

2001 DRAFTING REQUEST

Bill

Received: 01/24/2001

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **herself**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Requiring a certificate for shampooing

Instructions:

Require 16 hours of training for certificate to shampoo and remove shampooing from definition of barbering or cosmetology. Don't address hair braiding issues. Sarah Popp is her aide on this matter.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kunkemd 01/30/2001	hhagen 01/30/2001	pgreensl 02/04/2001	_____	gretskl 02/04/2001		State
	kunkemd 02/07/2001	hhagen 02/07/2001		_____			
/2			martykr 02/07/2001	_____	lrb_docadmin 02/07/2001	lrb_docadmin	State 02/07/2001

FE Sent For:

<END>

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FE Sent For:

lhmk
2/7/01

km 2/7

cl
km 2/7

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1/?	kunkemd	<i>6/1/01 RBB 1/30/01</i>	<i>2/4 PS</i>	<i>2/4 Self</i>			

FE Sent For:

<END>



- 2207

RECEIVED
JAN 16 2001
MARLENE A. CUMMINGS

Tommy G. Thompson
Governor

January 16, 2001

Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708-8935
Website: <http://www.dr.state.wi.us>
E-Mail: dorl@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644
TTY#: (608) 267-2416
TRS#: 1-800-947-3529

The Honorable Bonnie Ladwig
Wisconsin State Representative
113 West, Capitol Building
P.O. Box 8952
Madison, WI 53708

Dear Representative Ladwig:

I am writing to you again regarding the issue of shampooing in barbering and cosmetology establishments, which under current statutes may only be performed by a licensed barber or cosmetologist.

(Section 454.01(5) of the statutes says (5) "Barbering or cosmetology" means, for compensation, performing any one or a combination of the following practices: (a) 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 any person by any means.)

I agree with you that the requirement should be changed. This would allow salon owners to hire persons at a lower rate to perform shampooing, and allow the entry-level person to gain experience before moving up in the profession. There are still concerns about public health and safety, so I would recommend that some minimal education in safety and sanitation be provided before a person could provide shampooing services. This training could even be provided by the salon manager or another qualified individual, but a record of the training should be kept. Whether or not the person providing shampooing services would need to be registered with this department is something we could work out in the future.

If legislation is introduced to open up shampooing to unlicensed persons, I would like you to consider addressing the issue of braiding at the same time. As you know, ethnic braiding is another beauty service which can be performed at an entry level. A bill regarding shampooing would be a good opportunity to make it clear that a person does not need to hold a barbering or cosmetology license to perform braiding.

Please let me know what I can do further to assist you in promoting legislation to permit persons other than barbers and cosmetologists to perform shampooing and braiding services.

Sincerely,

Marlene A. Cummings
Secretary



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2207/1

MDK: hmb

DNOTE

2001 BILL

1 AN ACT ^{Generate} relating to: providing shampooing services in barber or cosmetologist
2 establishments.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not engage in barbering or cosmetology unless he or she is granted a barber or cosmetologist license by the barbering and cosmetology examining board (board). "Barbering or cosmetology" is defined to include doing certain things with hair, including shampooing. The exceptions apply to persons who are issued temporary permits by the board and to barbering or cosmetology students or apprentices. Current law also prohibits, with certain exceptions, a person from practicing barbering or cosmetology in an establishment unless the establishment is licensed by the board.

This bill changes the definition of "barbering or cosmetology" so that it does not include shampooing. In addition, the bill creates a shampoo certificate that the board is required to issue to a person who has completed at least 16 hours of training in shampooing in a program approved by the board. Under the bill, a person may not provide shampooing services in a licensed establishment unless the person holds a shampoo certificate, barber or cosmetologist license, or temporary permit, or is a barbering or cosmetology student or apprentice. In addition, the bill provides that no fee may be charged for a shampoo certificate, which is not subject to periodic renewal.

Finally, the bill allows the board to take disciplinary action, including revoking or suspending a license, against a person who knowingly employs a person to provide shampooing services in a licensed establishment who does not satisfy the bill's

BILL

requirements. Also, the board may take disciplinary action or assess a forfeiture of no more than \$1,000 against a person who holds a shampoo certificate if that person engages in certain prohibited conduct, including making a material misstatement in an application for the certificate.

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.** 440.05 (intro.) of the statutes is amended to read:

2 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
3 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 442.06, 444.03,
4 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18, 454.06 (11) (a), and 459.46:

History: 1977 c. 29, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1983 a. 27; 1985 a. 29; 1987 a. 264, 265, 329, 399, 403; 1989 a. 31, 229, 307, 316, 336, 340, 341, 359; 1991 a. 39, 269, 278, 315; 1993 a. 16; 1995 a. 27; 1997 a. 27, 96; 1999 a. 9.

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

6 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
7 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18, 454.06 (11)
8 (a), and 459.46, the renewal dates and renewal fees for credentials are as follows:

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; 1999 a. 9, 32.

9 **SECTION 3.** 454.01 (5) (a) of the statutes is amended to read:

10 454.01 (5) (a) Arranging, styling, dressing, ~~shampooing~~, cleansing, curling,
11 dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing,
12 singeing, or performing similar work upon the hair or beard of any person by any
13 means.

History: 1987 a. 265.

14 **SECTION 4.** 454.01 (14m) of the statutes is created to read:

15 454.01 (14m) "Shampoo certificate" means a certificate issued under s. 454.06
16 (11) (a).

17 **SECTION 5.** 454.06 (title) of the statutes is repealed and recreated to read:

BILL

454.06 (title) **Licenses, permits, and certificates.**

SECTION 6. 454.06 (11) of the statutes is created to read:

454.06 (11) SHAMPOO CERTIFICATE. (a) The examining board shall grant a shampoo certificate to a person who submits evidence satisfactory to the examining board that he or she has completed at least 16 hours of training in shampooing in a program approved by the examining board. No fee may be charged for a certificate granted under this paragraph and such a certificate is not subject to periodic renewal.

(b) No person may provide shampooing services in an establishment licensed under s. 454.08 (2) unless the person holds a shampoo certificate, barber or cosmetologist license, manager license, or temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology course of instruction.

SECTION 7. 454.15 (2) (intro.) of the statutes is amended to read:

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

History: 1987 a. 265; 1991 a. 39.

SECTION 8. 454.15 (2) (a) of the statutes is amended to read:

454.15 (2) (a) Made a material misstatement in an application for a license or, permit, or certificate or for renewal.

History: 1987 a. 265; 1991 a. 39.

SECTION 9. 454.15 (2) (cm) of the statutes is created to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2207/1dn

MDK:.....
mark

Date

Representative Ladwig:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. I assume that you don't want to charge a fee for a shampoo certificate and that a certificate doesn't have to be renewed. However, I'm not sure about your intent. Also, I think that the examining board or DORL will argue that, because the bill requires the examining board to review an application for a shampoo certificate, the applicant should be required to pay a fee that covers the expenses in doing the review. You may want to have DORL review the bill and get its input on the fee issue.
2. I included a delayed effective date (4 months) in order to give the examining board and DORL time to prepare for the new requirements regarding the shampoo certificate. Is this okay?

Please contact me if you have any questions or redraft instructions.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2207/1dn
MDK:hmh:pg

February 4, 2001

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Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

stays (2)

O-NOTE

2001 BILL

By Friday
2/16

Regenerate

1 AN ACT to amend 440.05 (intro.), 440.08 (2) (a) (intro.), 454.01 (5) (a), 454.15 (2)

2 (intro.), 454.15 (2) (a) and 454.15 (3); to repeal and recreate 454.06 (title); and

3 to create 454.01 (14m), 454.06 (11) and 454.15 (2) (cm) of the statutes; relating

4 to: providing shampooing services in barber or cosmetologist establishments.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not engage in barbering or cosmetology unless he or she is granted a barber or cosmetologist license by the barbering and cosmetology examining board (board). "Barbering or cosmetology" is defined to include doing certain things with hair, including shampooing. The exceptions apply to persons who are issued temporary permits by the board and to barbering or cosmetology students or apprentices. Current law also prohibits, with certain exceptions, a person from practicing barbering or cosmetology in an establishment unless the establishment is licensed by the board.

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requires the board to charge a one-time \$20

BILL

Finally, the bill allows the board to take disciplinary action, including revoking or suspending a license, against a person who knowingly employs a person to provide shampooing services in a licensed establishment who does not satisfy the bill's requirements. Also, the board may take disciplinary action or assess a forfeiture of no more than \$1,000 against a person who holds a shampoo certificate if that person engages in certain prohibited conduct, including making a material misstatement in an application for the certificate.

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

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and pays a fee of \$20

1 **454.06 (title) Licenses, permits, and certificates.**

2 **SECTION 6.** 454.06 (11) of the statutes is created to read:

3 **454.06 (11) SHAMPOO CERTIFICATE.** (a) The examining board shall grant a
4 shampoo certificate to a person who submits evidence satisfactory to the examining
5 board that he or she has completed at least 16 hours of training in shampooing in a
6 program approved by the examining board. ~~No fee may be charged for a certificate~~
7 ~~granted under this paragraph and such~~ a certificate ~~is~~ not subject to periodic
8 renewal. *granted under this paragraph*

9 (b) No person may provide shampooing services in an establishment licensed
10 under s. 454.08 (2) unless the person holds a shampoo certificate, barber or
11 cosmetologist license, manager license, or temporary permit issued by the examining
12 board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology
13 course of instruction.

14 **SECTION 7.** 454.15 (2) (intro.) of the statutes is amended to read:

15 **454.15 (2) (intro.)** Subject to the rules promulgated under s. 440.03 (1) and this
16 chapter, the examining board may revoke, limit, suspend or refuse to issue or renew,
17 in accordance with the severity of the violation, a license ~~or~~, permit, or certificate
18 issued under this chapter or reprimand the holder of a license ~~or~~, permit, or
19 certificate issued under this chapter if it finds that the holder or applicant has done
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2207/2dn

MDK: *hmk*

Date

Representative Ladwig:

This version is identical to the previous version, except it requires a one-time \$20 fee for a shampoo certificate.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

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MDK:hmh:km

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 7, 2001

MEMORANDUM

To: Representative Ladwig

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-2207 Requiring a certificate for shampooing

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.