, electrology, and manicuring outside of a licensed establishment, except as provided in rules promulgated by DSPS or the Board. These rules were limited to the provision of personal care services to persons who were unable to leave their homes because of illness or disability or who were in hospitals, nursing homes, correctional institutions, or other institutions.

Under the Act, a person may practice barbering, cosmetology, aesthetics, or manicuring outside of a licensed establishment if all of the following apply:

- The person owns, manages, is employed by, or is affiliated with a licensed establishment.
- The person brings his or her license certificate, or a copy of it, to the location where barbering, cosmetology, aesthetics, or manicuring is practiced.
- The service provided by the person does not involve the use of a chemical process, except for the use of a chemical process in cutting or styling hair or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics.

In addition, the Act requires the Board to promulgate rules permitting the use of a chemical process in the practice of cosmetology, aesthetics, or manicuring outside of a licensed establishment, except that the Board may not promulgate any rule that restricts the use of a chemical process in cutting or styling hair or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics. DSPS must also promulgate rules permitting the use of a chemical process in the practice of barbering outside of a licensed establishment, except that DSPS may not promulgate any rule that restricts the use of a chemical process in cutting or styling hair.

Finally, under the Act, the Board must promulgate rules permitting the practice of electrology outside of a licensed establishment.

Effective date: November 29, 2017

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