

2001 DRAFTING REQUEST**Assembly Substitute Amendment (ASA-AB224)**Received: **06/04/2001**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:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Shampoo certificate

Instructions:

1. 24, not 16, hours training; 2. renew every 2 years (\$20 renewal fee); 3. may shampoo only under direct supervision of licensee, at licensed establishment, can't choose products, do initial analysis, or rinse off/out colors or perm.

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>
/?	kunkemd 10/05/2001	hhagen 10/05/2001		_____			
/1			pgreensl 10/05/2001	_____	lrb_docadmin 10/05/2001	lrb_docadmin 10/05/2001	

FE Sent For:

<END>

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1?	kunkemd	11 hmk 10/5/01	10/5 P8	10/5 PG 1/10			/

FE Sent For:

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O-NOTE

ASA to

2001 ASSEMBLY BILL 224

50136/1

RM NOT
PUN

March 20, 2001 - Introduced by Representatives LADWIG, LOEFFELHOLZ, DUFF, GRONEMUS, OWENS, SERATTI, J. LEHMAN, TOWNSEND, JESKEWITZ, KREIBICH, ALBERS, PETTIS, STONE and SYKORA, cosponsored by Senator PLACHE. Referred to Committee on Labor and Workforce Development.

Generate

- 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.

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 requires the board to charge a one-time \$20 fee for a shampoo certificate, which is not subject to periodic renewal.

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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.

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

X
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:

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:

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.

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:

ASSEMBLY BILL 224

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 ²⁴~~18~~ hours of training in shampooing in a program approved by the examining board and pays a fee of \$20. ~~certificate~~

~~granted under this paragraph is not subject to periodic renewal.~~ INSERT 3-7

(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. INSERT 3-12

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:

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.

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

454.15 (2) (cm) Knowingly employed a person to provide shampooing services in an establishment licensed under s. 454.08 (2) who does not hold a shampoo

ASSEMBLY BILL 224**SECTION 9**

1 certificate, barber or cosmetologist license, manager license, or temporary license
2 issued by the examining board or is not an apprentice under s. 454.10 or a student
3 in a barbering or cosmetology course of instruction.

4 **SECTION 10.** 454.15 (3) of the statutes is amended to read:

5 454.15 (3) The examining board may, in addition to or in lieu of a reprimand
6 or revocation, limitation, suspension or denial of a license ~~or~~ permit, or certificate,
7 assess against a person who has done any of the things under sub. (2) (a) to (i) a
8 forfeiture of not more than \$1,000 for each separate offense. Each day of continued
9 violation constitutes a separate offense.

10 **SECTION 11. Effective date.**

11 (1) This act takes effect on the first day of the 4th month beginning after
12 publication.

13 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0136/lins
MDK:.....

INSERT 3-7:

1
2 *Not* Shampoo certificates expire on July 1 of each odd-numbered year. Renewal
3 applications shall be submitted to the examining board biennially on a form provided
4 by the examining board together with a \$20 renewal fee.

INSERT 3-12:

5
6 (c) A person who holds a shampoo certificate may provide shampooing services
7 in an establishment licensed under s. 454.08 (2) only under the direct supervision of
8 a person holding a barber or cosmetologist license. A person holding a shampooing
9 certificate may not select the products used in shampooing, perform any analysis
10 required for shampooing, or rinse out any products used in curling, dyeing, tinting,
11 coloring, bleaching, or waving hair.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0136/1dn

MDK: *kmh*

Date

Representative Ladwig:

This substitute amendment differs from the bill as follows:

1. 24 hours of training, not 16, are required.
2. Certificates must be renewed every 2 years upon payment of a \$20 fee.
3. Certificate holders must be under the direct supervision of licensed barbers or cosmetologists.
4. Certificate holders may not select products, perform analyses, or rinse out products used in curling, dyeing, tinting, coloring, bleaching, or waving hair. Regarding the prohibition on rinsing out products, I chose language that is consistent with the definition of barbering or cosmetology. That definition doesn't mention perming hair, but I think perming is covered under the various words used (e.g., curling or waving hair).

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0136/1dn
MDK:hmh:pg

October 5, 2001

Representative Ladwig:

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Barman, Mike

From: Barman, Mike
Sent: Tuesday, January 15, 2002 8:21 AM
To: Rep.Ladwig
Subject: LRBs0136/1 (attached) (requested by Sarah)



01s0136/1



01s0136/1dn