



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2316/02

MPG:wj:rs

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert
D-Note

Regen

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), 454.12 (intro.), 454.13 (1) (intro.), 454.13 (2), 454.15 (2) (a), 454.15 (2) (c) and
15 454.15 (2) (d); and *to create* 440.03 (13) (b) 19e., 440.03 (13) (b) 19m., 440.03

repeal of the barbering examining board, and providing a penalty

1 (13) (b) 19s., 440.08 (2) (a) 24b., 440.08 (2) (a) 24d., 440.08 (2) (a) 24g., 440.08
 2 (2) (a) 24i., 440.08 (2) (a) 24k., 440.60 (5m), 440.60 (5s), 440.62 (1) (cm), 440.62
 3 (3) (ag), 440.62 (3) (ar) 4m., 440.63 (1) (am), 440.63 (3) (am), 454.01 (6e), 454.01
 4 (6m) (intro.) and (a), 454.01 (6s), 454.01 (11m), 454.01 (15m), 454.04 (1) (am),
 5 454.04 (2) (am), 454.06 (2m), 454.06 (3m), 454.06 (8m), 454.06 (10) (am), 454.08
 (6) of the (2) (am), 454.08 (6m) and 454.10 (3) (am) of the statutes; relating to: separate
 (7) licensing requirements for barbering and cosmetology

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, 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 of 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 practice only barbering or manage only a barbering establishment, 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 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 minimal, as determined by the 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 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 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 only 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.

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

Insert 4-0

- 1 SECTION 1. 106.52 (1) (e) 1. of the statutes is amended to read:
- 2 106.52 (1) (e) 1. "Public place of accommodation or amusement" shall be
- 3 interpreted broadly to include, but not be limited to, places of business or recreation;
- 4 lodging establishments; restaurants; taverns; barber or cosmetologist, aesthetician,
- 5 electrologist, or manicuring establishments; nursing homes; clinics; hospitals;

1 cemeteries; and any place where accommodations, amusement, goods, or services are
2 available either free or for a consideration, subject to subd. 2.

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

4 440.03 (13) (b) 13. Barber ~~or cosmetologist~~.

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

6 440.03 (13) (b) 14. Barbering ~~or cosmetology~~ instructor.

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

8 440.03 (13) (b) 15. Barbering ~~or cosmetology~~ manager.

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

10 440.03 (13) (b) 19e. Cosmetologist.

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

12 440.03 (13) (b) 19m. Cosmetology instructor.

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

14 440.03 (13) (b) 19s. Cosmetology manager.

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

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

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

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

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

22 440.08 (2) (a) 18. Barbering ~~or cosmetology~~ manager: April 1 of each
23 odd-numbered year.

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

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

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

5 440.08 (2) (a) 15m. Barber or cosmetologist: April 1 of each odd-numbered
6 year.

7 SECTION 13. 440.08 (2) (a) 24b. of the statutes is created to read:
8 440.08 (2) (a) 24b. Cosmetologist: April 1 of each odd-numbered year.

9 SECTION 14. 440.08 (2) (a) 24d. of the statutes is created to read:
10 440.08 (2) (a) 24d. Cosmetology establishment: April 1 of each odd-numbered
11 year.

12 SECTION 15. 440.08 (2) (a) 24g. of the statutes is created to read:
13 440.08 (2) (a) 24g. Cosmetology instructor: April 1 of each odd-numbered year.

14 SECTION 16. 440.08 (2) (a) 24i. of the statutes is created to read:
15 440.08 (2) (a) 24i. Cosmetology manager: April 1 of each odd-numbered year.

16 SECTION 17. 440.08 (2) (a) 24k. of the statutes is created to read:
17 440.08 (2) (a) 24k. Cosmetology school: April 1 of each odd-numbered year.

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

20 440.60 (4m) "Barbering or cosmetology" has the meaning specified in s. ~~454.01~~

(21) (5) (5m) 454.20 (2) ✓

22 SECTION 19. 440.60 (5) of the statutes is renumbered 440.60 (4e) and amended
23 to read:

24 440.60 (4e) "Barber or cosmetologist" has the meaning specified in s. ~~454.01~~

(25) (6) (5e) 454.20 (1) ✓

CS Section # 440.60 (3) RP.

⁽⁵⁾ Section # 440.60 (9) RP.

-7-

created

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

440.60 (5e) "Cosmetologist" has the meaning specified in s. 454.01 (6) (6e)

Plain

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

440.60 (5m) "Cosmetology" has the meaning specified in s. 454.01 (6m).

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

440.60 (5s) "Cosmetology manager" has the meaning specified in s. 454.01 (6s).

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

440.60 (4s) "Manager Barbering manager" has the meaning specified in s.

~~454.01 (12) (5s)~~ 454.20 (3)

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

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

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

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

as appropriate

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

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

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

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

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

34. De

4 440.62 (3) (ar) ~~School of barbering or cosmetology license.~~ (intro.) The
5 department shall issue a school of ~~barbering or~~ cosmetology license to each school
6 that meets all of the following requirements:

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

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

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

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

17 440.62 (3) (ag) *School of barbering.* The department shall issue a school of
18 barbering license to each school that meets all of the following requirements:

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

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

Insert 8-13

under s. 454.26

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

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

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

****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.

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

11 440.62 (3) (ar) 4m. If the school offers a course of instruction in barbering, the
12 course of instruction satisfies the requirements under par. (ag) 2.

13 SECTION 31. 440.63 (1) (a) (intro.) of the statutes is renumbered 440.63 (1) (a)
14 and amended to read:

15 440.63 (1) (a) No person may provide practical instruction in barbering or
16 cosmetology in a school of barbering or cosmetology unless the person holds a current
17 barbering or cosmetology instructor certificate issued by the department, except as
18 follows: plain

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

INSTRUCTOR
Insert 9-12

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

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

3 440.63 (1) (am) No person may provide practical instruction in cosmetology
4 unless the person holds a current cosmetology instructor certificate issued by the
5 department.

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

7 440.63 (1) (b) No person may provide practical instruction in a school of
8 aesthetics unless the person holds a current ~~barbering or cosmetology instructor or~~
9 aesthetics ^{instructor} or cosmetology instructor certificate issued by the department.

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

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

****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?

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

1 440.63 (3) (a) ~~Barbering or cosmetology~~ instructor certification. (intro.) The
2 department shall issue a barbering ~~or cosmetology~~ instructor certificate to each
3 person who meets all of the following requirements:

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

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

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

9 440.63 (3) (am) *Cosmetology instructor certification.* The department shall
10 issue a cosmetology instructor certificate to each person who meets all of the
11 following requirements:

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

13 2. Completes 2,000 hours of practice as a licensed cosmetologist or holds a
14 current cosmetology manager license issued by the examining board. *cosmetology*

15 3. Completes 150 training hours of instructor training approved by the
16 department.

17 4. Passes an examination conducted by the department to determine fitness as
18 a cosmetology instructor.

19 SECTION 38. 440.635 of the statutes is amended to read:

20 440.635 (1) No person may provide practical instruction in a specialty school
21 of aesthetics unless the person holds a current cosmetology manager license issued
22 by the examining board or a current ~~barbering or~~ cosmetology instructor or
23 aesthetics instructor certificate issued by the department.

24 (2) No person may provide practical instruction in a specialty school of
25 electrology unless the person holds a current electrologist license and a current

cosmetology

Cosmetology

1 cosmetology manager license issued by the examining board or an electrology
2 instructor certificate issued by the department.

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

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

9 454.01 (5m) "Barbering or cosmetology" means, for compensation, performing
10 any one or a combination of the following practices: (a) arranging ~~arranging, styling,~~
11 ~~dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching,~~
12 ~~waving, cutting, shaving, trimming, relaxing, singeing, or performing similar work~~
13 ~~upon the hair or beard of the head, neck, or face of any person by any means.~~

14 SECTION 40. 454.01 (5) (b), (c) and (d) of the statutes are renumbered 454.01
15 (6m) (b), (c) and (d), and 454.01 (6m) (b), as renumbered, is amended to read:

16 454.01 (6m) (b) ~~Massaging, cleansing, stimulating, manipulating, wrapping,~~
17 ~~exercising, beautifying or applying cosmetic preparations, antiseptics, powders, oils,~~
18 ~~tonics, clay or lotion to or performing other similar work upon the skin of any person~~
19 Aesthetics.

20 SECTION 41. 454.01 (6) of the statutes is renumbered 454.01 (7e) and amended
21 to read:

22 454.01 (5e) "~~Barber~~ or cosmetologist" means a person who practices ~~barbering~~
23 or cosmetology.

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

25 454.01 (6e) "Cosmetologist" means a person who practices cosmetology.

Insert 12-6

(2) 02.454.05 is missing something that say

Fix Comp

Section # 454.01 (5) (b) RP

Aesthetics

and (b)

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

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

or more of the following:

(a) Barbering.

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

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

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

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

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

cosmetology, aesthetics, electrology, or manicuring is performed.

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

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

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

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SECTION 47. 454.01 (12) of the statutes is renumbered 454.01 (6s) and amended

15

to read:

6-75

Cosmetology

6-7

16

454.01 (6s) "Manager Barbering manager" means a person who practices

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

18

operation of an a barbering establishment and ensuring that the establishment

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20

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

21

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

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

23

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

24

~~barbering or, cosmetology, aesthetics, electrology, or manicuring at a school licensed~~

A license.

1 under s. 440.62 (3) or exempted under s. 440.61 or a specialty school licensed under
2 s. 440.62 (4).

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

4 454.01 (15m) "Theoretical instruction" has the meaning given in s. 440.60 (17).

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

6 454.02 (1) Licenses Nothing in this subchapter may be construed as
 7 authorizing a person licensed under this subchapter to engage in the practice
 8 barbering or cosmetology do not confer the right to diagnose, prescribe for or treat
 9 diseases or conditions except as indicated in the definition of barbering or
 10 cosmetology medicine and surgery as defined in s. 454.01 (5) or under the direction
 11 of a licensed and practicing physician (448.01 (9)).

Handwritten notes: "does" on the left margin; "Plain" written above "cosmetology", "medicine and surgery", "practicing physician", and "(448.01 (9))"; "(bm)" written below "(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?

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

13 454.02 (2) (intro.) ~~Barbering or cosmetology~~, aesthetics, electrology, and
 14 manicuring do not include any of the following:

Handwritten notes: "Cosmetology" circled in a bubble on the right; arrows pointing to "Barbering" and "cosmetology" in the text above.

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

16 454.02 (3) (intro.) ~~Barbering or cosmetology~~, aesthetics, and manicuring do not
 17 include any of the following:

Handwritten notes: "Cosmetology" circled in a bubble on the right; arrows pointing to "Barbering" and "cosmetology" in the text above.

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

Cosmetology

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

****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?

9 **SECTION 54.** 454.04 (1) (am) of the statutes is created to read:

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

16 **SECTION 55.** 454.04 (1) (b) of the statutes is amended to read:

17 454.04 (1) (b) No person may engage in aesthetics unless the person has
 18 received training in the areas of service provided and holds a current aesthetician
 19 license, ~~barber~~ or cosmetologist license, or cosmetology manager license, issued by
 20 the examining board that is not an inactive license or temporary permit or training

1 permit issued by the examining board or is an apprentice in cosmetology under s.
2 454.10 or a student in an aesthetics ~~or barbering~~ or cosmetology course of instruction.

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

4 454.04 (1) (d) No person may engage in manicuring unless the person has
5 ~~received training in the areas of service provided and~~ holds a current manicurist
6 license, ~~barber or~~ cosmetologist license, or cosmetology manager license, issued by
7 the examining board that is not an inactive license or temporary permit or training

8 permit issued by the examining board or is an apprentice in cosmetology under s.
9 454.10 or a student in a manicuring ~~or barbering~~ or cosmetology course of
10 instruction.

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

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

COSMETOLOGY

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

18 ~~454.04 (2) (am) No person may use the title "cosmetologist" or any other similar~~
19 ~~title unless the person holds a current cosmetologist license or cosmetology manager~~
20 ~~license issued by the examining board that is not an inactive license.~~

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

22 454.04 (2) (b) No person may use the title "aesthetician" or any other similar
23 title unless the person holds a current aesthetician license, ~~barber or~~ cosmetologist
24 license, or cosmetology manager license issued by the examining board that is not
25 an inactive license.

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

2 454.04 (2) (d) No person may use the title "manicurist" or any other similar title
3 unless the person holds a current manicurist license, ~~barber~~ or cosmetologist license,
4 or cosmetology manager license issued by the examining board that is not an inactive
5 license.

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

7 454.06 (2) ~~BARBER OR COSMETOLOGIST~~ LICENSE. (intro.) The examining board
8 shall issue a ~~barber or cosmetologist~~ license to any person who does all of the
9 following: Cosmetologist (CS)
Plain

10 (b) Graduates from a course of instruction of at least 1,800 training hours in
11 not less than 10 months in a school of ~~barbering or cosmetology~~ licensed under s.
12 440.62 (3) (a) ~~(a)~~ or exempted under s. 440.61 or has successfully completed an
13 apprenticeship in barbering under s. 454.10. Plain

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

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

17 454.06 (2m) COSMETOLOGIST LICENSE. The examining board shall issue a
18 cosmetologist license to any person who does all of the following:

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

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

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

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

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

5 (a) Holds a ~~barber~~ or ~~cosmetologist~~ license. Cosmetology

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

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

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

14 454.06 (3m) COSMETOLOGY MANAGER LICENSE. The examining board shall issue
15 a cosmetology manager license to any person who does all of the following:

16 (a) Holds a cosmetologist license.

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

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

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

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

1 454.06 (4) (b) 1. A course of instruction in aesthetics of at least 450 training
2 hours in not less than 11 weeks and not more than 30 weeks, in a school of ~~barbering~~
3 ~~or~~ cosmetology or a school of aesthetics licensed under s. 440.62 (3) ~~(a)~~ (ar) or (b) or
4 exempted under s. 440.61.

5 2. At least 450 training hours of ~~training~~ in not less than 11 weeks and not more
6 than 30 weeks under the supervision of a ~~barber or cosmetologist~~ cosmetology
7 instructor or aesthetics instructor certified under s. 440.63 (3) ~~(a)~~ (am) or (b) or a
8 licensed cosmetology manager, in a licensed establishment that is also licensed as a
9 specialty school of aesthetics under s. 440.62 (4) (a).

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

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

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

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

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

1 2. At least 300 training hours of training in not less than 7 weeks and not more
2 than 20 weeks under the supervision of a ~~barber or cosmetologist~~ cosmetology
3 instructor or manicuring instructor certified under s. 440.63 (3) ~~(a)~~ (am) or (d) or a
4 licensed cosmetology manager, in a licensed establishment that is also licensed as a
5 specialty school of manicuring under s. 440.62 (4) (c).

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

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

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

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

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

23 (c) An inactive license is subject to sub. (8), except that if the inactive license
24 was an inactive license for the 12 months immediately preceding the renewal date
25 for the license under s. 440.08 (2) (a), the amount of the renewal fee for that inactive

1 license shall be one-half of the amount of the renewal fee determined by the
2 department for the license under s. 440.03 (9) (a).

****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.

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

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

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

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

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

16 454.06 (10) (am) The examining board may issue a temporary permit to
17 practice as a cosmetologist without examination if the applicant meets all of the
18 requirements of sub. (2m) for licensure except passage of an examination and if the
19 applicant is scheduled to take the examination for licensure.

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

21 454.07 (1) The examining board shall, in accordance with s. 440.07 (2), conduct
22 examinations for ~~barber~~ or cosmetologist, barbering manager, cosmetology

cosmetology

1 manager, aesthetician, electrologist, and manicurist licenses not less than 8 times
2 annually, at times and places determined by the examining board.

3 SECTION 73. 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~~
7 cosmetologists, aestheticians, electrologists, and manicurists to persons who are
8 unable to leave their homes because of illness or disability or who are in hospitals,
9 nursing homes, correctional institutions, or other institutions.

10 SECTION 74. 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 75. 454.08 (2) (a) of the statutes is amended to read:

16 454.08 (2) (a) A ~~barber or cosmetologist~~ barbering establishment license which
17 that authorizes the practice of ~~barbering or cosmetology, aesthetics, electrology, and~~
18 manicuring in the licensed establishment. Plain

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

20 454.08 (2) (am) A ~~cosmetology~~ establishment license that authorizes the
21 practice of ~~cosmetology, aesthetics, electrology, and~~ manicuring in the licensed
22 establishment.

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

24 454.08 (2) (b) An aesthetician aesthetics establishment license which that
25 authorizes the practice of aesthetics in the licensed establishment.

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

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

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

5 454.08 (2) (d) A ~~manicurist~~ manicuring establishment license ~~which that~~
6 authorizes the practice of manicuring in the licensed establishment.

7 SECTION 80. 454.08 (5) of the statutes is amended to read:

8 454.08 (5) A person who is not licensed under s. 454.06 by the examining board
9 may own or operate an establishment, but may not practice ~~barbering or,~~
10 cosmetology, aesthetics, electrology, or manicuring.

11 SECTION 81. 454.08 (6) of the statutes is amended to read:

12 454.08 (6) A person who owns ~~one or more barber or cosmetologist~~
13 establishments a barbering establishment shall employ at least one person as a
14 manager who holds a barbering manager license and ~~works full time in the~~
15 establishments manages the establishment on a full-time basis. The barbering
16 manager shall ensure that the establishment operates in compliance with this
17 chapter and rules promulgated by the examining board.

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

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

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

Cosmetology

Subchapter

1 454.10 (2) Apprentices shall receive at least 3,712 hours of practical training
 2 and at least 288 training hours of theoretical instruction ~~in theory~~ in a school of
 3 ~~barbering for an apprentice in barbering or~~ a school of cosmetology for an apprentice
 4 ~~in~~ cosmetology in order to complete the apprenticeship program and be eligible to
 5 take the examination for a ~~barber or~~ cosmetologist license. Apprentices shall receive
 6 training for a total of at least 32 hours per week. The training shall be completed in
 7 not less than 2 years and not more than 4 years.

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

under this section

9 ^{plain} 454.10 (3) (a) No apprentice in barbering may practice ~~barbering or~~
 10 ~~cosmetology~~ except under the supervision of a licensed barbering manager, whose
 11 barber license is not an inactive license, or under the supervision of a licensed ~~barber~~
 12 ~~or cosmetologist, whose barber license is not an inactive license to whom supervisory~~
 13 ^{plain} authority has been delegated by a licensed cosmetology barbering manager. A licensed barbering
 14 manager may only delegate supervisory authority to a licensed ~~barber or~~
 15 ^{plain} ~~cosmetologist~~ who has completed at least 2,000 hours of practice as a licensed ~~barber~~
 16 ^{plain} or cosmetologist.

cosmetology

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

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

1 SECTION 86. 454.12 (intro.) of the statutes is amended to read:

2 454.12 Continuing education. (intro.) The examining board may impose
3 continuing education requirements only on licensees a person who holds a license
4 that is not an inactive license under s. 454.06 (2m), (3m), (4), (5), or (6) either:

****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?

5 SECTION 87. 454.13 (1) (intro.) of the statutes is amended to read:

6 454.13 (1) (intro.) Upon application and payment of the fee specified in s.
7 440.05 (2), the examining board may issue a license to practice ~~barbering or~~
8 cosmetology, aesthetics, electrology, or manicuring or to practice as a barbering or
9 cosmetology manager to an applicant who is licensed in another state or territory of
10 the United States or in another country to perform services ~~which~~ ^{that} are substantially
11 the same as those performed by licensees in this state and to whom either of the
12 following applies:

13 SECTION 88. 454.13 (2) of the statutes is amended to read:

14 454.13 (2) The examining board may enter into reciprocal agreements with
15 officials of other states for licensing ~~barbers or~~ cosmetologists, aestheticians,
16 electrologists, manicurists, ^{and} barbering managers and cosmetology managers
17 and grant licenses to persons licensed in other states according to the terms of such
18 an agreement.

19 SECTION 89. 454.15 (2) (a) of the statutes is amended to read:

20 454.15 (2) (a) Made a material misstatement in an application for license or
21 permit or renewal, or in an application to classify a license as an inactive license.

22 SECTION 90. 454.15 (2) (c) of the statutes is amended to read:

Cosmetology

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25-18

1 454.15 (2) (c) Engaged in conduct in the practice of ~~barbering or~~ cosmetology,
2 aesthetics, electrology, or manicuring ~~which~~ that evidences a lack of knowledge or
3 ability to apply professional principles or skills.

4 SECTION 91. 454.15 (2) (d) of the statutes is amended to read:

5 454.15 (2) (d) Subject to ss. 111.321, 111.322¹ and 111.335, been convicted of a
6 felony committed while engaged in the practice of ~~barbering or~~ cosmetology,
7 aesthetics, electrology, or manicuring.

8 (END)

Insert 26-7

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1 INSERT 4-0

2 **SECTION ~~15.405~~** 15.405 (17) of the statutes, as affected by 2011 Wisconsin Act 32,
3 is amended to read:

4 **15.405 (17) ~~BARBERING AND COSMETOLOGY~~ COSMETOLOGY EXAMINING BOARD.**

5 There is created a ~~barbering and~~ cosmetology examining board in the department of
6 safety and professional services. The ~~barbering and~~ cosmetology examining board
7 shall consist of 9 members appointed for 4-year terms. Four members shall be
8 licensed ~~barbers~~, aestheticians, or cosmetologists, 2 members shall be public
9 members, one member shall be a representative of a private school of ~~barbering or~~
10 cosmetology, one member shall be a representative of a public school of ~~barbering or~~
11 cosmetology and one member shall be a licensed electrologist. Except for the 2
12 members representing schools, no member may be connected with or have any
13 financial interest in a ~~barbering or~~ cosmetology school.

History: 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417; 1997 a. 96, 252, 300; 2001 a. 16, 80; 2003 a. 111, 270; 2005 a. 25, 314; 2007 a. 20 s. 9121 (6) (a); 2009 a. 106; 2009 a. 149 s. 3; 2011 a. 32 ss. 110, 130 to 153.

14 **SECTION 2. 15.405 (18)** of the statutes is created to read:

15 **15.405 (18) BARBERING EXAMINING BOARD.** There is created a barbering
16 examining board in the department of safety and professional services. The
17 barbering examining board shall consist of 7 members appointed for 4-year terms.
18 Four members shall be licensed barbers, 2 members shall be public members, ^{and} one
19 member shall be a representative of a school of barbering. Except for the member
20 who is a representative of a school of barbering, no member may be connected with
21 or have any financial interest in a school of barbering.

22 END INSERT 4-0

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INSERT 8-13

4. If the school offers a course of theoretical instruction for apprentices under s. 454.10, requires as a prerequisite to completion of the course of instruction for those apprentices the completion of at least 288 training hours in not less than 9 weeks and not more than 2 years.

END INSERT 8-13

INSERT 9-12

~~SECTION #~~ 440.62 (5) (b) of the statutes is renumbered 440.62 (5) (b) 1. and amended to read:

440.62 (5) (b) 1. The cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.

History: 1987 a. 265; 1991 a. 39; 2007 a. 20.

~~SECTION #~~ 440.62 (5) (b) 2. of the statutes is created to read:

440.62 (5) (b) 2. The barbering examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of barbering and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of barbering.

END INSERT 9-12

1 has violated this ~~chapter~~ subchapter or any rule promulgated under this ~~chapter~~
2 subchapter.

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

~~SECTION 10.~~ 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 History: 1987 a. 265; 1991 a. 39.

END INSERT 25-18

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~~SECTION 11.~~ 454.15 (2) (i) of the statutes is amended to read:

14

454.15 (2) (i) Violated this ~~chapter~~ subchapter or any rule promulgated under
15 this ~~chapter~~ subchapter.

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

~~SECTION 12.~~ 454.16 of the statutes is amended to read:

17

454.16 Penalties. Any person who violates this ~~chapter~~ subchapter or any
18 rule promulgated under this ~~chapter~~ subchapter shall be fined not less than \$100 nor
19 more than \$5,000 or imprisoned for not less than 10 days nor more than 90 days or
20 both.

21 History: 1987 a. 265.

~~SECTION 13.~~ Subchapter II of chapter 454 [precedes 454.20] of the statutes is
22 created to read:

23

CHAPTER 454

SUBCHAPTER II

BARBERING EXAMINING BOARD

454.20 Definitions. In this subchapter:

(1) "Barber" means a person who practices barbering.

(2) "Barbering" means, for compensation, 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 any person by any means.

(3) "Barbering manager" means a person who practices barbering and who is responsible for managing the operation of a barbering establishment.

(4) "Board" means the barbering examining board.

(5) "Cosmetology" has the meaning given in s. 454.01 (8m).

(6) "Establishment" has the meaning given in s. 454.01 (10).

(7) "Licensed barber" means a person licensed by the board under s. 454.23 (2) whose license is not an inactive license under s. 454.23 (6).

(8) "Licensed barbering establishment" means an establishment licensed by the board under s. 454.25 (2).

(9) "Licensed barbering manager" means a person licensed by the board under s. 454.23 (3) whose license is not an inactive license under s. 454.23 (6).

(10) "Licensed cosmetologist" means a person licensed by the cosmetology examining board under s. 454.06 (2) whose license is not an inactive license under s. 454.06 (8m).

(11) "Licensed cosmetology establishment" means an establishment licensed by the cosmetology examining board under s. 454.08 (2) (a).

1 (12) “Licensed cosmetology manager” means a person licensed by the
2 cosmetology examining board under s. 454.06 (3) whose license is not an inactive
3 license under s. 454.06 (8m).

4 (13) “Student” has the meaning given in s. 454.01 (15).

5 (14) “Training hour” has the meaning given in s. 454.01 (16).

6 **454.21 Limitations and exceptions.** Barbering does not include any of the
7 following:

8 (a) A service performed by a person licensed, certified, or registered under the
9 laws of this state as a physician, physician assistant, nurse, or funeral director if the
10 service is within the scope of the license, certificate, or registration.

11 (b) A service performed in a correctional institution, hospital, or licensed
12 nursing home under the supervision of a person responsible for inmate or patient
13 care.

14 **454.22 Practice. (1)** No person may engage in barbering unless the person
15 is one of the following:

16 (a) A licensed barber.

17 (b) A licensed barbering manager.

18 (c) An apprentice in barbering under s. 454.26.

19 (d) A student in a barbering course of instruction.

20 (e) A person who holds a temporary permit to practice barbering granted by the
21 board under s. 454.23 (7).

22 (f) A licensed cosmetologist.

23 (g) A licensed cosmetology manager.

24 (h) An apprentice in cosmetology under s. 454.10.

25 (g) A student in a cosmetology course of instruction.

1 (h) A person who holds a temporary permit to practice cosmetology granted by
2 the cosmetology examining board under s. 454.06 (10).

3 (2) No person may use the title "barber" or "hairstylist" or any other similar
4 title unless the person is a licensed barber, licensed barbering manager, licensed
5 cosmetologist, or licensed cosmetology manager.

6 **454.23 Licensure.** (1) APPLICATION. An applicant for licensure under this
7 section shall submit an application to the board on a form prescribed by the board.

8 (2) BARBER LICENSE. The board shall grant a barber license to any person who
9 submits an application under sub. (1) and satisfies all of the following conditions:

10 (a) The applicant pays the initial credential fee determined by the department
11 under s. 440.03 (9) (a), except as provided in s. 454.27 (1).

12 (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant presents evidence
13 satisfactory to the board that the applicant has not been convicted of a felony
14 committed while engaged in the practice of barbering.

15 (c) The applicant graduates from high school or attains high school graduation
16 equivalency as determined by the department of public instruction; is participating
17 in a program approved by the board; or is at least 18 years old and meets the ability
18 to benefit rule under 20 USC 1091 (d).

19 (d) The applicant graduates from a course of instruction in barbering of at least
20 1,800 training hours in barbering in not less than 10 months in a school of barbering
21 licensed under s. 440.62 (3) (ag), a school of cosmetology licensed under s. 440.62 (3)
22 (ar), or a school that is exempted under s. 440.61 or the applicant successfully
23 completes an apprenticeship under s. 454.26.

24 (c) The applicant passes an examination conducted by the board to determine
25 fitness to practice barbering.

1 **(3) BARBERING MANAGER LICENSE.** The board shall grant a barbering manager
2 license to any person who satisfies all of the following conditions:

3 (a) The person is a licensed barber or licensed cosmetologist.

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

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

11 (d) Passes an examination conducted by the board to determine fitness to
12 practice as a barbering manager.

13 **(4) POSTING OF LICENSE CERTIFICATE.** The board shall issue a certificate to each
14 person licensed under sub. (2) or (3), certifying that the holder is a licensed barber
15 or licensed barbering manager. The licensee shall post the certificate in a
16 conspicuous place in the primary establishment where the licensee practices.

17 **(5) EXPIRATION AND RENEWAL.** The renewal dates for licenses granted under
18 subs. (2) and (3) are specified under s. 440.08 (2) (a), and the renewal fees for those
19 licenses are determined by the department under s. 440.03 (9) (a).

20 **(6) INACTIVE LICENSE.** (a) Any person who is issued a license under sub. (2) or
21 (3) may apply to the board to classify that license as inactive. Upon application under
22 this paragraph, the board may classify a license as inactive if the board determines
23 that the person who holds that license is in good standing with the board and intends
24 to refrain from barbering during the period that the license is inactive.

1 (b) An inactive license is subject to sub. (5), except that the amount of the
2 renewal fee for an inactive license shall be one-half of the amount of the renewal fee
3 determined by the department for the license under s. 440.03 (9) (a).

4 (c) The board may remove the inactive classification of an inactive license if the
5 person who holds that inactive license applies to the board to remove the inactive
6 classification and the person meets any additional requirements of the board.

7 (d) A person whose license is inactive under this subsection may perform
8 minimal barbering work, as determined by the board by rule.

9 (7) TEMPORARY PERMIT. (a) The board may grant a temporary permit to practice
10 as a barber if an applicant under sub. (2) satisfies all of the conditions under sub. (2)
11 except passage of the examination for licensure and the applicant is scheduled to
12 take that examination.

13 (b) A temporary permit granted under par. (a) is valid for 6 months and may
14 not be renewed. The fee for a temporary permit is specified in s. 440.05 (6).

15 **454.24 Examinations.** (1) The board shall, in accordance with s. 440.07 (2),
16 conduct examinations for barber licenses at least 8 times annually, at times and
17 places determined by the board.

18 (2) The examination for a license under s. 454.23 (2) or (3) shall consist of
19 written tests and practical demonstrations requiring applicants to demonstrate
20 minimum competency in services and subjects substantially related to the practice
21 of a barber or barbering manager, as appropriate, and public health and safety.

22 (3) A person is not eligible for examination for a license granted under s. 454.23
23 (2) or (3) unless the person completes the requirements for licensure under s. 454.23
24 (2) or (3) except passage of the examination.

1 (4) An applicant for a license under s. 454.23 (2) or (3) shall file an application
2 for examination in the office of the board at least 3 weeks before the examination.
3 If an applicant fails to file the application within the required time, the board may
4 postpone the applicant's examination to the date of the next available regular
5 examination. The board may require an applicant who fails to appear for or to
6 complete an examination to reapply for examination. An applicant who fails an
7 examination may request reexamination and shall pay a fee for reexamination,
8 according to the procedures and fees established under s. 440.06.

9 **454.25 Barbering establishment license.** (1) (a) The board may
10 promulgate rules permitting the provision of barbering services outside of a licensed
11 barbering establishment or a licensed cosmetology establishment by a barber to a
12 person who is unable to leave his or her home because of illness or disability or who
13 is in a hospital, nursing home, correctional institution, or other institution.

14 (b) Except as permitted by rule promulgated under par. (a), no person may
15 practice barbering in an establishment unless the establishment is a licensed
16 barbering establishment or licensed cosmetology establishment.

17 (2) The board shall grant a barbering establishment license that authorizes the
18 practice of barbering in the licensed establishment to any person who pays the initial
19 credential fee determined by the department under s. 440.03 (9) (a) and who satisfies
20 the requirements established by the board by rule, including proof of ownership of
21 the business that operates the establishment. Any change of ownership of a licensed
22 barbering establishment shall be reported to the board by the new owner within 5
23 days after the change of ownership.

24 (3) The board shall, by rule, establish minimum standards concerning the
25 maintenance, equipment, plans, and specifications for licensed barbering

1 establishments as they relate to the public health and safety. The board may not
2 license a barbering establishment under this section unless the establishment meets
3 the standards established by the board. A person proposing to open a barbering
4 establishment in a new location shall apply to the board for an inspection and
5 approval of the establishment, submitting an exact description and floor plan of the
6 proposed establishment on a form provided by the department.

7 (4) A person who is not a licensed barber, licensed barbering manager, licensed
8 cosmetologist, or licensed cosmetology manager may own or operate a licensed
9 barbering establishment, but may not practice barbering.

10 (5) A person who owns a licensed barbering establishment shall employ at least
11 one person as a manager who is a licensed barbering manager or licensed
12 cosmetology manager and works full-time in the establishment.

13 (7) Commercial businesses and practices other than barbering may be operated
14 in a licensed barbering establishment, except that a business or practice that poses
15 a sanitation or health hazard may not be conducted within a licensed barbering
16 establishment.

17 (8) The board shall furnish a certificate to the owner of a licensed barbering
18 establishment, certifying that the establishment is licensed by the board. The owner
19 shall post the certificate in a conspicuous place in the establishment.

20 (9) The renewal date for a barbering establishment license is specified under
21 s. 440.08 (2) (a), and the renewal fee for a barbering establishment license is
22 determined by the department under s. 440.03 (9) (a).

23 **454.26 Apprenticeship.** (1) An apprentice in barbering shall be employed
24 under an apprentice contract under s. 106.01 and shall be governed by s. 106.01, the

1 apprenticeship rules of the department of workforce development, and the rules of
2 the board.

3 (2) An apprentice in barbering shall receive at least 3,712 hours of practical
4 training in barbering and at least 288 training hours of instruction in barbering in
5 a school of barbering or school of cosmetology in order to complete the apprenticeship
6 program and be eligible to take the examination for a barber license. An apprentice
7 in barbering shall receive training in barbering for a total of at least 32 hours per
8 week. The training shall be completed in not less than 2 years and not more than
9 4 years.

10 (3) (a) An apprentice in barbering may not practice barbering except under the
11 supervision of a licensed barbering manager or licensed cosmetology manager or
12 under the supervision of a licensed barber or licensed cosmetologist to whom
13 supervisory authority has been delegated by a licensed barbering manager or
14 licensed cosmetology manager. A licensed barbering manager or licensed
15 cosmetology manager may only delegate supervisory authority to a licensed barber
16 or licensed cosmetologist who has completed at least 2,000 hours of practice as a
17 licensed barber or licensed cosmetologist.

18 (b) An apprentice in barbering shall be trained in all branches of practical work
19 and in all subjects required to be taught in a school of barbering as prescribed by the
20 board by rule.

21 (4) A person who successfully completes the requirements of sub. (2) may not
22 continue to practice as an apprentice in barbering but may apply for a temporary
23 permit under s. 454.23 (7).

24 **454.27 Licensees of other jurisdictions.** (1) Upon application and payment
25 of the fee specified in s. 440.05 (2), the board may grant a license to practice barbering

1 or to practice as a barbering manager to an applicant who is licensed in another state
2 or territory of the United States or in another country to perform services that are
3 substantially the same as those performed by a licensed barber or licensed barbering
4 manager in this state and to whom at least one of the following applies:

5 (a) The applicant has at least 4,000 hours of experience in licensed practice, has
6 never been disciplined by the licensing authority of another jurisdiction, and is not
7 a party to a proceeding before the licensing agency in which it is alleged that the
8 applicant was negligent in the licensed practice or violated any law relating to the
9 licensed practice.

10 (b) The applicant meets the requirements established in a reciprocal
11 agreement under sub. (2) between the board and the licensing authority in the state
12 where the applicant is licensed.

13 (2) The board may enter into a reciprocal agreement with the officials of
14 another state for the licensing of barbers in this state and may grant a license to a
15 person licensed in the other state according to the terms of that agreement.

16 **454.28 Inspections.** (1) The department shall appoint inspectors under the
17 classified service to inspect licensed barbering establishments.

18 (2) An inspector appointed under sub. (1) may enter and inspect any licensed
19 barbering establishment at any time during business hours.

20 **454.285 Disclosure of temporary permit status.** A person practicing under
21 a temporary permit to practice barbering granted under s. 454.23 (7) shall, before
22 performing any barbering services, inform the person receiving the barbering service
23 that he or she is practicing under a temporary permit and that he or she has satisfied
24 all requirements except passage of an examination for a barbering license.

1 **454.29 Disciplinary proceedings and actions.** (1) Subject to the rules
2 promulgated under s. 440.03 (1), the board may make investigations or conduct
3 hearings to determine whether a person has violated this subchapter or any rule
4 promulgated under this subchapter

5 (2) Subject to the rules promulgated under s. 440.03 (1) and this subchapter,
6 the board may revoke, limit, suspend, or refuse to issue or renew, in accordance with
7 the severity of the violation, a license or temporary permit granted under this
8 subchapter or reprimand the holder of a license or temporary permit granted under
9 this subchapter if the board finds that the holder or applicant has done any of the
10 following:

11 (a) Made a material misstatement in an application for a license, renewal of a
12 license, or temporary permit.

13 (b) Failed to correct or take substantial steps approved by the board to correct
14 a violation of any sanitary or other rule of the board within the time limit stated by
15 the board in a notification of violation.

16 (c) Engaged in conduct in the practice of barbering that evidences a lack of
17 knowledge or ability to apply professional principles or skills.

18 (d) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a felony
19 committed while engaged in the practice of barbering.

20 (e) Continued practice while knowingly having an infectious, contagious, or
21 communicable disease.

22 (f) Advertised in a manner that is false, deceptive, or misleading.

23 (g) Advertised, practiced, or attempted to practice under another's name or
24 another's trade name.

1 (h) Subject to ss. 111.321, 111.322, and 111.34, been addicted to alcohol or other
2 drugs to an extent related to the individual's ability to adequately undertake the
3 job-related responsibilities of that individual's licensure.

4 (i) Violated this subchapter or any rule promulgated under this subchapter.

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

10 **454.295 Penalties.** Any person who violates this subchapter or any rule
11 promulgated under this subchapter shall be fined not less than \$100 nor more than
12 \$5,000 or imprisoned for not less than 10 days nor more than 90 days or both.

13 **SECTION ~~14~~ Nonstatutory provisions.**

14 (1) TREATMENT OF CURRENT LICENSED BARBERS OR COSMETOLOGISTS, MANAGERS,
15 ESTABLISHMENTS, AND SCHOOLS OF BARBERING OR COSMETOLOGY AND CURRENT CERTIFIED
16 BARBERING OR COSMETOLOGY INSTRUCTORS.

17 (a) *Barbers.* Notwithstanding section 454.23 of the statutes, as created by this
18 act, and subject to a notification and renewal under this paragraph, on the effective
19 date of this subsection, a person who, immediately prior to the effective date of this
20 subsection, held a valid barber or cosmetologist license granted by the barbering and
21 cosmetology examining board, is considered to be a licensed barber, as defined in
22 section 454.20 (7) of the statutes, as created by this act, and the barbering examining
23 board shall issue a barber license to the person under section 454.23 (2) of the
24 statutes, as created by this act, if the person notifies the barbering examining board
25 that the person intends to practice as a barber subject to subchapter II of chapter 454

1 of the statutes, as created by this act, and satisfies the applicable renewal
2 requirements for a barber license under section 440.08 of the statutes, as affected by
3 this act, before April 1, 2013.

4 (b) *Cosmetologists*. Notwithstanding section 454.06 (1) and (2) of the statutes,
5 as affected by this act, and subject to a notification and renewal under this
6 paragraph, on the effective date of this subsection, a person who, immediately prior
7 to the effective date of this subsection, held a valid barber or cosmetologist license
8 granted by the barbering and cosmetology examining board, is considered to be a
9 licensed cosmetologist, as defined in section 454.20 (10) of the statutes, as created
10 by this act, and the cosmetology examining board shall issue a cosmetologist license
11 to the person under section 454.06 (2) of the statutes, as affected by this act, if the
12 person notifies the cosmetology examining board that the person intends to practice
13 as a cosmetologist subject to subchapter I of chapter 454, as created by this act, and
14 satisfies the applicable renewal requirements for a cosmetologist license under
15 section 440.08 of the statutes, as affected by this act, before April 1, 2013.

16 (c) *Barbering managers*. Notwithstanding section 454.23 of the statutes, as
17 created by this act, and subject to a notification and renewal under this paragraph,
18 on the effective date of this subsection, a person who, immediately prior to the
19 effective date of this subsection, held a valid manager license granted by the
20 barbering and cosmetology examining board, is considered to be a licensed barbering
21 manager, as defined in section 454.20 (9) of the statutes, as created by this act, and
22 the barbering examining board shall issue a barbering manager license to the person
23 under section 454.23 (4) of the statutes, as created by this act, if the person notifies
24 the barbering examining board that the person intends to practice as a barbering
25 manager subject to subchapter II of chapter 454, as created by this act, and satisfies

1 the applicable renewal requirements for a barbering manager license under section
2 440.08 of the statutes, as affected by this act, before April 1, 2013.

3 (d) *Cosmetology managers.* Notwithstanding section 454.06 (1) and (3) of the
4 statutes, as affected by this act, and subject to a notification and renewal under this
5 paragraph, on the effective date of this subsection, a person who, immediately prior
6 to the effective date of this subsection, held a valid manager license granted by the
7 barbering and cosmetology examining board, is considered to be a licensed
8 cosmetology manager, as defined in section 454.20 (12) of the statutes, as created by
9 this act, and the cosmetology examining board shall issue a cosmetology manager
10 license to the person under section 454.06 (3) of the statutes, as affected by this act,
11 if the person notifies the cosmetology examining board that the person intends to
12 practice as a cosmetology manager subject to subchapter I of chapter 454, as created
13 by this act, and satisfies the applicable renewal requirements for a cosmetology
14 manager license under section 440.08 of the statutes, as affected by this act, before
15 April 1, 2013.

16 (e) *Barbering establishments.* Notwithstanding section 454.25 of the statutes,
17 as created by this act, and subject to a notification and renewal under this paragraph,
18 on the effective date of this subsection, an establishment, as defined under section
19 454.01 (10) of the statutes, that, immediately prior to the effective date of this
20 subsection, held a valid barbering or cosmetologist establishment license granted by
21 the barbering and cosmetology examining board, is considered to be a licensed
22 barbering establishment, as defined in section 454.20 (8) of the statutes, as created
23 by this act, and the barbering examining board shall issue a barbering establishment
24 license for the establishment under section 454.25 (2) of the statutes, as created by
25 this act, if an authorized representative of the establishment notifies the barbering

1 examining board that the establishment will be maintained as a barbering
2 establishment subject to subchapter II of chapter 454, as created by this act, and the
3 applicable renewal requirements for a barbering establishment license under
4 section 440.08 of the statutes, as affected by this act, are satisfied for the
5 establishment before April 1, 2013.

6 (f) *Cosmetology establishments.* Notwithstanding section 454.08 of the
7 statutes, as affected by this act, and subject to a notification and renewal under this
8 paragraph, on the effective date of this subsection, an establishment, as defined
9 under section 454.01 (10) of the statutes, that, immediately prior to the effective date
10 of this subsection, held a valid barbering or cosmetologist establishment license
11 granted by the barbering and cosmetology examining board, is considered to be a
12 licensed cosmetology establishment, as defined in section 454.20 (11) of the statutes,
13 as created by this act, and the cosmetology examining board shall issue a
14 cosmetology establishment license for the establishment under section 454.08 (2) (a)
15 of the statutes, as affected by this act, if an authorized representative of the
16 establishment notifies the cosmetology examining board that the establishment will
17 be maintained as a cosmetology establishment subject to subchapter I of chapter 454,
18 as created by this act, and the applicable renewal requirements for a cosmetology
19 establishment license under section 440.08 of the statutes, as affected by this act, are
20 satisfied for the establishment before April 1, 2013.

21 (g) *Schools of barbering.* Notwithstanding section 440.62 (3) (ag) of the
22 statutes, as created by this act, and subject to a notification and renewal under this
23 paragraph, on the effective date of this subsection, a school, as defined in section
24 440.60 (14) of the statutes, that, immediately prior to the effective date of this
25 subsection, held a valid school of barbering or cosmetology license granted by the

1 department of safety and professional services (department) is considered to be a
2 licensed school of barbering under subchapter VI of chapter 440 of the statutes, as
3 affected by this act, and the department shall issue a school of barbering license to
4 the school under section 440.62 (3) (ag) of the statutes, as created by this act, if an
5 authorized representative of the school notifies the department that the school will
6 be maintained as a school of barbering subject to subchapter VI of chapter 440 of the
7 statutes, as affected by this act, and the applicable renewal requirements for a school
8 of barbering license under section 440.08 of the statutes, as affected by this act, are
9 satisfied for the school before April 1, 2013.

10 (h) *Schools of cosmetology.* Notwithstanding section 440.62 (3) (ar) of the
11 statutes, as created by this act, and subject to a notification and renewal under this
12 paragraph, on the effective date of this subsection, a school, as defined in section
13 440.60 (14) of the statutes, that, immediately prior to the effective date of this
14 subsection, held a valid school of barbering or cosmetology license granted by the
15 department is considered to be a licensed school of cosmetology under subchapter VI
16 of chapter 440 of the statutes, as affected by this act, and the department shall issue
17 a school of barbering license to the school under section 440.62 (3) (ar) of the statutes,
18 as created by this act, if an authorized representative of the school notifies the
19 department that the school will be maintained as a school of cosmetology subject to
20 subchapter VI of chapter 440 of the statutes, as affected by this act, and the
21 applicable renewal requirements for a school of cosmetology license under section
22 440.08 of the statutes, as affected by this act, are satisfied for the school before April
23 1, 2013.

24 (i) *Barbering instructors.* Notwithstanding section 440.63 (3) (a) of the
25 statutes, as affected by this act, and subject to a notification and renewal under this

1 paragraph, on the effective date of this subsection, a person who, immediately prior
2 to the effective date of this subsection, held a valid barbering or cosmetology
3 instructor certificate granted by the department, is considered to be a certified
4 barbering instructor under subchapter VI of chapter 440 of the statutes, as affected
5 by this act, and the department shall issue a barbering instructor certificate to the
6 person under section 440.63 (3) (a) of the statutes, as affected by this act, if the person
7 notifies the department that the person intends to act as a barbering instructor
8 subject to subchapter VI of chapter 440, as affected by this act, and satisfies the
9 applicable renewal requirements for a barbering instructor certificate under section
10 440.08 of the statutes, as affected by this act, before April 1, 2013.

11 (j) *Cosmetology instructors.* Notwithstanding section 440.63 (3) (am) of the
12 statutes, as created by this act, and subject to a notification and renewal under this
13 paragraph, on the effective date of this subsection, a person who, immediately prior
14 to the effective date of this subsection, held a valid barbering or cosmetology
15 instructor certificate granted by the department, is considered to be a certified
16 cosmetology instructor under subchapter VI of chapter 440 of the statutes, as
17 affected by this act, and the department shall issue a cosmetology instructor
18 certificate to the person under section 440.63 (3) (am) of the statutes, as created by
19 this act, if the person notifies the department that the person intends to act as a
20 cosmetology instructor subject to subchapter VI of chapter 440, as affected by this
21 act, and satisfies the applicable renewal requirements for a cosmetology instructor
22 certificate under section 440.08 of the statutes, as affected by this act, before April
23 1, 2013.

24 (2) RULES AND ORDERS. All rules promulgated by the barbering and cosmetology
25 examining board that are primarily related to the licensure of barbers, barbering

1 managers, or barbering establishments, except continuing education requirements,
2 or that are primarily related to schools of barbering, all as determined by the
3 secretary of safety and professional services (secretary), that are in effect on the
4 effective date of this subsection remain in effect until their specified expiration dates
5 or until amended or repealed by the barbering examining board. All orders issued
6 by the barbering and cosmetology examining board relating to such licensure or
7 schools, as determined by the secretary, that are in effect on the effective date of this
8 subsection remain in effect until their specified expiration dates or until modified or
9 rescinded by the barbering examining board.

10 (3) PENDING MATTERS. Any matter pending with the cosmetology examining
11 board on the effective date of this subsection that is primarily related to the licensure
12 of barbers, barbering managers, or barbering establishments, as determined by the
13 secretary, is transferred to the barbering examining board, and all materials
14 submitted to or actions taken by the barbering and cosmetology examining board
15 with respect to those pending matters are considered as having been submitted to
16 or taken by the barbering examining board.

17 (4) ASSETS AND LIABILITIES. (a) On the effective date of this subsection, the assets
18 and liabilities of the cosmetology examining board primarily related to the licensure
19 of barbers, barbering managers, or barbering establishments, as determined by the
20 secretary, shall become the assets and liabilities of the barbering examining board.

21 (5) TANGIBLE PERSONAL PROPERTY. On the effective date of this paragraph, all
22 tangible personal property, including records, of the cosmetology examining board
23 that is primarily related to the licensure of barbers, barbering managers, or
24 barbering establishments, as determined by the secretary, is transferred to the
25 barbering examining board.

1 (6) CONTRACTS. All contracts entered into by the barbering and cosmetology
2 examining board in effect on the effective date of this subsection that are primarily
3 related to the licensure of barbers, barbering managers, or barbering
4 establishments, as determined by the secretary, remain in effect and are transferred
5 to the barbering examining board. The barbering examining board shall carry out
6 any obligations under such a contract until the contract is modified or rescinded by
7 the barbering examining board to the extent allowed under the contract.

8 (7) INITIAL APPOINTMENTS. Notwithstanding the lengths of terms specified in
9 section 15.405 (18) of the statutes, as created by this act, the initial members of the
10 barbering examining board shall be appointed for the following terms:

11 (a) Two barbers licensed under 454.23 (2) of the statutes, as created by this act,
12 for terms expiring on July 1, 2014.

13 (b) Two barbers licensed under 454.23 (2) of the statutes, as created by this act,
14 for terms expiring on July 1, 2014.

15 (c) The two public members, for terms expiring on July 1, 2015.

16 (d) The member who is a representative of a school of barbering, for a term
17 expiring on July 1, 2016.

18 **SECTION 15. Effective date.**

19 (1) This act takes effect on July 1, 2012.

20 END INSERT 26-7

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-
11-2316/jdn
MPG:.....
WJ

Date

Senator Grothman

Please review this draft carefully to ensure that it is consistent with your intent.

As we discussed, this redraft creates a new examining board for barbers. Please note that there are no barbering managers on the board. Is that consistent with your intent?

Also, the redraft creates ²²subchapter II in chapter 454 that covers the regulation of barbering (as well as ²²subchapter I as the new home for the regulation of cosmetologists, electrologists, etc.). With the exception of continuing education requirements, of which there are none for barbers in this redraft, the new provisions regulating barbers largely mirror the provisions that are applicable to a person licensed as a "barber or cosmetologist" under current law, with the few changes specific to barbers that appeared in the preliminary drafts.

This redraft also contains extensive nonstatutory provisions that address the transition from the old scheme to the new scheme with the new examining board. The draft also grandfathers—in current barbers or cosmetologists, establishments, instructors, and schools with a notification requirement (to the appropriate board) and a renewal requirement (by April 1, 2013, the regular renewal date for all affected licenses) to make that grandfathered treatment permanent.

Please do not hesitate to contact me with any questions.

Thank you.

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