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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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1 **AN ACT to repeal** 440.63 (1) (a) 1. and 440.63 (1) (a) 2.; **to renumber and amend**  
2 440.08 (2) (a) 20., 440.60 (4), 440.60 (5), 440.60 (10), 440.62 (3) (a), 440.63 (1)  
3 (a) (intro.), 454.01 (5) (b), (c) and (d), 454.01 (6) and 454.01 (12); **to consolidate,**  
4 **renumber and amend** 454.01 (5) (intro.) and (a); **to amend** 106.52 (1) (e) 1.,  
5 440.03 (13) (b) 13., 440.03 (13) (b) 14., 440.03 (13) (b) 15., 440.08 (2) (a) 16.,  
6 440.08 (2) (a) 17., 440.08 (2) (a) 18., 440.08 (2) (a) 19., 440.60 (5e), 440.60 (14),  
7 440.62 (1) (a), 440.62 (1) (c), 440.63 (1) (b), (c) and (d), 440.63 (3) (a) (intro.), 2.  
8 and 4., 440.635, 454.01 (10), 454.01 (15), 454.02 (1), 454.02 (2) (intro.), 454.02  
9 (3) (intro.), 454.04 (1) (a), 454.04 (1) (b), 454.04 (1) (d), 454.04 (2) (a), 454.04 (2)  
10 (b), 454.04 (2) (d), 454.06 (2) (intro.), (b) and (c), 454.06 (3) (intro.), (a), (b) and  
11 (d), 454.06 (4) (b) 1. and 2., 454.06 (5) (b) 1. and 2., 454.06 (6) (b) 1. and 2., 454.06  
12 (7), 454.06 (10) (a), 454.07 (1), 454.08 (1) (a), 454.08 (1) (b), 454.08 (2) (a), 454.08  
13 (2) (b), 454.08 (2) (c), 454.08 (2) (d), 454.08 (5), 454.08 (6), 454.10 (2), 454.10 (3)  
14 (a), 454.13 (1) (intro.), 454.13 (2), 454.15 (2) (a), 454.15 (2) (c) and 454.15 (2) (d);  
15 and **to create** 440.03 (13) (b) 19e., 440.03 (13) (b) 19m., 440.03 (13) (b) 19s.,

1 440.08 (2) (a) 24b., 440.08 (2) (a) 24d., 440.08 (2) (a) 24g., 440.08 (2) (a) 24i.,  
2 440.08 (2) (a) 24k., 440.60 (5m), 440.60 (5s), 440.62 (1) (cm), 440.62 (3) (ag),  
3 440.62 (3) (ar) 4m., 440.63 (1) (am), 440.63 (3) (am), 454.01 (6e), 454.01 (6m)  
4 (intro.), 454.01 (6s), 454.01 (11m), 454.01 (15m), 454.04 (1) (am), 454.04 (2)  
5 (am), 454.06 (2m), 454.06 (3m), 454.06 (8m), 454.06 (10) (am), 454.08 (2) (am),  
6 454.08 (6m) and 454.10 (3) (am) of the statutes; **relating to:** separate licensing  
7 requirements for barbering and cosmetology.

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Analysis Insert

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

8 **SECTION 1.** 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 2.** 440.03 (13) (b) 13. of the statutes is amended to read:

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

17 **SECTION 3.** 440.03 (13) (b) 14. of the statutes is amended to read:

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

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

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

1           **SECTION 5.** 440.03 (13) (b) 19e. of the statutes is created to read:

2           440.03 (13) (b) 19e. Cosmetologist.

3           **SECTION 6.** 440.03 (13) (b) 19m. of the statutes is created to read:

4           440.03 (13) (b) 19m. Cosmetology instructor.

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

6           440.03 (13) (b) 19s. Cosmetology manager.

7           **SECTION 8.** 440.08 (2) (a) 16. of the statutes is amended to read:

8           440.08 (2) (a) 16. Barbering ~~or cosmetology~~ establishment: April 1 of each  
9 odd-numbered year.

10          **SECTION 9.** 440.08 (2) (a) 17. of the statutes is amended to read:

11          440.08 (2) (a) 17. Barbering ~~or cosmetology~~ instructor: April 1 of each  
12 odd-numbered year.

13          **SECTION 10.** 440.08 (2) (a) 18. of the statutes is amended to read:

14          440.08 (2) (a) 18. Barbering ~~or cosmetology~~ manager: April 1 of each  
15 odd-numbered year.

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

17          440.08 (2) (a) 19. Barbering ~~or cosmetology~~ school: April 1 of each  
18 odd-numbered year.

19          **SECTION 12.** 440.08 (2) (a) 20. of the statutes is renumbered 440.08 (2) (a) 15m.  
20 and amended to read:

21          440.08 (2) (a) 15m. Barber ~~or cosmetologist~~: April 1 of each odd-numbered  
22 year.

23          **SECTION 13.** 440.08 (2) (a) 24b. of the statutes is created to read:

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

25          **SECTION 14.** 440.08 (2) (a) 24d. of the statutes is created to read:

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

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

4           440.08 (2) (a) 24g. Cosmetology instructor: April 1 of each odd-numbered year.

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

6           440.08 (2) (a) 24i. Cosmetology manager: April 1 of each odd-numbered year.

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

8           440.08 (2) (a) 24k. Cosmetology school: April 1 of each odd-numbered year.

9           **SECTION 18.** 440.60 (4) of the statutes is renumbered 440.60 (4m) and amended  
10 to read:

11           440.60 (4m) “Barbering ~~or cosmetology~~” has the meaning specified in s. 454.01  
12 (5) (5m).

13           **SECTION 19.** 440.60 (5) of the statutes is renumbered 440.60 (4e) and amended  
14 to read:

15           440.60 (4e) “Barber ~~or cosmetologist~~” has the meaning specified in s. 454.01  
16 (6) (5e).

17           **SECTION 20.** 440.60 (5e) of the statutes is amended to read:

18           440.60 (5e) “Cosmetologist” has the meaning specified in s. 454.01 (6) (6e).

19           **SECTION 21.** 440.60 (5m) of the statutes is created to read:

20           440.60 (5m) “Cosmetology” has the meaning specified in s. 454.01 (6m).

21           **SECTION 22.** 440.60 (5s) of the statutes is created to read:

22           440.60 (5s) “Cosmetology manager” has the meaning specified in s. 454.01 (6s).

23           **SECTION 23.** 440.60 (10) of the statutes is renumbered 440.60 (4s) and amended  
24 to read:

1           440.60 (4s) "~~Manager~~ Barbering manager" has the meaning specified in s.  
2 454.01 (12) (5s).

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

4           440.60 (14) "School" means any facility, other than a specialty school, that  
5 offers instruction in barbering ~~or~~, cosmetology, aesthetics, electrology, or manicuring.

6           **SECTION 25.** 440.62 (1) (a) of the statutes is amended to read:

7           440.62 (1) (a) No person may operate a school unless the school holds a current  
8 license as a school of barbering ~~or~~, cosmetology, aesthetics, electrology, or manicuring  
9 issued by the department.

10          **SECTION 26.** 440.62 (1) (c) of the statutes is amended to read:

11          440.62 (1) (c) No school may use the title "school of barbering ~~or~~ cosmetology"  
12 or any similar title unless the school holds a current school of barbering ~~or~~  
13 cosmetology license issued by the department.

14          **SECTION 27.** 440.62 (1) (cm) of the statutes is created to read:

15          440.62 (1) (cm) No school may use the title "school of cosmetology" or any  
16 similar title unless the school holds a current school of cosmetology license issued by  
17 the department.

18          **SECTION 28.** 440.62 (3) (a) of the statutes is renumbered 440.62 (3) (ar), and  
19 440.62 (3) (ar) (intro.), 2., 3. and 8. of the statutes, as renumbered, are amended to  
20 read:

21          440.62 (3) (ar) *School of ~~barbering or~~ cosmetology license.* (intro.) The  
22 department shall issue a school of ~~barbering or~~ cosmetology license to each school  
23 that meets all of the following requirements:

24                 2. Requires as a prerequisite to graduation completion of a course of instruction  
25 in ~~barbering or~~ cosmetology of at least 1,800 training hours in not less than 10

1 months. The course of instruction may not exceed 8 training hours in any one day  
2 for any student or 48 hours in any one week for any student.

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

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

8 **SECTION 29.** 440.62 (3) (ag) of the statutes is created to read:

9 440.62 (3) (ag) *School of barbering.* The department shall issue a school of  
10 barbering license to each school that meets all of the following requirements:

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

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

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

19 4. If the school offers a course of theoretical instruction for apprentices,  
20 requires as a prerequisite to completion of the course of instruction for apprentices  
21 the completion of at least 288 training hours in not less than 9 weeks and not more  
22 than 2 years.

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

Keep

\*\*\*\*NOTE: Unlike for a school of cosmetology (see s. 440.62 (3) (a) 5. to 7., which is renumbered s. 440.62 (3) (ar) 5. to 7. in the draft, and s. 440.62 (3) (ar) 4m., which is created in the draft), I have not included a requirement that if a school of barbering offers a course of instruction in another discipline (i.e., cosmetology, aesthetics, manicuring, or electrology), the school must meet certain requirements specific to that course of instruction. The reason is that barbering is a much narrower discipline than cosmetology under the draft and does not include any of the other disciplines, whereas cosmetology includes aesthetics and manicuring. Therefore, under the draft, a school of cosmetology license is required for a school that offers a multidisciplinary curriculum. Is that consistent with your intent? See also the requirements under s. 454.06 (4) (b) 1., (5) (b) 1., and (6) (b) 1. of the draft, which references a course of instruction in a school of cosmetology, but the reference to a school of barbering is deleted.

NO DELETE

1           **SECTION 30.** 440.62 (3) (ar) 4m. of the statutes is created to read:

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

4           **SECTION 31.** 440.63 (1) (a) (intro.) of the statutes is renumbered 440.63 (1) (a)  
5           and amended to read:

6           440.63 (1) (a) No person may provide practical instruction in barbering or  
7           cosmetology in a school of barbering or cosmetology unless the person holds a current  
8           barbering or cosmetology instructor certificate issued by the department, except as  
9           follows:

10          **SECTION 32.** 440.63 (1) (a) 1. of the statutes is repealed.

11          **SECTION 33.** 440.63 (1) (a) 2. of the statutes is repealed.

12          **SECTION 34.** 440.63 (1) (am) of the statutes is created to read:

13          440.63 (1) (am) No person may provide practical instruction in cosmetology  
14          unless the person holds a current cosmetology instructor certificate issued by the  
15          department.

16          **SECTION 35.** 440.63 (1) (b), (c) and (d) of the statutes are amended to read:

17          440.63 (1) (b) No person may provide practical instruction in a school of  
18          aesthetics unless the person holds a current barbering or cosmetology instructor or  
19          aesthetics or cosmetology instructor certificate issued by the department.

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

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

STET  
 No delete

\*\*\*\*NOTE: The current language under s. 440.63 shifts back and forth between prohibitions against the kind of instruction a person may provide and prohibitions against the kind of school in which that instruction may be provided. Also, the language under current s. 440.63 (1) (a) 1. and 2. is confusing. Specifically, subs. 1. and 2. require an aesthetics instructor certificate or a manicuring instructor certificate to teach those disciplines in a school of barbering or cosmetology, but a person who holds a barbering or cosmetology instructor certificate, and not an aesthetics or manicuring instructor certificate, may teach at an aesthetics or manicuring school (see s. 440.63 (1) (b) and (d)), and a barbering or cosmetology manager or a person with a barbering or cosmetology instructor certificate may teach aesthetics and manicuring in specialty schools (see also s. 440.635). In order to clarify the requirements, the draft simply prohibits instruction in each separate discipline without an instructor's license for that discipline, or an instructor's license in cosmetology in the cases of aesthetics and manicuring because cosmetology includes those disciplines. (With respect to aesthetics, see the drafter's note under s. 454.01 (6m) (a), as renumbered, in this draft.) Are those changes okay? Also, do you want me to include a provision that explicitly requires proficiency in both manicuring and aesthetics for the cosmetology instructor certificate?

7 **SECTION 36.** 440.63 (3) (a) (intro.), 2. and 4. of the statutes are amended to read:

8 440.63 (3) (a) ~~Barbering or cosmetology instructor certification.~~ (intro.) The  
 9 department shall issue a barbering ~~or cosmetology~~ instructor certificate to each  
 10 person who meets all of the following requirements:

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

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

15 **SECTION 37.** 440.63 (3) (am) of the statutes is created to read:



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 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 38.** 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 examining board or a current ~~barbering~~ or cosmetology instructor or  
15 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 examining board or an electrology  
19 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 examining board or a current ~~barbering~~ or cosmetology instructor or  
23 manicuring instructor certificate issued by the department.

24           **SECTION 39.** 454.01 (5) (intro.) and (a) of the statutes are consolidated,  
25 renumbered 454.01 (5m) and amended to read:

1           454.01 (5m) "Barbering or cosmetology" means, for compensation, performing  
2           any one or a combination of the following practices: (a) Arranging ~~arranging~~, styling,  
3           dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching,  
4           waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work  
5           upon the hair or beard of the head <sup>neck,</sup> or face of any person by any means.

6           **SECTION 40.** 454.01 (5) (b), (c) and (d) of the statutes are renumbered 454.01  
7           (6m) <sup>(b)</sup> <sup>(c)</sup> <sup>(d)</sup> ~~(a)~~, ~~(b)~~ and ~~(c)~~, and 454.01 (6m) <sup>(b)</sup> ~~(a)~~ and ~~(c)~~, as renumbered, <sup>(is)</sup> are amended to read:

8           454.01 (6m) <sup>(b)</sup> ~~(a)~~ ~~Massaging, cleansing, stimulating, manipulating, wrapping,~~  
9           ~~exercising, beautifying or applying cosmetic preparations, antiseptics, powders, oils,~~  
10           ~~tonics, clay or lotion to or performing other similar work upon the skin of any person~~  
11           Aesthetics.

\*\*\*\*NOTE: The definition of "aesthetics" under s. 454.01 (2) is virtually identical to s. 454.01 (5) (b) under current law, which relates to the cosmetology aspect of the definition of "cosmetology or barbering." The only difference is that the definition of "aesthetics" explicitly includes "caring" for a person's skin and the application of "creams." The definition of "cosmetology or barbering" under current law implicitly includes the application of creams. Also given the parallel elements in the two definitions, such as "cleansing," "massaging," "exercising," applying "tonics," etc., it is hard to see how caring for the skin could be included in "aesthetics" but excluded from "cosmetology." Therefore, I have simply included the defined term "aesthetics" in the definition of "cosmetology" under the draft. Is that change okay? If "cosmetology" should not include "aesthetics" we may want to include a revision of the definitions in the draft to clarify any difference. Please let me know how you would like to proceed.

12           (c) ~~The removal of hair from the body or face, but not the head, of any person,~~  
13           except by use of an electric needle.

14           **SECTION 41.** 454.01 (6) of the statutes is renumbered 454.01 (5e) and amended  
15           to read:

16           454.01 (5e) "Barber or cosmetologist" means a person who practices barbering  
17           or cosmetology.

18           **SECTION 42.** 454.01 (6e) of the statutes is created to read:

19           454.01 (6e) "Cosmetologist" means a person who practices cosmetology.

H (a) Barbering  
=

and (a)

are

1

SECTION 43. 454.01 (6m) (intro.) of the statutes is created to read:

2

454.01 (6m) (intro.) "Cosmetology" means, for compensation, performing one

3

or more of the following:

4

SECTION 44. 454.01 (6s) of the statutes is created to read:

5

454.01 (6s) "Cosmetology manager" means a person who practices cosmetology

6

and who is responsible for managing the operation of a cosmetology establishment.

7

SECTION 45. 454.01 (10) of the statutes is amended to read:

8

454.01 (10) "Establishment" means any place in which barbering or,

9

cosmetology, aesthetics, electrology, or manicuring is performed.

10

SECTION 46. 454.01 (11m) of the statutes is created to read:

11

454.01 (11m) "Inactive license" means a license issued under s. 454.06 (2) to

12

(6) that is classified as inactive by the examining board under s. 454.06 (8m).

13

SECTION 47. 454.01 (12) of the statutes is renumbered 454.01 (5s) and amended

14

to read:

15

454.01 (5s) "Manager Barbering manager" means a person who practices

16

barbering ~~or cosmetology~~ and who is responsible for supervising and managing the

17

operation of an a barbering establishment and ~~ensuring that the establishment~~

18

~~operates in compliance with this chapter and rules promulgated by the examining~~

19

board.

\*\*\*\*NOTE: I have clarified the definitions of "barbering manager" and "cosmetology manager" under the draft. Also, in accord with LRB drafting conventions, I have moved the language at the end of the definition, which appears to require that a manager do something rather than merely defining what a manager is, to s. 454.08 (6) and (6m) under the draft. Are these changes okay?

20

SECTION 48. 454.01 (15) of the statutes is amended to read:

21

454.01 (15) "Student" means a person who is ~~not licensed to practice barbering~~

22

~~or cosmetology and who is engaged in learning the~~ and not licensed to practice of

1 barbering or, cosmetology, aesthetics, electrology, or manicuring at a school licensed  
2 under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under  
3 s. 440.62 (4).

4 SECTION 49. 454.01 (15m) of the statutes is created to read:

5 454.01 (15m) "Theoretical instruction" has the meaning given in s. 440.60 (17).

6 SECTION 50. 454.02 (1) of the statutes is amended to read:

7 454.02 (1) Licenses Nothing in this subchapter may be construed as  
8 authorizing a person licensed under this subchapter to engage in the practice  
9 barbering or cosmetology do not confer the right to diagnose, prescribe for or treat  
10 diseases or conditions except as indicated in the definition of barbering or  
11 cosmetology medicine and surgery as defined in s. 454.01 (5) or under the direction  
12 of a licensed and practicing physician 448.01 (9).

\*\*\*\*NOTE: While beyond the scope of the drafting instructions, for the following reasons, I have included a revision of s. 454.02 (1). It is not clear what it means to say that a license "does not confer the right" to do something. That is not a prohibition against doing the thing. Also proposed s. 454.02 (1) appears to authorize a barber or cosmetologist to make medical diagnoses and write prescriptions at a physician's direction, which is probably not the intent. Finally, s. 448.03 already prohibits the unauthorized practice of medicine and provides that a medical license is not required for a person lawfully practicing within the scope of a license or other credential issued in accordance with statute, which would include a license granted under ch. 454. The revision adjusts the language of s. 454.02 (1) as shown above to say that nothing in ch. 454 may be construed as authorizing the practice of medicine and surgery as defined in s. 448.01 (9). Are these changes okay?

5/8/11  
No  
delete

Keep

13 SECTION 51. 454.02 (2) (intro.) of the statutes is amended to read:

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

16 SECTION 52. 454.02 (3) (intro.) of the statutes is amended to read:

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

19 SECTION 53. 454.04 (1) (a) of the statutes is amended to read:

Cosmetology manager license

a current

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

of the person

STET  
NO  
delete

\*\*\*\*NOTE: Unlike apprentices, see s. 454.10 (3) (a) under current law, there is no requirement in either ch. 454 or subch. VI of ch. 440 that a student practice under the supervision of a licensed manager or licensed barber or cosmetologist. Nevertheless, under s. 454.04 (1) (a) to (d), students are exempt from the prohibition against practicing without a license. Do you want me to include a provision requiring that a student's practice be under the supervision of a licensed manager or other appropriately licensed professional?

Keep

8 SECTION 54. 454.04 (1) (am) of the statutes is created to read:  
 9 454.04 (1) (am) Except as permitted under pars. (b) and (d), no person may  
 10 engage in cosmetology unless the person holds a current cosmetology license or  
 11 cosmetology manager license issued by the examining board, that is not an inactive  
 12 license, holds a current temporary permit issued by the examining board, or is an  
 13 apprentice in cosmetology under s. 454.10 or a student in a cosmetology course of  
 14 instruction.

15 SECTION 55. 454.04 (1) (b) of the statutes is amended to read:  
 16 454.04 (1) (b) No person may engage in aesthetics unless the person has  
 17 received training in the areas of service provided and holds a current aesthetician  
 18 license, ~~barber or cosmetologist license~~, or cosmetology manager license <sup>Plan, no service</sup> issued by  
 19 the examining board that is not an inactive <sup>move</sup> license, or temporary permit or training  
 20 permit issued by the examining board, or is an apprentice in cosmetology under s.  
 21 454.10 or a student in an aesthetics or ~~barbering~~ or cosmetology course of instruction.

1 SECTION 56. 454.04 (1) (d) of the statutes is amended to read:

2 454.04 (1) (d) No person may engage in manicuring unless the person has  
3 received training in the areas of service provided and holds a current manicurist  
4 license, ~~barber or cosmetologist license, or cosmetology manager license~~ issued by  
5 the examining board, <sup>plain, no strike</sup> that is not an inactive license, <sup>(move)</sup> or temporary permit or training  
6 permit issued by the examining board, or is an apprentice in cosmetology under s.  
7 454.10 or a student in a manicuring ~~or barbering~~ or cosmetology course of  
8 instruction.

9 SECTION 57. 454.04 (2) (a) of the statutes is amended to read:

10 454.04 (2) (a) No person may use the title "~~barber cosmetologist~~", "barber",  
11 "~~cosmetologist~~" or "hairstylist" or any other similar title unless the person holds a  
12 current barber <sup>license</sup> or cosmetologist license or ~~barbering~~ manager license issued by the  
13 examining board, <sup>plain</sup> that is not an inactive license. <sup>or cosmetology manager license</sup>

14 SECTION 58. 454.04 (2) (am) of the statutes is created to read:

15 454.04 (2) (am) No person may use the title "cosmetologist" or any other similar  
16 title unless the person holds a current cosmetologist license or cosmetology manager  
17 license issued by the examining board, that is not an inactive license.

18 SECTION 59. 454.04 (2) (b) of the statutes is amended to read:

19 454.04 (2) (b) No person may use the title "aesthetician" or any other similar  
20 title unless the person holds a current aesthetician license, <sup>strike</sup> ~~barber or~~ cosmetologist  
21 license, or cosmetology manager license issued by the examining board, <sup>plain, no strike</sup> that is not  
22 an inactive license.

23 SECTION 60. 454.04 (2) (d) of the statutes is amended to read:

24 454.04 (2) (d) No person may use the title "manicurist" or any other similar title  
25 unless the person holds a current manicurist license, ~~barber or~~ cosmetologist

<sup>plain, no strike</sup> <sup>strike</sup>

1 license, or cosmetology manager license issued by the examining board, that is not  
2 an inactive license.

3 SECTION 61. 454.06 (2) (intro.), (b) and (c) of the statutes are amended to read:

4 454.06 (2) BARBER ~~OR COSMETOLOGIST~~ LICENSE. (intro.) The examining board  
5 shall issue a barber ~~or cosmetologist~~ license to any person who does all of the  
6 following:

7 (b) Graduates from a course of instruction of at least 1,800 training hours in  
8 not less than 10 months in a school of barbering ~~or cosmetology~~ licensed under s.  
9 440.62 (3) (a) (ag) or exempted under s. 440.61 or has successfully completed an  
10 apprenticeship in barbering under s. 454.10.

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

13 SECTION 62. 454.06 (2m) of the statutes is created to read:

14 454.06 (2m) COSMETOLOGIST LICENSE. The examining board shall issue a  
15 cosmetologist license to any person who does all of the following:

16 (a) Satisfies the conditions in sub. (1).

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

21 (c) Passes an examination conducted by the examining board to determine  
22 fitness to practice cosmetology.

23 SECTION 63. 454.06 (3) (intro.), (a), (b) and (d) of the statutes are amended to  
24 read:

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

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

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

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

11           **SECTION 64.** 454.06 (3m) of the statutes is created to read:

12           454.06 (3m) COSMETOLOGY MANAGER LICENSE. The examining board shall issue  
13 a cosmetology manager license to any person who does all of the following:

14           (a) Holds a cosmetologist license.

15           (b) Completes 4,000 hours of practice as a licensed cosmetologist under the  
16 supervision of a licensed cosmetology manager or completes 2,000 hours of practice  
17 as a licensed cosmetologist and 150 training hours of theoretical instruction in  
18 cosmetology management in a school of cosmetology licensed under s. 440.62 (3) (ar)  
19 or exempted under s. 440.61.

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

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

23           **SECTION 65.** 454.06 (4) (b) 1. and 2. of the statutes are amended to read:

24           454.06 (4) (b) 1. A course of instruction in aesthetics of at least 450 training  
25 hours in not less than 11 weeks and not more than 30 weeks, in a school of barbering



1 ~~or~~ cosmetology or a school of aesthetics licensed under s. 440.62 (3) ~~(a)~~ (ar) or (b) 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 a ~~barber or cosmetologist~~ cosmetology  
5 instructor or aesthetics instructor certified under s. 440.63 (3) ~~(a)~~ (am) or (b) or a  
6 licensed cosmetology manager, in a licensed establishment that is also licensed as a  
7 specialty school of aesthetics under s. 440.62 (4) (a).

8 **SECTION 66.** 454.06 (5) (b) 1. and 2. of the statutes are amended to read:

9 454.06 (5) (b) 1. A course of instruction in electrology of at least 450 training  
10 hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering~~  
11 ~~or~~ cosmetology, or a school of electrology licensed under s. 440.62 (3) (a) (ar) or (c) or  
12 exempted under s. 440.61.

13 2. At least 450 training hours ~~of training~~ in not less than 11 weeks and not more  
14 than 30 weeks under the supervision of an electrology instructor certified under s.  
15 440.63 (3) (c), or a licensed electrologist who is also a licensed cosmetology manager,  
16 in a licensed establishment that is also licensed as a specialty school of electrology  
17 under s. 440.62 (4) (b).

18 **SECTION 67.** 454.06 (6) (b) 1. and 2. of the statutes are amended to read:

19 454.06 (6) (b) 1. A course of instruction in manicuring of at least 300 training  
20 hours in not less than 7 weeks and not more than 20 weeks, in a school of ~~barbering~~  
21 ~~or~~ cosmetology or a school of manicuring licensed under s. 440.62 (3) ~~(a)~~ (ar) or (d)  
22 or exempted under s. 440.61.

23 9 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks  
24 and not more than 20 weeks under the supervision of a ~~barber or cosmetologist~~  
25 cosmetology instructor or manicuring instructor certified under s. 440.63 (3) ~~(a)~~ (am)

1 or (d) or a licensed cosmetology manager, in a licensed establishment that is also  
2 licensed as a specialty school of manicuring under s. 440.62 (4) (c).

3 **SECTION 68.** 454.06 (7) of the statutes is amended to read:

4 454.06 (7) POSTING OF LICENSE CERTIFICATES. The examining board shall furnish  
5 a certificate to each licensee, certifying that the holder is licensed to practice  
6 barbering ~~or~~, cosmetology, aesthetics, electrology, or manicuring or is a licensed  
7 barbering manager or licensed cosmetology manager. The licensee shall post the  
8 certificate in a conspicuous place in the licensed establishment. A licensee who holds  
9 an inactive license may not post a certificate for that inactive license.

10 **SECTION 69.** 454.06 (8m) of the statutes is created to read:

11 454.06 (8m) INACTIVE LICENSES. (a) Any person who has been issued a license  
12 under subs. (2) to (6) may apply to the examining board to classify that license as  
13 inactive. Upon application under this paragraph, the examining board may classify  
14 a license as inactive if the examining board determines that the person who holds  
15 that license is in good standing with the examining board and intends to refrain from  
16 the practice that is authorized under the license during the period that the license  
17 is an inactive license.

18 (b) An inactive license is not a current license for purposes of the practice and  
19 title restrictions under s. 454.04.

20 (c) An inactive license is subject to sub. (8), except that if the inactive license  
21 was an inactive license for the 12 months immediately preceding the renewal date  
22 for the license under s. 440.08 (2) (a), the amount of the renewal fee for that inactive  
23 license shall be one-half of the amount of the renewal fee determined by the  
24 department for the license under s. 440.03 (9) (a).

Keep

STEP  
NO  
DELETE

\*\*\*NOTE: Please let me know if you want to set a different renewal fee for an inactive license, other than one-half of the usual renewal fee for the license, or if you would like to remove the renewal fee requirement for an inactive license altogether. Also, I have included a requirement that a licensee may pay the reduced renewal fee only if the license is inactive for the 12 months preceding renewal. Please let me know if you would like to set a shorter, or longer, term than 12 months.

1 (d) The examining board may remove the inactive classification of an inactive  
2 license if the person who holds that inactive license applies to the examining board  
3 to remove the inactive classification and the person meets any additional  
4 requirements of the examining board.

5 SECTION 70. 454.06 (10) (a) of the statutes is amended to read:

6 454.06 (10) (a) The examining board may issue a temporary permit to practice  
7 as a barber or cosmetologist without examination if the applicant meets all of the  
8 requirements of sub. (2) for licensure except passage of an examination and if the  
9 applicant is scheduled to take the examination for licensure.

10 SECTION 71. 454.06 (10) (am) of the statutes is created to read:

11 454.06 (10) (am) The examining board may issue a temporary permit to  
12 practice as a cosmetologist without examination if the applicant meets all of the  
13 requirements of sub. (2m) for licensure except passage of an examination and if the  
14 applicant is scheduled to take the examination for licensure.

15 SECTION 72. 454.07 (1) of the statutes is amended to read:

16 454.07 (1) The examining board shall, in accordance with s. 440.07 (2), conduct  
17 examinations for barber or cosmetologist, barbering manager, cosmetology  
18 manager, aesthetician, electrologist, and manicurist licenses not less than 8 times  
19 annually, at times and places determined by the examining board.

20 SECTION 73. 454.08 (1) (a) of the statutes is amended to read:

21 454.08 (1) (a) The examining board may promulgate rules permitting the  
22 provision of personal care barbering or cosmetology, aesthetics, electrology, or

(e) A person may perform work that is included in the practice  
for which that person holds an inactive license if that work  
is de minimis, as determined by the examining board by rule.

minimal

1 manicuring services outside of licensed establishments by barbers or,  
2 cosmetologists, aestheticians, electrologists, and manicurists to persons who are  
3 unable to leave their homes because of illness or disability or who are in hospitals,  
4 nursing homes, correctional institutions, or other institutions.

5 **SECTION 74.** 454.08 (1) (b) of the statutes is amended to read:

6 454.08 (1) (b) Except as permitted by rule promulgated under par. (a), no  
7 person may practice barbering or, cosmetology, aesthetics, electrology, or manicuring  
8 in an establishment unless the establishment is licensed to provide that practice  
9 under sub. (2).

10 **SECTION 75.** 454.08 (2) (a) of the statutes is amended to read:

11 454.08 (2) (a) A ~~barber or cosmetologist~~ barbering establishment license which  
12 that authorizes the practice of barbering or cosmetology, aesthetics, electrology and  
13 ~~manicuring~~ in the licensed establishment.

14 **SECTION 76.** 454.08 (2) (am) of the statutes is created to read:

15 454.08 (2) (am) A cosmetology establishment license that authorizes the  
16 practice of cosmetology, aesthetics, electrology, and manicuring in the licensed  
17 establishment.

18 **SECTION 77.** 454.08 (2) (b) of the statutes is amended to read:

19 454.08 (2) (b) An ~~aesthetician~~ aesthetics establishment license which ~~that~~  
20 authorizes the practice of aesthetics in the licensed establishment.

21 **SECTION 78.** 454.08 (2) (c) of the statutes is amended to read:

22 454.08 (2) (c) An ~~electrologist~~ electrology establishment license which ~~that~~  
23 authorizes the practice of electrology in the licensed establishment.

24 **SECTION 79.** 454.08 (2) (d) of the statutes is amended to read:

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

3           **SECTION 80.** 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 81.** 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 barbering establishment shall employ at least one person as a  
10 manager who holds a barbering manager license and ~~works full time in the~~  
11 ~~establishments~~ manages the establishment on a full-time basis. The barbering  
12 manager shall ensure that the establishment operates in compliance with this  
13 chapter and rules promulgated by the examining board.

14           **SECTION 82.** 454.08 (6m) of the statutes is created to read:

15           454.08 (6m) A person who owns a cosmetology establishment shall employ at  
16 least one person as a manager who holds a cosmetology manager license and  
17 manages the establishment on a full-time basis. The cosmetology manager shall  
18 ensure that the establishment operates in compliance with this chapter and rules  
19 promulgated by the examining board.

20           **SECTION 83.** 454.10 (2) of the statutes is amended to read:

21           454.10 (2) Apprentices shall receive at least 3,712 hours of practical training  
22 and at least 288 training hours of theoretical instruction ~~in theory~~ in a school of  
23 barbering for an apprentice in barbering or a school of cosmetology for an apprentice  
24 in cosmetology in order to complete the apprenticeship program and be eligible to  
25 take the examination for a barber or cosmetologist license. Apprentices shall receive

1 training for a total of at least 32 hours per week. The training shall be completed in  
2 not less than 2 years and not more than 4 years.

3 SECTION 84. 454.10 (3) (a) of the statutes is amended to read:

4 454.10 (3) (a) No apprentice in barbering may practice barbering ~~or~~  
5 ~~cosmetology~~ except under the supervision of a licensed barbering manager, whose  
6 barber license is not an inactive license, or under the supervision of a licensed barber  
7 ~~or cosmetologist, whose barber license is not an inactive license~~ to whom supervisory  
8 authority has been delegated by a licensed barbering manager. A licensed barbering  
9 manager may only delegate supervisory authority to a licensed barber ~~or~~  
10 ~~cosmetologist~~ who has completed at least 2,000 hours of practice as a licensed barber  
11 ~~or cosmetologist~~.

12 SECTION 85. 454.10 (3) (am) of the statutes is created to read:

13 454.10 (3) (am) No apprentice in cosmetology may practice cosmetology except  
14 under the supervision of a licensed cosmetology manager, whose cosmetology  
15 manager license is not an inactive license, or under the supervision of a licensed  
16 cosmetologist, whose cosmetologist license is not an inactive license, to whom  
17 supervisory authority has been delegated by a licensed cosmetology manager. A  
18 licensed cosmetology manager may only delegate supervisory authority to a licensed  
19 cosmetologist who has completed at least 2,000 hours of practice as a licensed  
20 cosmetologist.

21 SECTION 86. 454.13 (1) (intro.) of the statutes is amended to read:

22 454.13 (1) (intro.) Upon application and payment of the fee specified in s.  
23 440.05 (2), the examining board may issue a license to practice barbering ~~or~~,  
24 cosmetology, aesthetics, electrology, or manicuring or to practice as a barbering or  
25 cosmetology manager to an applicant who is licensed in another state or territory of

Insert 22-20 ✓

1 the United States or in another country to perform services which are substantially  
2 the same as those performed by licensees in this state and to whom either of the  
3 following applies:

4 **SECTION 87.** 454.13 (2) of the statutes is amended to read:

5 454.13 (2) The examining board may enter into reciprocal agreements with  
6 officials of other states for licensing barbers ~~or~~, cosmetologists, aestheticians,  
7 electrologists, manicurists ~~and, barbering managers, and cosmetology managers~~  
8 and grant licenses to persons licensed in other states according to the terms of such  
9 an agreement.

10 **SECTION 88.** 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 89.** 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 90.** 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 (END)

1 ANALYSIS INSERT

***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, and electrologists and managers of establishments where any of those practices are performed. 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. The board issues separate licenses for aesthetists, manicurists, and electrologists, defined below.

This bill establishes licensure requirements for barbers and barbering managers that are independent ~~from~~ <sup>of</sup> the requirements for cosmetologists and cosmetology managers.

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 electrology.

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 electrology requires licensure as an electrologist. Also under current law, a licensed manager may manage any establishment where barbering and cosmetology, aesthetics, manicuring, or electrology 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 solely as a barber or barbering manager may ~~only practice~~ <sup>only</sup> barbering or manage a barbering establishment, and such a person may ~~only use titles associated with barbering~~ <sup>only</sup> use titles associated 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 as a cosmetologist or cosmetology manager may practice barbering, aesthetics, or manicuring but not electrology unless the person also holds a license as an electrologist. A licensed cosmetology manager may manage any establishment where barbering, cosmetology, aesthetics, manicuring, or electrology 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.

Under current law, a person must meet all of the education, examination, and practice requirements for initial licensure as a barber and cosmetologist, whether or not that person intends to provide solely services that are traditionally associated with barbering, such as shaving and cutting hair. 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.

The bill establishes initial licensure requirements for barbers that are independent of those for cosmetologists. The bill eliminates any continuing education requirements for barbers.

***Inactive licenses***

Under current law, a person who holds a barber 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 board has issued a license may apply to the board to have that license classified as inactive. The board may classify a license as inactive if the board determines that the licensed person is otherwise in good standing with the 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 board or unless the work performed is de minimus, as determined by the board.

***Barbering and cosmetology schools and instructors***

Under current law, the Department of Safety and Professional Services (~~department~~) directly licenses barbering and cosmetology schools and specialty schools. A specialty school is one that concentrates in aesthetics, manicuring, or electrology. ~~The department~~ issues one license for barbering and cosmetology

DSPS

*de minimus*

DSPS

schools. A licensed barbering and cosmetology school may offer courses of instruction in barbering and cosmetology, aesthetics, manicuring, and electrology.

Under current law, ~~the department~~ also certifies instructors in barbering and cosmetology, aesthetics, manicuring, and electrology. ~~The department~~ issues one certification for barbering and cosmetology instructors, and a person who is certified as a barbering and cosmetology instructor may teach in a barbering and cosmetology school or in a specialty school.

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

Similarly, the bill establishes <sup>e of</sup> certification requirements for barbering instructors that are independent ~~from~~ the certification requirements for cosmetology instructors. Under the bill, a certified barbering instructor may ~~only~~ <sup>only</sup> provide instruction in barbering unless the person also holds an additional certification for instruction in cosmetology or in aesthetics, manicuring, or electrology. 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.

1           END ANALYSIS INSERT

2           INSERT 22-20

3           SECTION ~~4~~ 454.12 (intro.) of the statutes is amended to read:

4           **454.12 Continuing education.** (intro.) The examining board may impose

5 continuing education requirements only on licensees a person who holds a license

6 that is not an inactive license under s. 454.06 (2m), (3m), (4), (5), or (6) either:

History: 1987 a. 265.

\*\*\*\*NOTE: Please note that this revision to s. 454.12 prohibits the examining board from imposing any continuing education requirements on both barbers and barbering managers. Is that consistent with your intent?

7           END INSERT 22-20

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

11-2316/P2dn

MPG:.....

Wlj

Date

Senator Grothman:

Please review this draft carefully to ensure that it is consistent with your intent. Please note that under this draft, a licensed barber or barbering manager may only practice barbering or manage a barbering establishment, but a licensed cosmetologist or cosmetology manager may practice barbering, cosmetology, aesthetics, or manicuring or may manage an establishment at which barbering, cosmetology, aesthetics, manicuring, or electrology is performed.

I have some questions with respect to this draft:

*Embedded drafter's notes*

Please see the drafter's notes embedded in this draft, which I have carried over from the P1 draft because I still need answers to the questions that appear in those notes.

*Nonstatutory transitional provisions*

How do you want to handle the transition to the new licensing system for individuals who currently hold a barber or cosmetologist license? Do you want to require that current licensees apply separately for a barber license or a cosmetologist license under the new system? Alternatively, do you want to "grandfather in" current licensees?

If you want to grandfather in current licensees, how do you want to do that? For example, do you want to have all current licensees automatically grandfathered in as barbers or as cosmetologists or both? Or, do you want to provide a mechanism for allowing current licensees to be grandfathered in under the new system based on a particular licensee's actual practice?

The same question applies for:

- Barbering or cosmetology managers under current law.
- Barbering or cosmetology instructors under current law.
- Barbering or cosmetology schools under current law.

*Board membership*

The membership of the Barbering and Cosmetology Examining Board (board) is established under s. 15.405 (17) and reflects the lumping together of the practices of

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barbering and cosmetology under current law. As it stands, the board consists of nine members, four of whom must be "licensed barbers, aestheticians, or cosmetologists." The board also contains two public members, one member who represents a private school of barbering or cosmetology, one member who represents a public school of barbering or cosmetology, and one licensed electrologist.

Do you want me to address board membership in light of the division of barbering and cosmetology in the draft? For example, do you want to require that the board contain at least one (or more than one) licensed barber and at least one (or more than one) licensed cosmetologist?

*Delayed effective date*

Finally, do you want to include a delayed effective date to give the board and the Department of Safety and Professional Services, which administers instructor certificates and licenses for barbering or cosmetology schools and specialty schools, time to prepare for the implementation of the new licensing scheme?

Please do not hesitate to contact me if you have any questions about the draft or this drafter's note.

Thank you.

Michael P. Gallagher  
Legislative Attorney  
Phone: (608) 267-7511  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2316/P2dn  
MPG:wlj:rs

October 24, 2011

Senator Grothman:

Please review this draft carefully to ensure that it is consistent with your intent. Please note that under this draft a licensed barber or barbering manager may practice barbering or manage a barbering establishment only, but a licensed cosmetologist or cosmetology manager may practice barbering, cosmetology, aesthetics, or manicuring or may manage an establishment at which barbering, cosmetology, aesthetics, manicuring, or electrology is performed.

I have some questions with respect to this draft:

*Embedded drafter's notes*

Please see the drafter's notes embedded in this draft, which I have carried over from the P1 draft because I still need answers to the questions that appear in those notes.

*Nonstatutory transitional provisions*

How do you want to handle the transition to the new licensing system for individuals who currently hold a barber or cosmetologist license? Do you want to require that current licensees apply separately for a barber license or a cosmetologist license under the new system? Alternatively, do you want to "grandfather in" current licensees?

If you want to grandfather in current licensees, how do you want to do that? For example, do you want to have all current licensees automatically grandfathered in as barbers or as cosmetologists or both? Or, do you want to provide a mechanism for allowing current licensees to be grandfathered in under the new system based on a particular licensee's actual practice?

The same question applies for:

- Barbering or cosmetology managers under current law.
- Barbering or cosmetology instructors under current law.
- Barbering or cosmetology schools under current law.

*Board membership*

The membership of the Barbering and Cosmetology Examining Board (board) is established under s. 15.405 (17), stats., and reflects the lumping together of the

practices of barbering and cosmetology under current law. As it stands, the board consists of nine members, four of whom must be "licensed barbers, aestheticians, or cosmetologists." The board also contains two public members, one member who represents a private school of barbering or cosmetology, one member who represents a public school of barbering or cosmetology, and one licensed electrologist.

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Pol Sen. Goshman.

- want new Board for barbers.

- 4 licensed barbers

- 2 public members

- 1 representative from a school

- July 1 effective date.

- Make sure everything set for Apr. 2013 renewal.